

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD  
AND ZONING COMMISSION  
February 22, 2011**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board was called to order by Chairman John Harding at 3:02 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Mr. John Harding  
Mr. Terry Hilgendorf  
Mr. Ron Kinder  
Ms. Cheryl Patton  
Mr. Bill Roberts  
Mr. Thor Swensson  
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Michael Bates  
Mr. Martin Byrnes

Planning Staff Members present:

Mr. Michael Haynes, Director  
Mr. Brant Birkeland, Comprehensive Planner  
Ms. Jana Cooper, Planner II  
Mr. Andrew Finch, Senior Transportation Planner  
Mr. Charlie Sheets, Dev. Review Coordinator

Others present:

Ms. Patricia Cadwell, Neighborhood and Youth Council Coordinator  
Mr. Dave Dobbs, City Engineer

Chairman Harding inquired of Mr. Haynes if a quorum was present, which Mr. Haynes affirmed.

**MINUTES**

Mr. Harding asked if there were any changes to be made to the minutes of the hearing and regular meeting held on February 8, 2011. There were no changes and the minutes were received as printed.

## **EXPLANATION OF HEARING PROCEDURES**

Mr. Harding explained the hearing and procedures. He requested that everyone present sign the attendance list, which was on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

### **PUBLIC HEARING ZONING COMMISSION PROPOSED REVISIONS TO TITLE 17 LAND DEVELOPMENT CODE URBAN CHICKENS**

#### **PLANNING STAFF REPORT & RECOMMENDATION**

Mr. Haynes introduced and reviewed the staff report and exhibits regarding the proposed revisions to Title 17 "Land Development Code," more specifically amendments to Chapter 20 including adding "Urban Chickens" to the list of Accessory Uses in Ex. 20-2 Accessory Uses by District. The amendment would allow Urban Chickens as a permitted accessory use in R-2, R-3, R-5, R-6 and R-9 residential zoning districts subject to meeting special standards in 17.20.7.015 that, in turn, refer to regulations in Title 6, Chapter 12 "Urban Chickens."

Mr. Haynes outlined the fact that staff was directed by the City Commission to draft ordinances that would allow residents to keep chickens in residential districts other than R-1. Two ordinances were drafted: one, 3066, is an amendment to Title 17 of the zoning code upon which the Planning Board was acting; and the second, 3069, Title 6 regarding animals. Mr. Haynes summarized the two proposed ordinances.

Mr. Haynes explained that staff is not making any recommendation on Urban Chickens; he asserted that staff was merely tasked with creating the ordinances. The Board should make a recommendation on what the Board feels is best for the community. Mr. Haynes concluded by offering to answer any questions from the Board.

There were no questions from the Board.

#### **PROPOSERS OPPORTUNITY TO SPEAK**

1. Charles Bocock, 51 Prospect Drive. Mr. Bocock spoke for the proponents stating that many of the cities across the country, specifically Montana (Bozeman,

Helena, Missoula & Whitefish) have an ordinance allowing Urban Chickens. He stated that he researched and contacted these Cities regarding whether or not the ordinances were working. He stated he received letters back from all four cities and included those in the Board Members' packets. He also noted that there was a poll in the Tribune last year in regards to whether chickens should be allowed in the City - 59% of the voters voted yes, residents should be allowed to have chickens. He also stated he went around town gaining signatures of over 550 people that wanted to allow Urban Chickens. Mr. Bocock then presented the petition to the Board Secretary.

