

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
May 8, 2012**

CALL TO ORDER

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

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. John Harding
Mr. Marty Byrnes
Mr. Scot Davis
Ms. Cheryl Patton
Mr. Wyman Taylor
Mr. Nathan Weisenburger

Planning Board Members absent:

Mr. Bill Roberts
Dr. Heidi Pasek
Mr. Thor Swensson

Planning Staff Members present:

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

Others present:

Ms. Patricia Cadwell, Neighborhood Councils Coordinator
Mr. Jim Young, Public Works

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

MINUTES

Chair Pro Tem Harding asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on April 10, 2012. The minutes were received as submitted.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Praise Tabernacle Annexation 13th Street South and 21st Street South

Ms. Jana Cooper, Planner II, reviewed the staff report for the application from Praise Tabernacle Church requesting an amended plat of Lots 1-8 and vacated alley in Block 8, Finlay Supplement to Prospect Park; annexation of said plat; and establishment of a City zoning classification of R-3 Single-family high density district and granting a Conditional Use Permit for the existing worship facility upon annexation. Ms. Cooper stated she was entering the staff report into the record.

This existing worship facility located at the southeast corner of 13th Street South and 21st Avenue South, is requesting annexation of ± 0.66 acres into the City in order to utilize and connect to existing public utilities adjacent to the subject property. Per Montana Code Annotated, the abutting portions of 14th Street South and 22nd Avenue South, comprised of ± 0.65 acres, must also be annexed as part of the request. There is an existing garage at 2215 13th Street South that appears to be encroaching on the portion of 22nd Avenue South right-of-way which is being annexed into the City. The garage was permitted to be built in the County in 1997. Staff recognizes this issue and will work with the property owner, the City Public Works Department, and the City Attorney to resolve the issue once the property is annexed into the City.

Ms. Cooper explained that worship facilities are conditionally allowed in R-3 Single-family high density districts, and that this church meets the requirements for a Conditional Use Permit. Staff recommends granting a Conditional Use Permit for this facility.

The Praise Tabernacle Church property is comprised of eight lots and a previously vacated alley. State statute requires review by the Planning Advisory Board and City Commission for any subdivision that relocates common boundaries affecting six or more lots within a platted subdivision. The Amended Plat will consolidate the eight lots and alley into one lot, which eliminates conflicting property lines through the existing worship facility. There is a 12-inch water main and 24-inch sewer main on 21st Avenue South which will be utilized by the applicant. A 30-inch water main on 21st Avenue South will not be used by this project.

When this staff report was written, Public Works had determined that no reimbursement was required by Praise Tabernacle for utilities on 13th Street South. However, it was brought to staff's attention recently that there is a reimbursement owed for the water line on 13th Street South. Staff is reviewing the annexation agreement and is awaiting information from the previous developer on his costs before the City can proceed on assessing reimbursements. This issue will be resolved before the project comes before the City Commission.

There are 37 existing parking spaces in the church parking lot, with an additional 24 spaces utilized along 14th Street South. City code requires 59 parking spaces. The City will not require any changes in parking, but if future expansion should occur, parking will be reassessed.

The subject property is located in Neighborhood Council 6. The applicant presented the project information to Council 6 on May 2, 2012. There were questions at the Council meeting about the zoning, which were answered, and there were no other 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 inquired if the owner of the garage is the same as this applicant, and Ms. Cooper noted they are not the same. Mr. Harding inquired about how parking space requirements are determined. Ms. Cooper explained that per City Code, the number of parking spaces is calculated by square footage of assemblage area.

PETITIONER'S PRESENTATION

Mr. Tony Rand of Praise Tabernacle stated that the facility is currently on septic and well water services. There are problems with both systems and therefore desire to annex into the City. Mr. Weisenburger asked if there were plans to expand the facility in the future. Mr. Rand said there is not, and that if the congregation expands, they would move to a new facility rather than expand the current facility. Mr. Weisenburger asked about any possible future parking issues, and Mr. Rand explained that the building capacity is around 235, and currently they have about 90-105 attendees. Parking is not a problem.

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 four recommended motions before the Board and which the Board considered and acted on separately.

MOTION: Recommendation 1: That the Planning Advisory Board recommend the City Commission approve annexation of Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East and abutting portions of 14th Street South and 22nd Avenue South from Cascade County into the City of Great Falls containing ±1.31 acres, subject to the following conditions of approval:

Conditions of Approval

1. The property owners shall prepare an amended plat consolidating the eight 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 Praise Tabernacle Church 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 Praise Tabernacle.
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: Ms. Patton
Second: Mr. Weisenburger

Chair Pro Tem Harding asked for any further discussion from the Board. There was no further Board discussion.

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 Urban Residential to R-3 Single Family High Density Residential with a Conditional Use Permit, subject to the conditions of approval as previously stated.

Made by: Mr. Weisenburger
Second: Ms. Patton

Chair Pro Tem Harding asked for any further discussion from the Board. There was none.

