

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
February 26, 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. Scot Davis
Dr. Heidi Pasek
Ms. Cheryl Patton
Ms. Sophia Sparklin
Mr. Mark Striepe
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Marty Byrnes
Mr. Nate Weisenburger (Vice-Chair)

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director
Ms. Jana Cooper, Planner II
Ms. Galen Amy, Planner I
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 February 12, 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

Northview Addition, Phase 10 East of 9th Street NE & North of 36th Ave NE

Jana Cooper, Planner II, reviewed the staff report for the application by Jim Workman Construction, Inc. for annexation, amendment to the approved Planned Unit Development (PUD) and associated site plan, and final plat of Northview Addition, Phase 10. Ms. Cooper entered the staff report into the record. The proposed subdivision is generally located north of 36th Avenue Northeast and east of 9th Street Northeast, on the proposed 12th Street Northeast extension. The subject property is located in a developing residential neighborhood with existing single-family homes and duplex homes to the north, south and west, and vacant undeveloped land to the east.

The subject property is currently in Cascade County and is zoned SR1-Suburban Residential 1. The proposed zoning is PUD-Planned Unit Development, which is consistent with the other phases of Northview Addition subdivision. Development of Northview Addition, Phase 10 will leave Northview Addition, Phase 9 as an unincorporated enclave. Preliminary plans for Phase 9, which is the final phase to be developed, have been submitted to the City, but the developer is not moving forward with Phase 9 at this time.

Ms. Cooper stated that the preliminary plat of Northview Addition was approved on February 6, 2007. The subdivision is being developed with single-family units as well as portions with condominiums to provide a mix of housing types in the subdivision. This application includes annexation of ±6.46 acres from Cascade County into the City. The applicant is proposing to amend the PUD site plan for Phase 10 to provide 21 single-family residential lots with no condominium units; staff can only support 20 single-family residential lots for this phase because 40th Avenue Northeast needs to be extended to the east boundary of the subject property to provide a future roadway connection to the property to the east should that develop as expected as with residential uses.

The developer will also be required to extend 12th Street Northeast from 36th Avenue Northeast to 41st Avenue Northeast. Ms. Cooper stated the developer will be required to extend both 8" water and sewer mains. She noted a correction from the staff report, which stated there is a 12" water main.

Ms. Cooper stated that staff received a memo from the City Fire Department expressing concern over the creation of an unincorporated enclave with the approval of this application. While Planning staff shares the Fire Department's concern, Planning staff supports this application because it is consistent with the City's Growth Policy, the developer has committed to finishing the final phase of Northview within a reasonable period of time, and Phase 10 will include substantial completion of the street network, which will be a significant benefit to traffic flow in the area.

The subject property is located in Neighborhood Council 3. Patty Cadwell, Neighborhood Council Coordinator, presented information to Council 3 on February 7, 2013. The Council commented that they are in favor of the 12th Street Northeast connection because it will alleviate some traffic pressure on 9th Street Northeast, and that having it paved will reduce the amount of

dirt being brought onto 36th Avenue Northeast. The Council was also in favor of changing the PUD from the condominium units to single-family units and voted in favor of the project.

Ms. Cooper reviewed the Conditions of Approval as written in the staff report and offered to answer any questions from the Board. Ms. Sparklin asked why Phase 9 could not be included in this annexation application. Ms. Cooper said the developer is working through tax issues on other unsold units in the Northview Addition and is not ready to annex Phase 9. Mr. Haynes said development is driven by the absorption rate of homes. Ms. Sparklin expressed concern that Phase 9 may not get developed and remain an unincorporated enclave. Mr. Haynes stated that 8 of 10 phases are complete, and he is confident Phase 9 will be completed. He said the market in Great Falls typically leads developers to plat smaller phases.

Mr. Striepe asked about the move away from condominiums to single-family homes and if that was due to bank financing. Ms. Cooper said it was that plus demand for single-family homes.

PETITIONER'S PRESENTATION

Spencer Woith, 1725 41st Street South, of Woith Engineering, said they are not in favor of extending 40th Avenue Northeast. He said 41st Avenue Northeast will eventually go all the way through to Bootlegger Trail and it is their opinion that 40th Avenue Northeast does not also need to be extended.

PROPONENTS

There were no proponents.

OPPONENTS

There were no opponents.

PETITIONER'S CLOSING

The petitioner did not wish to close.

PLANNING ADVISORY BOARD DISCUSSION

Chair Swensson asked for discussion from the Board. Ms. Patton asked Dave Dobbs, City Engineer, about his thinking on extending 40th Avenue Northeast. Mr. Dobbs said there are not a lot of connections east-west to Bootlegger. He said ideally, they would like 39th Avenue Northeast to connect through, but the radio tower makes that impractical, and the next best option is 40th. He said it helps the traffic conditions if traffic can flow in a number of different directions rather than just a few.

PUBLIC COMMENT

There was no public comment.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

There was no further discussion.

