

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
March 12, 2013**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Pro Tem Nate Weisenburger at 2:59 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Nate Weisenburger (Vice Chair)
Mr. Marty Byrnes
Dr. Heidi Pasek
Ms. Cheryl Patton
Ms. Sophia Sparklin
Mr. Mark Striepe
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Thor Swensson (Chair)
Mr. Scot Davis

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.

MINUTES

Chair Pro Tem Weisenburger asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on February 26, 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

Chair Pro Tem Weisenburger announced that Item 1 on the agenda, Calumet Montana Refining Rezone, would be heard as the last item, and that Item 2 (Central Montana Agriculture Technology Park TIF) and 3 (East Industrial Park TIF) would be heard first, in that order. This action was taken to accommodate travel plans of consultants Janet Cornish and Lanette Windemaker.

Central Montana Agriculture and Technology Park Tax Increment Financing Industrial District Expansion

Jana Cooper, Planner II, reviewed the staff report for the Central Montana Agricultural & Technology Park Expanded Tax Increment Financing Industrial District (CMATP-TIFID). Ms. Cooper entered the staff report into the record. Ms. Cooper said the CMATP-TIFID was created by Ordinance 2911 in 2005 as an industrial park with an emphasis on value-added processing of agricultural products. The subject property is generally located east of U.S. Highway 87, in the north portion of the City of Great Falls. The existing TIFID is ± 100 acres, and the expanded TIFID will consist of an additional ± 100 acres.

A consultant team, Community Development Services of Montana, with Janet Cornish and Lanette Windemaker, was hired by the City of Great Falls to help with the process of this TIF expansion. Ms. Cooper introduced Ms. Cornish to speak on the details of this application. Ms. Cornish explained that the consultants began working with the City last year in order to prepare all the necessary documents required by State statute. She explained the role of the Planning Advisory Board (PAB) in this process. She then introduced Ms. Windemaker, who explained that the PAB is being requested to make a finding that the zoning of the TIFID is in accordance with the City's Growth Policy, and that the plan is in conformance with the Growth Policy. Ms. Windemaker stated that the subject property is zoned I-2 Heavy Industrial district, which according to the Growth Policy, is an area where industrial development is encouraged. She offered to answer any questions from the Board.

Ms. Patton asked for clarification about the role of the PAB in this process in that the PAB is not being asked to make any determination about the value or need for this district, but only to determine that the zoning is in accordance with the Growth Policy, and that the plan is in conformance with the Growth Policy. This was confirmed.

PROPOSERS

Brett Doney, Great Falls Development Authority, 300 Central Avenue, spoke in support of the CMATP-TIFID. He said both the City and County are in agreement that this is a good area for industrial growth, and that expanding the TIF will allow for the ADF Group project. He commended the P&CD Department of the City for their work on this TIFID and for anticipating legislation at the State level that will improve TIFs.

Stuart Lewin, 615 3rd Avenue North, said he supports the expansion of this TIF and this industrial development. He said he is a member of Missouri River Citizens, and that group thinks this expanded TIFID is a good idea.

OPPONENTS

Ron Gessaman, 1006 36th Avenue NE, said he supports this ADF project, but he said ADF told the Neighborhood Council that ADF was going to pay for utility improvements. He said that now it appears ADF will use the TIF to pay for those improvements. He said he disagrees that tax money in the form of a TIF should pay for this. He also said that ADF does not qualify for a TIF based on the State's Department of Revenue regulations.

PUBLIC COMMENT

There was no public comment.

PETITIONER'S CLOSING

The Petitioner did not wish to close.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

The Board asked for clarification about Mr. Gessaman's comment on whether ADF qualifies for a TIFID. Ms. Windemaker said the TIF plan is structured to address infrastructure deficiencies that occur in areas where industrial development is proposed in order to better attract and retain businesses. She said the plan itself is not written to favor any particular industry but is written to address those deficiencies. She said the Department of Revenue generally accepts that any industry that adds value to a process that converts one material into another is considered a secondary value-adding industry and as such, qualifies under the TIFID.

