

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
February 24, 2015**

**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:

Nate Weisenburger, Chair  
Scot Davis, Vice Chair  
Dana Henkel  
Heidi Pasek  
Cheryl Patton  
Sophia Sparklin  
Mark Striepe

Planning Board Members absent:

Anthony Houtz

Planning Staff Members present:

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

Other Staff present:

Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Councils 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.\*\**

Chair Weisenburger asked if there were any comments or corrections to the minutes of the regular meeting held on February 10, 2015. Seeing none, the minutes were approved as submitted.

### **BOARD ACTIONS REQUIRING PUBLIC HEARING**

Chair Weisenburger asked Craig Raymond, Director of Planning & Community Development, to comment on the new format for the Planning Advisory Board meetings. Mr. Raymond said that staff recognized a need to improve the public conversation during meetings. To that end, a question and answer period has been incorporated into the meeting format in order to afford citizens and the Board an opportunity to ask questions of staff about a project before formulating an opinion.

#### **Helena Chemical Company – Conditional Use Permit AgriTech Park Addition**

Garrett Norman, Planner I, reviewed the staff report for the application by Helena Chemical Company for a Conditional Use Permit (CUP) to allow construction of a fertilizer facility on Lots 3 and 4 of the AgriTech Park Addition. The subject property consists of ±23.42 acres zoned PUD, Planned unit development with an underlying zoning of I-2 Heavy industrial district.

Mr. Norman said the applicant is requesting a CUP to allow the mixing, blending, storage and distribution of liquid and dry fertilizer, and the warehousing and repackaging of agricultural protection and production products. The Great Falls Development Authority (GFDA) currently owns the property, but Helena Chemical plans to purchase the subject property subsequent to receiving the CUP.

The project consists of two phases with a potential third phase. Phase 1 consists of building a 30,000 square foot packaged material warehouse, a 19,000 square foot formulation glyphosate storage area, three 300,000 gallon self-contained liquid fertilizer storage tanks, and a 1,500 square foot office space. Phase 2 consists of building a 30,000 square foot dry fertilizer warehouse, and a possible Phase 3 may include expansion of the proposed facilities to double the size capacity of current infrastructure.

The site will be serviced by rail and includes an individual rail spur. There are three stormwater retention ponds proposed. A CUP is required for this project due to the handling of hazardous substances. Mr. Norman reviewed details of infrastructure improvements for this proposed project as presented in the staff report, including roadway, utilities and stormwater.

The subject property is located in Neighborhood Council 4. Patty Cadwell, Neighborhood Council Coordinator, itemized the project on the Council's January 22, 2015 agenda, and the Council voted to support the project. To date, staff has not received any comments regarding the project. Mr. Norman reviewed the Findings for the Conditional Use Permit Basis of Decision for the proposed project as presented in the staff report.

Mr. Norman concluded his presentation and offered to answer any questions from the Board. Ms. Sparklin asked if there was any accounting of previous stewardship of stormwater and environmental concerns for Helena Chemical operations at their other locations. She said some companies have exemplary records and some do not, and since this proposed project is close to the Missouri River, she wanted to know if staff had information on Helena Chemical's

performance in other areas. Mr. Norman said Planning staff worked closely with the City's Public Works Environmental Division to get reports on potential stormwater runoff, and it is his understanding that documentation will be required if the project moves forward that will address those issues and mitigate potential impacts.

### **PUBLIC QUESTION AND ANSWER SESSION**

Ron Gessaman, 1006 36<sup>th</sup> Ave NE, said this company is a nationwide company with four facilities in Montana, and we should be able to know something about their environmental record. He appealed to staff to provide that information.

Mr. Norman said staff could follow up on that information and documentation for the City Commission meeting when this item appears on their agenda. Mr. Raymond said that the applicant will have the opportunity during their presentation at this meeting to provide information also.

### **PETITIONER'S PRESENTATION**

Brooks Hammel, from Laurel, Montana, Manager of operations in Montana for Helena Chemical Corporation, said that the company has vigorous internal policies regarding wastewater and spills. He said any incidents in the past were public knowledge and proper notice was made to authorities. He said there have not been any incidents in their five locations in Montana, and the company has been exemplary in terms of the Montana Department of Agriculture requirements.

### **PUBLIC COMMENT**

Jeremiah Johnson, 1900 Whispering Ridge Drive in Great Falls, representing the Great Falls Development Authority (GFDA), thanked the Board, City staff, Neighborhood Council 4 and Helena Chemical for a great economic development type of project. He said this project has some job creation opportunities, and he urged the Board to vote in favor of this application.