2. Lori Fay, 308 Riverview NW. She stated that she is a member of Neighborhood Council 3 and that Council voted to take another look at the Urban Chicken ban. She stated she personally does not want to raise chickens, but would have no problem if a neighbor would want to raise chickens. She stated she believes the City of Great Falls should allow Urban Chickens like other cities in the state.
3. Larry Dhooghe, 1222 5<sup>th</sup> Ave. S. Mr. Dhooghe stated his point of view is "been there, seen that, no problem." He agreed with Mr. Bocock and the rest of the Cities in Montana. He spoke about Forest Grove, OR and stated they just adopted a Chicken Ordinance. Mr. Dhooghe stated that when he left Forest Grove 14 months ago he had not read any complaints in the papers regarding the new adopted Urban Chicken ordinance. He stated that he followed up a week and a half ago with the City of Forest Grove and asked how it was going. The response from the City was that the Chickens have been a non-issue. He stated that in his opinion the people of Great Falls will be at least as responsible as those in Forest Grove.
4. Richard Calsetta, 56 32<sup>nd</sup> Ave. NE. Mr. Calsetta is a member of Neighborhood Council 3 and stated that the vote on whether the Council wanted the Planning Department to look into the code to allow chickens was unanimously in favor. Mr. Calsetta felt that chicken owners would take responsibility to keep the coops clean and felt that allowing the chickens is a non-issue for both him and Neighborhood Council 3.
5. Neil Taylor, 3417 4<sup>th</sup> Ave. S. Mr. Taylor stated he agreed with Mr. Bococks and his statements. Mr. Taylor compared chickens to the water fowl that is allowed at Gibson Park, stating that there have been no problems with these animals.
6. Sam Borr, Lives south of town. Mr. Borr stated that chickens eat bugs and bugs are generally bad and that chickens would make a difference in the bug population in the City. Mr. Borr stated that chickens lay eggs, which provide food, and that chickens eat everything, so there is less waste going to the land fill if you feed it to the chickens, and that he didn't think that they had much of an odor. Mr. Borr noted the negatives of chickens were salmonella, but that he didn't know of any other diseases that are caused by chickens; also, having chickens in residences might cause friction with the grocery stores. He also noted that the chickens make minimal noise.
7. Gerry Jennings, 317 Fox Dr. Ms. Jennings stated that she is in favor of the chicken ordinance because she is thinking of the children and the benefits they could have on children. She noted that eggs are healthier for children, and they

could be used as an educational tool. She stated that the chickens will get children outdoors and give them better nutritional value.

8. John Sturgeon, 121 2<sup>nd</sup> St. NW. Agreed with Mr. Bocock and wanted the ordinance to pass.
9. Eric Bakly, 1413 27<sup>th</sup> Ave. S. Mr. Bakly stated he owns six chickens. Two years ago he called the City and asked if there were any regulations on chickens. The City stated there is a noise ordinance and issues if the chickens get loose, so Mr. Bakly built his chicken coop. He then read in the paper that chickens were not allowed. He compared dogs, cats and chickens, stating they are all domestic animals. He noted he has seven children and who help feed them, and they like playing with the chickens. Mr. Bakly noted that he had less insects on his property as well. He stated in these economic times we shouldn't be using the resources of the City to police the chickens because it is a waste of money.
10. Richard Liebert, 289 Boston Coulee Rd. Mr. Liebert stated he thinks the chicken ordinance is good for sustainability of the community. He stated he felt the ordinance was well crafted and believes it should be supported.
11. Robert Nelson, Alaska. Mr. Nelson stated "6 chickens" is reasonable, but he would like to see the balance of this ordinance be kept to a minimum; he doesn't believe the City will be able to keep up with the licensing and inspections. He stated that he lived in Great Falls for a long time growing up and there was never a problem with chickens.
12. Hilary Ransdell-Lewin, 2304 2<sup>nd</sup> Ave. S. Ms. Randsdell-Lewin stated that many cities all over the country allow chickens, so Great Falls should allow chickens as well. She stated that the reason for diseases such as salmonella is due to the fact that chickens are raised in confined conditions. She stated there are people who wish to get away from these conditions and want to raise chickens themselves. She stated that she does not see this as a problem, because she believes those who want chickens will be responsible for them.
13. Phyllis Hemstad, 931 1<sup>st</sup> Ave. NW. Ms. Hemstad is a member of Neighborhood Council 2, and stated the Council voted to pass the decision on to the Zoning Commission and City Commission. Ms. Hemstad stated she used to own chickens in the City and was a responsible chicken owner. She feels the chickens are good for children and families.
14. Mary Thibaudeau, P.O. Box 1823 (apartment in Great Falls). Ms. Thibaudeau stated that the issue boils down to freedom and health. She agreed that the chickens are good for the children. She stated the importance of the nutritional value of eggs. She also noted that allowing chickens would promote the idea of getting goods and services locally.
15. Cheryl Reichert, 51 Prospect Drive. Ms. Reichert stated that she has chickens and before she put them on her property, she visited with the City to confirm they were allowed. Ms. Reichert stated that eggs from a backyard farmer are healthier than commercially developed eggs. She stated that the manure from the chickens can be used for compost and that she feeds her chickens table scraps to promote recycling. She feels all of the concerns that have been brought up have been covered by the animal ordinance. Ms. Reichert stated that

she is just trying live more sustainably and wants to be a good neighbor, by being a responsible chicken owner.

