

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
October 22, 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
Ms. Dana Ball
Mr. Marty Byrnes
Ms. Cheryl Patton
Dr. Heidi Pasek
Ms. Sophia Sparklin
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Mark Striepe

Planning Staff Members present:

Mr. Craig Raymond, Director P&CD
Mr. Andrew Finch, Sr. Transportation Planner
Ms. Galen Amy, Planner II
Ms. Phyllis Tryon, Sr. Administrative Assistant

Other Staff present:

Mr. Dave Dobbs, City Engineer

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 September 10, 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.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Vacate Right-of-Way 18th Street SW and Amended Plat

Ms. Amy reviewed the staff report for the application from Temple Baptist Church and the City of Great Falls to vacate the right-of-way for property located at the southeast corner of 3rd Avenue Southwest and 18th Street Southwest, and for an Amended Plat incorporating the vacated right-of-way into the adjacent properties. She entered the staff report into the record. The subject property is zoned R-1 Single-family suburban. Per the 2005 City Code change, the church is a legal non-conforming use and is permitted to remain. Ms. Amy reviewed background information on the subject property, explaining that on October 7, 1997, the City Commission adopted Resolution 8903, which vacated the entire unimproved portion of 18th Street Southwest from Sunset Road to 5th Avenue Southwest. However, the amended plat was never filed, which rendered the vacation incomplete. The City Public Works Department and Temple Baptist Church are reapplying to vacate the right-of-way in order to clean up the existing plat and ownership.

Ms. Amy also explained that a City lift station is located on the northwest corner of the Church owned property, and the City owns a vacant lot abutting the Church property on the northeast corner. Generally land in a right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner. The right-of-way was never developed to City standards and is not in public use. The Church and City will maintain legal access to their properties upon vacation, and there is ample space on the Church property to navigate church traffic. Legal access to the remaining platted lots further to the south will be from 5th Avenue Southwest.

Notice of Public Hearing was mailed to the neighboring property owners and published in the *Great Falls Tribune* on October 2, 2013. Patty Cadwell, Neighborhood Council Coordinator, provided information to Neighborhood Council #2 on October 4, 2013. On October 9, Spencer Woith with Woith Engineering, Inc. made a presentation at the Neighborhood Council meeting. To date, staff received one comment from the public related to this request, which involved concern related to traffic flow in the area.

As part of this application, the owners are requesting approval of an Amended Plat that relocates and consolidates 7 lots into 2 lots. The total area of the Amended Plat is ± 3.75 acres and rearranges the property lines of the existing City-owned Tract 100A in order to establish Tract 100B. The new tract will incorporate the northwest corner of the Temple Baptist Church property in order to establish a separate lot for the lift stations. This boundary line adjustment will coincide with a transfer of ownership. The former Tract 100A area will be added to Temple Baptist Church property to the south, which will ultimately be aggregated to become Lot 1A.

Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. Mr. Byrnes asked the age of the City lift station. Mr. Dobbs said it was probably built in the early to mid-80s. Mr. Byrnes asked if this request was being made because the lift station was built in the wrong spot. Mr. Dobbs said that it was built on the current parcel intentionally,

and without going into all the history, this request cleans up the area. He said this proposal is a win-win for both the City and the Church.

PETITIONER'S PRESENTATION

The petitioner did not wish to speak.

PROPOSERS

There were no proposers.

OPPOSERS

Sandy Mares, 429 19th Street Southwest, said she was not in direct opposition to this application but does have some concerns. She supports what the City is doing with the lift station area but is concerned she might lose access to the utility easement behind her property due to the abandonment of the right-of-way. She also said the Church lots south of the subject property would lose traffic access. Ms. Mares said her neighbors to the south did not receive any notice in the mail because they are more than 150 feet from the subject property, and she thinks they will be impacted by this application. She said her notice indicates approximately 250 feet of abandonment of 18th Street Southwest, but the staff report indicates approximately 275 feet of abandonment. She thought this might have an impact on what neighbors needed to be notified.