MOTION: Recommendation I: That the Planning Advisory Board adopt the Planning Advisory Board Resolution (Exhibit A) which recommends to the City Commission that the zoning, which is zoned I-2 Heavy Industrial, of the Central Montana Agricultural & Technology Park TIFID is in accordance with the Great Falls Growth Policy.

Made by: Mr. Striepe
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: That the Planning Advisory Board adopt the Planning Advisory Board Resolution (Exhibit A) which recommends to the City Commission that the Central Montana Agricultural & Technology Park TIFID Comprehensive Development Plan is in conformance with the Great Falls Growth Policy.

Made by: Dr. Pasek
Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

Ms. Cooper advised the Board on the next procedural steps.

East Industrial Park Tax Increment Financing Industrial District Creation

Jana Cooper, Planner II, reviewed the staff report for the East Industrial Park Tax Increment Financing Industrial District Creation (EIP-TIFID). Ms. Cooper entered the staff report into the record. Ms. Cooper said the proposed park is planned as an industrial park with value-added processing of products. The subject property is generally located both north and south of 18th Avenue North, and east and west of 67th Street North. This TIFID is proposed to be ±395.19 acres and includes the recently annexed AgriTech Park and the proposed ethanol plant site.

Community Development Services of Montana, with Janet Cornish and Lanette Windemaker, was hired to help with the process of this TIF creation. Ms. Cooper introduced Ms. Cornish to speak on the details of this application. Ms. Cornish said her firm prepared a Tax Increment Financing Industrial Development Plan for the East Industrial Park, and that Montana Statute requires the Planning Advisory Board make a finding that the zoning of the TIFID is in accordance with the City's Growth Policy, and that the plan is in conformance with the Growth Policy. Ms. Windemaker said that the subject area is addressed in the City's Growth Policy, and she noted that the area within this development that is north of 18th Avenue North is zoned PUD with an underlying I-2 Heavy Industrial zoning, and the area south of 18th Avenue North is zoned I-2 Heavy Industrial. She said in their review, the zoning is in accordance with the Growth Policy and the plan is in conformance with the Growth Policy.

PROPONENTS

Brett Doney, Great Falls Development Authority, 300 Central Avenue, said this park has been one of GFDA's top economic priorities for a number of years. He said the ethanol site is making progress, and two local companies are looking to expand to the EIP. He said a TIFID is an important part of developing this park.

OPPONENTS

Stuart Lewin, 615 3rd Avenue North, said he has opposed this industrial park from the beginning. He said that when this park was proposed, it was said that the emphasis should be placed on the north industrial park instead of on two industrial parks. He said all the City financial reserves have essentially disappeared due to the Electric City Power situation and that the City needs to make smarter decisions. He said this TIFID is taking two existing businesses that are paying taxes and placing them in a TIFID where the taxes will not be available. He said the City may end up bankrupt and taxes may need to be increased due to ECP, and this TIFID does not make sense. He also said he doesn't agree that this proposed TIFID is in conformance with the City's Growth Policy. He said if you look at the goals of the Missouri River Corridor Plan (MRCP), industry should be kept away from the river. He noted that this industrial park is not actually included in the MRCP area, but the demands to expand traffic and roadways will increase in the corridor as this industrial park expands. He noted that Giant Springs State Park is the second highest visited State park in Montana, and already noise levels are increasing. He recommended that the Missouri River Corridor Plan be considered in relation to this application.

Kathleen Gessaman, 1006 36th Avenue NE, agreed with Mr. Lewin. She said the suggestion on page 9 of the staff report that a potential industry for EIP of a fossil fuel electric power industry should not be in the report in light of the disastrous Highwood Generating Plant situation, especially since it is so close to the river. She said in her perception, this is not in accordance with the Growth Policy.

Ron Gessaman, 1006 36th Avenue NE, said he is universally opposed to TIFs because they take tax money from the City General Fund and the school district. He said only the university system receives tax money from TIFs. He said if there is an increase in jobs and thus an increase in the number of children in the school system, and someone has to pay to educate them. He disagreed that this application would have no effect on local taxpayers, but said taxpayers will pay for all services provided to the businesses in that TIF district. He said there is no positive benefit from making the EIP a TIF district.

John Sturgeon, 121 2nd Street NW, said he is opposed to this TIF and agrees with the previous opponents.