16. Stuart Lewin, 615 3<sup>rd</sup> Ave. N. Mr. Lewin stated that he believes it is a Constitution issue of what kind of private rights people have on their property. He stated he doesn't believe the city has the right to tell people they cannot have chickens on their property.
17. Roger Norgaard, 221 Glenwood Ct. Mr. Norgaard stated he is part of Neighborhood Council 6. He stated he wanted the Board to note how many people have signed petitions for the ordinance. He stated people have the right to raise contaminate free food and there are many other cities around the nation and in Montana that allow urban chickens.
18. Pat Herigon, 601 34<sup>th</sup> St. NW. Ms. Herigon stated she wanted to agree with all of the other proponents of the ordinance. She also stated that raising chickens in a backyard setting teaches children where chickens come from.
19. Donna Hartelius, 825 8<sup>th</sup> Ave. N. Ms. Hartelius agreed with all that has been said before her.
20. David Stratton, 2120 3<sup>rd</sup> St. S. Mr. Stratton stated that he lives on the edge of City and has 6 chickens. He stated that he believes there should be no concern regarding the chickens and that he felt there is more noise from dogs than chickens could cause. He also stated he agreed with all that had been said so far.
21. Alma Winberry, 423 15<sup>th</sup> St. S. Ms. Winberry stated she felt that her personal rights would be violated if chickens are not allowed. She felt that because chickens were previously allowed they should continue to be allowed. She stated the Board should represent the desires of the people to have chickens.
22. Colleen Palmer, 3815 4<sup>th</sup> Ave S. Ms. Palmer stated she owns chickens and wants to continue to keep the chickens.
23. Art Dolman, 3016 Central Ave. Mr. Dolman agrees with all that has been stated by the proponents of the ordinance.
24. Ron Gessaman, 1063 6th Ave. NE. Mr. Gessaman agrees with all that has been stated by the proponents of the ordinance. Mr. Gessaman wanted to add that many of these chickens are family pets; he stated it would be a traumatic experience for children to lose their pets. Mr. Gessaman handed a letter to the Board Secretary.
25. Sandra Dimauro, 4215 7<sup>th</sup> Ave. N. Ms. Dimauro agrees with all that has been stated by the proponents of the ordinance. Ms. Dimauro handed a letter to the Board Secretary.

#### OPPONENTS OPPORTUNITY TO SPEAK

1. Russ Sorensen, 9 Prospect Dr. Mr. Sorensen used to raise chickens; he felt that having chickens in town is just the wrong place for them. He had a concern about chickens attracting pests such as flies, mice and skunks; these pests carry other diseases. He also noted that chickens do have a smell whether they are well cared for or not. Mr. Sorensen stated that he felt that people might have a hard time selling their homes if there is a neighbor with chickens. It could affect

the property value due to all the fencing and extra materials in the yard. Mr. Sorensen handed out a memo to the Board Secretary.

2. Curt Ammondson, 1400 1<sup>st</sup> St S. Mr. Ammondson stated that he agrees that chickens are great, but they need to be in their place. He noted that having chickens in a neighbor's yard is not that place. He stated that just because people have chickens doesn't mean they will take care of them.
3. Knud Grosen, 13 Prospect Dr. Mr. Grosen didn't agree with the proponents that the chicken issue was a Constitutional issue. Mr. Grosen questioned where it would stop after we allow chickens; could people have goats and cows too? He stated that he felt a lot of people were being very un-neighborly. He stated he thought it would be an added burden on the police department to police chickens and questioned if there would be a license fee for the chickens.
4. Robin Baker, 1518 11<sup>th</sup> Ave. S. Ms. Baker is chairperson for Neighborhood Council 6; she stated that the majority of people in this Council opposed the chickens. She noted there is a big difference between raising chickens and eating organic eggs, stating there are many farmers that could benefit from people in the City buying their eggs.
5. Betty Ammondson, 1400 1<sup>st</sup> St. S. Ms. Ammondson stated that her neighbors were not following the law by having chickens. She stated they are loud, stinky, and questioned what would happen to her property values. She noted that there is land on the outside of town that people could raise chickens legally. She stated she opposes the chicken ordinance.

