

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
April 22, 2014**

**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. Anthony Houtz  
Dr. Heidi Pasek  
Ms. Cheryl Patton  
Mr. Mark Striepe  
Mr. Wyman Taylor

Planning Board Members absent:

Ms. Sophia Sparklin

Planning Staff Members present:

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

Other Staff present:

None

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

**MINUTES**

*\*\*Action Minutes of the Planning Advisory Board/Zoning Commission. Please refer to the audio/video recording of this meeting for additional detail.\*\**

Mr. Weisenburger asked if there were any comments or corrections to the minutes of the regular meeting held on April 8, 2014. Seeing none, the minutes were approved as submitted.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING Hilton Garden Inn – Rezone & Vacate Row**

Galen Amy, Planner II, presented the staff report for the application by Louis Erck of Erck Hotels for the Hilton Garden Inn for rezoning and a right-of-way vacation in order to construct a convention center and extended stay Home2 Suites facility. Ms. Amy entered the staff report into the record. The existing zoning is R-5 Multi-family medium density, and the proposed zoning is C-2 General Commercial. The subject property is currently vacant undeveloped land. Ms. Amy reviewed the rezoning analysis and Findings for the Basis of Decision as presented in the staff report. She said the applicant will be required to fulfill the landscaping standards, and the final landscaping plan will be reviewed by the Design Review Board.

Ms. Amy said this project is consistent with the City's Growth Policy and enhances the urban built environment by promoting infill and redevelopment in the city. The subject property is located in Neighborhood Council #1. The applicant presented information to the Council on March 11, 2013 and again on April 8, 2014, to answer any additional questions. The Council is in support of the proposed project and provided a letter of recommendation. Staff received one phone call on the morning of this meeting from a citizen with concerns about this proposed project.

Concurrent with the rezoning request is a request to vacate the 26<sup>th</sup> Avenue Southwest public right-of-way (ROW). Public access will be maintained to all properties currently served by 26<sup>th</sup> Avenue Southwest, so the amended plat shall maintain a public access easement. The City Public Works Department provided comments from their preliminary review for utilities and stormwater. One of the comments is that the parcel in the County will need sanitary sewer if and when annexed. An easement should be provided along the west edge of the subject property to extend a main or service line to the existing main in the alley to the south. Other comments include drainage, fire hydrants, water service line, and ground water mitigation.

Ms. Amy reviewed the Conditions of Approval and concluded her presentation of the staff report.

### **PETITIONER'S PRESENTATION**

Laurie Price Manning, Great Falls, representing Louis Erck, Erck Hotels, said she would answer questions from the Board. Chair Weisenburger asked for information on the size of events that would be at this location. Ms. Manning said this is a 22,000 square foot conference space and they are looking to attract groups of up to about 650 people. The additional hotel would be a Home2 Hilton property and will have about 101 sleeping rooms.

### **PROPOSERS**

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, said this project would help attract meetings to Great Falls and fill a gap in the community for such a facility. He said the parking and landscaping buffer provides a transition from the single-family neighborhood to the commercial zoning. He said GFDA may play a role in bridge financing for this project.

## **OPPONENTS**

There were no opponents.

## **PUBLIC COMMENT**

Kurt Gustafson, 1461 Park Garden Road, asked what a landscape buffer is. He said there will also be lighting issues for his backyard, and wanted to know what the lighting plan for the parking lot will be.

Marlene Zent, 26<sup>th</sup> Avenue Southwest, asked that the name of the street not be changed. She said the City changed the name once in the past and there were a lot of problems for the residents. Ms. Amy said one of the Conditions of Approval is that the street name remain the same, and the property owners must all agree before the street name can be changed in the future.

## **PETITIONER'S CLOSING**

Ms. Manning said they will be placing state-of-the-art lighting in the parking lot. She also addressed the landscape buffer, and said they do not want to build a fence that would block visibility. She said they plan to build a berm 15 feet out further than what is required. They will add a 15-foot buffer to the 20-foot alley distance, and then start the landscape buffer. She said there will be a lot of landscaping in that area.