Mike Witsoe, 510 11th Street South, said he agrees with the previous opponents. He said when this industrial park was proposed two years ago, he was against it at this location, and he said Mr. Doney had said there would not be a need for a TIFID for this industrial park. Among his objections is the fact that this location is near the river. He said our greatest asset behind Yellowstone and Glacier National Parks is Giant Springs State Park and the noise and lights will affect Giant Springs. He said there will be no taxes available for 25 years and citizens will pay for services to this industrial park.

PUBLIC COMMENT

Brett Doney stated that GFDA had no input on the potential uses for this industrial park which were included in the staff report, and they have no plans for fossil fuel generation for this park.

PETITIONER'S CLOSING

Ms. Cornish said taxes in the TIF district are paid as usual, but the distribution of those taxes changes. School districts and other taxing jurisdictions will not see the revenue until the TIFID sunsets. However, she said that school districts get revenue based on student population, and they see a rise in revenue from the creation of TIF districts, which create jobs and bring in families. She said they included fossil fuel generation in the report as the possible range of eligible businesses, but it is up to the community as to what types of businesses are actually developed through land use planning and City Commission processes. She said the Missouri River Corridor was identified as an importance resource that needs to be protected, and as the industrial park develops, projects will need to be reviewed carefully. This TIFID does not endorse or encourage development that would impede the efforts of the Missouri River Corridor Plan to preserve an important natural resource.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Ms. Sparklin asked about the northeast corner of the subject property under the power line where there is an easement used recreationally. Mr. Doney explained there is a no-build zone as part of the annexation agreement. Ms. Sparklin then inquired about how much area of the

subject site is expected to be used by current prospects. Mr. Doney said Montana Advanced Biofuels plans to use the southern \pm 200 acres, and there are tenants for Lots 1 and 2. He said there will be more prospective tenants as soon as there is an available date. Ms. Sparklin said it is still unknown who the users are for this subject property, and Mr. Doney explained that annexation, subdivision and zoning are already approved, and the use of Tax Increment Financing has been discussed from the beginning.

Mr. Byrnes inquired about the no-build zone, and Mr. Doney explained that along with the 150-foot zone, building heights will gradually step up the further you get from the river.

MOTION: Recommendation I: That the Planning Advisory Board adopt the Planning Advisory Board Resolution (Exhibit A) which recommends to the City Commission that the zoning, which is zoned I-2 Heavy Industrial, of the East Industrial Park TIFID is in accordance with the Great Falls Growth Policy.

Made by: Ms. Patton
Second: Mr. Striepe

Ms. Patton stated that it is important to remember that the purpose before the Board is to recommend that the zoning is in conformance and the Board is not being asked to make an opinion as to the qualifications of this district or the value to the community; that is for the City Commission to consider, along with the tax consequences. She said she thought the points brought up by Mr. Lewin and Mr. Gessaman were very good, and she hopes they take those comments to the City Commission for their consideration. In her opinion, the zoning does conform.

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: That the Planning Advisory Board adopt the Planning Advisory Board Resolution (Exhibit A) which recommends to the City Commission that the East Industrial Park TIFID Comprehensive Development Plan is in conformance with the Great Falls Growth Policy.

Made by: Mr. Striepe
Second: Mr. Byrnes

VOTE: All being in favor, the motion passed.

Ms. Cooper advised the Board on the next procedural steps.

**Calumet Montana Refining Rezone
17th Avenue Northeast (Westgate Shopping Center)**

Mr. Striepe and Mr. Byrnes recused themselves from discussion and voting on this item. Mr. Haynes affirmed there was still a quorum for this item.

Ms. Cooper reviewed the staff report for the Calumet Montana Refining (CMR) Rezone application. She entered the staff report into the record. Ms. Cooper stated that CMR originally applied for rezoning multiple properties to I-2 Heavy Industrial. The request was taken through

the public hearing process, with the City Commission ultimately voting to approve rezoning some of the property and remanding back to the Zoning Commission consideration of PUD – Planned Unit Development zoning on the remainder. The property remanded back to the Zoning Commission consists of the former Westgate Mall property located south of 3rd Street Northwest and north of 17th Avenue Northeast. In addition to the rezoning request, CMR is requesting the Conditions of Approval for a previously approved Amended Plat be modified in order to clarify requirements. Ms. Cooper said the applicant is requesting rezoning ± 15.05 acres from C-2 General Commercial to PUD – Planned Unit Development in order to utilize and potentially expand their existing operations located to the east of the subject property. The remaining ± 7.5 acres of the subject property will remain C-2 General Commercial zoning.