#### OTHER PUBLIC COMMENT

1. Mike Witsoe, 2612 1<sup>st</sup> Ave. S. Mr. Witsoe made general comments to the Board regarding the issue at hand.
2. Eric Bakly, 1413 27<sup>th</sup> Ave. S. Mr. Bakly spoke previously as a proponent and spoke a second time to address property values; he doesn't think that having chickens in a neighboring property would affect property values.

#### ZONING COMMISSION DISCUSSION & ACTION

Mr. Harding opened the discussion and action by the Board. He stated they, as the Zoning Commission, were acting on whether or not chickens should be allowed in other residential zoning districts. Mr. Harding noted that he researched into other cities around the state and with people in the community of Great Falls and determined that there seemed to really be no issue. There was a lack of concern either way from most of the parties he researched.

Mr. Hilgendorf asked Mr. Haynes about the enforcement of the new ordinance. Mr. Haynes responded that there had been some thought to it, but no final decision will be made until the City Commission makes its decision. Mr. Haynes explained the general concept behind how the enforcement would be carried out. Mr. Hilgendorf asked if the costs to enforce the decision would be covered by the proposed fees for having the chickens. Mr. Haynes responded that it is a concern and in reality there are not a lot of

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fees in the City that cover all the cost to provide our services. Mr. Hilgendorf asked about the process for any complaints that come in regards to chickens. Mr. Haynes responded that at this time there is not a direct answer; it would be determined by Animal Control.

Ms. Patton complimented the proponents and staff, but noted that she has a concern for the people living next to people who own chickens. She stated that she is against having the chickens and proposed a motion in that effect.

MOTION: The Planning Advisory Board, acting as the Zoning Commission, finds that keeping of Urban Chickens is not appropriate in the City of Great Falls, and recommends the City Commission not adopt Ordinance 3066.

Made by: Ms. Patton  
Second: Mr. Taylor

Mr. Harding stated that he strongly disagrees with the motion; he stated that he actually has no opinion on the issue and believes most of the City feels the same way. Mr. Hilgendorf stated that he is against having chickens in the City, but that Mr. Harding had a good argument. He personally does not want them in his neighborhood, but if most people don't care he is willing to vote against the motion as well. Mr. Kinder stated that he is also against the motion.

Mr. Roberts stated he was against having chickens in the City. He stated chickens are a rural animal and that's where they belong. Ms. Patton made a clarification on the code - currently chickens are allowed in the City, in the R-1 zoning district.

Vote: The motion carried; with roll-call a vote of 4 for the motion and 3 opposed the motion.

For the Motion: Ms. Patton, Mr. Roberts, Mr. Swensson and Mr. Taylor  
Opposed the Motion: Mr. Harding, Mr. Kinder and Mr. Hilgendorf

Mr. Haynes said staff will be bringing the Board's decision to the City Commission, and he believes that date will be March 15, 2011.

**PUBLIC HEARING  
ZONING COMMISSION  
PROPOSED REVISIONS TO TITLE 17 LAND DEVELOPMENT CODE  
COMMUNITY GARDENS**

**PLANNING STAFF REPORT & RECOMMENDATION**

Mr. Birkeland introduced and reviewed the staff report and exhibits regarding the proposed revisions to Exhibit 20-1 Title 17 Chapter 20, Principal Uses by District and Title 17, Chapter 20, Article 6, Special Standards for Principal Uses. The intent is to

liberalize where community gardens may be established in the City and simplify the process for establishing community gardens in residential neighborhoods while providing neighboring property owners with some assurance that community gardens will be properly established, organized and maintained.

The proposed amendments to Exhibit 20-1 Title 17 Chapter 20, Principal Uses by District classify community gardens as a permitted principal use in all residential zoning districts (R-1, R-2, R-3, R-5, R-6, R-9 and R-10), the M-1 and M-2 mixed use, and the PLI, POS and "Airport Industrial" zoning districts.

