

**MINUTES OF THE MEETING  
OF THE  
DESIGN REVIEW BOARD  
June 11, 2012**

**CALL TO ORDER**

The regular meeting of the Great Falls Design Review Board was called to order by Ms. Jean Price at 3:01 p.m. in the Rainbow Conference Room of the Civic Center.

**ROLL CALL & ATTENDANCE**

Design Review Board Members present:

Ms. Jean Price, Chair  
Mr. Bruce Forde  
Ms. Mary Klette  
Mr. Todd Humble

Design Review Board Members absent:

Mr. Jule Stuver

City Staff Members present:

Mr. Michael Haynes, AICP, Director P&CD  
Mr. Charlie Sheets, Development Review Coordinator  
Ms. Ida Meehan, Comprehensive Planner  
Mr. Jim Young, Public Works  
Ms. Patty Cadwell, Neighborhood & Youth Councils Coordinator  
Ms. Phyllis Tryon, Administrative Assistant

Others present:

Mr. Nathan Hoines, Fat Tuesdays  
Mr. Bob Sechena, Abode Realty  
Mr. Charles Kuether, Brass Rail Property

**MINUTES**

Ms. Price asked if there were any comments on the minutes of the May 25, 2012 meeting. Mr. Humble moved to approve the minutes as stated. Ms. Klette seconded, and all being in favor, the minutes were approved.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**  
**Fat Tuesdays**  
**817 10<sup>th</sup> Avenue South**

Mr. Charlie Sheets, Development Review Coordinator, reviewed the staff report for the application of a new casino on the existing commercial property at 817 10<sup>th</sup> Avenue South. Mr. Sheets stated he was entering the staff report into the record. The applicant intends to move a liquor license into the commercial property for the proposed casino. The existing building is built right up to the property line on 10<sup>th</sup> Avenue South, as well as the west property line. There is an existing driveway along the east side of the building which is currently used for both ingress and egress of vehicles. The rear of the property is used for parking and alley access.

The proposed relocation of the full liquor license and the associated gaming triggers the land use provisions of the Land Development Code. There are no additions proposed to the existing structure. The applicant proposes to paint the existing yellow building with two shades of tan similar to the neighboring business, Riddle's Jewelry. The applicant proposes to reuse the existing yellow awning on three sides of the building. New signage will be on the awning.

Two existing entrances on the east side of the building open directly onto the driveway, which currently accommodates two-way traffic. Over each entrance is a light fixture. Three street lights are located next to the driveway and at the rear of the building. The proposed parking plan provides 10 parking stalls, including 1 van accessible stall and aisle. City Sanitation Service is provided in the alley of the property.

Casinos must comply with all applicable landscaping requirements of City Code to maximum extent possible, including the requirement that 50 percent of landscaping be located between the front lot line and the building. No freestanding signs are allowed, and wall signage is limited to 7.5 percent of the building wall area per frontage. No exterior or interior signage indicating any form of gaming is allowed to face an adjacent residential use.

Mr. Sheets stated that the proposed landscape plan provides a 6' x 27' landscape island between the City sidewalk and the building frontage, and a 6' x 34' landscape island on the east side of the driveway. The front island is actually within the MDT right-of-way. Development standards require 20 percent of the gross property being developed, or 385 s.f., to be landscaped, with 50 percent of that to be between the front property line and the building.

Proposed signage on the building includes 132 s.f. of wall signage and 42 s.f. on the existing freestanding sign. Development standards limit a Casino Type 1 to a maximum 7.5 percent of the building wall area per frontage. No freestanding signs are permitted. The proposed parking plan provides 10 parking stalls, including 1 van accessible stall and aisle. Eight parking stalls are required by City Code, including 1 van accessible stall and aisle for a casino with 15 seats.

Mr. Sheets reviewed five staff recommendations in support of this application, as follows:

1. Add directional signage limiting the driveway to one-way traffic from 10<sup>th</sup> Avenue South to the parking in the rear. Egress is to the alley only.
2. Remove the freestanding pole sign.
3. Reduce the signage on the front awning to 24 s.f. Reduce the signage on the east and west awnings to 45 s.f. per side.
4. Change the color of the awning to complement the two shades of tan proposed for the building.
5. Paint the accessible route from the accessible van parking stall to the entrance.

Mr. Sheets concluded his review of the staff report. Mr. Haynes addressed City Code in relation to the freestanding pole sign. He stated that special standards for Casino Type 1 prohibit freestanding pole signs, and the Sign Code requires that all abandoned signs be removed. Therefore, in allowing the Casino Type 1 use to be established the existing pole sign would have to be removed. He also noted that the proposed signage on the building must be reduced to Code standards. He said that neither the Design Review Board nor City staff have the authority to waive or adjust the sign standards.

