

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
February 12, 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 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Thor Swensson (Chair)
Mr. Nate Weisenburger (Vice-Chair)
Mr. Marty Byrnes
Mr. Scot Davis
Dr. Heidi Pasek
Mr. Mark Striepe
Mr. Wyman Taylor

Planning Board Members absent:

Ms. Cheryl Patton
Ms. Sophia Sparklin

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director
Ms. Jana Cooper, Planner II
Ms. Galen Amy, Planner
Mr. Andrew Finch, Senior Transportation Planner
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.

MINUTES

Chair Swensson asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on January 8, 2013. 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

Water Tower Park Apartments - Annexation/Zoning 14th Street Northeast and 36th Avenue Northeast

Before Ms. Cooper's presentation, board member Mark Striepe announced he was recusing himself from voting in this matter as there may be a perceived conflict of interest.

Jana Cooper, Planner II, reviewed the staff report for the application from Damon Carroll, who is proposing to develop a 36-unit multi-family apartment complex at the southeast corner of 36th Avenue Northeast and 14th Street Northeast. Ms. Cooper entered the staff report into the record. In conjunction with the application, the City is proposing to annex the city-owned water tower site east of that property. Ms. Cooper said the property to be annexed is approximately 1.82 acres and comprises the 14th Street Northeast extension, which is about 0.2 acres, the proposed apartment complex site, which is about 1.1 acres, and the property on which the City owned water tower exists, which is about 0.52 acres.

Ms. Cooper stated the subject property is currently zoned County Suburban Residential 1. Areas to the north, east and west are unincorporated and zoned County Suburban Residential and General Business. The area to the south is City R-2 Single-family medium density. The applicant is requesting R-6 Multi-family high density zoning district. In conjunction, the City is requesting PLI Public Lands and Institutional for the water tower property. The applicant is proposing to establish two 18-unit multi-family apartment buildings adjacent to the southern property line with parking for the development adjacent to 36th Avenue Northeast and 14th Street Northeast. Ms. Cooper stated that the proposed development will serve as a transition between the single-family homes and the commercial uses in the area. The City has no plans to redevelop the water tower property.

The applicant will be required to improve 36th Avenue Northeast across its frontage from 14th Street Northeast to its eastern property boundary. The roadway will be improved to City standards including paving, curb and gutter, and sidewalks. The timing of these improvements has not been established, as there is talk of improving all of 36th Avenue Northeast, and these improvements could be done in one phase. City water and sewer mains shall be extended in 14th Street Northeast from their existing location to 36th Avenue Northeast. The City received escrow money as part of the Water Tower Park Addition to make these extensions. The applicant will need to extend the storm drain from its existing location north as required by Public Works. The applicant will also be required to provide a stormwater management plan in compliance with City standards.

Ms. Cooper said that the proposed development would be expected to generate an estimated additional 238 automobile trips per day. The most recent traffic volume on 36th Avenue Northeast was measured at an average of 3,220 vehicles per day, which is a relatively low volume for a two-lane arterial roadway. The developer is proposing two accesses to the site. The potential for accidents increases with the number of access points.

The subject property is located in Neighborhood Council 3. The applicant gave a presentation to the Council on February 7, 2013. The Council did not vote for or against the project. There were multiple neighbors at the meeting both in support of and opposed to the project. Major concerns from the Council included traffic on 36th Avenue Northeast and Bootlegger Trail, the availability of parking on and off site, and concern for whether or not the proposed project would lower property values. Staff received additional comment by phone and two letters of opposition, which were provided to the Board.

One of the letters suggests that this request represents "spot zoning." Ms. Cooper stated there is no single definition for spot zoning, but it is generally understood to refer to the arbitrary zoning of any property for the benefit of that property owner and in a way that is inconsistent with the surrounding area and with the City's Growth Policy. Ms. Cooper stated the proposed project was consistent with the Growth Policy, and noted that the City has a disproportionate amount of aging housing stock.

Ms. Cooper stated the proposed project is located within 1/3 mile of public transportation options. She noted that the pattern for development of multi-family projects in R-6 zoning districts are small areas of land interspersed throughout the City. Ms. Cooper reviewed the Conditions of Approval as written in the staff report and offered to answer any questions from the Board.

Mr. Byrnes asked about the difference between residential densities permitted between R-5 and R-6 zoning. Ms. Cooper said that R-5 allows a maximum one dwelling unit per 1,875 square feet of lot area while R-6 allows a maximum one dwelling unit per 500 square feet of lot area. Mr. Swensson asked about access points to 36th Avenue Northeast. Ms. Cooper said there will be two new access points off 36th Street Northeast, including the access at 14th Street Northeast.