Ron Gessaman, 1006 36<sup>th</sup> Ave NE, said this is a great project for the City of Great Falls because the City is secretive about the things they do, and this company is secretive about some of the things that they do. He said there is no information about the company in the staff report, but it is a national company which is one of the biggest marketers of agricultural production products. He said the staff report bills this project as a fertilizer project, but there are no real details. He listed some of the products that are on the company's website and said farmers use these products all the time but this company does not have a very good nationwide record.

Mr. Gessaman said he could not find whether or not the company will be required to have various permits from the Montana DEQ. He said there was fertilizer location in West Texas that blew up a couple of years ago that destroyed scores of houses. He talked about an insurance lawsuit with Helena Chemical in South Carolina and the problems with Helena Chemical in other states around the nation. He asked what assurance we have that this company has turned over a new leaf, and that we won't have problems right above Giant Springs. He doesn't see any information provided in the staff report and he said this Conditional Use Permit (CUP) should be tabled until we have that information.

Brett Doney, GFDA, 300 Central Avenue, said GFDA has been working with this company for almost a year and has done extensive due diligence. The parent company is Marubeni, which also owns Columbia Grain. He said that just like every other heavy industrial company, they have had environmental issues over the years, but GFDA has looked into that and thinks they are a good operator. They have encouraged the company to retain all water on site so it will not pose an issue to Giant Springs, which is some distance from this site.

### **ZONING COMMISSION DISCUSSION AND ACTION**

Ms. Sparklin asked City Engineer, Dave Dobbs, to comment on environmental concerns. Mr. Dobbs said that the company will be required to have an industrial permit from the State for their stormwater. He said they will have retention rather than detention, which means stormwater runoff will stay on site and not be released. This site has deep clay soil which is highly impermeable and which will protect the Giant Springs aquifer. The State DEQ will have oversight, and he thinks the EPA will have some involvement also.

Ms. Patton asked Mr. Dobbs if there will be pre-treatment requirements for the sewer. She said it looks like this will be mostly a repackaging location. Mr. Dobbs said there will be kitchen and bathroom wastewater and low flow, like domestic, and the actual processes are dry. If there would be any other wastewater, they would have to go through a pre-treatment process before discharging. Ms. Patton asked about testing for this periodically to ensure compliance, and Mr. Dobbs said it could be checked by the plumbing plan and whether they are hooked into the sewer. Chair Weisenburger asked about plumbing plans, and Mr. Dobbs said that would be under Planning & Community Development. Mr. Raymond said that would be reviewed at initial plan review and during construction to ensure there are no unaccounted tie-ins to the City system.

Ms. Sparklin asked if there was a means to approve the application based on the number of chemicals as proposed, versus approving hazardous materials, which could open the door to a number of different issues in the future. Mr. Raymond said that if there should be substantial changes in the operations, they have to come back to the City for review.

Ms. Patton asked the time frame for construction if the City Commission approves the project. Mr. Raymond said the applicant has 12 months to take substantial action or the CUP expires. Ms. Patton also inquired if the applicant had been in a position yet to submit any engineering drawings for utilities and such, and Mr. Raymond said they had not.

Mr. Striepe said this is a great project for AgriTech Park. He noted there are a number of conditions in the staff report that deal with wastewater and spill prevention. Mr. Davis asked what these chemicals are used for in our agricultural state. Mr. Nellis said the chemicals cover everything a farmer might need and come in large quantities. He said that additionally, there are fire code regulations as well as regulations from the State.

Mr. Davis said these materials are applied all over the state every day and this is not nuclear waste. He said it seems the AgriTech Park is a safe place to locate this project. Ms. Sparklin asked if there had been other locations further from the river that have been discussed for locating this company. Mr. Raymond said he was not aware of any other location discussions.

**MOTION:** The Zoning Commission recommends the City Commission approve the hazardous materials Conditional Use Permit for Lots 3 and 4, AgriTech Park Addition, situated

in the SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, the Findings of Fact and Conditions of Approval located in the staff report.

### **Conditions of Approval:**

#### **General**

1. **Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the approved plans and these conditions of approval is a violation of the OCCGF, subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.

2. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator is hereby authorized to permit minor changes, as provided below.

a. **Revised Plans.** Before making changes, the applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.

b. **Dimensional Changes.** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.

c. **Materials Changes.** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

d. **Public Works Changes.** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.

e. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change ).

f. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited.

A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may

void the conditional use permit. Proposed changes should be reviewed with the Administrator, who may require that the permit be amended following the same public process used for its adoption.

### **Planning**

3. **Expiration:** The conditional use permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Conditional Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.

4. **Abandonment.** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.

5. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

6. **Outdoor Lighting:** An outdoor lighting plan shall be submitted to the Administrator for review and approval based on its compliance with the Land Development Code (Title 17, Chapter 40 of the OCCGF) and the outdoor lighting requirement of Ordinance 3097.