The subject property was previously the Westgate Mall, which was established in the late 1960s but has been in decline for many years. Montana Refining Company (MRC) purchased the property in 2011, and CMR purchased MRC in the Fall of 2012. CMR is currently using a portion of the building for temporary office space and storage and is requesting the rezoning for bulk dry material warehousing, which is not permitted in C-2 zoning. The rezoning request is related to the southern portion of the site. The northerly portion of the site adjacent to 3rd Street Northwest and Smelter Avenue Northeast will retain C-2 zoning. CMR is reviewing options and costs for future commercial development that would accommodate retail, restaurants and/or other commercial uses commonly found along C-2 zoned corridors.

In addition, Ms. Cooper said CMR is committed to construction of a minimum 8-foot high wall with a minimum 15-foot wide planted landscape buffer where industrial uses abut non-industrial uses, at such time as development occurs to help mitigate some of the impacts of future industrial development.

Staff has developed a draft PUD zoning ordinance which will limit the uses on the subject property. This draft ordinance is included in the staff report. Key items of the ordinance include:

- The uses on the subject property shall be those accessory to the production and manufacturing of petroleum fuels or petrochemicals. Development on the subject property shall conform to the Development Standards prescribed in Title 17, City Code, for I-2 Heavy industrial zoning, except that the height of buildings/structures or accessory buildings/structures shall be limited to 60 feet. Stacks necessary for venting combustion products shall be permitted at DEQ required heights.
- Processing units for the manufacturing of petroleum fuels or petrochemicals are not permitted. Uses permitted are listed in the staff report.

Ms. Cooper said staff and the applicant agreed it would be appropriate to incorporate some of the conditions of approval originally placed on the Amended Plat into the PUD Zoning Ordinance, as the conditions are more relevant to zoning. Ms. Cooper reviewed these conditions of approval, which are contained in the staff report.

Ms. Cooper said that the City Public Works Department is requesting a storm drain easement be provided through the property in order to accommodate a new storm sewer main. The proposed easement and main will serve to relieve a greater stormwater problem in the surrounding area. Ms. Cooper noted that non-public buildings within the site are not subject to review or permitting by the City's Building Division.

The subject property is located in Neighborhood Council 3. CMR presented the rezoning information to the Council on October 4, 2012. Comments from the Council included concerns about expanding refining operations related to air quality, visual impacts and lack of a development plan for the subject property. The Council did not vote on the project at that meeting. Updated information was presented on March 7, 2013; a CMR representative was not able to definitively answer the questions of the Council at that time, so Ms. Cadwell, the City's Neighborhood Council Coordinator, provided the staff report to Council members on March 11. The Council commented that there was an error in the staff report, and that at a meeting held December 6, 2012, the Council reconsidered the request and voted against supporting the project. Staff has not received any other public comment since the City Commission meeting on February 5, 2013, when the Commission remanded this matter back to the Planning Advisory Board.

Ms. Cooper said there are five conditions of approval listed in the staff report, as well as a draft PUD ordinance attached to the staff report as Exhibit C, which incorporates additional conditions that were previously required and also provides restrictions on the types of activities allowed on the subject property.

Ms. Cooper concluded her review of the staff report and offered to answer any questions from the Board.

PETITIONER'S PRESENTATION

Dexter Busby with Calumet Montana Refining, 1800 10th Street Northeast, thanked the Planning & Community Development Department for their work on this application and offered to answer any questions from the Board.

Ms. Patton asked about when the decorative wall would be constructed. Mr. Busby said that any development in the proposed area will trigger construction of the wall. There is no date set for this construction.

Ms. Sparklin asked for clarification on proposed development. Mr. Busby said there would possibly be construction of storage tanks and facilities to load and unload. Ms. Sparklin asked if railroad traffic would increase. Mr. Busby said it would not increase rail traffic downtown, but they may store rail cars on site.