PETITIONER'S PRESENTATION

The applicant, Damon Carroll, said it bothered him that people were lobbying against the project because they thought low income families would live there. He said this is not a low income project, but he wondered why we can decide where low income people live. He said if Malmstrom Air Force Base closed, he would go low income rather than go bankrupt, but this proposed project will meet a market demand for housing in Great Falls. He said he will be finishing 14th Street Northeast and this project will bring construction jobs to town. His other housing projects are filled to capacity. He said there are storage units behind the subject property. He said he understands traffic will be an issue. He suggested the Board weigh the good in property taxes contributed and additional housing this project would bring.

PROPONENTS

Tim Spencer, 618 Central Avenue, said he was not sure if he was a proponent or an opponent of the proposed project. He said he partnered with Dana Hennen to develop the Water Tower Park Addition. He said that they were required by the City to pay \$32,000 to be put in the City's escrow for the purpose of finishing 14th Street Northeast to 36th Avenue Northeast. He said he was told he would not receive any refunds on that money even if 14th Street Northeast was never completed. He said that he, not Mr. Carroll, has paid to complete 14th Street Northeast. He said he felt another developer should contribute to the completion of 14th Street Northeast if the street is completed for another project. Mr. Spencer said he and his partner asked the City

what would be required if they desired to purchase the subject property and develop it, and he said the City told him there would be about \$1 million required in improvements, so they did not purchase the property. He said he doesn't see the same requirement for this proposed project. Dave Dobbs, City Engineer, said that Mr. Spencer was required to escrow funds for street improvements in that area. He said this was the third time a developer was required to escrow funds in the area. He stated that the money in escrow would be used to complete 14th Street Northeast for Mr. Carroll's project, or at some point in time on its own. He said that with the development of the Northview project, escrow funds were also required.

OPPONENTS

Spencer Adams, 3501 11th Street Northeast, said one of his issues with the proposed project was that pictures in the reports did not tell the whole story. There was limited disclosure with surrounding residents and unjustifiable expenses with no returns in sight. He said homes back up to the property in question and neighbors are concerned with diminished property values and crime and street degradation in their neighborhood. He said apartment dwellers lack pride of ownership, and the cost of infrastructure and the degradation of roads do not justify this project. He said it would take three times the number of apartments to recoup the invested funds, and that once R-6 zoning is in place, additional apartment buildings can be constructed.

Amber Pinski, 3405 11th Street Northeast, said her husband had written a letter to the Board and she wanted to read it for the record. The letter stated that the Pinski's are opposed to the proposed project and that the project constituted spot zoning by the City. She noted that there is no R-6 zoning in the Riverview area, which consists of single-family homes. She stated that the subject property does not meet a single aspect of the criteria for R-6 zoning. She said that lower property values, increased traffic and higher crime are real concerns and she strongly encouraged the Board to disapprove this application.

Sue Babbitt, 1108 35th Avenue Northeast, stated that renters have no pride of ownership. She said there is plenty of housing in Great Falls and did not want an apartment complex next to her home. She said traffic is already terrible in that area.

Jim Rearden, 1104 35th Avenue Northeast, said that R-6 zoning is intended to accommodate multi-family residential units of the highest density in the city, and these areas are typically found close to work and leisure and downtown. He said this proposed project meets none of those criteria and is inconsistent with the existing zoning in the area. He estimated the existing population density for the area is about 3 people per 10,000 square feet of land area, and the proposed project would have a density of 15 people per 10,000 square feet of land area. He said instead of the project being a transition or buffer zone, it is more like a three-story wall. Additional vehicles will impact traffic both on 36th Avenue Northeast and in the adjoining subdivisions. He said that the developer has stated that the minimum parking requirement of 1.5 vehicles per residential unit is not enough for this project and the overflow will need to go somewhere.

Dana Hennen, 3409 14th Street Northeast, said he is one of the developers of Water Tower Park Addition. He said it would have been appropriate for Mr. Carroll to contact the people in the area first to see how they felt about it. He said he would be more inclined to be in favor of a project consisting of 12 townhouses or condominiums, where there would be some pride of ownership.