MOTION: Recommendation I: The Planning Advisory Board recommends the City Commission approve annexation of Northview Addition, Phase 10, and a portion of 12th Street Northeast right-of-way, containing +6.46 acres, as described in the staff report.

Made by: Ms. Patton
Second: Mr. Striepe

VOTE: All being in favor, the motion passed.

ZONING COMMISSION ACTION

MOTION: Recommendation II: The Zoning Commission recommends the City Commission approve rezoning property within Northview Addition, Phase 10, from the existing County Suburban Residential 1 to PUD Planned Unit Development, and develop in compliance with the submitted zoning requirements stated within this report, and develop in compliance with the submitted building envelopes and setbacks, attached in Exhibit E of the staff report.

Made by: Dr. Pasek
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

PLANNING ADVISORY BOARD ACTION

MOTION: Recommendation III: The Planning Advisory Board recommends the City Commission approve the Final Plat of Northview Addition, Phase 10, and the accompanying Findings of Fact, subject to the Planning Advisory Board/Zoning Commission adopting Recommendations I & II and subject to the following Conditions of Approval:

Conditions of Approval:

1. Review: The Final Plat of Northview Addition, Phase 10, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements for Northview Addition, Phase 10, shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
 - a) install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) to adhere to the attached PUD Site Plan in conjunction with the development of Phase 10;

- d) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Northview Addition; and,
- e) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

4. A financial surety in the amount determined by the Public Works Department (i.e. personal check or certificate of deposit) shall be established in the name of the applicant and City for the proportionate share of the cost of roadway and 8-inch water main, for Phase 10, in the segment of 12th Street Northeast to cross Mark 14E1, Section 36, Township 21 North, Range 3 East.

Made by: Mr. Striepe

Second: Dr. Pasek

VOTE: All being in favor, the motion passed.

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

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Panda Express – Minor Subdivision 1500 Market Place Drive

Galen Amy, Planner, reviewed the staff report for the application of Panda Express – Minor Subdivision. Ms. Amy entered the staff report into the record. The subject property – the site of the existing Home Depot – is approximately 11.662 acres located at 1500 Market Place Drive and is zoned C-2 General commercial. The applicant is proposing to subdivide 1 lot into 2 lots to allow development of a Panda Express Restaurant with a drive-through. The proposed lot creation is in the northeast corner of the Home Depot lot in the Market Place subdivision. Per City Code, Home Depot is required to have 435 parking spaces with 9 of these spaces designated ADA accessible. Currently, Home Depot has 549 parking spaces, 10 of which are ADA accessible and 7 of which are converted into shopping cart corrals. This application would eliminate 94 parking spaces, leaving 455 parking spaces.

The proposed restaurant will be a 2,210 square foot fast-food restaurant with 48 seats and 20 outdoor seats, plus a drive-through. A landscaping plan was presented to the Design Review Board (DRB) on January 14, 2013. The DRB approved the plan as meeting the intent of the Land Development Code. The properties will share access to Market Place Drive via the existing driveways. The property owners will have cross-access between lots and the developer shall enter into a mutual access agreement between the owners of the proposed lot and parent lot for full access to and egress from the subject site.

The subject property is located in Neighborhood Council 1, and information was provided as a courtesy to the Council at their meeting on January 8, 2013. Staff has not received any comments regarding this application.

Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. There were no questions.

PUBLIC COMMENT

Jason Lehman, 2800 4th Avenue South, said he was with Neighborhood Council 9, and that there is no traffic control on the east side of the property. He said there used to be a stop sign there. Ms. Amy stated that is a private drive and the stop sign will be replaced.

PLANNING ADVISORY BOARD DISCUSSION AND ACTION

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

MOTION: The Planning Advisory Board recommends the City Commission approve the Amended Plat of the subject property, as legally described in the staff report, subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval

1. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff, including provision of a notification clause to purchasers regarding soil conditions.
2. Any future development in the subdivision is subject to review and approval by the City of Great Falls as necessary, and applicant shall be required to submit any plans including architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board.
3. Developer shall enter into a mutual access agreement between the owners of the proposed lot and parent lot.

Made by: Ms. Patton
Seconded: Mr. Striepe

VOTE: All being in favor, the motion passed.

COMMUNICATIONS

Upcoming Planning Board Projects

- Land Development Code Amendments
- Calumet PUD
- Great Bear Phase II – Preliminary Plat
- TIF Expansion/Creation

Project Status:

- CUP – U Stor It Mini-Storage – 1st Reading City Commission March 5, 2013
- Vacate Grand Street – City Commission Public Hearing March 15, 2013
- 6th Street NE Closure – on hold by applicant
- Water Tower Park Apartments – on hold by applicant

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

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

Petitions & Applications Received

- CUP – 624 3rd Avenue North – Residence, two-family

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is March 12, 2013.

PUBLIC COMMENT

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

ADJOURNMENT

The meeting was adjourned by Chair Swensson at 3:33 p.m.

CHAIRMAN

SECRETARY