PROPOSERS

Brett Doney, GFDA, said GFDA supports this application for four reasons. He said PUD zoning makes a lot of sense here. They support this project because first, the refinery is important to the local economy, both in terms of tax base and jobs; second, GFDA wants to see Dimitri's Restaurant continue to succeed; third, this will help in the revitalization of the west side of the City and help to change the image of that area; and fourth, it will help attract and retain workforce talent if the City has more dining and entertainment options.

Tom Heisler, 90 Elk Drive, a member of the Heisler Trust which owns about 3.5 acres of land north of the subject property, gave a history of the property and related leases. He expressed concern about an easement for the main sewer line through the Trust property and the subject property. He said he is a proponent if the sewer line is addressed. Dave Dobbs, City Engineer,

said there are utility easements coming off the Heisler property. He said the sewer line coming from the restaurant onto the subject property is a private line, but there is an easement provided. Mr. Dobbs was not sure exactly where the line connects onto the main.

Glen Bliss, President of GENDCO, 1128 Valley View Drive, said he is a proponent of this application. He said CMR is good for our community and offers high paying wages and benefits, as well as conducting business with other local companies. He said CMR contributes about 1% of the revenues for GENDCO, but also employs subcontractors who work with other local companies. Mr. Bliss said GENDCO is a beneficiary of these relationships.

OPPONENTS

Stuart Lewin, 615 3rd Avenue North, said that he is a member of Missouri River Citizens, and that he is an attorney in town who represents farmers and ranchers and has been here 40 years. He asked about the sidewalk initially proposed for this project. Ms. Cooper said the sidewalk requirement was removed, but either the Planning Advisory Board or the City Commission can add that requirement back in. Mr. Lewin said he would like the sidewalk as part of this application, but more importantly, wanted to address other concerns. He pointed out that the subject property is listed in the Missouri River Corridor Plan as a superfund site and is ranked medium priority. He said the State has assumed the responsibility of monitoring the refinery. The amount of contamination to the ground water continues and there are 47 areas that are areas of concern identified by the State. He said the Missouri River is important to everybody and this is a terrible location for this industry. He suggested the City purchase this property and develop it as park and open space to connect the City to the river, and that CMR should start migrating to the north industrial park. He said this proposal is right on the edge of the river, does not meet with the Missouri River Urban Corridor Plan and does not meet with what we want for our future, but is also extremely short-sighted and dangerous. As a representative of the Missouri River Citizens, he expressed his opposition as well.

Jason Lehman, 2800 4th Avenue South, a member of Neighborhood Council 9, said the staff report had some discrepancies and inconsistencies regarding I-2 zoning. He said that east of the subject property there is also a group of commercial properties not noted in the staff report that includes a loading dock, corporate offices, a car detail shop, and a State liquor store. Some owners have signed a legal protest against this zoning proposal. Property owners to the north have also signed a protest. He said nine properties have signed a legal protest. He stated that city staff found only four of the nine met the requirements of Montana State statute for adjacent property for a total of 24% of adjacent property owners. State statute requires 25% of adjacent property owner signatures to protest this zoning change.

Mr. Lehman said he is the legal representative for these property owners and is speaking on their behalf. He asked staff if it was Calumet's intent to isolate the entire property with the decorative wall and landscaping. Ms. Cooper said it is primarily along the northern portion. Mr. Lehman said the drawings do not show the wall extending along 17th Avenue Northeast where other commercial properties abut the subject property. He suggested that issue be addressed before the Board considers a motion.

Mr. Lehman said that because there is no site plan for development with this application, the City cannot assess what the impact might be on the Missouri River Corridor and therefore disagreed with the staff report statement that this application is consistent with that plan. He

said that Municipal Code 17.16.40.050 states there needs to be a written submission of the intent of the use on the property so it can be assessed if the use is proper for that zoning. He said there were also some safety concerns with this development and urged the Board that this application should be zoned as Light Industrial.

Ms. Cooper clarified that this application is for PUD – Planned Unit Development and not I-2 Heavy Industrial zoning.