Mr. Hoines spoke and explained that the theme for Fat Tuesdays is a Mardi Gras theme with purple and yellow color schemes and which reflects a religious holiday. He said he disagreed with the staff recommendation to change the color of the yellow awning. He said Café Rio incorporates yellow in their signage. He noted a number of other local businesses that have yellow awnings. He said it would cost \$6,000 to replace the awning and less than half that amount to clean it up and reuse it. He said he agreed with the other recommendations except that in his understanding, the freestanding sign was grandfathered in on this property on a nonconforming use. He suggested the sign simply remain and not be used so that if the casino doesn't remain at that location, the property owners still have the freestanding sign. He said the Brass Rail shareholders are buying the building and his wife is going to lease it for the proposed casino. He said there might be legal requirements with the lease to leave the sign.

He suggested the sign could be leased to other businesses but not used for the casino. He said another possibility was to put in a reader board, which is different than a freestanding sign. He said the value of the sign is \$3,000-\$5,000 to replace. He noted the number of casinos with freestanding signs on 10<sup>th</sup> Avenue South. He concluded by suggesting that either the sign remain and the Planning Division and the City Attorney's office could determine use, or they could simply leave the sign and not use it.

Ms. Price clarified that the DRB could only suggest a color change on the awning but could not force the applicant to change it. There was discussion following about the brightness of the awning and the cost of reskinning it. Ms. Klette suggested eliminating the awning, but Mr. Hoines stated there is lighting around the building beneath the awning. He said the yellow is not as bright as the picture depicts. He said he was open to suggestions about adding some yellow paint to the building and that they had worked to match paint colors to Riddle's Jewelry.

Mr. Haynes clarified Code requirements in relation to the freestanding sign. He explained that the existing sign may or may not be conforming today but would certainly be rendered

nonconforming by establishment of the Casino Type 1, and also stated that by December of 2015, all nonconforming signs must be brought up to Code. He said staff could not agree to allow the establishment of a new casino that did not meet the special standards clearly established for a Casino Type 1.

Mr. Kuether, one of the shareholders of Brass Rail, which is in the process of purchasing the property where the commercial building exists and then leasing it to the proposed casino owner, proposed that the property owners maintain control of the freestanding sign and be able to advertise the business they own, which is not the casino, or offer it for public service to charitable institutions. He said that would allow the spirit of the statute to exist without allowing the casino a freestanding sign.

Mr. Haynes said that this would constitute off-premise signage that is not permitted under the Sign Code. He reiterated that all nonconforming signs would need to be removed by 2015. Mr. Kuether inquired about the possibility of the sign being used for charitable purposes. Mr. Haynes stated that would constitute off-premise signage - essentially a billboard - that was prohibited. There was further suggestion that the pole sign could be used as a clock, but Mr. Haynes noted the expense of installing a clock would be greater than that of removing the sign. A reader board was suggested, but Mr. Haynes noted that was prohibited in that location by the Sign Code.

Following a comment that the Sign Code seemed anti-business, Mr. Haynes explained that the intent of the Sign Code is to promote business by making all areas of the City more attractive. There were further comments about the Sign Code and the date when all signs will be required to come into conformance. Ms. Cadwell explained that in the process of developing the Sign Code, citizens through the Neighborhood Councils expressed the viewpoint that all the casinos and casino signs along 10<sup>th</sup> Avenue South were a detriment to attracting professionals to Great Falls. She said the Sign Code was formed through negotiations with business owners, including casino owners, and citizens, and reflects that process.

Mr. Sheets said the foundation of the pole could remain in the bed, and the sign could be reinstalled in the future if allowable under the Sign Code. Mr. Hoines asked if the pole could remain and be used for a flag. Mr. Haynes said he did think so but he would have to review City Code to confirm.

### Board Discussion and Action

MOTION: That the Design Review Board approve the Design Review Application of, as shown in the conceptual development plans contained within the staff report and provided by the Owner's Agent, subject to the following conditions:

1. The proposed project shall be developed consistent with the conditions in the staff report, all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. If, after the approval of the concept development plan as amended by this board, the owner proposes to expand or modify the conceptual development plans, the

Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the concept for one or more review criteria. If such proposed change would alter the plan, the proposal shall be resubmitted for review as a new application.

3. Add directional signage limiting the driveway to one-way traffic from 10<sup>th</sup> Avenue South to the parking in the rear. Egress is to the alley only.
4. Reduce the signage on the front awning to 24 s.f. Reduce the signage on the east and west awnings to 45 s.f. per side.
5. Paint the accessible route from the accessible van parking stall to the entrance.
6. Remove the freestanding pole sign per City Code.

Made by: Ms. Klette  
Second: Mr. Humble

VOTE: Mr. Forde recused himself from the vote. All others being in favor, the motion passed.

Mr. Sheets explained the next procedural steps. The applicant is to submit the final site plan to the Planning & Community Development Department (P&CD). A permit will be issued upon review and acceptance of the plan. The applicant will then apply for a Safety Inspection Certificate for the business.

### **PUBLIC COMMENTS**

There were no public comments.

### **BOARD COMMENTS**

Mr. Haynes introduced the new Comprehensive Planner in P&CD, Ida Meehan.

### **ADJOURNMENT**

The next regularly scheduled meeting of the Design Review Board is June 25, 2012. The meeting was adjourned at 3:54 p.m.