

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
January 8, 2013**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Thor Swensson at 2:57 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Mr. Thor Swensson, Chairman  
Mr. Marty Byrnes  
Mr. Scot Davis  
Ms. Cheryl Patton  
Ms. Sophia Sparklin  
Mr. Mark Striepe  
Mr. Wyman Taylor  
Mr. Nate Weisenburger, Vice Chair

Planning Board Members absent:

Dr. Heidi Pasek

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director  
Ms. Jana Cooper, Planner II  
Ms. Galen Amy, Planner  
Mr. Charlie Sheets, Development Review Coordinator  
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

Bob Kelly, City Commissioner  
Mr. Dave Dobbs, City Engineer

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

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

**MINUTES**

Chair Swensson asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on December 11, 2012. Seeing none, the minutes were approved as submitted.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **Floodplain Hazard Management Regulations Floodplain Overlay District**

Charlie Sheets, Development Review Coordinator, reviewed the staff report for the proposed amendments to the Land Development Code, Title 17, as it pertains to the Floodplain Hazard Management Regulations Overlay District. Mr. Sheets entered the staff report into the record. He stated that the City is required by the Federal Emergency Management Agency (FEMA) and the Montana Department of Natural Resources and Conservation (DNRC) to adopt new Digital Flood Insurance Rate Maps (DFIRMs) and update the Land Development Code, Title 17, as it pertains to the Floodplain Hazard Management Regulations Overlay District in order to ensure compliance with Federal and State flood hazard requirements and the continued participation in the National Flood Insurance Program.

Mr. Sheets provided a brief history of Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) in Great Falls. The current FIS and the FIRM paper maps went into effect on February 15, 2002. The modernization process for our community began in 2006 and ended on January 8, 2012. This included the mandatory 90-day appeals, protest, and comment period. The changes reflect the modifications made by FEMA that incorporate updates from local flood events, the North American Vertical Datum of 1988, and additional GIS-based digital information and recent aerial photography.

Amendments to Title 17 proposed in the staff report are encouraged by FEMA and the Montana DNRC to facilitate quick floodplain permit approval and ensure the City's participation in the National Flood Insurance Program that reduces the flood insurance rates for all property owners that are required to carry specific flood insurance rates.

Mr. Sheets noted that current City Code has floodplain determinations, enforcement, permitting, and regulations in four different chapters of Title 17, making it difficult for the public to find the information. This amendment brings all the information on floodplain in Title 17 into Chapter 56.

Mr. Sheets concluded his review of the staff report and offered to answer any questions from the Board.

#### **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 Swensson asked if there was any further discussion. Ms. Patton asked Mr. Sheets if there were any changes in what is required of the public between the old and new ordinance. Mr. Sheets said there no were changes to any documents, submittals or the application that a citizen would be required to submit for a floodplain permit.

**MOTION:** That the Planning Advisory Board, acting as the Zoning Commission, recommend the City Commission adopt the proposed amendments to Title 17 and adopt the Flood Insurance Study (FIS) and digital Flood Insurance Rate Maps (DFIRM) as amended by the Federal Emergency Management Agency (FEMA), effective March 19, 2013.

Made by: Mr. Davis  
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

Mr. Sheets advised the Board that the next procedural step is to forward their recommendation to the City Commission. City Commission will conduct a public hearing and will be asked to consider an ordinance related to these amendments to the Land Development Code, Title 17.

### **Grand Street - Vacate Right-of-Way 414 14<sup>th</sup> Street Southwest**

Ms. Galen Amy, Planner, reviewed the City staff report on the application by Mark Leo, ES, with Big Sky Civil & Environmental, Inc. for Third Avenue Corporation to vacate Grand Street from 14<sup>th</sup> Street Southwest to previously vacated West Avenue. Ms. Amy entered the staff report into the record. The subject property is approximately  $\pm 0.28$  acres and is located west of 14<sup>th</sup> Street Southwest and north of 5<sup>th</sup> Avenue Southwest. Montana Metal Fabrications operates their business at that location. The subject property is zoned M-2 Mixed-use transitional. There is an existing building on the right-of-way, and the City's Public Works Department does not have a need to retain the subject right-of-way to maintain adequate public traffic flows. There are no exiting utilities within the subject right-of-way.