Kathleen Gessaman, 1006 36th Avenue Northeast, said she was speaking on behalf of Neighborhood Council 3. She said it was moved at the December 6, 2012 meeting of the Council to send a recommendation to the City Commission that they do not approve I-2 Heavy Industrial rezoning of Westgate Mall. She said she agreed with the points made by Mr. Lehman and that a major concern to the neighborhood was the lack of information about plans for development and additional rail spurs with the possibility of chemical spills. She said the Council would probably have approved an I-1 PUD. She provided a copy of Neighborhood Council #3 minutes for the record.

Ron Gessaman, 1006 36th Avenue Northeast, said there were inconsistencies in the agenda report about the City not permitting non-public buildings within the CMR site, when there was information in February 27, 2013 local newspaper that a \$385,000 commercial permit was issued for Montana Refining for a control and stockroom addition. He said staff noted the zoning was not an I-2 rezone but a rezone to PUD – Planned Unit Development; however, he noted the staff report Draft Ordinance reads that the change is for I-2 rezoning. Mr. Gessaman said the Growth Plan is being updated at a cost of several hundred thousand dollars, and wondered why we would spend that kind of money for a plan that is completely voluntary. He read portions of the Growth Policy which discusses preserving the Missouri River as a resource in the community and said an expansion of CMR is not supported by this plan. He cited DEQ reports about CMR, pollution issues, heights of storage tanks and expansion concerns. He said he remains opposed to any expansion of this facility.

John Sturgeon, 121 2nd Street NW, said the refinery needs to be more transparent and that he is totally opposed to this application.

Michael Witsoe, 2612 1st Avenue South, commented on safety issues if a fire started at the refinery and other pollution concerns. He said there were inconsistencies in the staff report and suggested there were improprieties related to this project. He asked the Board to please make sure this project gets done right.

PUBLIC COMMENT

Mr. Doney said he has never met a group more professional or more highly ethical than those who work for the City, and he was deeply offended by the allegation of improprieties with this project.

Mr. Gessaman said it bothered him that there was no mention in the staff report of how many additional jobs were related to this expansion of the refinery.

PETITIONER'S CLOSING

Mr. Busby stated that the refinery has no intention of harming Mr. Heisler's ability to move sewage from Dimitri's Restaurant to the City treatment plant. He said there is no easement, but they can work it out.

PLANNING ADVISORY BOARD/ZONING COMMISSION DISCUSSION

Mr. Haynes addressed some of the comments made during the Public Hearing. In addressing Mr. Lehman's comments he said that first of all the main refinery complex was indeed east of the subject property and the staff report clearly identified other commercial buildings in the area. Secondly, Mr. Lehman had protested the rezoning but did not have the required 25% of adjacent property owners willing to sign his petition. That fact was established by planning staff and confirmed by the City Attorney. Mr. Lehman was notified of that fact in writing. Thirdly, the decorative wall will be constructed along the north side of this property as clearly illustrated in the staff report. Finally, Mr. Haynes said that Mr. Lehman had asserted that a site plan is required by law with this rezoning. That is incorrect and the City Attorney had already advised Mr. Lehman of that fact in writing.

Mr. Haynes then responded to comments by Mr. Gessaman. Mr. Haynes noted first that the staff report clearly explained that public buildings at the refinery are subject to permitting and inspection by the City, but non-public buildings are not. He also noted that the cost to the City to update of the Growth Policy was not hundreds of thousands of dollars; in fact it was done entirely by city staff using existing resources. He also said the Missouri River Urban Corridor Plan is one of many plans initiated by the City, and there is not consistency across every vision plan the City has done over time. Lastly, he said the PUD prohibits processing units and limits heights of buildings and structures, while allowing use of the existing building for storage and also potentially allow expansion of associated uses. That addresses the primary concerns of the public as heard at previous public hearings on this matter.

Ms. Sparklin stated she was concerned about height issues and that a 60-foot height allowance will impact views, as well as allowing development away from the dry storage and into more heavy industrial use. She also said she did not see anything in the staff report to address mediating a disaster or an accident, and is also concerned about possible expansion of a superfund site. Since the storage building is not considered public use, there may be a serious building safety and fire hazard. Mr. Haynes stated that review of the refinery, emissions concerns and emergency control plans are handled by State and Federal agencies.

