

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
October 23, 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
Mr. Wyman Taylor
Ms. Cheryl Patton
Mr. Thor Swensson

Planning Board Members absent:

Mr. Marty Byrnes
Mr. Nate Weisenburger

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:

Mr. Dave Dobbs, City Engineer
Ms. Patty Cadwell, Neighborhood Councils Coordinator

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

Note: Mr. Harding gave Mr. Haynes a letter of resignation from the Board just prior to the meeting. In light of that action, Mr. Harding abstained from any discussion and any voting throughout the meeting.

MINUTES

Chair Roberts asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on August 28, 2012. Seeing none, the minutes were approved as submitted.

Action Minutes of the Planning Advisory Board/Zoning Commission. Please refer to the audio/video recording of this meeting for additional detail.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Optimum Conditional Use Permit for Unconcealed Telecommunications Tower 2100 21st Ave S

Jana Cooper, Planner II, reviewed the staff report for the application from Bresnan Communications, LLC, for a Conditional Use Permit for a proposed Unconcealed Telecommunications Facility (UTF) and other business operations for Optimum to be located at 2100 21st Avenue South. Ms. Cooper entered the staff report into the record. The subject property is ± 1.3 acres of vacant, undeveloped land located in a developing area. The subject property is zoned M-1 Mixed-use district and is currently owned by the City of Great Falls. Bresnan Communications has an option to purchase the property subject to receiving a Conditional Use Permit for the Telecommunications Facility. The applicant is also proposing to construct a single story commercial building which will house a customer service center, offices, telecommunication rooms and warehouse space to support Optimum's operations in Great Falls and the surrounding area.

The facility will employ approximately 24-47 people and will be approximately 13,000 square feet in area. The proposed site plan meets the parking and landscaping requirements of the Official Code of the City of Great Falls. A 50-foot high communications tower and four satellite dishes are proposed to be placed south of the building. A 15-foot continuous landscape buffer is proposed to help screen the facility.

Ms. Cooper stated that an Unconcealed Telecommunications Facility is conditionally allowed in the M-1 zoning district subject to special standards which are listed in the staff report. The proposed facility meets most of the requirements of these special standards. However, the proposed tower height is above the 45-foot limitation for towers in the mixed-use district. As a part of the approval process, City Commission has the authority to modify such regulations, and staff recommends allowing the owner to construct the proposed 50-foot tower, as the additional five feet of tower height will have minimal impact to surrounding property owners. In addition, there is an existing 120-foot high wind turbine located within ± 500 feet of the subject property.

Ms. Cooper stated that adjacent roadways to the proposed facility have sufficient capacity to accommodate increased traffic from the proposed development. The subject property abuts 21st Avenue South, which is improved to City standards. There is a 12-inch water main and an 8-inch sanitary sewer main located in 21st Avenue South with existing taps that have been stubbed to the property for the developer's use. There are no reimbursements owed for these utilities, as money owed for utilities is included in the purchase price for the land. There is a 15-inch stormwater main in 21st Avenue South but there is no stub to the main located on the subject property. A Stormwater Management Plan shall be developed to City standards and submitted to the City Public Works Department for review and approval prior to issuance of building permits for the site.

The proposed facility is consistent with the City's Growth Policy. The subject property is located in Neighborhood Council 5, and Patty Cadwell, Neighborhood Council Coordinator, provided information to the Council on October 15, 2012. There were general questions about the proposed project, but there were no comments and the Council did not make a recommendation for or against the proposed project. Staff has not received any public comments regarding this application.

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

Mr. Taylor asked if the Conditional Use Permit (CUP) was needed to accommodate the extra five feet of tower height. Ms. Cooper explained that the CUP is needed for an Unconcealed Telecommunications Facility, which is the southern portion of the proposed site plan consisting of the telecommunications tower and four satellite dishes. Mr. Haynes explained that the company will be relaying signals from this facility. Chair Roberts inquired whether the telecommunications tower would be lattice construction or monopole. He said that monopole construction, such as was used for the wind turbine nearby, was less of an eyesore. Mr. Haynes stated that the telecommunications tower will be much smaller in height than the wind turbine and that staff focused more on the location of the tower behind the building and ensuring a landscape screening is provided.

PETITIONER'S PRESENTATION

There was no Petitioner's presentation.

COMMENTS BY PROPONENTS

There were no comments by proponents.

COMMENTS BY OPPONENTS

There were no comments by opponents.

PUBLIC COMMENT

There was no public comment.

ZONING COMMISSION DISCUSSION & ACTION

Chair Roberts asked if there was any further discussion, and there was none.

MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit for an Unconcealed Telecommunications Facility at a maximum height of 50 feet to be established at the property legally described as Lot 3E, Medical Tech Park, Section 18, T20N, R4E, P.M.M., Cascade County, Montana, subject to the Conditions of Approval being fulfilled by the applicant and based on the Findings of Fact.

