

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
March 26, 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 3:00 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
Mr. Scot Davis
Ms. Cheryl Patton
Ms. Sophia Sparklin
Mr. Mark Striepe
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Thor Swensson (Chair)
Dr. Heidi Pasek

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

Skyline Heights Apartments – Vacate Public Hearing 14th Street Northeast & 36th Avenue Northeast

Jana Cooper, Planner II, reviewed the staff report for the request to vacate the public hearing for Skyline Heights Apartments located at 14th Street Northeast and 36th Avenue Northeast. Ms. Cooper entered the staff report into the record. The applicant, Damon Carroll, had submitted an application for annexation and initial zoning of the subject property in order to construct a 24-unit multi-family housing development. In conjunction, the City was proposing annexation of the City-owned water tower located on the eastern adjacent lot. Due to potential changes to the proposed project, the applicant is requesting the project be tabled. Staff requests the Planning Advisory Board vacate the public hearing scheduled for today at the request of the applicant. Once the applicant is ready to proceed, a public hearing date will be rescheduled and notice will be published in the *Great Falls Tribune*.

PUBLIC COMMENT

There was no public comment.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

MOTION: That the Planning Advisory Board vacate the public hearing scheduled for March 26, 2013, related to annexation and zoning of the property legally described as Tract I and Tract 3, Certificate of Survey 3705, and Mark 14R, all located in the North ½ Northeast ¼ of Section 36, Township 21 North, Range 3 East, P.M.M. Cascade County, Montana.

Made by: Mr. Davis
Second: Mr. Taylor

There being no further discussion, Chair Pro Tem Weisenburger called for the vote.

VOTE: All being in favor, the motion passed.

Great Bear Subdivision, Phase II East of Highway 87

Jana Cooper, Planner II, reviewed the staff report for the application from Dali, Inc., for the preliminary plat of eight I-2 Heavy Industrial-zoned lots for Great Bear Subdivision, Phase II. Ms. Cooper entered the staff report into the record. The subject property consists of Lot 4 and 5 of vacant, undeveloped land at the International Malting Company, LLC (IMC, LLC) site and is approximately 60 acres. Lot 4 is the access roadway to all the lots within the IMC, LLC Addition.

Ms. Cooper said the subject property is located in an existing Tax Increment Financing Industrial District (TIFID), the Central Montana Agriculture and Technology Park (CMATP). An expansion of this TIFID is currently being requested to incorporate the property to the south of the subject property for the proposed ADF International project. There are existing funds in the TIFID; all of the property owners understand that funds are limited and must be spent on public

infrastructure improvements, and that expenditure of any TIFID funds are at the discretion of the City Commission.

The applicant is requesting a Preliminary Plat of the subject property which would subdivide Lot 5 into eight heavy industrial zoned lots. Staff has noted to the applicant a concern for the size of the proposed industrial lots on the west side of the proposed Innovation Street. The proposed lots meet the minimum standards for I-2 Heavy Industrial zoning, but development of the lots will be limited due to code requirements and site limitations, such as parking, service areas, setbacks, an existing 40-foot gas easement, etc. Additionally, Public Works has a concern that there is not an overall master plan for the project. In order to efficiently design for public improvements including water, sewer and storm drain, it is helpful to have an understanding of the overall plan for an area. Because the applicant has not provided a firm master plan for all of Lot 5, Public Works will have to make assumptions on future needs for the development, which may cause additional cost to the applicant due to over- or under-sizing of improvements.

Ms. Cooper explained that access to the proposed subdivision is from U.S. Highway 87, a controlled access highway maintained by the State. An existing access and utility easement off of Highway 87 (Lot 4) will be utilized to access the lots in the proposed subdivision. The access is gravel and privately owned and maintained by the applicant. It is not dedicated as public right-of-way. An existing agreement between the applicant and the City requires dedication of a 100-foot roadway from U.S. Highway 87 easterly to the western boundary of Malteurop at such time as the City deems necessary. The City is requiring the obligation of the previous agreement be met by the applicant prior to approval of the proposed Preliminary Plat by the City Commission. The applicant shall be responsible for improvements to the roadway. Staff will require an updated Plat prior to moving the project forward to the City Commission.