The proposed amendments would also expand where community gardens would be allowed as a principal use with conditional use approval in commercial zoning districts (C-1, C-2, C-3, C-4, C-5). Mr. Birkeland concluded by offering to answer any questions from the Board.

Mr. Hilgendorf asked how the City is going to enforce any regulations on the gardens, and what will happen if rules are violated? Mr. Hilgendorf stated his concern is what is going to happen a few years down the road when no one is caring for these gardens anymore. Does the City have enforcement to close them down?

Mr. Birkeland responded by stating the City is requiring contact information for both the property owner and the garden manager so the City would be able to get in contact with either or both to do enforcement or any violations. He also stated the City would rely on the City Code. Mr. Haynes elaborated on Mr. Birkeland's comments, noting that if the gardens were not maintained it would be a zoning violation.

Mr. Roberts asked if the gardens are on privately owned property, and, further, what protection the owner has against potential lawsuits due to injuries that occurred while working at the garden. Mr. Birkeland responded that the City's hope would be this would be covered between the user and the property owner in the user agreement. Mr. Haynes elaborates on the process.

Mr. Roberts commented that enforcement of the provisions is going to be a difficult task for the City. Mr. Birkeland responded that most of the management will fall on the garden managers and the people would buy into plots in the garden.

#### PROPONENTS OPPORTUNITY TO SPEAK

1. Stuart Lewin, 615 3<sup>rd</sup> Ave. N. Mr. Lewin stated that he is in favor and feels that it will be good for the community to have the gardens.
2. Amy Grisak, President of River City Harvest, 2809 Wells Fargo Dr. Ms. Grisak commented that she is in favor of how the City has put the proposal together. She stated that the programs are usually volunteer driven, so not having to pay the \$700 fee is very helpful. She stated that they are a non-profit organization and they have insurance set up to cover any potential accidents.



3. Joyce Kiss, 2815 3<sup>rd</sup> Ave. S. Ms. Kiss addressed the bylaws of River City Harvest and explained these provide the enforcement for people who have a plot in the garden to be held responsible for maintaining their plot.
4. Starshine, 1200 32<sup>nd</sup> St. S. #50 Ms. Starshine explained she lives in an apartment, so without the community gardens she would not be able to have a place to have a garden.
5. Hilary Ransdell-Lewin, 2304 2<sup>nd</sup> Ave. S. Ms. Ransdell-Lewin stated she is in support of community gardens.
6. Ron Gessaman, 1063 6th Ave. NE. Mr. Gessaman stated he is in favor of community gardens because it will bond neighbors together.
7. Donna Hartelius, 825 4<sup>th</sup> Ave. N. Ms. Hartelius is a member of the Pea-Pod Community Gardens. She noted she had to enter into an agreement in order to have a garden there, which included a deposit in case someone were to neglect their garden plot. She noted that she is in favor of allowing community gardens.
8. Michael Witsoe, 2612 1<sup>st</sup> Ave S. Mr. Witsoe stated he was in favor of the community gardens.

#### OPPONENTS OPPORTUNITY TO SPEAK

There were no opponents.

#### OTHER PUBLIC COMMENT

1. Bill Bronson, City Commissioner, 733 32<sup>nd</sup> Ave NE. Mr. Bronson made general comments and gave history to the Board regarding community gardens.

#### ZONING COMMISSION DISCUSSION & ACTION

Mr. Hilgendorf stated he was for the amendment to the Code regarding community gardens, but that he was reluctant to eliminate the Conditional Use process. He stated he is a strong believer in the public hearing process and asked if it were considered that the fee for this type of Conditional Use be lowered. Mr. Haynes stated that could be an alternative, but if we lowered the fees the costs would not cover what it costs the City to process the applications. Mr. Hilgendorf stated that he has a concern for the enforcement of the community gardens. If there was a Conditional Use Permit in place the City could revoke that approval.

MOTION: It is recommended the Zoning Commission recommend the City Commission approve the Amendment to Exhibit 20-1, Title 17, Chapter 20, Principal Uses by District and Title 17, Chapter 20, Article 6, Special Standards for Principal Uses.

Made by: Mr. Hilgendorf  
Second: Mr. Roberts

Mr. Harding questioned if by approving this does it make it more difficult to change the use on that property. Mr. Haynes noted that the zoning of the property will be the same

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and it will fall back on the property owner and their contract with the Community Garden Operator.

