

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
August 13, 2013**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair 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, Chair  
Mr. Scot Davis, Vice Chair  
Mr. Marty Byrnes  
Ms. Cheryl Patton  
Ms. Sophia Sparklin  
Mr. Mark Striepe  
Mr. Wyman Taylor

Planning Board Members absent:

Dr. Heidi Pasek

Planning Staff Members present:

Mr. Craig Raymond, Director P&CD  
Ms. Jana Cooper, Planner II  
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

Mr. Dave Dobbs, City Engineer  
Ms. Patty Cadwell, Neighborhood Council Coordinator

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

**MINUTES**

Chair Weisenburger asked if there were any comments or corrections to the minutes of the public hearing and regular meeting held on July 9, 2013. Seeing none, 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.\*\**

**ELECT NEW BOARD MEMBER**

The Planning Advisory Board was presented with four applications to fill the remainder of Thor Swensson's term, who resigned due to work conflicts. The PAB is requested to make a

recommendation to the City Commission, which will appoint a new board member. The Board will vote by ballot at this meeting, and Mr. Raymond will count the ballots and report at the end of the meeting. Ms. Patton stated that the Board was missing the skill set of an attorney, and she would like the Board to consider Dana Ball. There was no further discussion. The Board members proceeded with voting.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **Talus Apartments – Annexation/Zoning/Minor Subdivision South of projected 21<sup>st</sup> Avenue South between 23<sup>rd</sup> and 26<sup>th</sup> Street South**

Jana Cooper, Planner II, reviewed the staff report for the application by The Farran Group for the Talus Apartments project. She entered the staff report into the record. This request is for rezoning of ±12.36 acres from County Urban Residential to City zoning of M-1 Mixed use and R-6 Multi-family high density district for the development of a 214-unit apartment complex located in seven buildings, along with a clubhouse and a proposed pool. The subject property is currently vacant, undeveloped property located generally south of the projected 21<sup>st</sup> Avenue South, east of 23<sup>rd</sup> Street South and west of 26<sup>th</sup> Street South.

There will be three access points into the proposed project: two off of 21<sup>st</sup> Avenue South and one off of 26<sup>th</sup> Street South. Internal streets of the proposed project will be private and parking areas are proposed throughout the complex, including some carports. As a part of this project, 21<sup>st</sup> Avenue South will be constructed. This application includes a minor subdivision request from one lot into two lots. The westerly lot will consist of three acres, and there is currently no development plan for that portion. The easterly lot of the subject property will consist of the proposed apartment complex.

Ms. Cooper explained that the applicant is requesting R-6 Multi-family high density zoning for the easterly lot of the minor subdivision, where the apartment complex will be located. The applicant is requesting the westerly lot be zoned M-1 Mixed-use, which is intended to allow a balanced mixture of commercial, residential and institutional uses and public spaces. The developer will be responsible for the development of 21<sup>st</sup> Avenue South; the City will contribute 25% of the cost of this roadway. There is a 30-foot access easement on the property to the north, which is owned by Centene Corporation. This will have to be dedicated as part of the development, and the ultimate alignment of 21<sup>st</sup> Avenue South will depend on the results of the negotiations. The developer will be required to escrow money for the completion of 23<sup>rd</sup> Avenue South, and they are eligible for 50% reimbursement at such time as the property to the west develops.

The applicant is not required to improve 26<sup>th</sup> Street South, as improvements to this roadway are being completed by the Montana Department of Transportation as part of a larger federal aid project and is slated for construction in 2014/2015. The applicant will be required to escrow money to extend the water main in 26<sup>th</sup> Street South; that is scheduled to be developed concurrent with the MDT improvements.

The subject property is part of the Medical District Master Plan, and staff has found the intent of the Plan has been met by this project.

The applicant gave a presentation to Neighborhood Council 5 on July 15, 2013. The Council was primarily concerned about dust control during construction and asked that a dust mitigation plan be a condition of approval for the subdivision. Staff included a request for such a plan in the Conditions of Approval for this project. Other concerns included:

1. Whether the project would be tax exempt. The representative clarified this project is not tax exempt.
2. Increased traffic on 26<sup>th</sup> and 23<sup>rd</sup> Streets South.
3. Whether improvements would be made to the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South.
4. Maintenance of the westerly lot which is not being developed at this time.
5. Water and sewer capacity in the area.