Internal roadways within the Preliminary Plat area are proposed to be dedicated as public right-of-way and maintained by the City. Public Works is requiring the paving of these roadways. Curb, gutter and sidewalk are not required at this time. Additionally, due to the potential of large truck traffic, Public Works is requiring a 100-foot diameter temporary cul-de-sac at the terminus of the proposed Innovation Street.

There is an existing 16-inch water transmission main located on the north edge of Lot 4. The applicant's engineer has prepared a preliminary overall site plan showing a water distribution main layout for the proposed subdivision. The City Public Works Department and the Montana Department of Environmental Quality will be reviewing the water system design reports and plans for compliance with design requirements and regulations. The City may require additional extensions as the development moves forward.

The sanitary sewer main will need to be extended, and the funding or portion of funding for this extension may possibly be derived from the TIFID in this area. Because there is not an overall master plan for the area, the City may require the applicant to extend additional sanitary sewer mains within the development. The City Public Works Department will be reviewing the preliminary and final storm drainage system design reports and plans for compliance with the City's Storm Drainage Design Manual. The applicant shall be required to provide an easement, sized as necessary per Public Works requirements, for stormwater conveyance across the property in an existing drainage channel. The applicant and Public Works are working out the details of whether this will be an actual storm drain system or an open channel.

The subject property is located in Neighborhood Council 3. A representative for the applicant attended the Council meeting on March 7, 2013. The Council asked questions about a proposed rail spur from Malteurop's property and if Montana Specialty Mills (MSM) would be relocating to Great Bear Industrial Park. The applicant's representative did not have information on timing of the rail spur or if MSM would be relocating. The Council did not vote on the proposed project.

Ms. Cooper reviewed the Conditions of Approval as stated in the staff report and concluded her review of the report. She offered to answer any questions from the Board. Mr. Byrnes asked what the minimum size lot requirement is for I-2 Heavy Industrial zoning. Ms. Cooper said it was 7,500 square feet.

PETITIONER'S PRESENTATION

John Juras, 1800 River Drive North, TD&H Engineering, said he was available to answer any questions. Mr. Byrnes said the size of the lots seems awkward and he asked if there would be dedicated storm water collection at the back of the lots. Mr. Juras said the developer sized the lots to target small businesses which don't need as much room as larger businesses. He said the developer is working with the City Public Works Department about drainage issues. Mr. Byrnes asked if there is a stormwater collection problem. Mr. Juras said it is an undeveloped field and there is not a runoff problem in the area currently being developed.

PROponents

There were no proponents.

OPponents

There were no opponents.

PUBLIC COMMENT

There was no public comment.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Chair Pro Tem Weisenburger closed the Public Hearing and called for any Board discussion. There was no further discussion.

MOTION: The Planning Advisory Board recommends the City Commission approve the Preliminary Plat of Great Bear Subdivision Phase II, and the accompanying Findings of Fact, subject to the following conditions listed in the staff report:

Conditions of Approval:

1. The Preliminary Plat of Great Bear Subdivision Phase II shall incorporate correction of any errors or omissions noted by staff, including dedication of the abutting access and utility easement (Lot 4) as public road right-of way and designation of an easement traversing Phase II, accommodating an existing drainage channel, as required by Public Works.

2. The final engineering drawings and specifications for the required public improvements to serve the Preliminary Plat shall be submitted to the City Public Works Department for review and approval prior to consideration of the Final Plat by the City Commission.
3. Arriving at a mutually acceptable position with the City Public Works Department prior to consideration of the Final Plat by the City Commission regarding the extent of required storm water improvements in Phase II and whether same should be publicly or privately owned and maintained.
4. A development agreement shall be prepared containing terms and conditions for development of subject Preliminary Plat including agreement by the applicant:
 - A) to install, within two years of the date of Preliminary Plat approval, the public improvements referenced in Condition 2) above;
 - B) to adhere to all provisions emanating from the resolution of Condition 3) above;
 - C) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - D) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement; and,
 - E) Assign the obligation for installing and paying for all remaining public infrastructure in future phases of Great Bear Subdivision.
5. Provide City all necessary easements for public improvements necessary to install improvements, including sanitary sewer mains, water mains and storm drainage facilities to serve lots in subdivision prior to approval of the final plat of Subdivision.