Conditions of Approval:

1. **Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
2. **Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 09/28/2012.

3. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-1 Mixed-use district designation.
4. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Subsequent modifications and additions.** If after establishment of a conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. **Landscape Screening.** Applicant shall provide a 15-foot continuous evergreen landscape buffer including trees and shrubs along the southern portion of the property.

Made by: Mr. Scot Davis
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

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

ASI Elderly Housing Development – Annexation and Zoning North of 16th Ave Northwest and West of Division Road

Chair Roberts clarified that on left sidebar of the staff report, the project location was give as north of 16th Avenue Southwest, when in fact it is north of 16th Avenue Northwest. Jana Cooper, Planner II, reviewed the staff report for the application from Accessible Space, Inc. for the proposed ASI Elderly Housing Development at that location. Noting Chair Roberts' correction, Ms. Cooper entered the staff report into the record. She explained that the applicant, Accessible Space, Inc., is a national non-profit organization which provides accessible, affordable housing and assisted supported living and rehabilitation services to income qualifying adults with physical disabilities, brain-injuries, and seniors, including the frail elderly. ASI is requesting annexation and zoning of the subject property.

The subject property is vacant, undeveloped land located in Cascade County. ASI is proposing a 38-unit accessible, affordable senior rental development. Ms. Cooper stated that the residences will be designed to allow low income and frail residents to age in place, with a target age of 55 years and older. Eight of the units will be fully wheelchair accessible. Common areas will include a dining room with kitchen, meeting room, computer lab, exercise room, an indoor therapeutic spa, and office space for Management. Outdoor spaces will include extensive landscaping, patio and sitting areas with accessible picnic tables, benches and barbeques. ASI plans to use construction and design techniques that are sensitive to the use of green building materials and provide efficient use of energy throughout the project.

Ms. Cooper stated that the proposed financing for this project will include equity from the sale of low income Housing Tax Credits, HOME funds, and Federal Home Loan Bank Affordable Housing Program funds, as well as conventional construction and permanent debt with an

estimated cost of \$7.4 million. Based upon successful application for funding in 2013, construction is projected to begin in October 2013 and be completed around October 2014, with projected 100% lease out by March of 2015.

The site is comprised of ± 2.36 acres, with an abutting ROW (Division Road) of ± 0.66 acres, for a total area of ± 3.02 acres. Per Montana State Code Annotated, the abutting ROW is required to be annexed with the site. Ms. Cooper noted that the vacant, undeveloped area to the north of the subject property is an unincorporated enclave that has been reduced over time by a series of minor annexations and subdivisions through the County and the City. She stated that requirements of State law will necessitate a different approach in the future because the number of lots that can be carved out of the area is at its limit.

The subject property, upon annexation, will be zoned R-6 Multi-family residential high density district. The applicant will be required to improve Division Road on the west side with curb, gutter, sidewalk and road section, and on the east side with curb, gutter and road section. They will be reimbursed upon annexation into the City. City sewer and water mains will be extended in Division Road, and the applicant will need to extend the storm drain as required by the City Public Works Department. The Montana Department of Transportation is also making improvements on Division Road, and Public Works is looking to fill in the gaps and complete Division Road along the corridor.

The applicant presented information on the proposed project to Neighborhood Council 3 on October 4, 2012. The Council voted in support of the project. Staff has not received any other public comment.

Ms. Cooper reviewed the Conditions of Approval and offered to answer any questions from the Board. Chair Roberts inquired about the relationship of Mitchell Development and Accessible Space, Inc. Ms. Cooper stated that Mitchell Development owns the property, and Accessible Space, Inc. may purchase the property in the future. Chair Roberts asked about elevators for the two-story portions of the building, and Ms. Cooper affirmed there will be elevators.

PETITIONER'S PRESENTATION

Trever McSpadden, 116 East Story Street, Bozeman, a Planner with Morrison-Maierle Engineering, spoke on behalf of the applicant. Mr. McSpadden explained that the parent parcel is in Cascade County and only a portion will ultimately be annexed into the City. He said a preliminary plat application was submitted to the County on Wednesday, October 17, 2012. Ms. Patton asked whether the property will be exempt from City property taxes. Mr. McSpadden was not sure, but suggested that like the Meadowlark Apartments, which are assessed City-County taxes and are a similar facility, this project will also be taxed. Mr. Haynes added that it depends upon each project financing, and that each project is reviewed independently.

Chair Roberts asked for clarification on whether there was personal care available with this project. Michael Knisely, Distyle Design, Golden Valley, Minnesota, said the residents will be independent, but some assistance is available to help disabled residents get in and out of bed, etc. Ms. Patton asked about whether meals were available. Mr. Knisely stated that each apartment has a kitchen for individuals to prepare their own food. The community kitchen is available for residents to gather and warm meals, but not to prepare meals. Meal services are not provided.

