

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
July 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 Henkel  
Mr. Anthony Houtz  
Ms. Cheryl Patton  
Mr. Mark Striepe  
Mr. Wyman Taylor

Planning Board Members absent:

Dr. Heidi Pasek  
Ms. Sophia Sparklin

Planning Staff Members present:

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

Other Staff present:

Dave Dobbs, City Engineer

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.\*\**

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

## **BOARD ACTIONS REQUIRING PUBLIC HEARING New Castle Addition – Rezone & Vacate ROW**

Galen Amy, Planner II, presented the staff report for the application by Harold Poulsen for the rezoning of property described as the New Castle Addition and vacation of a portion of the Castle Pines Drive right-of-way in order to construct four 12-plexes and one 8-plex, resulting in 56 multi-family rental units. Ms. Amy entered the staff report into the record. The subject property is located in the southeast corner of 13<sup>th</sup> Street South and 24<sup>th</sup> Avenue South and consists of  $\pm 3.5125$  acres and is currently zoned PUD Planned Unit Development. The proposed zoning for this vacant, undeveloped property is R-5 Multi-family medium density.

Ms. Amy said the applicant submitted an updated site plan, which was provided to the Board at this meeting and is incorporated into the record. The updated site plan consists of four 12-plexes with five garages. If approved by City Commission, the final site plan and building design plan will go before the Design Review Board.

Ms. Amy reviewed the Rezoning Analysis as presented in the staff report. She said that an R-5 zoning would allow up to 81 units to be permitted with a maximum building height of 45 feet. The current PUD zoning for the subject property would allow 7.71 dwelling units per acre. This application for the proposed rezoning to R-5 would consist of 14 dwelling units per acre. The current surrounding residential neighborhood is approximately 5 dwelling units per acre.

The subject property is located in Neighborhood Council 6. The applicant's representative met with that Council on June 11, 2014, and the Council voted against the proposed rezoning request. Staff received a neighborhood petition opposing the project on June 23, 2014, which the Board received via email that same day and copies were provided them at the regular meeting of the Board on June 24. Staff received emails and phones with questions and stating opposition to the project, as well as some phone calls supporting the project.

Ms. Amy reviewed the Findings for the Basis of Decision included in the staff report and which must be considered in conjunction with amending zoning. She said that neighborhood residents have expressed concerns about additional traffic, noise, and residential structures out of scale with the current homes, and the Neighborhood Council does not support the rezone request. Recent input from the surrounding neighborhood has prompted staff to provide the Planning Advisory Board/Zoning Commission with an alternate suggested motion and Findings should they choose to recommend denial of the rezoning.

Concurrent with the requested zoning change, the applicant is processing a request to vacate the unimproved northernmost portion of the Castle Pines Drive public right-of-way (ROW). The subject ROW is approximately 9,559.60 square feet of  $\pm 0.219$  acres. The City will retain a portion of the ROW for use as a utility easement.

Ms. Amy reviewed the five Conditions of Approval and concluded her review of the staff report. She offered to answer any questions from the Board. Chair Weisenburger asked if the adjacent property to the north and west was in the County, and how the zoning compares to the City zoning in the area. Ms. Amy said zoning in the area is a mix of commercial and residential. Ms. Patton asked if the request for the ROW is contingent upon the zoning change, and Ms. Amy said it is not.

## **PETITIONER'S PRESENTATION**

Spencer Woith, Woith Engineering, 1725 41<sup>st</sup> Street South, representing the petitioner, said a reduced density site plan has been given to the Board. He said they increased the parking to 20% over the minimum requirement, and they are about 13% over landscaping requirements for Block 1, and 38% over the requirements for Block 2. He said the ROW vacation was requested by the Montana Department of Transportation (MDT). He said that the site plan was revised after meeting with the Neighborhood Council.

Jim Page, 15 5<sup>th</sup> Street South, with L'Heureux Page Werner, architect for the project, handed the Board copies of the preliminary floor plans for the project. He said there are many variations in the elevation of the proposed buildings. He reviewed details of the proposed project and offered to answer any questions from the Board.

## **PROPOSERS**

There were no proposers.

## **OPPOSERS**

Robin Baker, 1518 11<sup>th</sup> Avenue South, Chair of Neighborhood Council 6, said that on June 11, 2014, the Council met and made a unanimous decision to deny this rezoning request. Ms. Baker said that this rezoning request is in an established, planned neighborhood that required a PUD to build the originally proposed 27 condominiums. She spoke to traffic concerns, a concern that what is being proposed will be different than what is actually built, and she emphasized the fact that this neighborhood was a planned, phased development.

Josh Racki, 2544 Castle Pines Way, said people invested money in their homes under the promise that condominiums would be built. He said that they have not been able either to see a finalized building plan for the proposed project. He said parking will be an issue, as well as traffic. He said the plan for the community should remain the same as it was proposed when citizens bought their homes. Mr. Racki handed the Board a written statement from his wife, which is incorporated into the record.

