

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD
AND ZONING COMMISSION
January 11, 2011**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board was called to order by Pro Term Wyman Taylor at 3:05 p.m. in the Commission Chambers of the Civic Center.

APPOINTMENTS

Board Member Appointments/Reappointments

Mr. Taylor acknowledged that the City Commission had reappointed Mr. Hilgendorf to the Planning Board.

Mr. Taylor acknowledged that the City Commission has appointed Ms. Cheryl Patton and Mr. Martin Byrnes to the Great Falls Planning Advisory Board for a three-year term beginning January 1, 2011, through December 31, 2013.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Michael Bates
Mr. Martin Byrnes
Ms. Cheryl Patton
Mr. Terry Hilgendorf
Mr. Ron Kinder
Mr. Wyman Taylor
Mr. Bill Roberts

Planning Board Members absent:

Mr. John Harding
Mr. Thor Swensson

Planning Staff Members present:

Mr. Mike Haynes, Planning and Community Development Director
Ms. Wendy Thomas, Deputy Director Planning and Community Development
Mr. Charlie Sheets, Design Review Coordinator
Ms. Jana Cooper, Planner II

Others present:

Mr. Dave Dobbs, City Engineer

NOMINATING COMMITTEE REPORT

Mr. Taylor asked the Nominating Committee for its report.

Mr. Hilgendorf, of the Nominating Committee, offered the following recommendation for the Great Falls Planning Advisory Board Officers for 2011:

Mr. John Harding – Chairman
Mr. Bill Roberts – Vice Chairman

ELECTION OF CHAIRMAN

There being no further nominations, Mr. Harding was elected Chairman by unanimous vote.

ELECTION OF VICE CHAIRMAN

There being no further nominations, Mr. Roberts was elected Vice Chairman by unanimous vote. Meeting is then turned over to Mr. Roberts.

Vice Chairman Mr. Roberts welcomes Mrs. Patton and Mr. Byrnes and thanks Mr. Hilgendorf for continuing his service on the Board. Mr. Roberts recognized roll call has already been done and recognizes staff present.

MINUTES

Mr. Roberts asked if there were any changes to be made to the minutes of the hearing and regular meeting held on December 28, 2010. There were no changes and the minutes were received as printed.

EXPLANATION OF HEARING PROCEDURES

Mr. Roberts explains the hearing and procedures. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Roberts 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 Vice 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
INDOOR ARCHERY RANGE - 1205 3RD STREET NW
(Mark 13A, Located in SWNW Sec 2, T20N, R3E)**

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Sheets presented the newly formatted staff report to the Board. The Board offered comments of support for the newly formatted staff report.

Mr. Sheets summarized the staff report, and concluded by offering to answer any questions from the Board.

Mr. Byrnes questioned the amount of parking and whether it included the parking that faced Walgreens. Mr. Sheets responded that that row of parking was a part of subject property and was included in the calculation of parking spaces on the property. The two stalls on the embroidery (south) side of the building were also used to calculate existing onsite parking.

PETITIONER'S PRESENTATION

There was no presentation made by the petitioner.

PROPOSERS OPPORTUNITY TO SPEAK

Mr. Dan Dust, 1401 5th Ave South, did not oppose the conditional use permit of the archery range at the property, he feels Great Falls needs more things like this as long as they are set up safely and wants to make sure all safety standards are met.

OPPOSERS OPPORTUNITY TO SPEAK

There were no opposers.

OTHER PUBLIC COMMENT

There was no other public comment.

PETITIONER'S OPPORTUNITY TO CLOSE

The petitioner made no closing statement.

ZONING COMMISSION DISCUSSION & ACTION

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MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit of Mark 13C, located in SWNW Section 2, Township 20 North, Range 3 East, Cascade County, Montana to allow for an indoor archery range subject to the Zoning Commission adopting Recommendation I (below) and the fulfillment of the conditions listed in the staff report.

Made by: Mr. Hilgendorf
Second: Mr. Kinder

Vote: The motion carried unanimously.

