

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
June 26, 2012**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Bill Roberts at 3:00 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Mr. Bill Roberts  
Mr. Marty Byrnes  
Mr. Scot Davis  
Mr. John Harding  
Dr. Heidi Pasek  
Mr. Thor Swensson  
Mr. Wyman Taylor

Planning Board Members absent:

Ms. Cheryl Patton  
Mr. Nathan Weisenburger

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director  
Ms. Jana Cooper, Planner II  
Mr. Andrew Finch, Senior Transportation Planner  
Ms. Galen Amy, Planner I  
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

Ms. Patricia Cadwell, Neighborhood Councils Coordinator  
Mr. Jim Young, City Engineer

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

## MINUTES

Chair Roberts asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on June 12, 2012. The minutes were received as submitted.

### BOARD ACTIONS REQUIRING PUBLIC HEARING

#### 1527 17<sup>th</sup> Avenue Southwest – Annexation

Ms. Jana Cooper, Planner II, reviewed the staff report for the application from Lester and Marla Mesenbrink for annexation and establishing City zoning of R-3 Single-family high density district for 1527 17<sup>th</sup> Avenue Southwest. Ms. Cooper stated she was entering the staff report into the record. The subject property is comprised of three lots and a portion of a vacated alley and consists of approximately  $\pm 0.22$  acres with a single-family residence. The owners propose to connect to the existing water service and will extend sewer service to the property.

The subject property abuts 17<sup>th</sup> Avenue Southwest, which is a gravel roadway. 17<sup>th</sup> Avenue Southwest is being annexed as part of a separate application, which came before the Planning Advisory Board on June 12, 2012. As a condition of annexation, the owners will waive the right to protest a future Special Improvement District for roadway improvements.

The applicant proposes to install water services from the City transmission mains located in the abutting right-of-way of 17<sup>th</sup> Avenue Southwest. The owners will be required to participate in the cost to install a fire hydrant at the intersection of 17<sup>th</sup> Avenue Southwest and 16<sup>th</sup> Street Southwest as a condition of annexation.

There is currently no sanitary sewer in 17<sup>th</sup> Avenue Southwest. The owners shall extend the sewer as required by Public Works. The owners will be eligible for reimbursement of this main as surrounding properties annex into the City. The owners will waive the right to protest a future Special Improvement District for water and sewer improvements as a condition of annexation into the City.

The subject property is located in Neighborhood Council #1. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to the Council on June 13, 2012. Staff has not received any comments regarding this application. Staff did receive one letter of support related to the project from an adjacent property owner.

Ms. Cooper reviewed the four Conditions of Approval and concluded her review of the staff report. She offered to answer any questions from the Board.

Mr. Byrnes inquired about the owners' participation in the sewer extension. Ms. Cooper clarified that the sewer will be extended from 15<sup>th</sup> Street Southwest west to 10 feet east

of the center line of 16<sup>th</sup> Street Southwest. Mr. Taylor asked about the residence built on the alley. Ms. Cooper explained the alley has been previously vacated but amended plats on the lots had not been filed before.

#### PETITIONER'S PRESENTATION

The Petitioner did not wish to make a presentation.

#### COMMENTS BY PROPONENTS

There were no proponents.

#### COMMENTS BY OPPONENTS

There were no opponents.

#### PUBLIC COMMENT

There was no public comment.

#### PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION & ACTION

There were two recommended motions before the Board and which the Board considered and acted on separately. Chair Roberts asked for any further discussion from the Board, and there was none.

**MOTION:** Recommendation 1: That the Planning Advisory Board recommend the City Commission approve annexation of Lots 28, 29 and 30 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East from Cascade County into the City of Great Falls containing  $\pm 0.22$  acres, subject to the following conditions of approval:

#### Conditions of Approval

1. The property owners shall prepare an amended plat consolidating the three lots and vacated alley, and the amended plat of the subject property shall incorporate correction of any errors or omissions noted by staff.
2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of 1527 17<sup>th</sup> Avenue Southwest including, but not limited to, agreement by applicant to:
  - a) Agree to waive their right to protest any future Special Improvement Districts for improvements to roadways or public utilities.
  - b) Indemnify the City for any damages attributable to adverse soil or groundwater conditions.