Donnalene McPartlin, 2524 Castle Pines Drive, said she bought her home 4 years ago with the understanding that 2-story condominiums were to be built. She said she was concerned about privacy in her home, traffic issues, and children's safety. She said emergency vehicles will have difficulty on the narrow streets and with all the parked cars. She said condos would continue the integrity of Castle Pines, and she would not have purchased her home if apartments had been proposed when she was purchasing.

Jaymi Patch, 1415 26<sup>th</sup> Avenue South, said she purchased her home two weeks ago and she would have passed on this home, which is perfect for her family, if she had known this proposed development was coming. She said her house is on the corner where this development will occur. She said there is less neighbor communication in transient housing, and the possible increased traffic is terrifying to her for her children. She said she wants a stable family area for her children to grow up in. She said families purchase condominiums and become part of the family community. She asked the Board not to rezone this property.

Carl Donovan, 1509 13<sup>th</sup> Avenue South, Vice Chair of Neighborhood Council 6, read a letter from a working mother, Tracy O'Leary Wood, who lives at 2528 Castle Pines Drive. This mother expressed concerns about increased traffic and how it will affect the neighborhood. She is also concerned about decreasing property values, and said they were told condos would be built, not apartments.

Lonnie McAllister, 2516 Castle Pines Way, said he purchased his house this past October knowing there would be condos built because he didn't want to be in an area with apartment buildings. He said if the subject property is rezoned, his home and a number of other homes will go up for sale.

Richard Riley Wood, 2528 Castle Pines Drive, said he agrees with what his neighbors who have spoken before him have said. He asked the Board not to approve the proposed development. He said his children, as well as others in the neighborhood, ride bikes and are active in the area and the proposed apartments will increase traffic and make it difficult for these children to enjoy the outdoors as they presently do in the neighborhood. He also said home values will decrease, and that when he purchased his home, covenants stated the proposed property was zoned for condos. There were also signs up about condos coming into the neighborhood. He asked the Board not to rezone for the proposed apartments.

Gary Whitton, 1400 27<sup>th</sup> Avenue South, said he bought his house last October with the understanding there would be condos. He would like people to stand up to their agreements.

Gary Koljonen, 2810 13<sup>th</sup> Street South, said his neighbors own 5-acre lots in the County and they are very disappointed with the proposed development. He said he is speaking on behalf of Thory and Hannah Sollid, who are building their home now and have the same concerns as those expressed by others at this meeting. He handed Chair Weisenburger a letter from the Sollids, which is incorporated into the record.

Dave Dalaney, 1415 25<sup>th</sup> Avenue South, said all the new traffic will be coming in front of his house. He said he built his house in 2006 and his concern is that the covenants stated that the subject property would be condos, and he would never have built his home there if he knew there would be apartment buildings. He said traffic now is terrible as there are a lot of fast cars in the neighborhood and he has already had people drive up on his lawn. He is opposed to changing the proposed development from condos to apartment buildings.

Dale Yatsko, 674 Stockett Road, said his son bought the home at 2500 Castle Pines Way, was told by the realtors that there was no future projects for that lot in the works. He said this had to have been in the works 3-1/2 months ago and people buying these homes are being misled. He said they are talking about an 8% decrease in home values.

Bob Porter, 2500 15<sup>th</sup> Street South, said renters will not be the class of people that are at this meeting. He said he is concerned about parking, and that cars parked along the streets will cause traffic problems. He said he wants the covenants to be honored. He gave the Board a letter from his neighbors, Nick and Lynn Porter, which is incorporated into the record.

Bobby Tillman, 1505 Spruce Court, said they worked hard to buy their home and chose this neighborhood because of the covenants and because they wanted to live away from apartment buildings. He said they want to keep the neighborhood single family.

Brian Furr, 1525 25<sup>th</sup> Avenue South, said they bought their home in 2007 because of the covenants for single family homes. He said typically with single family homes, there is pride of ownership. He also said this neighborhood, unlike many others, is only accessed by a couple of entrances and there is already a lot of traffic through those entrances. Apartments will funnel more traffic through there, and there are a lot of kids at play.

Timothy Dorsett, 2701 15<sup>th</sup> Street South, said he has been in Great Falls about two years and this is the house they plan to raise their children in. He said those present at this meeting are seeking the American dream, and they picked this neighborhood because of the family residences. He said apartments will bring in an additional 100 vehicles, and there are already traffic issues and narrow streets. He asked the Board to keep this a family residential area. He said that with apartments, crime will increase, and traffic and emergency vehicles will be an issue on the streets. He said he plans on staying in Great Falls and wants to raise his children in this house.

### **PUBLIC COMMENT**

There was no public comment.

### **BOARD DISCUSSION AND ACTION**

Mr. Taylor said he has enjoyed watching this subdivision grow, and it is a nice community. He said it seems, from a traffic standpoint, that the 48 apartment units will seriously affect two streets especially, those being Castle Pines Way and Castle Pines Drive, as well as part of 25<sup>th</sup> Avenue South, because there are limited ways out of the neighborhood. He said if he lived there, he would see this as a problem.

Mr. Striepe asked for clarification from staff on the action before the Board, which is a request to rezone from PUD Planned Unit Development, to R-5 Multi-family high density. Chair Weisenburger noted that the proposed project is what could potentially be built, but not necessarily what will be built.

