

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
September 23, 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. Dana Henkel  
Dr. Heidi Pasek  
Ms. Sophia Sparklin  
Mr. Mark Striepe  
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Nate Weisenburger, Chair  
Mr. Anthony Houtz  
Ms. Cheryl Patton

Planning Staff Members present:

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

Other Staff present:

Mr. Dave Dobbs, City Engineer  
Ms. Patricia 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 September 9, 2014. Seeing none, Mr. Striepe moved to approve the minutes, seconded by Dr. Pasek. All being in favor, the motion passed.

**BOARD ACTIONS REQUIRING PUBLIC HEARING**  
**Northview Addition Phase 9**  
**Annexation, Final Plat & PUD Zoning**

Garrett Norman, Planner I, presented the staff report for the application for annexation, final plat and an amendment of the original Planned Unit Development (PUD) zoning for Northview Addition Phase 9. Mr. Norman entered the staff report into the record. The subject property is ±2.652 acres located in Cascade County and is zoned County Suburban Residential 1. The current use of the subject property is vacant land being used for equipment storage. The proposed use is a continuation of townhouse units as seen in other phases of Northview Addition.

Mr. Norman said the preliminary plat of Northview Addition was approved on February 6, 2007. The developer is requesting approval for annexation, amending PUD zoning, and the final plat of Phase 9 of this Addition. Mr. Norman reviewed the original PUD site plan development standards as compared to the proposed amendment, as provided in the staff report. Differences include smaller lot sizes and setback changes. The density will change from 3.7 dwelling units per acre under the original PUD to 4.5 dwelling units per acre under the proposed amended PUD with a total of 12 units.

Mr. Norman reviewed information on improvements related to this project. The subject property is located in Neighborhood Council 3, and Patty Cadwell, Neighborhood Council Coordinator, itemized the project on the Council's September 4, 2014 agenda. The Council did not take a stand on this project, but had questions regarding the eastward extension of 40<sup>th</sup> Avenue Northeast to Bootlegger Trail. This extension will be reviewed for connection at the time a proposal for the neighboring property to the east is submitted. Staff has received several phone calls from people inquiring about the project, and none have been in opposition.

There are four Conditions of Approval for this project as listed in the staff report. Mr. Norman reviewed these conditions and the staff recommendations and offered to answer any questions from the Board.

**PETITIONER'S PRESENTATION**

There were no comments from the petitioner.

**PROPONENTS**

Brett Doney, Great Falls Development Authority, 300 Central Avenue, said these types of townhouses are needed to fill a niche in the housing market. He said the city needs more rental units, condominiums and townhouses and this is an appropriate use for this site. He said that market studies indicate we will need thousands of these units, not hundreds, in the next five years. He commended staff and the advisory committee for looking at innovative ways to foster affordable housing units and for working with developers.

**OPPONENTS**

Ron Gessaman, 1006 36<sup>th</sup> Avenue Northeast, said he was concerned about the concentration of people due to this project and the fact that there is only one access route. He said 12<sup>th</sup> Street

Northeast dead-ends a half a block from 36<sup>th</sup> Avenue Northeast. He noted that the staff report states the extension of 12<sup>th</sup> Street Northeast is under contract, when actually that project is currently open for bid. He said that in addition, the streets in this area are very narrow. He said he thinks that PUD zoning is the wrong way to go for this project and he doesn't see a future for this type of housing.

## **PUBLIC COMMENT**

There was no public comment.

## **BOARD DISCUSSION AND ACTION**

Ms. Sparklin asked staff to comment on Mr. Gessaman's concerns. Mr. Dobbs said the bid opening is this Friday (September 26) and the contract should be awarded by the City Commission on October 7. He said this information was given to the Neighborhood Council about three weeks ago. He said this area was master planned and this is the final phase of that plan. The streets are 35 feet wide back of curb to back of curb, which is standard for City streets.