Kathleen Gessaman, 1006 36th Avenue Northeast, said she is a member of Neighborhood Council 3 and serves on that board. She said when this project was discussed at a Council meeting, people were evenly divided for and against. She said 72 extra cars will make a difference in traffic, which occasionally backs up in the mornings. If people in this complex are working at ADF, she said a left turn onto 87th will back up traffic significantly, and there is no left turn lane there. She talked about snow removal, parking problems and other traffic issues. She said something like a 12-plex would be more appropriate for the area.

Bill Albrecht, 1012 35th Avenue Northeast, said he has lived in Riverview for almost 30 years and that he has experienced that development does affect property values. He said he drives this road every day and traffic load depends on residents' work hours. He asked when the traffic study had been done and Mr. Finch said it was done in 2008. Mr. Albrecht said that was ridiculous given the amount of development that has occurred since then in the area. He asked the Board to deny this application.

Randall Babbitt, 1108 35th Avenue Northeast, said he is opposed to this proposed project. He said he and his wife chose an area to purchase their dream house with no retail and apartments in the area. He said if an apartment complex had been there when they were looking to buy, it would have made a difference in where they chose to purchase.

Sam McPherson, 3505 14th Street Northeast, said his home borders the proposed project and he has the most to lose. He said there are now storage units behind his home, but if this project goes forward, he will have a three-story wall 20 feet from his property that will block the views to the north. He said he will also lose every bit of privacy in his backyard. He said renters in such an apartment complex will be young, have no pride of ownership, and will hold parties on Friday nights. He also said parking will congest the whole end of 14th Street Northeast because the proposed project will not have enough parking.

Ethan Clum, 3408 14th Street Northeast, said he appreciates development for Great Falls but disagrees on this area for the proposed project. He said adding 10% more traffic to 10% of 36th Avenue Northeast will add 100% more traffic to that one area. He said traffic will become unbelievable and increased population means increased crime simply based on statistics. He did not see how this will contribute to the beauty of Great Falls. He said development will happen in this area, but 36 units are way too much.

Ms. Pinski spoke again and said there is low income housing in the area and that neighbors are not against low income housing. She said the jobs provided by this proposed project are six to nine months in duration, and what is needed is long-term jobs.

Emily Peterson, 3500 14th Street Northeast, said she chose the area to build a home because it is a safe neighborhood without a lot of traffic. She said she is an owner of the North 40 Apartments and has seen many apartments ruined. She said there are better places to build apartments.

Ron Gessaman, 1006 36th Avenue Northeast, said there were 23 people at the Neighborhood Council meeting about this project and 7 people voted for this project and 7 voted against it. He said the 7 in favor lived in the west end of the district, and those against were in the east end of the district near the subject property. He said the three issues of traffic, parking and property

values affect the neighbors, and that traffic on 36th Avenue Northeast is a huge issue. He talked about the long wait time to get onto 36th Avenue Northeast and also onto Highway 87. He said there is no promise to improve the main roadway on 36th, and only the road in front of the complex and in front of the water tower will be improved. He said traffic backing up will be a major problem. He also said this proposed project is not consistent with the City's Growth Policy.

Vera Fisher, 12th Street Northeast, said other attendees have covered all the reasons she is opposed to this project, but in addition, she said there will be large amounts of traffic coming down off 14th Street Northeast and onto 35th Avenue Northeast. She said there is a need for this type of project but not in this neighborhood.

PETITIONER'S CLOSING

Mr. Carroll thanked the audience for their comments. He said overflow parking can be addressed. He also stated the land is currently residential-agricultural, and he could have 50 chickens, 4 pigs, 2 horses, and 2 cows on this property. He said development is going north in this area, and parking is an issue, but the City is growing north and traffic will have to be addressed. He thanked the Board for their time.

PLANNING ADVISORY BOARD DISCUSSION

Chair Swensson asked for discussion from the Board. Mr. Byrnes asked about the differences between R-5 and R-6 zoning building height. Mr. Haynes said R-5 zoning would limit the number of units to 25 for that property. Ms. Cooper stated the building height limit for R-5 zoning is 45 feet. R-6 zoning allows 65 feet in building height. R-2 zoning allows 35 feet in building height.

Mr. Byrnes asked Mr. Carroll why he chose the R-6 zoning request, and he said it was for cash flow for the project. Mr. Weisenburger asked about the size and type of trash receptacles. Mr. Carroll said his other projects have trash pick up twice weekly, the receptacles are enclosed, and during Christmas holidays, pick up is more frequent. Mr. Weisenburger asked about truck access, and Mr. Carroll said they keep the dumpsters as close to the entrances as they can, and that the final site plan would be reviewed by the Design Review Board. Mr. Weisenburger asked if some of the parking spots would be lost with access to the dumpsters. Mr. Carroll said they might be, but he has plans to add about 20 parking stalls across the street.