PUBLIC COMMENT

There was no public comment.

PETITIONER'S CLOSING

Todd Sasek, Pastor of Temple Baptist Church, said in the process of master planning for their facility, these issues came to their attention. Their goal is to clean things up and there are no immediate plans for the lots to the south.

PLANNING ADVISORY BOARD DISCUSSION AND ACTION

Chair Weisenburger asked for any Board discussion. Mr. Byrnes asked staff if there was a utility easement between Lots 7-10 abutting Lots 3-6. Mr. Dobbs said that if there are City utilities, they are on recorded easements, but it is not uncommon for dry utilities to have easements which are not recorded and yet do exist. He said he speculates that is the case with this property. Mr. Byrnes asked if Lots 7 and 8 were at one time subdivided. Ms. Mares said there are three residences on two lots at that location. She said the legal descriptions state something like, "the north portion of Lot 7 and the south portion of Lot 8." Ms. Amy said that before the Amended Plat is recorded, it will be reviewed by the Planning & Community Development Department as well as the Engineering Department.

Ms. Patton commented that the lots to which Ms. Mares was referring do not get their access to the back of their lots from the subject property in this application. Ms. Amy confirmed that the portion of the subject property being vacated is north of the lots to which Ms. Mares is referring.

Mr. Byrnes clarified with staff that Ms. Mares is talking about a utility easement that is not part of this application.

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

MOTION: Recommendation I: The Planning Advisory Board recommends the City Commission approve the request to vacate the right-of-way of 18th Street Southwest, consisting of ±0.28 acres, as shown in the attached Amended Plat, as legally described in the staff report, subject to the Planning Advisory Board adopting Recommendation II (below) and the conditions of approval being fulfilled by the Owner.

Conditions of Approval:

1. The Amended Plat of Lots 1-3, Block 1, and Lot 1 & 2, Block 2, Poncelet Addition, and Tract 100 and 100A, Community Hall Addition, and Vacated Portion of 18th Street Southwest, all located in the SW¼NW¼ Section 10, T20N, R3E, P.M. MT, Cascade County, Montana shall incorporate correction of any errors or omissions noted by staff.
2. The amended plat for the subject property shall be submitted to the City Public Works and/or Planning and Community Development Department for review and approval prior to filing at the County Clerk and Recorder's Office.

Made by: Dr. Pasek
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: The Planning Advisory Board recommends the City Commission approve the request to approve the Amended Plat of the subject property, aggregating 7 lots into 2 lots, and the accompanying Findings of Fact, as legally described in the staff report, subject to the conditions of approval being fulfilled by the Owner.

Made by: Mr. Davis
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

Ms. Amy reviewed the next steps for this the applicant in the process.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Section 5303 Contracts with MDT and Great Falls Transit

Andrew Finch, Sr. Transportation Planner, reviewed the staff report for Section 5303 contracts with the Montana Department of Transportation (MDT) and the Great Falls Transit District. He entered the staff report into the record. Mr. Finch said that annually the Planning Advisory Board receives FTA planning funds and passes them on to the Transit District for transit planning activities. These two agreements formalize that transfer. Money is received quarterly for expenditures made through MDT.

Ms. Patton asked if the Planning Division receives any revenue as the pass-through agency. Mr. Finch said that was the case in the past; however, because of an excess amount of highway planning funds, we are currently not recapturing a portion of transit planning funds. Ms. Patton asked how staff time is covered in funding, and Mr. Finch said it was covered under highway administration funds. Chair Weisenburg asked if this was a continuing plan, and Mr. Finch said it was done this way last year and is being continued unless at some point there would be a need to recapture a portion of the transit planning funds.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Chair Weisenburger asked for any discussion from the Board. Ms. Ball stated she had a conflict with the Great Falls Transit District and recused herself from the vote. Mr. Byrnes inquired about the balance of funds reported on the Final Quarter Planning Division financial statement. Mr. Finch said that was probably due to the difference in the time frame of the Federal and City fiscal years. Ms. Tryon concurred, stating that the Federal fiscal year begins October 1, and the City fiscal year begins July 1.