Vote:           The motion carried unanimously

Mr. Haynes stated staff will forward the Zonign Commission's recommendation on to the City Commission.

**PUBLIC HEARING  
ZONING COMMISSION  
THE GRANDVIEW AT BENEFIS – 18<sup>TH</sup> AVE. S. & 29<sup>TH</sup> ST. S.  
(Lots 1A1 & 1B2, Mount Olivet Addition, Section 17, Township 20N, Range 4E)**

**PLANNING STAFF REPORT & RECOMMENDATION**

Ms. Cooper introduced and reviewed the staff report and exhibits regarding the proposed rezoning of The Grandview at Benefis from PLI-Public Lands Institution to PUD-Planned Unit Development. The proposed PUD is broken down into three zones that consist of a variety of uses for a Continuing Care Retirement Community. Ms. Cooper described the uses and standards proposed within each zone of the development. Ms. Cooper also described the improvements, landscape requirements and lighting proposed by the developer and noted the conditions of the staff report. She concluded by offering to answer any questions from the Board.

Ms. Patton noted that all of the other Benefis projects in the City are tax exempt and asked if this project would be also. Mr. Haynes referred to the Benefis representatives for the response. Mr. Soltys responded yes, the project is intended to be tax exempt.

**PETITIONERS PRESENTATION**

Mr. Soltys, 104 Durango Drive. Executive Director for senior services for Benefis Health System. Mr. Soltys generally described Grandview at Benefis and introduced the Architect on the project, Mr. Tim Mueller, from SFCS Inc. Mr. Mueller gave background of his company and described the project in more detail to the Board.

**PROPONENTS OPPORTUNITY TO SPEAK**

There were no proponents.

**OPPONENTS OPPORTUNITY TO SPEAK**

1. Gerry Harrington, 1712 32<sup>nd</sup> St. S. Mr. Harrington stated he is opposed to the development because of its large size and height; he lives in the neighborhood adjacent and doesn't like the windows in the buildings that will overlook his property. He noted that the development will drive down his property values.

### OTHER PUBLIC COMMENT

1. Richard Calsetta, 56 32<sup>nd</sup> Ave. NE. Mr. Calsetta has a concern about Benefis and the lack of parking available for their facilities, especially for handicapped persons. He also questioned the non-profit status of Benefis and asked how this was public use of the land because to him it seemed like private use.
2. Robin Baker, 1518 11<sup>th</sup> Ave. S. Ms. Baker is chairperson for Neighborhood Council 6; she stated that Neighborhood Council 6 is concerned about traffic and the state of the streets in this area of the City. She stated that there are large tracts of land that block east/west traffic flow.
3. Barb Neilsen, 4191 Highwood Dr. Ms. Neilsen asked questioned the on-site parking for the development, and wondered whether there would be on-site storage for people who live in the community.

Mr. Mueller followed up the public comment by addressing some of the comments from the Public. He stated there is an underground garage, ensuring every resident will have one dedicated space. He noted that there would be storage facilities on each level of the independent living areas. He stated that Benefis is working with staff on the traffic issues.

Mr. Taylor asked about the 18<sup>th</sup> Avenue South connection and how it would connect through to 32<sup>nd</sup> S. Mr. Harding explained that Benefis is no longer providing 18<sup>th</sup> Avenue South; it was originally part of the Medical District Master Plan. Mr. Taylor stated that there are traffic issues in the area and the Board would like to see east/west access in the area.

Ms. Patton asked if there had been any traffic studies completed that stated the need for a signal at 29<sup>th</sup> St. S. and 10<sup>th</sup> Ave. S. She noted there already seems to be a lot of traffic in this area and the proposed development would add to this traffic. Mr. Haynes deferred the question to Mr. Finch. Mr. Finch responded by giving background between staff and Benefis and the meetings and discussions that had taken place.

Ms. Patton commented on the chosen name for The Grandview at Benefis and stated that there is another large apartment complex named Grandview. Mr. Soltys responded they have been doing some preliminary marketing for the project and have noted that it does not seem to be a problem.