PUBLIC COMMENT

A member of the audience asked what the next procedures were for the Planning Advisory Board at this meeting. Mr. Swensson said the Board would discuss the issue and vote.

PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION & ACTION

Mr. Byrnes said he was not in favor of this application because an R-6 zoning should not be right next to an R-2 zoning. He said if you look at the density of these homes and the context they are in, we should not be putting in a three-story structure, which should be for adjacent areas that are not R-2 zoning. He said this is not the right location for this project.

Mr. Taylor said that transitioning from R-2 to R-6 in such short space is too much of a jump. Dr. Pasek concurred with Mr. Byrnes. She said she was concerned about the transition and density for this zoning, as well as traffic and parking. She commended Mr. Carroll on his existing properties and foreseeing the need for housing development in Great Falls but said this is not the right location for this project.

Mr. Weisenburger asked staff about traffic counts. Mr. Finch stated there was adequate capacity for traffic on the roadway, but there will be an increase in traffic with such a project.

MOTION: Recommendation II: The Zoning Commission recommends that the City Commission **deny** the application for rezoning of the subject property as legally described in the staff report and the abutting portion of 14th Street Northeast.

Made by: Mr. Davis
Second: Mr. Byrnes

VOTE: All being in favor, the motion passed 6-0 to deny this application.

Ms. Cooper advised the applicant that staff will set up a meeting with him to see how he would like to proceed.

U Stor It – Rezone/Conditional Use Permit 4711, 4727 & 4811 2nd Avenue North

Galen Amy, Planner, reviewed the staff report for the application of rezoning and a Conditional Use Permit by JKW Enterprises, Inc. for U Stor It mini-storage units at 4711, 4727 and 2811 2nd Avenue North. Ms. Amy entered the staff report into the record. The subject property area is ±6.03 acres currently zoned C-2 General Commercial. The proposed zoning is M-2 Mixed use transitional and requires a Conditional Use Permit for a mini-storage facility. Ms. Amy explained that the rezoning is for all three of the subject property lots (Lot 3, Lot 4 and Lot 5), but the Conditional Use Permit is for Lots 3 and 5 only.

Ms. Amy explained there is General Commercial zoning to the west and south, and R-5 zoning to the north and northwest, as well as a Planned Unit Development. The owner is required to provide an amended plat that will aggregate two lots (Lots 3 and 5) into one lot, which is not subject to City Commission approval as no new lots are created. A mini-storage facility is conditionally allowed in the M-2 zoning district, and the proposed facility appears to meet all of the requirements of the standards of the Land Development Code.

The applicant is proposing 9 buildings comprising 305 storage units of various dimensions. A 6-foot high vinyl coated security fence with three-strand barbed wire will surround the subject property, and there will be a 15-foot landscape buffer along the north and northwest property lines, as well as landscaping in the boulevard.

Ms. Amy stated the redevelopment and investment created by this project will help stabilize the land uses in this vicinity by upgrading a site that was in decline and a source of concern to the neighboring community. The subject property is located in Neighborhood Council #4. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to the Council on

January 22, 2013. Ryan Buffington with Woith Engineering met with the Council on January 24, 2013, and they unanimously approved a motion to recommend approval of the project.

Ms. Amy briefly reviewed the Conditions of Approval written in the staff report and offered to answer any questions from the Board.

Mr. Taylor asked if there is water and sewer in the existing location. Ms. Amy said water and sewer goes to Lots 3 and 4. One of the conditions is that there will be one water line for irrigation permitted to Lots 3 and 5, and the sewer and water line to Lot 4 can remain. Any other water lines need to be abandoned at the main.

PROPOSERS

There were no proposers.

OPPOSERS

There were no opposers.

PUBLIC COMMENT

Mr. Weisenburger asked the engineer, Spencer Woith, if the buildings were going to be offset with the existing utility trenches. Mr. Woith said that there were a lot of existing utilities from the former trailer park, and he is not even sure where they all were. He said they probably will build over existing utility trenches, but they are all abandoned.

ZONING COMMISSION DISCUSSION AND ACTION

Chair Swensson asked for any Commission discussion. There was none.

MOTION: Recommendation I: The Zoning Commission recommend the City Commission approve rezoning the subject property legally described as Lots 3-5, Block 3, Heren Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana from the existing C-2 General Commercial to M-2 Mixed use transitional, subject to the listed conditions being fulfilled by the applicant.