Chair Weisenburger asked about landscaping details. Ms. Manning said there will be shrubs as well as 2- to 3-year-old trees planted. There was a question from the audience about what the berm will entail. Ms. Amy explained that in a development situation, the alley would normally be brought up to City standards, but in this case it will remain as a buffer for the residential neighbors. Then there will be a 15-foot buffer area, and then the berm will be 3 to 4 feet high beyond that buffer.

Mr. Gustafson said that he is 57 years old and will be dead before the trees planted there will be significant. He said he gets light from the Home Depot. He said he has seen walls along the Interstate highways, and he gives that two thumbs up. He worries more about noise and lighting issues than having a wall barricade in that area. He also said traffic flow in that area needs to be addressed. Regarding lighting, he said he would like it to face the other direction.

Ms. Amy said the design plans would go to the Design Review Board (DRB), and there are lighting standards that will be looked at. She said the discussion on this has not yet stopped, and Mr. Gustafson's comments will be considered. Mr. Gustafson said he has enough lighting and noise issues in his backyard now. Ms. Amy told him that regarding traffic flow, staff is requesting the applicant to consider a small porkchop island to make that a full right-in, right-out area.

Mr. Davis asked who will maintain the alley and the 15-foot buffer area. Ms. Amy said that homeowners are maintaining the alley property, and Hilton would maintain the 15-foot buffer and landscaped area. There was a question from the Board about public notice for agenda items with the Design Review Board. Ms. Amy clarified there is no public notice for DRB meetings. There was a question from the Board about any requirements beyond City Code for lighting cut-off and screening. Ms. Amy said the Planning Advisory Board/Zoning Commission

has the ability to make recommendations and Conditions of Approval beyond what staff has recommended.

Ms. Manning said that the south parking lot is designed for extreme overflow. She said they are interested in being good neighbors, and spent about \$2 million on the street in that area. She said they are not opposed to putting in a fence if that is better for the neighbors, but the parking space will be used about 20 percent of the time.

### **BOARD DISCUSSION**

Mr. Striepe asked if the Design Review Board would review the landscape and lighting plans. Ms. Amy said it would. Mr. Davis asked for clarification on whether the DRB would not necessarily require downlighting, directional lighting or a year-round headlight buffer. Ms. Amy said there is a City Code requirement that foot-candles be less along the edges and abutting uses of property. Ms. Amy referred to the Code and provided information about lighting requirements. There was discussion about the minimum standards for a buffer, and providing neighbors with some notice of the DRB meeting.

### **ZONING COMMISSION ACTION**

**MOTION:** Recommendation I: The Zoning Commission, based on the Findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described as Lot 1, Block 2, Hilton Garden Inn Addition, SW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, from the existing R-5 Multi-family medium density to C-2 General commercial, subject to the Conditions of approval being fulfilled by the applicant.

Made by: Ms. Patton  
Second: Ms. Ball

Ms. Patton amended the motion to add the condition that the neighbors be notified of the DRB meeting. Ms. Ball seconded. There being no further discussion, Chair Weisenburger called for the vote.

**VOTE:** All being in favor, the motion passed.

### **PLANNING ADVISORY BOARD ACTION**

**MOTION:** Recommendation II: The Planning Advisory Board recommends the City Commission approve the request to vacate the 26<sup>th</sup> Avenue Southwest right-of-way, consisting of ±1.078 acres, as shown in Exhibit H of the staff report, subject to the Zoning commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

#### Conditions of Approval:

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. **Amended Plat.** Provide an amended plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff. In addition, the Amended Plat shall include the City retaining the width of 26<sup>th</sup> Avenue Southwest for existing public utilities, and the public access easement for the existing residential properties currently served by 26<sup>th</sup> Avenue Southwest. A utility easement shall be established on the west edge of the subject property in order that the parcel located in the county may connect to City services upon possible annexation into the City.
3. **Renaming of 26<sup>th</sup> Avenue Southwest.** 26<sup>th</sup> Avenue Southwest shall remain so named unless both property owners served by said street agree to renaming it and obtaining new property addresses.
4. **Utilities.** The final engineering drawings and specifications for project improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
5. **Subsequent modifications and additions.** If the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Made by: Dr. Pasek  
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

### **905 – 909 5<sup>th</sup> Avenue South – Minor subdivision, Rezone, CUP NeighborWorks**

Mr. Striepe, Ms. Patton and Ms. Ball recused themselves from the discussion and vote on this item due to conflict of interest. Ms. Amy presented the staff report for the application by NeighborWorks Great Falls for a minor subdivision, rezoning and Conditional Use Permit (CUP) for 905 – 909 5<sup>th</sup> Avenue South. Ms. Amy entered the staff report into the record.