Mr. Harding asked Benefis how they are responding to the long list of conditions put on them by staff at this time. Mr. Soltys responded by stating they are working with staff to develop some solutions to the conditions, but didn't think that there was anything they could not come to an agreement on with the City. Mr. Juras, TDH, gave responses to the engineering conditions on the site. Mr. Mueller commented on the condition of approval regarding the requirement for final engineering drawings. He stated they would work with the City, but noted that they would need the PUD approval before they would be able to go into full blown engineering drawings.

### **ZONING COMMISSION DISCUSSION & ACTION**

Mr. Harding commented on and the traffic concerns and proposed new improvements for this area. Mr. Finch responded noting that 26<sup>th</sup> Street South, 24<sup>th</sup> Avenue South and 13<sup>th</sup> Avenue South were all up for earmark funds for future development.

**MOTION:** It is recommended the Zoning Commission recommend the City Commission approve rezoning the subject property legally described as Lots 1A1 & 1B2, Mount Olivet Addition, Section 17, Township 20N, Range 4E, Cascade County, Montana from the existing PLI Public Lands Institutional district to a PUD Planned unit development district, subject to the conditions in the staff report.

Made by: Mr. Kinder  
Second: Ms. Patton

Mr. Harding commented that this seems like a good project for Great Falls. The project would add jobs to the City, but unfortunately this will increase traffic.

Vote: The motion carried unanimously

### **PUBLIC HEARING ZONING COMMISSION VICTORY CHRISTIAN CENTER (Portion of Mark 1A, Section 19, Township 20N, Range 4E)**

### **PLANNING STAFF REPORT & RECOMMENDATION**

Ms. Cooper introduced and reviewed the staff report and exhibits regarding the requested approval of an annexation, a rezoning of the property from County Urban Residential to R-3 Single Family High Density, a Conditional Use Permit for a 59,507 sq. ft. Worship Facility, and subdivision of the property from one lot into two lots. The project will be developed in three phases; Ms. Cooper described each phase in more detail. Ms. Cooper concluded by offering to answer any questions from the Board.

Mr. Harding asked the number of trips per day that would require a traffic study. Mr. Finch responded 300 trip ends at peak hour. Mr. Harding commented that as the future phases develop there may be a need for a traffic study. Staff concurred.

### **PETITIONERS PRESENTATION**

The Petitioner did not make a presentation.

### **PROPOSERS OPPORTUNITY TO SPEAK**

There were no proponents.

#### OPPONENTS OPPORTUNITY TO SPEAK

There were no proponents.

#### OTHER PUBLIC COMMENT

1. Robin Baker, 1518 11<sup>th</sup> Ave. S. Ms. Baker is chairperson for Neighborhood Council 6; she stated that Neighborhood Council 6 is concerned about why there is no Phase 2 proposal. Mr. Gary Hart, pastor of Victory Christian Church responded, stating that Phase 2 is still under development at this time. He noted that Phase 2 is just an expansion of the Phase 1 facilities, including expansion of the children's ministry and expansion of the gym facilities for youth activities.

Ms. Baker is also concerned about traffic and infrastructure in the area. The main concern was when the City was planning on developing 13<sup>th</sup> Street South. Ms. Baker noted that what Victory Christian Center representatives presented to the Neighborhood Council in 2009 is completely different than what is going forward at this meeting.

#### ZONING COMMISSION DISCUSSION & ACTION

MOTION I: It is recommended the Zoning Commission recommend the City Commission approve annexation of the property within said Minor Plat from Cascade County into the City of Great Falls, subject to the conditions below.

Made by: Mr. Roberts  
Second: Mr. Hilgendorf

Vote: The motion carried unanimously.

MOTION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning the property within said Minor Plat from the existing Urban Residential to R-3 Single Family High Density Residential with a Conditional Use Permit on the western lot of the said Minor Plat, subject to the conditions below.

Made by: Ms. Patton  
Second: Mr. Roberts

Vote: The motion carried unanimously.

MOTION III: It is recommended the Zoning Commission recommend the City Commission approve the Conditional Use Permit for a Worship Facility on Tract 1 of the said Minor Plat, subject to the conditions below.

Made by: Mr. Hilgendorf  
Second: Mr. Kinder

Vote: The motion carried unanimously.

MOTION IV: It is recommended that the Planning Advisory Board recommend the City Commission approve the Minor Plat of Victory Christian Center, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendations I, II and III (above) and subject to the conditions below.