3. All applicable fees owed as a condition of the amended plat or annexation approval shall be paid upon final platting and annexation of 1527 17<sup>th</sup> Avenue Southwest.
4. The property shall be reviewed by the City's Building Official for any life safety issues. All life-safety issues noted by the Building Official shall come into compliance with City Code within 6 months of the date of annexation.

Made by: Mr. Harding  
Second: Mr. Taylor

VOTE: All in being in favor, the motion passed.

**MOTION:** Recommendation II: That the Zoning Commission recommend the City Commission approve rezoning said property from the existing SR1 Suburban Residential 1 to R-3 Single Family High Density District, subject to the conditions of approval as previously stated.

Made by: Mr. Byrnes  
Second: Mr. Harding

VOTE: All in being in favor, the motion passed.

Ms. Cooper will advise the applicant of the next procedural steps.

### **1359 13<sup>th</sup> Avenue Southwest - Annexation**

Ms. Cooper reviewed the staff report from Deloris M. Russell Trust for annexation and establishing City zoning of R-1 Single-family low density district for 1359 13<sup>th</sup> Avenue Southwest. Ms. Cooper stated she was entering the staff report into the record. North of the property is the Sun River, east is the Beacon Bar, south are existing residences and businesses, and west is an apartment complex already annexed into the City. The subject property is comprised of approximately  $\pm 0.67$  acres with a single-family residence. The abutting portion of 13<sup>th</sup> Avenue Southwest is  $\pm 0.63$  acres, and the abutting portion of the Sun River is comprised of  $\pm 0.55$  acres, for a total of  $\pm 1.85$  acres.

13<sup>th</sup> Avenue Southwest is paved without curb, gutter or sidewalks and is being annexed from 14<sup>th</sup> Street Southwest to the eastern property line of the subject property. The owners will waive their right to protest a future Special Improvement District for roadway improvements as a condition of annexation into the City. The existing home is currently connected to a City water line from 14<sup>th</sup> Street Southwest which runs underneath neighboring buildings. The applicant will be required to install an 8-inch water main in 13<sup>th</sup> Avenue Southwest from an existing main in 14<sup>th</sup> Street Southwest and will be eligible for reimbursement from adjacent properties that are annexed into the City.

The subject property is located in Neighborhood Council #1. Patty Cadwell, Neighborhood Council coordinator, provided the project information to the Council on June 22, 2012. Staff received one question from the owners of the Beacon Bar related to the application regarding how the annexation would affect their property. Public Works has stated they will continue to receive City water services but the exact details of whether the existing T will need to be abandoned will be worked out before the proposed annexation goes to City Commission.

Ms. Cooper explained the four Conditions of Approval and concluded her review of the staff report. She offered to answer any questions from the Board.

Mr. Harding asked if the existing apartment was annexed and receiving City water, and asked why the street had not been previously annexed. He noted that contiguity appeared to be across the river. Ms. Cooper confirmed the apartment was annexed, and stated the City had allowed annexation without including the street in the past, and that installing the new water line is going to be expensive. However, the applicant is now willing to extend the water line. She also stated that the apartment property connected to single-family homes to the west. Mr. Finch clarified that before 2003, there was no requirement to annex roadways and that contiguity was across the river. However, now there is a requirement to annex roadways.

#### PETITIONER'S PRESENTATION

The petitioner did not wish to make a presentation.

#### COMMENTS BY PROPONENTS

There were no proponents.

#### COMMENTS BY OPPONENTS

There were no opponents.

#### PUBLIC COMMENT

There was no public comment.

#### PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION & ACTION

There were two recommended motions before the Board and which the Board considered and acted on separately. Chair Roberts asked for any further discussion from the Board, and there was none.