COMMENTS BY PROPONENTS

There were no comments by proponents.

COMMENTS BY OPPONENTS

There were no comments by opponents.

PUBLIC COMMENT

There was no public comment.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Chair Roberts called for discussion by the Planning Advisory Board. Ms. Patton stated that ASI has developed a number of projects in Great Falls for people with developmental disabilities and for seniors. She said they have a history of providing these services and have done a good job.

Recommendation I:

MOTION: That the Planning Advisory Board recommend the City Commission approve annexation of the subject property legally described as a portion of Lot 4, Block 1, Division Addition located in the NE ¼ of Section 2, T20N, R3E, P.M.M. Cascade County, Montana and the abutting portion of Division Road, subject to the Zoning Commission adopting Recommendation II (below) and the applicant fulfilling the listed Conditions of Approval.

Conditions of Approval:

1. Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 08/15/2012.
2. The final engineering drawings and specifications for the required public improvements to serve ASI Great Falls Elder Housing Development shall be submitted to the City Public Works Department for review and approval prior to any building permits being issued by the City.
3. A Grading Plan, State Stormwater Discharges Associated with Construction Activities Permit, and Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.
4. Applicant shall submit proposed project drawings including architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board prior to submittal of permit plans.
5. A geotechnical investigation and report prepared by a Professional Engineer (and indemnifying the City) with recommended building foundation design shall be submitted to the Planning and Community Development department for review and approval prior to issuance of building permits.
6. An Annexation Agreement shall be prepared containing terms and conditions for development of the subject property including, but not limited to, agreement by application to:

- A. Install within two years of the date of final City Commission approval, the public improvements reference in Paragraph Two above; and
- B. Indemnify the City for any damages attributable to adverse soil or groundwater conditions.

Made by: Ms. Patton
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

ZONING COMMISSION DISCUSSION & ACTION

Recommendation II:

MOTION: That the Zoning Commission recommend the City Commission approve rezoning the subject property legally described as a portion of Lot 4, Block 1, Division Addition located in the NE ¼ of Section 2, T20N, R3E, P.M.M. Cascade County, Montana from the existing County Urban Residential to an R-6 Multi-family residential high density, subject to the Planning Advisory Board adopting Recommendation I and the listed Conditions being fulfilled by the applicant.

Made by: Mr. Davis
Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

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

COMMUNICATIONS

Upcoming Planning Board Projects

- Great Bear Phase II – Preliminary Plat – on hold

Chair Roberts inquired about the status of this project. Mr. Haynes stated that staff is waiting for additional information from the applicant.

- Montana Refining Company (MRC) – Rezone Westgate Mall

Chair Roberts asked if staff anticipated a date when MRC would have an application before the Board. Mr. Haynes stated that the application would be in front of the Board at the next meeting on November 13, 2012.

Project Status:

- AgriTech Park – City Commission Action Nov. 7

Chair Roberts inquired about the status of the AgriTech Park project. Mr. Haynes explained the City Commission held a public hearing on November 2, but action was tabled until the meeting on November 7. Staff provided the Commission at their last work session with options for proceeding with the project. Mr. Haynes said that Commissioners were concerned about annexation of two lots east of 67th Street North. He said it is possible that the Planning Advisory

Board may be asked to review the final plat one more time, which is one option if the City Commission does not take affirmative action on November 7.

- 6th Street NE Closure – on hold by applicant

Meeting/Obligation Calendar, October 19 – November 9, 2012

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

Planning Division FY 2012-13 Budget

- First Quarter Financial Report

Planning Division FY 2011-12 Budget

- Fourth Quarter Financial Report

Petitions & Applications Received

- None

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is November 13, 2012. Chair Roberts stated that a Nominating Committee for next year's Board officers will need to be chosen at the next Board meeting, with a vote at the December meeting.

Mr. Haynes noted that Board member, John Harding, provided a letter of resignation just prior to this meeting because he has moved out of the City limits and is no longer eligible to serve on the Board. He has served on the Planning Advisory Board for over nine years, and Mr. Haynes thanked him for his service. Mr. Haynes noted that Chair Roberts' term on the Board is completed at the end of December and he also is not eligible to serve another term. Mr. Davis's term expires in December also, and being eligible for another term, Mr. Haynes said staff would recommend his reappointment to the City Commission if he is interested in serving. Mr. Davis stated he is interested in serving another term.

Chair Roberts read Mr. Harding's resignation letter to the Board. Chair Roberts said it is with regret that the Board accepted his resignation. He said Mr. Harding has been a great Board member, had served as a wonderful Chairman, and his knowledge and wisdom was appreciated. The Board applauded Mr. Harding for his years of service.

Chair Roberts thanked everyone for acknowledging his birthday.

ADJOURNMENT

There being no further comments, the meeting was adjourned by Chair Roberts at 3:46 p.m.

CHAIRMAN

SECRETARY