Conditions of Approval:

1. Amended Plat. The Amended Plat of Lot 3 and Lot 5, Block 3, Heren Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, herein referred to as Amended Plat, which eliminates property lines, thus aggregating two lots into one lot shall be filed by the developer with the County Clerk & Recorder's Office, and shall incorporate corrections of any errors or omissions noted by staff.
2. 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.
3. Substantial Compliance. Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 12/19/2012.

4. 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-2 Mixed-use transitional district designation.
5. 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.
6. 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.
7. Landscape Screening. Applicant shall provide and maintain a 15-foot landscape buffer including trees and shrubs along the north and northwestern portion of the property. Applicant shall provide landscaping in the boulevard.
8. Utilities. Any additional water and sewer lines be abandoned at the main so there is only one irrigation line serving the mini-storage facility (Lots 3 & 5), and one water and one sewer line serving the trailer court (Lot 4).

Made by: Mr. Weisenburger

Seconded: Mr. Byrnes

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: The Zoning Commission recommend the City Commission approve the Conditional Use Permit that a mini-storage facility be established at the property legally described as Lot 3 and Lot 5, Block 3, Heren Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, subject to the Zoning Commission adopting Recommendation I (above) and the Conditions of Approval being fulfilled by the applicant and based on the following findings of fact.

Made by: Mr. Davis

Seconded: Mr. Taylor

VOTE: All being in favor, the motion passed.

Reopen Public Hearing for Water Tower Park Apartments - Annexation

Mike Haynes, P&CD Director, noted that the board took action on the zoning portion of the request for annexation and zoning for the Water Tower Park Apartments, but did not take action for the record on annexation. Therefore the Public Hearing for that action was reopened.

MOTION: Recommendation I: The Planning Advisory Board recommends that the City Commission **deny** annexation of the subject property as legally described in the staff report and the abutting portion of 14th Avenue Northeast.

Made by: Mr. Byrnes

Seconded by: Dr. Pasek

All being in favor, the motion passed 6-0 to deny the application.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Long Range Transportation Plan Update

Andrew Finch, Senior Transportation Planner, stated he was entering the staff report into the record. Mr. Finch said this is an informational item not requiring Board action at this time. Staff has advertised for proposals for an update to the Transportation Plan, which is a long-range planning document for the City of Great Falls and surrounding urban area. Mr. Finch explained that the main participants in the transportation process are the Technical Advisory Committee (TAC) and the Policy Coordinating Committee (PCC). The Chair of the Planning Advisory Board (PAB) represents the PAB on the PCC. The Long Range Transportation Plan will eventually come before this Board for approval and recommendation to the City Commission.

Mr. Finch explained that the Plan is required to be updated every four years. The last update was in 2009, which was based upon 2003 analysis. Mr. Finch offered to answer any questions from the Board. There were no questions.

Planning Division 2012 Annual Report

Mike Haynes, P&CD Director, presented information on the Planning Division 2012 Annual Report. Mr. Haynes said this report included information on implementation of the Downtown Master Plan and the current process of updating the Growth Policy. He reviewed some of the highlights of the report and offered to answer any questions from the Board.

Mr. Byrnes commented that the sidewalk project around the University of Great Falls was a good project. Mr. Finch said the next sidewalk proposal will be 23rd Street South and the missing gap on 16th Avenue South. He said they are contemplating approaching MSU-Great Falls on completing the sidewalk on 23rd Street South down to the new day care center.

Mr. Taylor noted that the cover photographs for the Annual Report show a great contrast in the number of vehicles in the downtown area. The older photo has many more vehicles in view than the newer photo.

COMMUNICATIONS

Upcoming Planning Board Projects

- Land Development Code Amendments
- Northview, Phase 10
- Panda Express minor subdivision
- Great Bear Phase II – Preliminary Plat – on hold

Project Status:

- Vacate Grand Street – City Commission Public Hearing March 15, 2013

- 6th Street NE Closure – on hold by applicant

Meeting/Obligation Calendar, February 8 – February 22, 2013

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

Planning Division FY 2012-13 Budget

- Second Quarter Financial Report

Petitions & Applications Received

- None

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is February 26, 2013.

PUBLIC COMMENT

Chair Swensson called for any further public comment. There was none.

ADJOURNMENT

The meeting was adjourned by Chair Swensson at 4:49 p.m.

CHAIRMAN

SECRETARY