**MOTION:** Recommendation I: That the Planning Advisory Board recommend the City Commission approve annexation of Mark 1, Sun River Bridge Garden Tracts, Sec. 15, Township 20 North, Range 3 East, Cascade County, MT and abutting portions of 13th

Avenue Southwest and the Sun River containing ±1.85 acres from Cascade County into the City of Great Falls, subject to the following conditions:

Conditions of Approval

1. The final engineering drawings, specifications and cost estimates for public improvements in 13th Avenue Southwest shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of 1359 13th Ave SW including, but not limited to, agreement by applicant to:
  - a) Agree to waive their right to protest any future Special Improvement Districts for improvements to roadways or public utilities.
  - b) Indemnify the City for any damages attributable to adverse soil or groundwater conditions.
  - c) Install within two years all required public infrastructure.
3. All applicable fees owed as a condition of the or annexation approval shall be paid upon annexation of 1359 13th Ave SW.
4. The property shall be reviewed by the City's Building Official for any life safety issues. All life-safety issues noted by the Building Official shall come into compliance with City Code within 6 months of the date of annexation.

Made by: Mr. Davis  
Second: Mr. Harding

VOTE: All being in favor, the motion passed.

**MOTION:** Recommendation II: That the Zoning Commission recommend the City Commission approve rezoning said property from the existing SR1 Suburban Residential 1 to R-1 Single-Family Low Density District, subject to the conditions as previously stated.

Made by: Mr. Harding  
Second: Mr. Swensson

VOTE: All in being in favor, the motion passed.

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

**Northview Phase 8 – PUD Amendment**

Ms. Jana Cooper reviewed the staff report for approval of the annexation, amendment to the approved PUD, preliminary plat and site plan and final plat of Northview Addition, Phase 8. Ms. Cooper stated she was entering the staff report into the record. This

proposed subdivision is located north of 40<sup>th</sup> Avenue Northeast, east of 9<sup>th</sup> Street Northeast on an unnamed avenue, and is approximately  $\pm 2.652$  acres. The property is located in a developing residential neighborhood with existing and planned residential units on all sides of the property. The subject property is in Cascade County and is currently zoned SR1 Suburban Residential 1, with proposed zoning PUD Planned Unit Development, which is consistent with other phases of the subdivision. Twelve condominium units are proposed on separate lots on the subject property.

The applicant is proposing to amend the original PUD site plan as submitted as a part of the Northview Addition Preliminary Plat. Amendments include:

- a change in lot size ranges from 8,953 - 8,976 sq. ft. to 7,446 – 7,673 sq. ft.
- minimum lot width from 88 ft. to 73 ft.
- lot proportion for newly created lots from 1:6:1 to 1:25:1
- side yard setbacks from 6 ft. each side for both principal and accessory buildings, to 6 ft. on detached side and 0 ft. on attached side for principal buildings;
- side yard setbacks from 6 ft. on each side to 2 ft. for accessory buildings and the accessory buildings must meet building code
- creation of condominium units in lieu of single-family units on the southern side of Northview Avenue
- Parcelizing the condominium units into separate lots

Ms. Cooper stated that Northview Avenue will include a temporary turn-around until future phases are developed. The subject property is located in Neighborhood Council #3. Patty Cadwell, Neighborhood Council Coordinator, presented the information to Council #3 on May 31, 2012. Two questions were received from the Council. One was an inquiry as to when 12<sup>th</sup> Street Northeast would be complete. Ms. Cooper stated that in the future, a more comprehensive transportation plan will be formed for developments so that unfinished streets do not cause difficulty for residents. The other question from Council #3 was why portions of 9<sup>th</sup> Street Northeast and 36<sup>th</sup> Avenue Northeast are being repaved. Public Works has stated that the paving was failing and needed repair.

Ms. Cooper reviewed the four Conditions of Approval, and concluded her review of the staff report, offering to answer any questions from the Board.

Mr. Byrnes asked about the PUD amendments shrinking the lot size of the condominiums, and the change in sideyard setback for accessory structures. He expressed concern over the density of the subject property with building heights at 35 feet, and the possibility of three-story structures. Ms. Cooper stated these are planned as one-story units, and the same building footprint already exists in the Northview development. Mr. Byrnes stated that there are no provisions to ensure the density remains consistent in the future.