Made by: Ms. Patton
Second: Mr. Taylor

Chair Pro Tem Weisenburger called for further discussion. There was none.

VOTE: All being in favor, the motion passed.

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

4201 Flood Road: Annexation & Zoning

Galen Amy, Planner I, reviewed the staff report for the application of Leslie Baldrige, property owner, for annexation and zoning of 4201 Flood Road. Ms. Amy entered the staff report into the record. The subject property consists of approximately ± 8.652 acres, and the abutting portion of Flood Road consists of ± 0.264 acres. The subject property is vacant, non-irrigated pasture and the property owner is proposing to construct a single-family residence which will connect to existing public utilities. The existing pattern of development south of the subject property is large tracts of land in Cascade County with single-family residences. The potential for higher density in this area consistent with R-2 and R-3 development north of the subject property is low, given parcel size and costs to extend utilities. The R-1 zoning district serves as a transition between higher density single-family homes to the north and large lot development to the south.

Ms. Amy stated that proposed access to the new residence will be from Ferguson Drive. The applicant will not be required to extend Ferguson Drive to the southern property line of the subject property, as there is an existing residence on the adjacent southern lot in the County

that would block any further extension of Ferguson Drive beyond the subject property. Ms. Amy reviewed Conditions of Annexation related to street improvements as stated in the staff report.

The applicant proposes to install a water service line from the City's 8-inch transmission main located in Ferguson Drive. As a condition of annexation, the owner will be required to participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive. In addition, the property owner will be required to participate in their proportionate share of extending the 12-inch water main in Flood Road, adjacent to the subject property. The owner shall extend the sewer as required by Public Works, and will be required to install a standard 4-foot diameter manhole at the terminus of the sewer main. Due to the lot topography and proposed development of a single-family residence, it is not feasible for the water and sewer mains to be extended through the subject property to the south. The owner will be required to waive their right to protest creation of a future special improvement district for water and sewer improvements as a condition of annexation. The applicant will not be required to install storm drain facilities due to the size and topography of the subject property.

Ms. Amy said that as a condition of annexation, an amended plat is required and will include a 10-foot right-of-way to the east Flood Road, as well as a 30-foot right-of-way along the eastern property line to accommodate potential future development.

The subject property is located in Neighborhood Council 1. Patty Cadwell, Neighborhood Council Coordinator, provided information to the Council on March 12, 2013. There were general questions regarding the project, but staff has not received any comments regarding the application.

Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. Mr. Taylor asked if Ferguson Drive would continue around the school district in the area. Ms. Amy said the most natural plan would be to abandon the curve in that area and cut straight across, but there are no set plans, and the parcel of land in that area belongs to the school district.

PETITIONER'S PRESENTATION

The Petitioner did not wish to speak.

PROPOSERS

There were no proposers.

OPPOSERS

There were no opposers.

PUBLIC COMMENT

There was no public comment.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Chair Pro Tem Weisenburger closed the Public Hearing and called for any Board discussion. Mr. Byrnes said that for future development, the loop access around the school property was preferable to a straight access.

MOTION: The Planning Advisory Board recommends the City Commission approve annexation of the subject property and abutting portion of Flood Road, as legally described in the staff report, containing ± 8.916 acres, subject to the following conditions:

Conditions of Approval:

1. The property owner shall prepare an amended plat providing an additional 10 feet of right-of-way to the east of Flood Road, and a 30-foot right-of-way on the eastern property line. The amended plat of the subject property shall incorporate correction of any errors or omissions noted by staff.
2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of 4201 Flood Road including, but not limited to, agreement by applicant to:
 - a) waive their right to protest any future special improvement districts for improvements to roadways, public utilities, water or sewer.
 - b) indemnify the City for any damages attributable to adverse soil or groundwater conditions.
 - c) participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive.
 - d) escrow of funds for the improvement on Flood Road.
 - e) participate in their proportionate share of extending the 12-inch water main in Flood Road, adjacent to the subject property.
 - f) install standard 4-foot diameter manhole at the terminus of the sewer main in Ferguson Drive.
 - g) pave the driveway, take necessary measures to preclude erosion along the adjacent slope and sedimentation onto the City street, and construct the driveway in accordance with IFC 2009 Section 503.
3. All applicable fees owed as a condition of the amended plat or annexation approval shall be paid upon annexation of 4201 Flood Road.