**MOTION:**      **RECOMMENDATION I:** That the Planning Advisory Board recommend the City Commission approve annexation of Northview Addition, Phase 9, located in the SE 1/4, Section 25, Township 21N, Range 3E, P.M.M., Cascade County, Montana, containing  $\pm$ 2.652 acres.

Made by:      Mr. Striepe  
Second:      Ms. Henkel

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

**MOTION:**      **RECOMMENDATION II:** That the Zoning Commission recommend the City Commission approve rezoning property within Northview Addition, Phase 9, from the existing County Suburban Residential 1 to PUD Planned Unit Development.

Made by:      Dr. Pasek  
Second:      Mr. Striepe

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

**MOTION:**      **RECOMMENDATION III:** That the Planning Advisory Board recommend the City Commission approve the Final Plat of Northview Addition, Phase 9, and the accompanying Findings of Fact, subject to the Planning Advisory Board / Zoning Commission adopting Recommendations I & II (above), and subject to the Conditions of Approval below:

Conditions of Approval:

1. The Final Plat of Northview Addition, Phase 9, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. 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 public water and sewer improvements by September, 2015, based on conditions of approval from Montana Department of Environmental Quality in 2012;
  - b) install all other public improvements in accordance with the approved civil plans in 2012 for Northview Addition, Phase 8 and 9;
  - c) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - d) to adhere to the attached PUD site plan in conjunction with the development of Phase 9;
  - e) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.
3. Applicant shall work with the City's addressing department to establish a new address for the proposed residences.
  4. 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.

Made by: Ms. Henkel  
Second: Dr. Pasek

VOTE: All being in favor, the motion passed.

Mr. Norman explained the next steps in the process for the applicant.

### **PUBLIC COMMENT**

There was no public comment.

### **BOARD ACTIONS NOT REQUIRING PUBLIC HEARING FFY 2014-2018 Transportation Improvement Program (TIP)**

Andrew Finch, Senior Transportation Planner, presented the staff report for the Federal Fiscal Years 2014-2018 Transportation Improvement Program (TIP). Mr. Finch entered the staff report into the record. He said that making public comment available at this meeting on the TIP would be welcome.

Mr. Finch said there are three standard documents prepared through the transportation planning process. The TIP is one of those and was last updated two years ago and is essentially a capital improvements program for all projects and programs intended to take place in the urban area on federal aid roadways over a five year period. This is a federally mandated process and takes into account projects already identified for that time period by local entities or the Montana Department of Transportation (MDT), itemizes the funding source, and balances available monies with expenditures.

Mr. Finch said the TIP is intermodal, and is prepared in accordance with federal regulations. Some requirements include that the TIP is in conformance with air quality standards, is fiscally constrained, contains prioritized projects, and is consistent with the Transportation Plan.

Mr. Finch reviewed some items of interest included in the TIP, such as the Sun River Trail, which is scheduled for construction in 2015; the reconstruction of Fox Farm Road from the city

limits to Dick Road, which is scheduled for 2017; construction of the South Central Arterials project, scheduled for 2016; and the anticipated start later this year of designing the re-alignment of the north and south legs of the intersection of 32<sup>nd</sup> Street South and 10<sup>th</sup> Avenue South to eliminate the offset and the corresponding separate traffic signal phases.

Mr. Finch said the TIP was advertised for a 30-day public comment period, and there was one public comment from Shyla Patera with the North Central Independent Living Services. Ms. Patera advocates for citizens with mobility issues and helps identify where curb cuts and other improvements are needed in the community. Mr. Finch provided the Board with a handout of her comments, which are incorporated into the minutes. Mr. Finch concluded his review of the staff report and offered to answer any questions from the Board.

Mr. Taylor asked if the realignment of the intersection of 32<sup>nd</sup> Street South and 10<sup>th</sup> Avenue South was taken into consideration in the planning of the new coffee shop at that location. Mr. Finch said it was, and that the property owners and the State negotiated the sale of land and corners at that intersection, and it was a win-win for both.