Mr. Haynes stated that the Department focus has been on looking at the density of the subdivision overall. He said there are a number of phases to be developed, and the development has changed with the market.

### PETITIONER'S PRESENTATION

The petitioner did not wish to make a presentation.

### COMMENTS BY PROPONENTS

There were no proponents.

### COMMENTS BY OPPONENTS

There were no opponents.

### PUBLIC COMMENT

Ms. Marjorie Schlereth, 1109 38<sup>th</sup> Avenue Northeast, said that the build-outs for traffic to turn around in the area become a mess in bad weather. She said the turn-arounds are dirt and City waste trucks get stuck in wet weather. She said she was told when she bought the house that more homes would be built and that street would be finished, but it's been three years and there is no building on that property. She said that young kids use the area to spin out in the mud, and the mud makes quite a mess. She suggested the build-outs need to be constructed better so that large trucks can turn around. She also said the weeds should be mowed on the vacant property next to the residences.

Mr. Roberts explained that it is the developer's prerogative to develop the adjoining lots. Ms. Cooper suggested that Ms. Schlereth could meet with Planning staff and Public Works to discuss possible solutions to the turn-around issue in the area. She said there will eventually be homes in that area, but it is unknown as to when development will occur. Mr. Haynes affirmed the road situation is a temporary condition until development moves forward.

### PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION & ACTION

There were three recommended motions before the Board and which the Board considered and acted on separately. Chair Roberts asked for any further discussion from the Board. Mr. Harding stated this project was a positive development for the City. He said the turn-around has been a concern, and he is pleased staff is addressing that. He noted that when it comes to density and the developer's plans, the development falls within the Land Development Code, and it is the developer's prerogative to be able to develop property as long as it is within the Code requirements.

**MOTION:** Recommendation I: That the Planning Advisory Board recommend the City Commission approve annexation of Northview Addition, Phase 8, located in the SE/4, Section 25, Township 21N, Range 3E, PMMT, Cascade County, Montana containing ±2.652 acres.



Made by: Mr. Harding  
Second: Mr. Swensson

VOTE: Six members of the Board were in favor of the motion. Mr. Byrnes voted against. The motion passed.

**MOTION:** Recommendation II: That the Zoning Commission recommend the City Commission approve rezoning property within Northview Addition, Phase 8 from the existing County Suburban Residential 1 to PUD Planned Unit Development and develop in compliance with the submitted zoning requirements stated within the staff report and in compliance with the submitted building envelopes and setbacks, attached to the staff report as Exhibit D.

Made by: Mr. Harding  
Second: Mr. Taylor

VOTE: Six members of the Board were in favor of the motion. Mr. Byrnes voted against. The motion passed.

**MOTION:** Recommendation III: That the Planning Advisory Board recommend the City Commission approve the Final Plat of Northview Addition, Phase 8, and the accompanying Findings of Fact, subject to the Planning Advisory Board / Zoning Commission adopting Recommendations I & II (above) and subject to the conditions below.

Conditions of Approval:

1. Review: The Final Plat of Northview Addition, Phase 8, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements in Northview Avenue shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
  - a) install, within two years of the date of annexation, the public improvements referenced in Paragraph 2 above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) to adhere to the attached PUD Site Plan in conjunction with the development of Phase 8;
  - d) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Northview Addition; and,

- e) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.
4. A financial surety in the amount determined by the Public Works Department (i.e. personal check or certificate of de-posit) shall be established in the name of the applicant and City for Phase 8's proportionate share of the cost of roadway and 8-inch water main in the segment of 12th Street Northeast to cross Mark 14E1, Section 36, Township 21 North, Range 3 East.

Made by: Dr. Pasek  
Second: Mr. Swensson

VOTE: Six members of the Board were in favor of the motion. Mr. Byrnes voted against. The motion passed.

Ms. Cooper advised the petitioner of the next procedural steps.