MOTION: That the Planning Advisory Board approve the FFY 2014 Section 5303 Contracts.

Made by: Ms. Patton
Second: Dr. Pasek

VOTE: Ms. Ball having recused herself from the vote and all others being in favor, the motion passed with 7 votes, none opposed.

Planning Advisory Board Role in City Code Changes

Mr. Raymond, Director of Planning & Community Development, thanked the Board members for their service. He said there are items in the zoning code that need review and possible changes. He said these items come up during public hearings, such as before the Board of Adjustment, for similar types of variances and conditional use permits in the same type of zoning district, which may indicate the City Code should be reviewed for changes. He said he would like the Planning Advisory Board (PAB) to be more involved in the code change process as a citizen board, as compared to staff presenting changes and then requesting approval of the PAB. This may require additional time commitments, such as work sessions.

Mr. Byrnes said he thought this is a great idea, and asked what that process may look like. Mr. Raymond said some of the work may be able to be done at regular meetings of the PAB, but also there may be some extra work sessions scheduled. Dr. Pasek said it might be possible to build work sessions into the time frame following the regular meetings. Chair Weisenburger asked what meeting laws need to be followed if the Board meets for this purpose and a quorum is present. He said he has no problem volunteering time, and possibly regularly scheduled meeting times could be used when there is no other agenda. He said if there are issues with having a quorum of the Board, or if not all members can attend extra sessions, perhaps a sub-committee could be developed.

Mr. Davis asked if they could be given a brief summary of items that come before the Board of Adjustment each time that board meets. Mr. Raymond said they could. He said that he will have information to present to the PAB at the next regularly scheduled meeting of this body. Chair

Weisenburger said that the number of items to be addressed may determine whether the entire Board or a sub-committee works on these items, and asked Mr. Raymond to have information for the next meeting.

COMMUNICATIONS

Next Meeting Agenda – November 12, 2013

- Review of items for possible City Code changes

Upcoming Planning Board Projects

- None

Project Status:

- Talus Apartments
 1. City Commission action on Development Agreement Nov. 19
 2. City Commission Public Hearing on Annexation – no date yet

Mr. Raymond said that the initial City Commission public hearing was vacated due to concerns of the property owner who is selling. The City is working with the Developer on a Development Agreement and revising the Annexation Agreement, and the City Commission public hearings will take place subsequent to the scheduled closing of the property.

Petitions and Applications Received:

- None

Financial Reports:

- FY 2013 Year End Financial Report
- FY 2014 1st Quarter Financial Report

Ms. Patton said staff deserves some commendation for monitoring revenues and adjusting their budgets to accommodate for revenues that were expected but not received. Chair Weisenburger agreed with her comment.

PUBLIC COMMENT

Chair Weisenburger said there is a public meeting on October 28 at 6:00 p.m. in the Missouri Room of the Civic Center to provide an update on the Long Range Transportation Plan process. He asked Mr. Finch to elaborate on that subject. Mr. Finch said this is the second public meeting. The first public meeting was held at the start of the LRTP update process and gave citizens an opportunity to brainstorm about potential transportation issues. Now four months into the process, the consultant has identified transportation issues that may arise over the next 25 years. The consultant will be summarizing existing transportation conditions along with future conditions, and looking for further public input.

Chair Weisenburger asked for an update on staffing in the Planning & Community Development Department. Mr. Raymond announced that a new Deputy Director has been hired. His name is Lee Nellis from Wapiti, Wyoming, and he will be starting in his new position tomorrow (Oct. 23).

Mr. Nellis has extensive experience in planning, especially in the western U.S. Mr. Raymond said that Mr. Nellis brings valuable experience to the P&CD team. A planner, Gregg Benson, has been hired to fill the position left vacant by Ms. Cooper and will begin in that position around Nov. 12.

ADJOURNMENT

There being no further business, Chair Weisenburger adjourned the meeting at 3:53 p.m.

CHAIRMAN

SECRETARY