Made by: Mr. Davis
Second: Mr. Striepe

Chair Pro Tem Weisenburger called for further discussion. There was none.

VOTE: All being in favor, the motion passed.

ZONING COMMISSION ACTION

MOTION: The Zoning Commission recommends the City Commission approve rezoning said property from the existing County UR Urban Residential district to City R-1 Single-family suburban district, subject to the Conditions of Approval as stated above.

Made by: Mr. Davis
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

Chair Pro Tem Weisenburger called for further discussion, and there was none.

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

Conditional Use Permit 624 3rd Avenue North – Two-family Residence

Galen Amy, Planner I, reviewed the staff report for the application of David Knudson, owner, for a Conditional Use Permit (CUP) for 624 3rd Avenue North to remodel an existing single-family residence into a two-family residence. Ms. Amy entered the staff report into the record. The subject property is ±4,792 square feet and is located in an R-9 Mixed residential neighborhood. This district contains a mix of housing types, including single-family, two-family, and multi-family dwellings. There are some existing two-family and multi-family residences located to the north of the subject property. The subject block abuts the C-5 Central business periphery zoning district immediately to the west and south, and this district serves as a buffer between residential neighborhoods and the downtown area.

The subject property was built in 1907 as a two-family residence and is a contributing building in the Northside Residential Historic District and is listed in the National Register of Historic Places. The owner intends to take measures to maintain the original integrity of the building's exterior. The City Historic Preservation Officer is familiar with, and supports of, the applicant's plans. Prior to 1978, the building was converted into a 6-plex; the previous owner applied to convert the 6-plex into a single-family residence in 2009. Interior renovation was started, including removal of one staircase, but the renovations were not completed and the house has been unoccupied since.

Ms. Amy said that a two-family residence is conditionally allowed in the R-9 zoning district. The off-street parking requirement for the proposed two-family residence is two spaces per dwelling unit. The subject property has two off-street spaces, but there appears to be enough space at the back of the residence to meet the off-street parking requirement. The City is requiring the parking pad be paved. The City Engineer has approved a 20-foot wide driveway curb cut.

The subject property is located in Neighborhood Council 7. The applicant provided information to the Council on March 11, 2013, and Patty Cadwell, Neighborhood Council Coordinator, provided information to the Council via email on March 13, 2013. At the time the staff report was written, staff received general questions but no comments from the neighbors regarding the application. The applicant has provided signatures from surrounding neighbors in support of the application.

Ms. Amy reviewed the Conditions of Approval as listed in the staff report and concluded her review of the report, offering to answer any questions from the Board. Mr. Byrnes inquired if the 30-foot distance from the building to the property line on the south side of the subject property would allow for a landscaping screening buffer. Ms. Amy said the fence is a privacy fence and there is no room there for a landscape buffer. There was further discussion about landscaping and the size of the parking pad. Mr. Taylor asked about the number of stairways in the residence.

PETITIONER'S PRESENTATION

Dave Knudson, owner and applicant, said a stairwell and doorway on one side of the residence had been removed in the past. He plans on building two separate entrances, gutting the interiors and bringing them up to code, and putting on a new roof and gutters. He said the building has new windows, and the exterior would basically look the same as it is.

PROPOSERS

There were no proposers.

OPPOSERS

There were no opposers.

PUBLIC COMMENT

There was no public comment.

PETITIONER'S CLOSING

The petitioner did not wish to close.