Ms. Amy stated that upon vacation, all of Grand Street would revert to and become a part of the abutting Blocks 1 and 2. The applicant has provided a Draft Amended Plat, which incorporates the vacation of Grand Street and a boundary line adjustment. No new lots are created by this boundary line adjustment and therefore City Commission approval is not required for that item.

Ms. Amy stated that generally, land in a right-of-way is dedicated for public use and is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner. The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of the right-of-way.

Neighborhood & Youth Council Coordinator, Patty Cadwell, and Mark Leo with Big Sky Civil & Environmental provided information to Neighborhood Council 2 on December 12, 2012. There were general questions, but the Council did not make a recommendation for or against the project. Staff has received phone calls with general inquiries about what is happening at the site.

Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. Mr. Davis asked for clarification on when the subject property reverts to the owner, and stated he thought approval of this application would be an advantage to the City. He asked why a building had been built on property which did not belong to the owner of the building. Ms. Cooper noted that there is an old ordinance that vacated a portion of Grand Street and another north-south street at that location. However, the specific record could not be found that could identify the exact property included in the vacation, and Planning staff wants to make sure this process has been correctly completed.

There was no further discussion.

#### PETITIONER'S PRESENTATION

The Petitioner did not make a presentation.

#### PROPOSERS

There were no proposers.

#### OPPOSERS

There were no opposers.

#### PUBLIC COMMENT

There was no public comment.

#### PLANNING ADVISORY BOARD DISCUSSION AND ACTION

Chair Swensson called for any Board discussion, and there was none.

**MOTION:** It is recommended that the Planning Advisory Board recommend the City Commission approve the request to vacate the right-of-way of Grand Street consisting of ±0.28 acres as shown in the attached Amended Plat and located in the American Brewery Addition, Section 10, T.20 N., R.3 E., P.M.M., Great Falls, Cascade County, Montana subject to the conditions below:

#### Conditions of Approval

1. The Amended Plat of the Amended Plat of Blocks 1 and 2, American Brewery Addition, Section 10, T20 N., R.3 E., P.M.M., Great Falls, shall incorporate correction of any errors or omissions noted by staff.

2. The amended plat for the subject property shall be submitted to the City Public Works and/or Planning and Community Development Department for review and approval prior to filing at the County Clerk and Recorder's Office.

Made by: Ms. Patton  
Second: Mr. Byrnes

VOTE: All being in favor, the motion passed.

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

## **COMMUNICATIONS**

### Upcoming Planning Board Projects

- Water Tower Apartments
- Land Development Code Amendment
- Panda Express Minor Subdivision
- Great Bear Phase II – Preliminary Plat, on hold

Mr. Haynes said that the Water Tower Apartments application would be on the agenda for February 12, but that there are no items for a January 22 meeting.

### Project Status:

- AgriTech Park – City Commission Public Hearing January 15, 2013
- Calumet & Gendco rezoning – City commission Public Hearing January 15, 2013
- Praise Tabernacle – City Commission Public Hearing January 15, 2013
- ADF Group – City Commission 1<sup>st</sup> Reading January 15, 2013
- 6<sup>th</sup> Street NE Closure – on hold by applicant

Mr. Haynes stated that final action for ADF is expected at the February 5, 2013 City Commission meeting.

### City Commission Communications

- Board appointments and recognition

Chair Swensson thanked Mr. Davis for serving another term on the Planning Advisory Board and welcomed new Board members, Ms. Sparklin and Mr. Striepe.

### Meeting/Obligation Calendar, January 4 – January 18, 2013

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

### Petitions & Applications Received

- None

### Good & Welfare

The January 22, 2013 meeting of the Planning Advisory Board/Zoning Commission is cancelled for lack of agenda items. The next regularly scheduled meeting is February 12, 2013.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further comments, the meeting was adjourned by Chair Swensson at 3:18 p.m.

---

CHAIRMAN

---

SECRETARY