Mr. Sheets said staff will continue to work with the applicant, and will forward this Commission's recommendation onto the City Commission.

**PUBLIC HEARING
ZONING COMMISSION
PLANNING ADVISORY BOARD
STONE MEADOWS ADDITION, LOT 1-3, BLOCK 3
(Jim McIntyre & Tim Murphy)**

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Sheets summarized the staff report, and gave additional information to the Board regarding the reasons for using the PUD zoning district. The developers found that there was an additional need in the community for a smaller product. Currently the "R-3" zoning district requires lots that are 7,500 sq. ft. and the amended plat proposed lots of 5500 sq. ft. The proposed lot size is not covered by any current zoning code, so the use of the PUD was needed in this case to develop the necessary lots size and setbacks. The stipulations of this PUD include changing the lot size and the use of zero lot attached units. Mr. Sheets concluded by offering to answer any questions from the Board.

Mr. Hilgendorf had a question regarding the drawings in the staff report and why they showed stairs; he questioned if there were going to be basements on these properties. Mr. Sheets responded it would appear the plan calls for basements in these units.

Mr. Taylor questioned whether there had been a previous change to this subdivision where condos were allowed. Mr. Sheets responded there were no condos in this subdivision, but in the subdivision directly south, Northview Addition, there are condos along the west boundary of the subdivision. Mr. Taylor asked if these units were called Townhouses, Mr. Sheets explained that the six dwelling units will each be on their own lot and will be zero lot line-attached units. Mr. Roberts followed up by asking about a common wall agreement between the property owners. Mr. Sheets responded that a HOA would have to be created for each structure to handle the common elements of each structure.

Mr. Hilgendorf asked if notice was given to all of the properties in the surrounding subdivisions. Mr. Sheets responded that properties within 150 feet of the subject site were notified, a public notice was published in the Tribune and a sign was posted on the property.

Mr. Byrnes asked Mr. Sheets to review the setback requirements in the PUD district because there was no indication of rear yard setbacks on the site plan. Mr. Byrnes expressed concern that in the future a homeowner may want to construct an addition on the property. Mr. Sheets referred Mr. Byrnes to the site plan which listed the setbacks. Mr. Haynes added the property setbacks will be included in the HOA documents to provide clarification to future home buyers. Mr. Byrnes stated his desire to make the setbacks a part of the HOA documents and a condition of approval for this application.

Ms. Patton asked whether there will be an HOA for each building or one overall HOA for all six units. Mr. Sheets responded that there would be one for each building. Ms. Patton stated she believed a unified HOA could ensure uniform standards are applied to the whole property. Mr. Sheets explains that lending institutions and underwriters have changed their standards for condos making it difficult for developers to sell condos. He mentioned that creating consensus within a HOA is often difficult; in this case each building is unique enough to determine what it wants for each building. Ms. Patton proposed adding a condition of approval to create an HOA and covenants which include all six units.

Ms. Thomas noted that she attended the Neighborhood Council #3 meeting and discussed this application with the Council members. The Council expressed no concerns regarding design or layout, but expressed concern regarding stormwater management.

Mr. Byrnes noted the Planning Department should explore creating a new zone district for infill projects, such as this, that don't fit the rest of the zoning categories, but do not quite warrant a full PUD.

PETITIONER'S PRESENTATION

The petitioner was not present.

PROPOSERS OPPORTUNITY TO SPEAK

There were no proposers.

OPPOSERS OPPORTUNITY TO SPEAK

There were no opposers.

OTHER PUBLIC COMMENT

There was no other public comment.

PETITIONER'S OPPORTUNITY TO CLOSE

The petitioner made no closing statement.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: The Zoning Commission recommends the City Commission grant an approval of the rezoning from the existing R-3 Single Family Density District to a PUD - Planned Unit Development District. Subject to the adoption of the conditions of approval stated in the staff report (1-6) and as noted below:

Condition 3 should read: Home Owners Association. The applicants shall have, prepare and file a covenants addressing maintenance of any common element of the duplex structures and encompass all six units.