### **Agri-Tech Park - Annexation**

Mike Haynes, Director of Planning & Community Development, presented the staff report on vacating the public hearing for Agri-Tech Park – Annexation. Mr. Haynes stated he was entering the staff report into the record.

Mr. Haynes stated the Board was being asked to vacate today's public hearing, which was advertised in the *Great Falls Tribune* on June 10, 2012, due to the applicant requesting a continuance to the July 10 Planning Advisory Board meeting. A subsequent notice was published in the *Great Falls Tribune* on June 24, 2012 for the July 10 public hearing. Mr. Haynes stated there was an upcoming Great Falls Development Authority board meeting from which another continuance or even withdrawal of the application may result. Should that occur, Mr. Haynes stated that, in that case, the applicant will be requested to make a new application.

Mr. Haynes said this project consists of almost 200 acres, with existing County zoning of I-2 Heavy Industrial and Agricultural. Mr. Haynes stated staff has been working with the applicant on this project since January 2010. He stated this is a major and complex project with many proponents and opponents. He encouraged the Board to carefully read the staff report when it is received and if possible, visit the site. He requested a motion to vacate the public hearing and offered to answer any questions from the Board.

### **PUBLIC COMMENT**

There was no public comment.

## PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION & ACTION

Chair Roberts asked for any further discussion from the Board. There was none.

**MOTION:** That the Planning Advisory Board / Zoning Commission vacate the public hearing related to the annexation, zoning and preliminary plat of Agri-Tech Rail-Served Industrial Park scheduled for June 26, 2012, and reschedule the public hearing for July 10, 2012.

Made by: Mr. Taylor  
Second: Mr. Harding

**VOTE:** All being in favor, the motion passed.

## COMMUNICATIONS

### Upcoming Planning Board Projects

- Agri-Tech Park Annexation
- West Bank One Development TIF

Mr. Roberts asked about the West Bank One Development TIF. Mr. Haynes said it is a request by the developer for reimbursement of TIF funds for the West Bank One Development. He said project will be brought before the Planning Advisory Board at a future date depending on public notice requirements. Mr. Roberts asked if it was a Talcott Properties project, and Mr. Haynes said it was.

### Project Status:

- Steel Etc. – City Commission first Reading June 5; City Commission Public Hearing July 3
- Stone Meadows, Phase 2 – City Commission First Reading June 19; City Commission Public Hearing July 17
- Shumaker Washbay – City Commission First Reading July 3; City Commission Public Hearing August 7
- 1517 17<sup>th</sup> Ave SW – City Commission First Reading July 17; City Commission Public Hearing August 7
- 6<sup>th</sup> Street NE Closure – on hold by applicant
- Code Revision action by City Commission

### Meeting/Obligation Calendar, June 22 – July 6, 2012

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 July 10, 2012.

**PUBLIC and BOARD COMMENTS**

Mr. Roberts asked about County properties having access to a fire hydrant serving the properties in the 15<sup>th</sup> Avenue Southwest area recently annexed into the City. Mr. Young said he assumed the County properties are in a fire district and that would be a question for the Fire Department. Mr. Roberts asked if it was possible for an individual to purchase fire protection from the City. Mr. Haynes said the Fire Department does serve areas outside the City by mutual agreement, but not individual properties.

Mr. Taylor asked about areas along 13<sup>th</sup> Avenue Southwest receiving City water and sewer but not annexed into the City. Mr. Young stated City water is accessed in those areas, but not City sewer. There was a question about forced annexation, and Mr. Haynes stated that is not the preferred way to annex. He said involuntary annexation eliminates the opportunity to ask an applicant to waive their right to object to improvements. He said it is more efficient to encourage property owners to annex in as a group, but there can be mixed response. Mr. Taylor inquired about the Beacon Bar, and Mr. Young said they are receiving City water but are on their own septic system.

**ADJOURNMENT**

There being no further comments, the meeting was adjourned by Chair Roberts at 3:57 p.m.

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CHAIRMAN

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SECRETARY