Ms. Amy said the applicant is requesting to rezone two lots from C-1 Neighborhood commercial district to R-3 Single-family high density district, requesting approval of a Conditional Use Permit to construct townhomes on the subject site, and requesting to subdivide the existing two lots into three lots for construction of a 3-unit townhome structure. She reviewed details of the proposed project, including elevations and floor plans, and the CUP Findings of Fact as stated in the staff report. Ms. Amy said the applicant will not be required to provide improvements to 5<sup>th</sup> Avenue South because the existing roadway is built to City standards. The owners will pay to connect service lines for the water and sewer as development occurs on the lots.

The subject property is located in Neighborhood Council #7. The applicant's representative met with that Council on April 14, 2014 and received positive comments for the redevelopment.

### **PETITIONER'S PRESENTATION**

Keith Nelson, Construction Manager with NeighborWorks, said they are working to build affordable housing and clean up neighborhoods.

Brett Doney, GFDA, said he serves as Treasurer of NeighborWorks Great Falls. He said not only is this project important in terms of affordable housing opportunities, but also for fostering in-fill development. He said there is a need for more townhouses and condominiums in Great Falls. This site already has infrastructure and City services. There is a lot of underutilized property within the City and projects like this make stronger neighborhoods.

### **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.

### **PLANNING ADVISORY BOARD ACTION**

**MOTION:** Recommendation I: The Planning Advisory Board, based on the Findings of Fact, recommends the City Commission approve the Draft Amended Plat of the subject property, legally described as Lots 12 & 13, Block 446, Great Falls Original Townsite, subject to the Zoning Commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

#### Conditions of Approval:

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- 2. Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by staff.
- 3. Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
- 3. Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards for R-3 single-family high density district and conditional use permit.
- 4. Subsequent modifications and additions.** If after establishment of townhouses, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

**6. Covenant.** Developer shall provide a covenant for the lots in the subdivision related to maintenance and that each property owner for lots in the subdivision shall be responsible for any current or future maintenance of their own property. The City shall not be responsible for any property maintenance in the subdivision.

Made by: Mr. Davis  
Second: Mr. Taylor

VOTE: Ms. Ball, Mr. Striepe and Ms. Patton having recused themselves from the vote, and all others being in favor, the motion passed.

### **ZONING COMMISSION ACTION**

MOTION: Recommendation II: The Zoning Commission, based on the Findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described as Lots 12 & 13, Block 446, Great Falls Original Townsite, from the existing C-1 Neighborhood commercial district to R-3 Single-family high density district and approve a Conditional Use Permit to allow construction of three townhomes, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Dr. Pasek  
Second: Mr. Taylor

VOTE: Ms. Ball, Mr. Striepe, and Ms. Patton recused themselves from the vote. All others being in favor, the motion passed.

### **COMMUNICATIONS**

#### Next Meeting Agenda – May 13, 2014

- None

#### Upcoming Planning Board Projects

- East Great Falls Retail Center

Mr. Raymond said the applicant will meet with the joint Neighborhood Councils on April 28, 2014.

#### Project Status:

- River City Casino – Conditional Use Permit
  - City Commission 1<sup>st</sup> Reading – May 6, 2014
- 315 21<sup>st</sup> Ave S – Cary property Annexation & Zoning
  - City Commission 1<sup>st</sup> Reading – May 20, 2014

#### Petitions and Applications Received:

- None

#### Financial Report

- FY 2014 3<sup>rd</sup> Quarter Financial Report for Planning Division and Historic Preservation

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further business, Mr. Weisenburger adjourned the meeting at 4:13 p.m.

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CHAIRMAN

\_\_\_\_\_  
SECRETARY