There was no vote at the meeting about the project. Staff had not received additional comments related to the project at the time the staff report was written.

Ms. Cooper concluded her review of the staff report and offered to answer any questions from the Board. Mr. Byrnes asked about the improvements to 26<sup>th</sup> Street South. Mr. Dobbs said this project would add turn lanes southbound and eastbound. He said it's a challenging intersection with two streets coming in on the east side, as well as power lines. He said all of 26<sup>th</sup> Street South will be widened and the ditch will be less dramatic. He said 24<sup>th</sup> Street South will be upgraded all the way to 13<sup>th</sup> Avenue South. Mr. Byrnes asked if there are plans to extend 23<sup>rd</sup> Street South to 24<sup>th</sup> Street South. Mr. Dobbs said it will depend on what happens with the property to the south of the subject property, but it would be a good connector.

#### PETITIONER'S PRESENTATION

Matt Ekstrom, an engineer with Morrison-Maierle, Inc., and representing The Farran Group, displayed a current site plan and explained changes in the plan. There are now six proposed buildings instead of seven with parking in front of each building. The unit count is 216. Mr. Byrnes asked if there was any proposed perimeter fencing. Mr. Ekstrom said none was proposed.

#### COMMENTS BY PROPONENTS

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, said you couldn't ask for a better location for this project. He noted that the Medical District Master Plan talked about the need for walkable distance, and he said high quality rental housing is needed in Great Falls. He said this project is excellent for both and that this development will make the City-owned lots in that area more attractive for possible sale.

#### COMMENTS BY OPPONENTS

Michael Garver, M.D., 167 Highland Road, said he was unsure if he was a proponent or an opponent, but he had some concerns about this proposed development. He said he owned two lots to the west which will be impacted by this apartment complex. He said his questions as to what will happen to traffic on 23<sup>rd</sup> Street South have not been answered. Right now, it is a quiet street. He said 26<sup>th</sup> Street South is already very busy, but he is most concerned with traffic on 23<sup>rd</sup> Street South. He said this project does not fit with the concept of the metro medical park, and if the City wanted to sell their lots, they should have thought about it a long time ago.

#### PUBLIC COMMENT

Eric Ray, 3401 15<sup>th</sup> Avenue South, Chairman of Neighborhood Council 5, said he is speaking for the Council. He said the Council is not a group of whiners but have had two years of experience eating dust due to the Grandview and Cascade Ridge projects. He applauds the dust mitigation plan and would like it made available to the Council for review before this project goes to the public hearing before the City Commission. He said they are not anti-business but also do not believe development

should be done at the inconvenience of the neighborhood. He said he expects builders and contractors to counteract Mother Nature, even in a windy location, with appropriate measures.

#### PETITIONER'S CLOSING

Mr. Ekstrom said a traffic impact study was not required for this application, but the City's transportation planner provided a traffic analysis which stated that the existing transportation network is expected to have sufficient capacity to accommodate the proposed development.

#### PLANNING ADVISORY BOARD DISCUSSION & ACTION

Chair Weisenburger asked for any discussion from the Board. There was none.

**MOTION: Recommendation I:** The Planning Advisory Board recommends the City Commission approve annexation of the subject property as legally described in the staff report and the abutting portion of 26<sup>th</sup> Street South, subject to the Zoning Commission adopting Recommendation II and the applicant fulfilling the listed Conditions of Approval.