Condition 6 should read: Subsequent modifications and additions. If after establishment of the PUD Planned Unit Development, the Applicants propose to expand or modify the development, 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 change would alter a finding, the proposal shall be submitted for review as a new zoning application. If such proposed change would not alter a finding, the applicants shall obtain all other permits as may be required. And acknowledgement by purchaser within the HOA or Convents.

NOTE: Mr. Bates wanted on record that he disagreed with the change to the HOA requirements of all six units due to the fact that none of the surrounding properties in the area have any HOA requirements subjected to the properties.

Made by: Ms. Patton
Second: Mr. Hilgendorf

Vote: The motion carried with a vote 4 for the motion and 3 opposed the motion.
For the Motion: Mr. Byrnes, Ms. Patton, Mr. Roberts and Mr. Hilgendorf
Opposed the Motion: Mr. Bates, Mr. Kinder and Mr. Taylor

Mr. Sheets said staff will forward the Commission's recommendation onto the City Commission.

PLANNING BOARD DISCUSSION & ACTION

MOTION: The Planning Board recommends the City Commission approve the Minor Amended Plat of Lots 1, 2 and 3, Block 3, Stone Meadows Addition, all located in Section 25, Township 21 North, Range 3 East, Cascade County, Montana and the accompanying Findings of Fact subject to the Zoning Commission adoption Recommendation I and subject to the conditions within the staff report.

Made by: Mr. Bates
Second: Mr. Taylor

Vote: The motion carried unanimously.

Mr. Sheets said staff will forward the Board's recommendation onto the City Commission.

BOARD ACTIONS – NOT REQUIRING PUBLIC HEARING

The public hearing was recessed at 3:12 p.m. to conduct a public hearing and reconvened at 4:09 p.m.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Michael Bates
Mr. Martin Byrnes
Ms. Cheryl Patton
Mr. Terry Hilgendorf
Mr. Ron Kinder
Mr. Wyman Taylor
Mr. Bill Roberts

Planning Board Members absent:

Mr. John Harding
Mr. Thor Swensson

Mr. Byrnes abstained from voting on the following Board Actions because his firm was involved in the request.

**2250 10TH AVE SOUTH
(New Albertsons, Inc)**

PLANNING STAFF REPORT & RECOMMENDATION

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Mr. Sheets summarized the staff report, and concluded by offering to answer any questions from the Board.

Ms. Patton asked about why the proposed parcel was so large. Mr. Sheet commented he was not given a reason, the developer mentioned they wanted to align the new property boundary with the existing entrance into the Albertsons. He also noted that the only reason they gave for this change was for tax purposes. Ms. Patton noted that the new parcel was sized to allow the future purchase of the lot and redevelop with another use could occur in the future.

Ms. Patton asked Mr. Sheets to verify the parking requirements, Mr. Sheets stated the Albertsons requires 201 spaces. The division of the parcel will create a parcel with the existing grocery store and 196 parking spaces.

PLANNING BOARD DISCUSSION & ACTION

MOTION: It is recommended that the Planning Advisory Board recommend the City Commission approve the Amended Plat of Tract 3, Lincoln Heights Addition based on the Findings of Fact subject to the conditions contained within the staff report.

Made by: Mr. Bates
Second: Mr. Kinder

Vote: The motion carried unanimously.

Mr. Sheets said staff will forward the Board's recommendation onto the City Commission.

COMMUNICATIONS

There were no communications.

PETITIONS & COMMUNICATIONS (FORMAL/LEGAL)

There were no petitions.

MISCELLANEOUS BUSINESS

New Business:

There was no New Business

Meeting/Obligation Calendar.

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Unfinished Business:

There were no items under this agenda heading.

Unfinished Business Change in Status Report:

The report was received with no comment.

Unfinished Business No Change in Status Report:

There was no discussion of the items under this agenda heading.

GOOD AND WELFARE

There was no items under Good and Welfare.

PUBLIC COMMENT

There was no Public Comment.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:26 p.m.

CHAIRMAN

SECRETARY