Made by: Mr. Taylor  
Second: Mr. Hilgendorf

Vote: The motion carried unanimously

Ms. Cooper stated staff will forward the Zoning Commission's recommendation on to the City Commission.

## **BOARD ACTIONS – NOT REQUIRING PUBLIC HEARING**

### **Castle Pines Addition Phase IX (13<sup>th</sup> Street South & 29<sup>th</sup> Avenue South)**

#### **PLANNING STAFF REPORT & RECOMMENDATION**

Ms. Cooper summarized the staff report, including the developer's request for approval of an Annexation of ±3.137 acres from Cascade County to the City of Great Falls, the Rezone of the property from County Urban Residential to R-3 Single Family High Density Residential and a Subdivision of one lot into 11 lots. Ms. Cooper concluded by offering to answer any questions from the Board.

#### **PLANNING BOARD DISCUSSION & ACTION**

MOTION I: It is recommended the Zoning Commission recommend the City Commission approve annexation of the property within said Final Plat from Cascade County into the City of Great Falls.

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Made by: Mr. Roberts  
Second: Mr. Swensson

Vote: The motion carried unanimously.

MOTION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning the property within said Final Plat from the existing Urban Residential to R-3 Single Family High Density Residential.

Made by: Mr. Roberts  
Second: Mr. Swensson

Vote: The motion carried unanimously.

MOTION III: It is recommended that the Planning Advisory Board recommends the City Commission approve the Final Plat of Castle Pines Addition, Phase IX, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I & II (above) and subject to the conditions below.

Made by: Mr. Roberts  
Second: Mr. Swensson

Vote: The motion carried unanimously.

Ms. Cooper stated staff will forward the Board's recommendation on to the City Commission.

**Northview Addition Phase 6  
(9th Street Northeast and 40th Avenue Northeast.)**

**PLANNING STAFF REPORT & RECOMMENDATION**

Mr. Hilgendorf recused himself from acting on the proposed development.

Mr. Sheets summarized the staff report, including the developer's request for approval of an Annexation of ±1.59 acres from Cascade County to the City of Great Falls, the Rezone of the property from County Suburban Residential to PUD Planned Unit Development and a Subdivision of one lot into 6 lots. Mr. Sheets concluded by offering to answer any questions from the Board.

### OTHER PUBLIC COMMENT

1. Richard Calsetta, 56 32<sup>nd</sup> Ave NE. Mr. Calsetta noted a concern in the Skyline area of increased development without more access points into and out of the area. He also noted there is a concern about the amount of stormwater drainage in the area, along with the sewer system being maxed out.

### PLANNING BOARD DISCUSSION & ACTION

MOTION I: It is recommended the Zoning Commission recommend the City Commission approve annexation of the property within said Final Plat from Cascade County into the City of Great Falls.

Made by: Mr. Taylor  
Second: Mr. Kinder

Vote: The motion carried unanimously.

MOTION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning the property within said Final Plat from the existing County Suburban Residential to PUD Planned Unit Development and development in compliance with the submitted zoning requirements stated within this report and in compliance with the submitted building envelopes and setbacks.

Made by: Mr. Roberts  
Second: Mr. Taylor

Vote: The motion carried unanimously.

MOTION III: It is recommended that the Planning Advisory Board recommends the City Commission approve the Final Plat of Northview Addition, Phase 6, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I & II (above) and subject to the conditions below.

Made by: Mr. Roberts  
Second: Mr. Taylor

Vote: The motion carried unanimously.



## **ANNUAL REPORT**

Mr. Haynes distributed and commented on the Annual Report for the Planning Advisory Board and Zoning Commission to review for the next meeting.

## **COMMUNICATIONS**

### Upcoming Planning Board Projects:

None at this time.

### Project Status:

No discussion by Board.

### Meeting Obligation Calendar:

February 4, 2011 – February 18, 2011 was received with no comment.

### Petitions & Applications Received:

There were no Petitions or Applications.

### Good and Welfare:

Mr. Harding noted that there was nothing on the agenda for the March 8<sup>th</sup> Planning Advisory Board meeting so Board members would be contacted if this meeting is canceled or not.

## **PUBLIC COMMENT**

There was no Public Comment.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:46 p.m.

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CHAIRMAN

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SECRETARY