ZONING COMMISSION DISCUSSION & ACTION

Chair Pro Tem called for any Board discussion. Ms. Sparklin asked about alternatives to paving the parking pad that would enhance the historical character of the residence. Mr. Byrnes agreed and said paving the pad invites water draining against the stone foundation of the building. He asked if anything could be done about the requirement for off-street parking. Mr. Haynes said parking spaces are always an issue for neighborhoods, and this site is tight. Dave Dobbs, City Engineer, said vehicles are better off-street than on-street. He said there are a couple of products for porous pavement, and he agrees drainage could be an issue for the over-a-century old foundation. He said there is not a lot of room to work with on this site. Mr. Haynes said the Board was welcome to make any additional recommendation about a porous parking surface. Ms. Sparklin said perhaps a porous surface could be an option, and if the decision is made to seal the parking pad, that should be reviewed to ensure correct drainage.

Mr. Dobbs said drainage to the street should not be difficult. He said the new driveway would be sloped to the street. He thought the climate might prohibit a more porous surface. Mr. Byrnes said he thought the parking requirement was not in character of such an historical building. Mr. Davis asked if it was within the scope of the CUP to forego any of the parking spaces. Mr.

Haynes said City Commission has the authority to revise the parking requirements and the PAB could make that recommendation. He added that there are four required off-street parking spaces, and if those are not convenient, residents will use the alternative of on-street parking. He said the concern is always to meet the minimum parking requirement because of the impact on the neighborhood. Mr. Striepe asked Mr. Knudson how he felt about the off-street parking requirement. Mr. Knudson said there is on-street parking at the front and side of the residence and almost all of the back area is now paved. He said he is willing to construct a carport with gutters if it helps with drainage. He agreed that residents will likely park on-street if that is more convenient.

MOTION: The Zoning Commission recommends the City Commission approve the Conditional Use Permit to allow a two-family residence to be established at the property legally described in the staff report, subject to the following Conditions of Approval being fulfilled by the applicant and based on the Findings listed in the staff report.

Conditions of Approval:

1. The applicant shall ensure that all relevant permits for construction are obtained and kept in good standing with the City of Great Falls Building Department, and that the applicant shall call for all required inspections throughout the construction process.
2. The applicant shall pave the parking pad and widen the curb cut to 20 feet. Construction must be done in accordance with Section 17.32.150 of the Municipal Code and appropriate construction standards. The proposed driveway contractor should coordinate construction with the Engineering Division.
3. Applicant shall work with the City's addressing department to establish a new address for the second residence and provide facilities for adequate mail delivery to both residences as required by the post office.

Made by: Mr. Striepe
Second: Mr. Davis

Chair Pro Tem Weisenburger called for further discussion, and there was none.

VOTE: All being in favor, the motion passed.

Ms. Amy explained the next procedural steps.

COMMUNICATIONS

Next Meeting Agenda – April 9, 2013

- West Ridge, Phase VI

Imagine Great Falls – Growth Policy Update

- Final Open House April 1, 2013

Mr. Haynes extended an invitation to the Board to attend the Final Open House for the Growth Policy Update. He said it will be a wrap-up of the formal public input stage for the update of the Growth Policy, following which staff will produce the Growth Policy document. The document

will then go through the public hearing process at the Planning Advisory Board and then the City Commission.

Upcoming Planning Board Projects

- Farran Group Apartments

Project Status:

- CUP – U Stor It Mini-Storage – Public Hearing City Commission April 2, 2013
- 6th Street NE Closure – on hold by applicant
- CMATP-TIFID – City Commission 1st Reading April 2; Public Hearing May 7
- EIP-TIFID – City Commission 1st Reading April 2; Public Hearing May 7
- Calumet – PUD – City Commission 1st Reading April 16; Public Hearing May 2
- Skyline Heights Apartments – on hold by Applicant

Petitions & Applications Received

- None

PUBLIC COMMENT

Chair Pro Tem Weisenburger called for any further public comment. Mr. Weisenburger expressed appreciation on behalf of the Board to Mr. Haynes for all his work with the City. Mr. Haynes has accepted a position as Development Services Director for the City of Missoula.

ADJOURNMENT

Mr. Taylor made a motion to adjourn. The meeting was adjourned by Chair Pro Tem Weisenburger at 3:55 p.m.

CHAIRMAN

SECRETARY