

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
June 12, 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 2:59 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Bill Roberts
Mr. Scot Davis
Mr. John Harding
Dr. Heidi Pasek
Ms. Cheryl Patton
Mr. Thor Swensson
Mr. Wyman Taylor
Mr. Nathan Weisenburger

Planning Board Members absent:

Mr. Marty Byrnes

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director
Ms. Jana Cooper, Planner II
Ms. Ida Meehan, Comprehensive Planner II
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

Ms. Patricia Cadwell, Neighborhood Councils Coordinator
Mr. Dave Dobbs, 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 May 8, 2012. The minutes were received as submitted.

BOARD ACTIONS REQUIRING PUBLIC HEARING

1517 17th Avenue Southwest – Annexation

Ms. Jana Cooper, Planner II, reviewed the staff report for the application from Mr. Bruce Rohrer for annexation and City zoning for 1517 17th Avenue Southwest. Ms. Cooper stated she was entering the staff report into the record. The property consists of approximately \pm .15 acres, plus the adjacent right-of-way consisting of \pm .38 acres, for a total of \pm .53 acres. The lot contains a single-family residence which is connected to City water services. City sewer services are being extended to the residence.

The subject property abuts 17th Avenue Southwest, which is a gravel roadway. In order to simplify maintenance responsibility, the City's Street Division requires 17th Avenue Southwest be annexed for the entire block up to the east right-of-way of 16th Street Southwest. The owner will waive the right to protest a future special improvement district for roadway improvements as a condition of annexation into the City. The applicant proposes to install water services from the City transmission mains located in the abutting right-of-way of 17th Avenue Southwest. As a condition of annexation, the owner will be required to install a fire hydrant at the intersection of 17th Avenue Southwest and 16th Street Southwest and will be eligible for reimbursement of this hydrant as additional properties are annexed.

There is currently no sanitary sewer in 17th Avenue Southwest. The owner shall extend the sewer as required by Public Works from its existing location in 15th Street Southwest. When the staff report was written, the owner had requested the sewer be extended to the western property boundary, but an additional property owner is also in the process of applying for annexation and subsequently, the sewer may be extended to 16th Street Southwest. Ms. Cooper stated that those details will be worked out before the annexation request moves on to the City Commission.

The subject property is located in Neighborhood Council #1. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to the Council on May 15, 2012. Staff has received one letter of support from an adjacent property owner related to the project.

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

Mr. Harding asked about annexing property that was not contiguous to the City. He asked if the right-of-way made the lot contiguous. He also asked about the significance of the red line surrounding the property on the map. Ms. Cooper said the red line was simply to differentiate between the property owner's request and the City right-of-way. She stated that all of the property outlined in red will be annexed into the City.

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 26 and 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East and abutting portions of 17th Avenue Southwest from Cascade County into the City of Great Falls containing ±.53 acres, subject to the following conditions of approval:

Conditions of Approval

1. The property owners shall prepare an amended plat consolidating the two 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 1517 17th 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 1517 17th 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. Swensson

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: Ms. Patton
Second: Mr. Harding

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

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

Shumaker Washbay Annexation 3501 U.S. Highway 87

Ms. Cooper reviewed the staff report from Shumaker Trucking & Excavating for annexation and establishing City zoning of Lot 1AA, Block 1, Great Falls Industrial Park Section 2, comprised of ±1.79 acres. The current zoning is County I-2 Heavy Industrial and the proposed zoning is City I-2 Heavy Industrial. The applicant originally applied for annexation in July, 2011. The annexation was tabled at that time by the Planning Advisory Board on August 9, 2011 due to issues regarding the amount of land proposed to be annexed. Since that time, staff has worked with the applicant to develop a plan that is mutually acceptable.

The subject property contains a washbay for washing trucks and equipment and is currently receiving City water and sewer services. The Planning Division has received an email from Great Falls Fire Rescue stating they are opposed to any incremental annexations of the same parcel property into the City of Great Falls due to the inherent difficulties associated with proper identification of location for City first responders. The Planning Division agrees that this is not the preferred way to annex property, but has worked with the applicant to come to an agreement that is acceptable to the City and the applicant and that provides legal access to the subject property.

Craig Raymond, Building Official, inspected the property on June 30, 2011. The applicant has been working with the Building Department to correct violations. At this time, the only outstanding issue is related to providing a sand/oil separator. The

applicant is working with the Engineering Department to develop a strategy for discharging water and will be required to meet all applicable codes related to this issue.

The City's Environmental Compliance Technician has stated a concern regarding providing sewer to the project due to EPA regulations of the sewer main in that location. As a condition of approval, the owner will be required to meet all required discharge standards per City Code and EPA regulations at the owner's expense. The discharge will be monitored as needed by the City and the EPA. There are no existing storm drain facilities in the area. The applicant would not be required to extend storm drain facilities to the subject property.

