

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
June 24, 2014**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Vice Chair Scot Davis at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Scot Davis, Vice Chair
Ms. Cheryl Patton
Ms. Sophia Sparklin
Mr. Mark Striepe
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Nate Weisenburger, Chair
Ms. Dana Henkel
Mr. Anthony Houtz
Dr. Heidi Pasek

Planning Staff Members present:

Mr. Craig Raymond, CBO, Director P&CD
Mr. Lee Nellis, FAICP, Deputy Director P&CD
Ms. Galen Amy, Planner II
Mr. Garrett Norman, Planner I
Ms. Phyllis Tryon, Sr. Administrative Assistant

Other Staff present:

Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator

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.

Vice Chair Davis asked if there were any comments or corrections to the minutes of the regular meeting held on May 27, 2014. Seeing none, the minutes were approved as submitted.

**BOARD ACTIONS REQUIRING PUBLIC HEARING
New Castle Addition – Rezone & Vacate ROW
Southeast corner of 13th St S & 24th Ave S**

Based on information staff received regarding the interpretation of covenants that need to be resolved by the owner/applicant and a request for a continuation from the owner's representative, staff recommended the Planning Advisory Board/Zoning Commission continue the hearing on this item until July 8, 2014. Vice Chair Davis entertained a motion for continuance.

MOTION: That the Planning Advisory Board/Zoning Commission continue the matter on July 8, 2014.

Made by: Ms. Patton
Second: Mr. Striepe

There being no further discussion, and all being in favor, the motion passed.

**Conditional Use Permit for Unconcealed Telecommunications Facility
2100 1st Avenue South**

Galen Amy, Planner II, presented the staff report for the application by Charter Communications for a Conditional Use Permit (CUP) for an Unconcealed Telecommunications Facility to be located at 2100 21st Avenue South. Ms. Amy entered the staff report into the record. The subject property is \pm 1.3 acres which is in the vicinity of Great Falls College MSU and the Homeland Security Office. The subject property is currently zoned M-1 Mixed use district.

On December 18, 2012, the City Commission adopted Resolution 10002, which granted a CUP for Optimum to construct an Unenclosed Telecommunications Facility on the subject property. However, with changes in ownership of the Optimum company transferring to Charter Communications, the original CUP expired. The scope of the original project has also been scaled back since the initial approval to not include the relocation of offices to this site.

The proposed facility includes construction of a 1,768 square foot, single-story building for one general office space and a telecommunications room for support services. On the south side of the building, there will be concrete pads for three satellite dishes and a 40-foot tall telecommunication tower. The developed portion of the site will have a 6-foot perimeter fence. An equipment yard will be located immediately to the north of the proposed building and include two air conditioning units and a standby emergency generator. The applicant is proposing a 10-foot CMU sound wall around the generator with a 6-foot fence around the entire service yard.

The proposed landscaping meets the minimum requirements of the Land Development Code. This includes boulevard trees and a 15-foot evergreen landscape buffer which goes along the south property line and south one-third of the east and west property line. The applicant has applied for a Design Waiver to eliminate the required foundation planting and to phase the landscaping in relation to when the north and south half of the property are developed. This Waiver has been approved. This project has also been approved by the Design Review Board.

The proposed facility is located in a generally undeveloped area with similar uses nearby, as there is a 120-foot tall wind turbine located within \pm 500 feet of the subject property to the north.

The subject property is located in Neighborhood Council #5. Patty Cadwell, Neighborhood Council Coordinator, provided information to the Council via email on June 3, 2014. Staff received one phone call which was concerning access and general questions about the project.

Ms. Amy reviewed the six Conditions of Approval listed the staff report and concluded her presentation. There were no questions from the Board.

PETITIONER'S PRESENTATION

Michael Scarey, 6650 Berthold Avenue, St. Louis, Missouri, representing Charter Communications, said that originally this project was to include a payment center but now is not including that. He said the tower is probably temporary for the next five to seven years. A leased tower on 10th Street South will be removed. He said the emergency generator will have a sound wall and will never run longer than 24 hours.

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 AND ACTION

Ms. Patton said this project was similar to what had been approved before, and this proposal is probably with less impact to the neighborhood. She applauded staff working with the applicant to phase in the landscaping requirements.

MOTION: The Zoning Commission, based on the findings for the Basis of Decision, recommends the City Commission approve the Conditional Use Permit for an Unconcealed Telecommunications Facility at the property legally described as Lot 3E, Medical Tech Park, Section 18, T20N, R4E, P.M.M., Cascade County, Montana, subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval:

- 1. Stormwater Management.** A 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 for the Site.
- 2. Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated May 9, 2014.

3. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-1 Mixed-use district designation.

4. **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.

5. **Subsequent modifications and additions.** If after establishment of a conditional use, 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. **Landscape Screening.** Applicant shall provide a 15-foot continuous evergreen landscape buffer including trees and shrubs along the southern property line and bottom third of the east and west property lines.

Made by: Ms. Patton

Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

BOARD ACTIONS REQUIRING PUBLIC HEARING
City View Subdivision – Final Plat
36th Avenue Northeast

Ms. Amy presented the staff report for the application by Damon Carroll and Lee Janetski for the Final Plat of the City View Subdivision located on 36th Avenue Northeast between 11th and 14th Streets Northeast. Ms. Amy entered the staff report into the record. The subject property is ±1.82 acres and is currently zoned County SR1-Suburban Residential 1; proposed City zoning is R-5 Multi-family medium density. The land is currently vacant undeveloped, and the applicants are proposing to build 4-plexes with garages.

City Commission approved Skyline Heights Apartments for a 24-unit multi-family residential development immediately east of the subject property on October 1, 2013. R-5 Multi-family medium density zoning district was approved for that property. In order to address concerns of the Neighborhood Council, the owner voluntarily committed to filing a restrictive covenant on the property for the current application, Tract 2, that would restrict the type of structure and density of development. The applicant is now requesting a Final Plat approval for the subject property which will consist of 7 lots, 1 of which will be a stormwater detention pond, along with annexation into the City.

The subject property is located in Neighborhood Council #3. The applicant presented to the Council on April 3, 2014, and the Council made a recommendation to support the application. Staff has received phone calls from residents with questions and voicing concerns about the project.

Ms. Amy reviewed the Conditions of Approval as listed in the staff report and concluded her presentation. Ms. Sparklin asked if there was sidewalk along 36th Avenue Northeast. Ms. Amy said there will be sidewalks installed as well as curbing along the south property line.

Ms. Patton asked if the project was the same since the Board approved the Preliminary Plat, and Ms. Amy said it was.

PLANNING ADVISORY BOARD DISCUSSION AND ACTION

MOTION: Recommendation I: The Planning Advisory Board recommends the City Commission approve the Final Plat of City View Subdivision, legally described in the staff report, and the accompanying Findings of Fact, subject to the Planning Advisory Board adopting Recommendation II and the Zoning Commission adopting Recommendation III, and subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval:

1. The Final Plat of City View Subdivision shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements for City View Subdivision shall be submitted to the City Public Works Department for review and approval, prior to consideration of the Final Plat.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
 - a) install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
 - b) indemnify and hold the City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) grade and install curbing along the south property line and establish a shared maintenance agreement between the properties for the 20-foot wide shared drive aisle abutting the south property line;
 - d) construct all of the storm water conveyance improvement to drain the site to the pond, whether they be surface conveyance and/or inlets and pipe;
 - e) install a fire hydrant off the existing water main on 11th Street Northeast and 36th Avenue Northeast.
 - f) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

Made by: Mr. Striepe
Second: Mr. Taylor

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: The Planning Advisory Board recommends the City Commission approve the Annexation of City View Subdivision, legally described in the staff report, subject to the Zoning Commission adopting Recommendations III, and subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Ms. Sparklin
Second: Ms. Patton

VOTE: All being in favor, the motion passed.

ZONING COMMISSION ACTION

MOTION: Recommendation III: The Zoning Commission recommends the City Commission approve rezoning property within City View Subdivision from the existing County Suburban Residential 1 to R-5 Multi-family medium density, upon annexation to the city, subject to the Planning Advisory Board adopting Recommendations I and II.

Made by: Ms. Patton
Second: Mr. Striepe

VOTE: All being in favor, the motion passed.

COMMUNICATIONS

Next Meeting Agenda – July 8, 2014

- NeighborWorks Great Falls – rezone 1201 1st Ave South
- New Castle Addition – Rezone & Vacate ROW

Project Status:

- None

Petitions and Applications Received:

- ADF Paint Shop – Minor Subdivision

Mr. Raymond said the City owns the property and this subdivision will carve out portions for the ADF Paint Shop.

ADJOURNMENT

There being no further business, Mr. Striepe moved to adjourn the meeting, seconded by Ms. Patton. All being in favor, Vice Chair Davis adjourned the meeting at 3:36 p.m.

CHAIRMAN

SECRETARY