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

MOTION: Recommendation III: It is recommended the Zoning Commission recommend the City Commission approve the Conditional Use Permit for a Worship Facility on said property, subject to the conditions of approval as previously stated.

Made by: Mr. Byrnes
Second: Mr. Weisenburger

Chair Pro Tem Harding asked for any further discussion from the Board. There was none.

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

MOTION: Recommendation IV: It is recommended that the Planning Advisory Board recommend the City Commission approve the amended plat of Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, and the accompanying Findings of Fact, subject to the Planning Advisory Board and Zoning Commission adopting Recommendations I, II and III (above) and subject to the conditions of approval as previously stated.

Made by: Mr. Weisenburger
Second: Mr. Byrnes

Chair Pro Tem Harding asked for any further discussion from the Board. There was none.

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

Ms. Cooper advised the applicant that the next step will be to take the Planning Advisory Board/Zoning Commission recommendations to the City Commission, which will approve or deny the annexation, rezoning, Conditional Use Permit and amended plat. If approved, the applicant will submit any required documents and file them with the Cascade County Clerk and Recorder's Office.

Mr. Harding stated that the reason for these Recommendations being acted upon separately was because the Board acted as both the Planning Advisory Board and also as the Zoning Commission. Ms. Cooper said that in addition, separating the motions allows the Board to take action on each aspect of the proposed recommendations, such as just the zoning portion, or just annexation.

**Steel Etc. Annexation
River Drive North & 52nd Street North**

Ms. Cooper reviewed the staff report for Steel Etc., which is requesting annexation and zoning for a portion of their property. Ms. Cooper stated she was entering the staff report into the record.

The applicant is requesting annexation of approximately ± 0.43 acres into the City and is proposing to construct two new buildings to house a "shredder." A previous annexation agreement between the City and Steel Etc. waives their right to appeal annexation of their property that remains in the County at such time as the adjacent properties are annexed into the City. The applicant is requesting the property to be zoned "I-2" Heavy Industrial. That zoning is compatible with the existing incorporated properties zoning and also the unincorporated property zoning within the County. The subject property being annexed does not abut any public roadway, and therefore no reimbursement or improvements are required as determined by the City Public Works Department. The applicant will not be extending City services for water and sewer. The owners waive their right to protest a future special improvement district for water and sewer improvements as a condition of annexation.

The subject property is located in Neighborhood Council 4. A representative of Steel Etc. presented information on this project to Council 4 on April 26, 2012. There were no comments at the meeting and Neighborhood Council 4 did not support or oppose the project.

Ms. Cooper concluded her review of the staff report and offered to answer any questions from the Board. Mr. Harding requested clarification on whether Steel Etc. is waiving their right to protest annexation of the rest of their unincorporated property if the surrounding properties are annexed into the City in the future. Ms. Cooper and Mr. Haynes confirmed that if surrounding properties become annexed into the City, at that point, Steel Etc. would be requested to annex their unincorporated property into the City and would be required to pay their portion of improvements.

PETITIONER'S PRESENTATION

Mr. Bob McIntyre, President of Steel Etc., offered to answer any questions from the Board regarding this application. Mr. Taylor commended him on the appearance of the building and landscaping.

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.

MOTION: Recommendation I: That the Planning Advisory Board recommend the City Commission approve annexation of +0.43 acres of unincorporated land abutting Tract 2 COS No. 4591, located in the NE1/4 of Section 4, T20N, R4E, P.M.M., Cascade County, MT, subject to the following conditions of approval:

Conditions of Approval

1. The owner shall file a Certificate of Survey of the subject property that 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 the subject property 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 annexation approval shall be paid upon final approval of the annexation of the subject property.

Made by: Mr. Davis
Second: Mr. Weisenburger

Chair Pro Tem Harding asked for any further discussion from the Board. There was none.

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

MOTION: Recommendation II: That the Zoning Commission recommend the City Commission approve rezoning the subject property from the existing County Heavy Industrial to I-2 Heavy Industrial, subject to the conditions of approval previously stated.

Made by: Ms. Patton
Second: Mr. Davis

Chair Pro Tem Harding asked for any further discussion from the Board. There was none.

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

Ms. Cooper advised the applicant that the next step will be to take the Planning Advisory Board/Zoning Commission recommendations to the City Commission, which will approve or deny the annexation and rezoning. If approved, the applicant will submit any required documents and file them with the Cascade County Clerk and Recorder's Office.

COMMUNICATIONS

Upcoming Planning Board Projects

- Shumaker annexation

Project Status:

- Stone Meadows, Phase 2 – being held by Developer

Meeting/Obligation Calendar, May 4, 2012 – May 18, 2012

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

Petitions & Applications Received

- 2-W Estates

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is May 22, 2012. There does not appear to be any agenda items for this meeting. The following meeting is scheduled for June 12. Mr. Taylor stated he will not be able to attend the June 12 meeting.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned by Chair Pro Tem Harding at 3:28 p.m.

CHAIRMAN

SECRETARY