#### Conditions of Approval:

1. The amended plat of Medical Tech Park, Minor Subdivision shall incorporate correction of any errors or omissions noted by staff.
2. Final build-out of the project shall be in substantial compliance with the final approved site plan documents and drawings as approved by the City Commission.
3. The final engineering drawings and specifications for the required public improvements to serve Talus Apartments shall be submitted to the City Public Works Department for review and approval prior to any building permits being issued by the City.
4. A Grading Plan, State Stormwater Discharges Associated with Construction Activities Permit, Dust Mitigation Plan, and 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.
5. Applicant shall submit proposed project drawings including site, architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board prior to submittal of permit plans.
6. A geotechnical investigation and report prepared by a Professional Engineer with recommended building foundation design shall be submitted to the Planning and Community Development Department for review and approval prior to issuance of building permits.
7. The applicant shall meet all requirements of the City's Fire Department including providing internal driveway widths and internal driveway turning radii that accommodate access by large emergency vehicles prior to any building permits being issued by the City.
8. An Annexation Agreement shall be prepared containing terms and conditions for development of the subject property including, but not limited to, agreement by application to:
  - a. Install within two years of the date of final City Commission approval, the public improvements referenced in Paragraph Two above.
  - b. Indemnify the City for any damages attributable to adverse soil or groundwater conditions.
  - c. Dedicate and construct 21st Avenue South along the northern property line of the subject property. The City will participate in 25% of the costs. The applicant shall

be required to install an 8-inch sewer main in the 21st Avenue South alignment as a part of this project.

- d. Obtain an easement and construct for temporary turnaround at the southern terminus of 23<sup>rd</sup> Street South. Dedicate 23<sup>rd</sup> Street South to the southern extent of the subject property, and escrow 100% of the cost for the completion of 23rd Street South including paving, curb, gutter, sidewalk, 8-inch water main and 8-inch sewer main to the southerly boundary of the subject property (approximately 80-feet).
- e. Extend an 18-inch storm drain from its existing terminus in 23<sup>rd</sup> Street South southerly to the south property boundary. This extension shall include inlets at the intersection of 21<sup>st</sup> Avenue South and 23<sup>rd</sup> Street South.
- f. Escrow 100% of the cost for the extension of the 8-inch water main in 26th Street South. City to cover cost of upsizing.
- g. Provide easements for public fire lines and hydrants located outside the public right-of-way.
- h. Provide separate water and sewer service lines to each building in the development.
- i. Ensure driveways to the public streets conform to City codes and standards.

Made by: Ms. Sparklin  
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

#### ZONING COMMISSION DISCUSSION & ACTION

**MOTION: Recommendation II:** The Zoning Commission recommends the City Commission approve rezoning the subject property as legally described in the staff report from the existing Urban Residential to R-6 Multi-family high density and M-1 Mixed-use upon annexation, subject to the Planning Advisory Board adopting Recommendation I & III.

Made by: Mr. Striepe  
Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

#### PLANNING ADVISORY BOARD DISCUSSION & ACTION

**MOTION: Recommendation III:** The Planning Advisory Board recommends the City Commission approve the minor subdivision of the subject property as legally described in the staff report, subject to the applicant fulfilling the listed Conditions of Approval.

Made by: Ms. Patton  
Second: Mr. Davis

Mr. Byrnes stated that he thinks this is a great project.

VOTE: All being in favor, the motion passed.

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

**Great Bear Subdivision No. 2 – Phase II – Minor Subdivision  
East of U.S. Highway 87, North of Great Bear Avenue**

Ms. Cooper, Planner II, presented the staff report for the application by Dali, LLC, for the proposed Great Bear Subdivision No. 2 – Phase II for a minor subdivision of five heavy industrial lots. She entered the staff report into the record. Ms. Cooper stated that the subject property is currently vacant, undeveloped land located east of U.S. Highway 87 in the northern portion of the city. The Malteurop property is to the southeast, and the ADF International site is directly south of the subject property, with vacant property to the north, east and west.

The property is currently located within City limits and zoned I-2 Heavy industrial. It is expected that Lot 5 will be further subdivided in future phases. The subject property is located in the Central Montana Agriculture and Technology Park (CMATP) Tax Increment Financing Industrial District (TIFID), which was created to help fund public infrastructure deficiencies in the district. The expenditure of any TIFID funds is at the discretion of the City Commission.

Public Works has a concern that there is not an overall master plan for the project. Specific users have not been identified for the project, and Public Works will have to make assumptions on future needs for the development. This may increase costs to the developer. The applicant shall be required to provide a public improvements master plan for the entire subdivision in order to ensure proper access and utility service to Lot 5. There is one proposed internal roadway between Lots 3 and 4. Development of that roadway and the utilities to serve those lots will not be required until Lots 3, 4 or 5 are actually developed. Ms. Cooper then reviewed the plans for developing utilities in the proposed project.