Ms. Patton said she takes PUD zoning very seriously, and that homeowners buy in an area with the understanding that certain things will be developed there. She said if a PUD is to be changed, it should benefit the neighborhood and she doesn't see that this project does that. She said with the increase in density, parking will be an issue. She also said that 3-story apartment buildings are large and do not fit into the rest of this neighborhood. She is not in favor of the request.

Mr. Striepe said he concurs with Ms. Patton, but that Great Falls needs more housing. He said the proposal before the Board is for a rezoning that would allow for even higher density, and he has a problem with that. He said it's too bad the PUD cannot be modified in some way to allow for both the housing and some sort of buffer to accommodate current residents.

Mr. Davis said R-5 zoning is a horrible fit for this neighborhood. He said there is a reason for Planned Unit Development, and to sell the residential parcels off based on that zoning, and then change it, can be detrimental. He said this zoning has been in place, and to pull the rug out from under the neighborhood would be a bad fit.

## ZONING COMMISSION ACTION

**MOTION:** Recommendation I: That the Zoning Commission, based on the Findings #3, 5, and 10 supporting its Basis of Decision, recommends the City Commission deny rezoning the subject property, legally described in the staff report, from the existing PUD Planned Unit Development to R-5 Multi-family medium density.

Made by: Ms. Patton  
Second: Mr. Davis

Chair Weisenburger called for discussion on the motion. Mr. Nellis said staff wanted to make sure that the reasoning behind the motion is clear for the record and therefore requested a 10-minute recess.

**MOTION:** That the Planning Advisory Board/Zoning Commission take a 10-minute recess.

Made by: Mr. Davis  
Second: Mr. Striepe

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

The Board reconvened at 4:20 p.m.

**MOTION:** To amend the original motion to add Findings 2, 7 and 8.

Made by: Ms. Henkel  
Second: Mr. Striepe

Chair Weisenburger asked Mr. Nellis to clarify the reason for the amendment to the motion. Mr. Nellis said the decision of the Board needs to be as complete as possible, so staff asked for the recess to clarify with the Board as to which Findings support the Basis of Decision. Staff had a concern that the original three Findings did not address the scale of the buildings, and now this motion adds consideration of the scale as well as some other things.

**VOTE on the Amendment:** All being in favor, the amendment to the motion passed.

**VOTE on the Amended Motion:** All voted in favor of the amended motion to deny the rezone.

## PLANNING BOARD ACTION

Chair Weisenburger asked if the request for vacation of the right-of-way is from the City or from the Petitioner. Ms. Amy said that the request came from the Petitioner with the support and recommendation of the City, and the ROW vacation is not contingent upon the rezoning request. Mr. Nellis said staff supports the ROW vacation, which will eliminate a traffic hazard. Chair Weisenburger said he recalled that the Montana Department of Transportation actually requested this ROW vacation and that the Petitioner indicated it worked well with their plans, so the Board can proceed.

Ms. Patton said that Item 3, Land Use & Zoning, in the Conditions of Approval attached to the recommended motion talks about the R-5 district designation. She asked if the Board could not

make that part of the Conditions, and Ms. Amy said the Board could remove Item 3 from the Conditions of Approval.

**MOTION:** The Planning Advisory Board recommends the City Commission approve the request to vacate the northern portion of Castle Pines Drive, consisting of  $\pm 0.219$  acres, as shown on the draft amended plat, 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 a portion of the vacated width of Castle Pines Drive for public utilities.
- 3. Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this R-5 district designation.
- 4. Pedestrian Access** be provided between the proposed development and 24th Avenue South, either through an easement and sidewalk along the vacated ROW, or through construction of a sidewalk east along the north side of 25th Avenue South to Castle Pines Way, then north to 24th Avenue South.

Made by: Mr. Davis  
Second: Mr. Taylor

Amendment to the Motion: To remove Condition of Approval #3 from the original Motion.

Made by: Ms. Patton  
Second: Ms. Henkel

**VOTE:** All being in favor of the Amendment to the Motion, the Amendment passed.

**VOTE on the Amended Motion:** All being in favor of the Amended Motion, the Amended Motion passed.

Ms. Amy explained the next possible steps for the applicant. She said the applicant or their representative can choose to resubmit a project for the subject property, or they can choose to move forward to the City Commission with the Planning Advisory Board's recommendation for denial.

The Planning Advisory Board's recommendation to vacate the right-of-way will be presented to City Commission, which will approve or deny the request. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

**COMMUNICATIONS**

Next Meeting Agenda – August 12, 2014

- ADF Paint Shop – Minor Subdivision

Project Status:

- NeighborWorks Great Falls – Rezone
  - City Commission First Reading – August 5, 2014
- Charter CUP Telecommunications Facility
  - City Commission Public Hearing – August 19, 2014
- City View Subdivision – Final Plat
  - City Commission Public Hearing – August 19, 2014

Petitions and Applications Received:

- Former City Recycling Center - Rezone

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further business, Chair Weisenburger adjourned the meeting at 4:30 p.m.

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CHAIRMAN

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SECRETARY