In conclusion, Mr. Finch again asked for a public comment period on this item.

### **PUBLIC COMMENT**

Ron Gessaman, 1006 36<sup>th</sup> Avenue Northeast, said he appreciated that Mr. Finch asked for public comment on the TIP. He asked if there was money to rebuild 36<sup>th</sup> Avenue Northeast within this plan. Mr. Finch said he had not emphasized that this TIP is for roadways on the federal aid system, and 36<sup>th</sup> Avenue Northeast is not on that system. He said there have been discussions with the State about what it would take to add it to the system, and the response is that they would have to take another roadway off the system, so they have struggled with how to deal with 36<sup>th</sup> with local funds. There is no federal funding for that roadway. Mr. Gessaman said there needs to be something soon in the way of resolution for 36<sup>th</sup> Avenue Northeast, as well as 12<sup>th</sup> Street Northeast. He said he gets many phone calls from area residents about mud issues and water drainage issues.

Vice Chair Davis said the Planning Advisory Board is also aware of the problem, but the political machine takes time. He said just repaving that road will not solve all the problems, but at least it is being looked at.

### **PLANNING ADVISORY BOARD DISCUSSION AND ACTION**

**MOTION:** That the Planning Advisory Board approve the FFY 2014-2018 Transportation Improvement Program.

Made by: Mr. Striepe  
Second: Mr. Taylor

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

## **Planning Advisory Board Training Large Scale Projects & City Infrastructure**

Lee Nellis, FAICP, Deputy Director of Planning & Community Development, presented information to the Board on large scale retail development and the impact that the closing of big box stores have on neighborhoods and even entire communities. He said that when City Code was revised in 2005, there was language added about large scale retail development, but there has not been a development application for the same until now with the East Great Falls Retail Development. He presented a review of what the City Code requires of large retail stores.

One requirement of Code is a Conditional Use Permit for the reasons that abandoned buildings are a blighting influence on the community, large retail buildings may be inconsistent with community character, and a diverse retail economy is desirable.

City Code also requires a development agreement with a provision that prevents the property owner from prohibiting or otherwise limiting the reuse of the building for retail or other legitimate purposes. Other provisions include the long-term maintenance of the development if the building is vacated, the preparation of an adaptive reuse plan or a demolition plan, and other provisions deemed necessary by the City to address particular circumstances related to the project. Landscaping requirements for large retail development increase from 15% to 20% of the area of the project.

Mr. Nellis reviewed language contained in the development agreement for this project that includes a provision for a demolition and adaptive reuse plan. He reviewed details that would be required in such a plan, including marketing by the owner, reporting on the status of such marketing, cooperation with local authorities on marketing, provisions regarding re-leasing the building and maintaining the building even if vacant.

Mr. Nellis concluded his presentation and offered to answer any questions from the Board. Vice Chair Davis asked about some type of rider in the agreement if the developer were to go bankrupt. Mr. Nellis said the agreement runs with the land and would therefore be the responsibility of whoever assumed the foreclosure.

Mr. Striepe asked if there was push-back from the developer on this, and Mr. Nellis said communities have been doing this for about 15 years.

## **COMMUNICATIONS**

### Next Meeting Agenda – October 14, 2014

- None

### Project Status:

- None

### Petitions and Applications Received:

- West Ridge Phase VII – Major Subdivision, Annexation & Zoning
- Recycling Center – Rezone

Ms. Amy said staff is working with the applicant of West Ridge Phase VII on street layout and with the Public Works Department on such items as infrastructure and the lift station. She said this project will not come forward to the Board until there is a master plan.

Mr. Norman said a formal application has been received and this item should come before the Board at the end of October.

### **ADJOURNMENT**

There being no further business, Vice Chair Davis adjourned the meeting at 3:59 p.m.

---

CHAIRMAN

---

SECRETARY