The subject property is located in Neighborhood Council 3. Patty Cadwell, Neighborhood Council Coordinator, provided information to the Council on August 1, 2013. No comments from the Council had been received at the time the staff report was written. The Council did not vote on the proposed project and staff has not received any other public comment.

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

**COMMENTS BY PROPONENTS**

Brett Doney, GFDA, 300 Central Avenue, said there are few available lots zoned industrial that also have water and sewer, and GFDA has been working for years to open up the area. He said GFDA is in favor of the proposed project.

**COMMENTS BY OPPONENTS**

There were no opponents.

**PUBLIC COMMENT**

There was no public comment.

**PLANNING BOARD DISCUSSION AND ACTION**

**MOTION:** The Planning Advisory Board recommends the City Commission approve the minor plat of Great Bear Subdivision No. 2 – Phase II, and the accompanying Findings of Fact, subject to the conditions listed in the staff report.

Conditions of Approval:

1. The minor plat of Great Bear Subdivision No. 2 - Phase II shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings and specifications for the required public improvements including storm drain improvements to serve the minor plat shall be submitted to the City Public Works Department for review and approval prior to consideration of the minor plat by the City Commission.
3. The minor plat of Great Bear Subdivision No. 2 - Phase II shall show the dedication of a drainage/utility easement, which shall traverse said plat to accommodate an existing drainage channel. This easement shall be 30-feet wide as required by Public Works.
4. The applicant shall provide a public improvements master plan for the entire subdivision in order to ensure proper access and utility service to Lot 5. Additionally, the applicant shall provide City any easements for public improvements, including, but not limited to, streets, sanitary sewer mains, water mains and storm drainage facilities to serve lots in subdivision.
5. A Grading Plan, State Stormwater Discharges Associated with Construction Activities Permit, and Stormwater Management Plan shall be developed to City standards for each lot in the subdivision and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.
6. A development agreement shall be prepared containing terms and conditions for development of subject Preliminary Plat including agreement by the applicant:
  - a. to adhere to all provisions emanating from the resolution of Condition 3) 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. pay all applicable fees owed as a condition of annexation, as determined in annexation agreement;
  - d. assign the obligation for installing and paying for all remaining public infrastructure in future phases of Great Bear Subdivision;
  - e. mitigate downstream impacts of stormwater runoff;
  - f. pay proportional share of regional drainage improvements;
  - g. dedicate and improve to City standard, the 60-foot access and utility easement between Lots 3 and 4 at such time as development occurs on Lots 3, 4 or 5 and provide a 100-foot turn-around at the northern terminus if the roadway is not a through street;
  - h. extend an 8-inch water and 8-inch sewer main in the utility easement proposed between Lots 3 and 4 to serve Lots 3, 4 and 5. This extension shall be required at such time as any development occurs on Lots 3, 4 or 5 within the Subdivision.

Made by: Ms. Patton  
Second: Mr. Striepe

VOTE: All being in favor, the motion passed.

Ms. Cooper reviewed the next procedural steps.

## **COMMUNICATIONS**

Next Meeting Agenda – August 27, 2013

- FFY 2014 Unified Planning Work Program

Upcoming Planning Board Projects

- None

Project Status:

- West Ridge Addition, Phase VI – Final Plat Public Hearing, City Commission Sept. 3
- Great Bear Subdivision No. 2, Phase 1 - Final Plat Public Hearing, City Commission Sept. 3

Petitions and Applications Received:

- None

**PUBLIC COMMENT**

There was no public comment.

**RESULTS OF NEW BOARD MEMBER SELECTION**

Mr. Raymond reported that Dana Ball had the most votes per the balloting for a new board member to fulfill the term vacated by Thor Swensson. He will take the Planning Advisory Board's recommendation to the City Commission.

**ADJOURNMENT**

There being no further business, Chair Weisenburger adjourned the meeting at 3:52 p.m.

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CHAIRMAN

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SECRETARY