Patty Cadwell, Neighborhood and Youth Council Coordinator, provided application information to Council #3 on July 25, 2011. Comments received at that time are noted in the staff report. Ms. Cadwell provided the new application information to the Council on May 17, 2012. Staff has not received any new comments from the neighbors regarding the application.

Ms. Cooper concluded her review of the staff report and offered to answer any questions from the Board. Mr. Harding asked if the City was forcing annexation or if the applicant was seeking annexation. Ms. Cooper stated that if a property is receiving City services, the property needs to be annexed. Mr. Haynes stated that City code requires any property receiving City services be annexed.

Ms. Patton stated she wished to compliment staff and the developer for their willingness to work on an agreeable solution. She stated she felt strongly about supporting department concerns, and that the Fire Department has a real concern with this annexation. However, she said that more properties in this area will need to be annexed before the Fire Department's concerns can be met. She said she did not like to go against any department's recommendations but that overall, she supported this annexation.

Mr. Roberts inquired about access to the property and whether there was additional access from Highway 87. Ms. Cooper said the lot configuration was changed to allow legal access. Mr. Haynes said the property owners worked with the Montana Department of Transportation and MDT is in agreement.

PETITIONER'S PRESENTATION

Mr. Joe Aline, Shumaker Trucking & Excavating, stated this was not a forced annexation, but that his company made an agreement years ago to annex into the City. He complimented staff efforts on working with their company. He said the company will upgrade the 8-inch water main and that they will install a bypass man-hole on the sewer to split them away from the Malt Plant sewer so that there will be no confusion between the companies as to effluents being discharged into the sewer.

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 the annexation of Lot 1AA, Block 1, of the Amended Plat of Lot 1AA and Lot 2AA, Block 1, and Lot 1AA, Block 4 of the Great Falls Industrial Park Section 2 in the NW $\frac{1}{4}$, Section 31, Township 21 North, Range 4 East, P.M.M. Cascade County, Montana, subject to compliance to the Conditions of Approval listed as follows and subject to the Zoning Commission adopting Recommendation II.

Conditions of Approval

1. All life-safety issues noted by the Building Official that have not been addressed shall come into compliance with City Code within 6 months of the date of annexation.
2. The final engineering drawings, specifications and as-builts for the existing water and sewer mains servicing the subject property shall be submitted to City Public Works Department for review and approval within 120 days of annexation and applicant agrees to correct any deficiencies and shall incorporate any corrections of errors and omissions noted by staff.
3. The owner shall install upsizing of the existing waterline per terms and conditions outlined in an annexation agreement.
4. The owner shall meet all City and EPA requirements for sewer discharge. If discharge levels are over the allowed amount, owner shall mediate the discharge at their own expense. The City reserves the right to discontinue sewer service as necessary.
5. An Annexation Agreement shall be prepared containing terms and conditions for additional development on the subject property.

Made by: Mr. Weisenburger
Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: That the Zoning Commission recommend the City Commission approve establishing a City zoning classification of I-2 Heavy Industrial district to Lot 1AA, Block 1 of the Amended Plat of Lot 1AA and Lot 2AA, Block 1, and Lot 1AA, Block 4 of the Great Falls Industrial Park Section 2 in the NW ¼, Section 31, Township 21 North, Range 4 East, P.M.M. Cascade County, Montana, based on current County zoning and current land-use upon said property, subject to the Planning Advisory Board adopting Recommendation I.

Made by: Ms. Patton
Second: Mr. Swensson

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

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

COMMUNICATIONS

Upcoming Planning Board Projects

- Agri-Tech Park Annexation
- Northview Phase 8
- 1527 17th Avenue Southwest – Annexation
- 1359 13th Avenue Southwest – Annexation
- West Bank One Development TIF

Chair Roberts inquired about when the upcoming projects might appear on the Planning Advisory Board agenda. Mr. Haynes explained that legal notice had been published on the first four items for the June 26 Planning Advisory Board meeting, but that subsequently the GFDA requested the Agri-Tech Park item be tabled. Mr. Haynes said that the Planning Advisory Board will be asked at the next meeting on June 26 to continue action to a time certain.

Project Status:

- Stone Meadows, Phase 2 – City Commission First Reading June 19; City Commission Public Hearing July 17
- 6th Street NE Closure – on hold by applicant

Meeting/Obligation Calendar, June 8 – June 22, 2012

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

Planning Advisory Board FY 2011-2012 Budget

A copy of the third quarter financial report for the Planning Division is attached.

Communications to City Commission

Attached is a letter to the City Commission from the Planning Advisory Board in support of the Downtown Urban Renewal Plan. Mr. Haynes noted that staff has submitted to the Department of Revenue for certification of the TIF district.

Petitions & Applications Received

- None

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is June 26, 2012.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned by Chair Roberts at 3:38 p.m.

CHAIRMAN

SECRETARY