Ms. Sparklin expressed concern about encouraging this development when State and Federal agencies have not helped avoid a superfund site in the past, especially in the center of our town. She said that the use of a shopping mall compared to storage of refinery materials is significantly different and she is concerned that the City would not have review of the storage facility if it is still responsible to respond in emergencies.

Ms. Patton asked if a permit would be required if any construction was made as an addition to the existing building. Mr. Haynes confirmed a permit would be required in that instance.

PLANNING ADVISORY BOARD ACTION

MOTION: Recommendation I: The Planning Advisory Board recommends the City Commission amend the conditions of approval for the previously approved Amended Plat legally described and listed in this report, subject to said conditions being fulfilled by the applicant and the Zoning Commission adopting Recommendation II.

Amended Plat Conditions of Approval

1. The Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview tracts Addition, a Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls Cascade County Montana, herein referred to as Amended Plat, shall incorporate corrections of any errors or omissions noted by staff.
2. Calumet shall submit all proposed development plans to the City for applicable code review (including, but not limited to zoning and landscaping) at such time as development occurs within the Amended Plat area.
3. Calumet shall provide a storm drain easement across the Amended Plat from Smelter Avenue Northeast to 17th Avenue Northeast. The size and location of said easement shall be approved by Public Works prior to final approval of the Amended Plat. At such time as development occurs on the site, the owner shall provide plans to the City's Public Works department to determine if a stormwater management plan is necessary. If necessary the applicant shall provide a plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to development of the site.
4. All roadways within the Amended Plat shall be private roadways, maintained by the property owner. Internal, private roadways and associated sidewalks and traffic control shall be approved by the Public Works Department prior to installation and shall include sidewalks where appropriate. Calumet shall create a property owners association, before any lot is sold within the Amended Plat, which is responsible for installation and maintenance of all private roadways, sidewalks and traffic control devices within the area of the Amended Plat.
5. Calumet shall work with Montana Department of Transportation on the number and location of private access driveways from 3rd Street Northwest.

Made by: Dr. Pasek
Second: Mr. Taylor

VOTE: All being in favor, the motion passed. Mr. Striepe and Mr. Byrnes did not vote.

ZONING COMMISSION ACTION

MOTION: Recommendation II: The Zoning Commission recommends the City Commission approve rezoning the property owned by Calumet Montana Refining as described in the staff

report from C-2 General Commercial to PUD – Planned Unit Development as described in the attached Draft PUD Zoning Ordinance.

Made by: Ms. Patton
Second: Mr. Taylor

Ms. Patton asked if the discrepancies in the Ordinance would be corrected before going to the City Commission. Ms. Cooper stated they would be corrected, as the version presented here is a draft version.

VOTE: Four Commissioners voted in favor of this motion. Ms. Sparklin opposed. Mr. Striepe and Mr. Byrnes did not vote.

Ms. Cooper explained the next procedural steps.

COMMUNICATIONS

Next Meeting Agenda – March 26, 2013

- Water Tower Park Apartments: Annexation/Zoning
- Great Bear Innovation Park, Phase II: Major Subdivision
- 4201 Flood Road: Annexation/Zoning
- 624 3rd Ave N: CUP for residence, two-family

Upcoming Planning Board Projects

- West Ridge Phase VI
- Farran Group Apartments

Project Status:

- CUP – U Stor It Mini-Storage – Public Hearing City Commission April 2, 2013
- Vacate Grand Street – City Commission Public Hearing - March 15, 2013
- Panda Express – City Commission March 19, 2013
- 6th Street NE Closure – on hold by applicant

Petitions & Applications Received

- None

PUBLIC COMMENT

Chair Pro Tem Weisenburger called for any further public comment. Mr. Byrnes suggested that staff present the Missouri River Urban Corridor Plan to the Board at some point in the future. Mr. Haynes agreed, and also stated the document is available on the City website.

ADJOURNMENT

Dr. Pasek made a motion to adjourn. The meeting was adjourned by Chair Pro Tem Weisenburger at 5:26 p.m.

CHAIRMAN

SECRETARY