7. **Landscaping:** A landscape plan shall be submitted to Administrator for review and approval based on its compliance with Title 17, Chapter 40 of the City of Great Falls Land Development Code and the landscaping requirements of Ordinance 3097.

8. **Dust Control:** Prior to start of construction, including any earthwork, except for boring and drilling for soil samples, the applicant shall provide two separate Litter and Dust Control Plans: one that applies during construction and one for post-construction operations. The Litter and Dust Control Plan shall be reviewed and approved by the Director of Planning and Community Development.

9. **Platting:** Prior to issuance of building permits, an Amended Plat aggregating lots 3 and 4 of AgriTech Park Addition in the SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, MT., shall be submitted for review to the Planning and Community Development Department and be recorded by Cascade County Clerk and Recorder.

### **Building**

10. **Building Plans:** The applicant shall provide a full set of building plans that includes, but not limited to, architectural plans to the Planning and Community Development Department for review and approval, prior to the issuance of building permits.

### **Fire**

11. **Building Plans:** The applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.

12. **Emergency Management Plan:** An Emergency Management Plan shall be approved by the Great Falls Fire Department before the Administrator issues a Certificate of Occupancy. This plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.

### **Public Works**

13. **Civil Plans:** The applicant shall provide a full set of civil plans for review and approval by the Director of Public Works before zoning or building permits are issued by the Administrator. The applicant will provide a full set of as-built plans to the Director of Public Works within 90 days after completion of the approved work.

14. **Water and Sewer:** The civil plans shall be accompanied by estimates of the project's demand for water, including fire flows, domestic and industrial water demand, and wastewater discharge amounts.

15. **Initial Compliance On and Off Site Civil:** Developer or Applicant shall submit for review to the Public Works Department any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Public Works Department for review.

16. **Stormwater:** A Stormwater Management Plan and Report that is in full compliance with the OCCGF, the City's Storm Drainage Design Manual, and the additional requirements of Ordinance 3097 and the Revised Annexation and Improvement Agreement for the AgriTech Park shall be submitted to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator. The Developer shall secure any required Montana Pollutant Discharge Elimination System (MPDES) Stormwater Discharge Permit(s) associated with construction and industrial activities.

17. **Spill Prevention and Control Plan:** The applicant shall provide a Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3, to the Director of Public Works for review and approval before issuance of Certificate of Occupancy by the Administrator.

18. **Industrial Wastewater Survey:** The applicant shall provide an annually updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.

19. **Stormwater Pollution Prevention Plan:** The applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP) to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator, that meets the requirements of the Montana Department of Environmental Quality Multi-Sector General permit for Storm Water Discharges Associated with Industrial Activity (MTR000000) set forth in parts 3 (Special Conditions) of that permit.

### **Acknowledgement**

20. **Acceptance of Conditions.** No zoning or building permit shall be issued until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

Made by: Mr. Striepe  
Second: Ms. Henkel

VOTE: Ms. Sparklin voted in opposition to this application. All others being in favor, the motion passed.

## **East Great Falls Retail – Minor Subdivision and Conditional Use Permit East Side of Great Falls abutting 10<sup>th</sup> Avenue South**

Galen Amy, Planner II, presented the staff report for the application by Kyso Corporation for a minor subdivision and Conditional Use Permit (CUP) for a large retail store at the East Great Falls Retail Center. Ms. Amy entered the staff report into the record. The subject property is  $\pm 26.224$  acres located in the southwest corner of the 10<sup>th</sup> Avenue South and 57<sup>th</sup> Street South intersection and is zoned C-2 General Commercial. The proposed minor subdivision would create a  $\pm 20$  acre lot for a large format retail anchor store and a 16-pump fuel station, and 4 outlots ranging in size from  $\pm 1$  - 1.15 acres each along the periphery of the subject property for future commercial development.

Ms. Amy reviewed information on the Traffic Impact Study. The proposed development is anticipated to generate approximately 7,500 new daily weekday trips, with a peak hour generation of 718 new trips during the evening peak. Ms. Amy also reviewed information on projected traffic movements in and out of the retail center and proposed bicycle and pedestrian movements, as well as information on the utility and infrastructure plans as included in the staff report.

Along with a minor subdivision request, this application is also for a Conditional Use Permit (CUP). The applicant is proposing a general merchandise anchor store as one building that will be 189,543 square feet with an attached auto center. This use is classified as a “large format retail store,” which is subject to special standards. The applicant and the City have drafted an Improvement Agreement which includes development agreement requirements as well as other terms and conditions related to development of this site.

This project received approval of the Design Review Board (DRB) on April 28, 2014, and subsequently changes were made to the site plan related to the size and location of the fuel station. The project again went to the DRB on October 27, 2014, and again received approval.

The applicant applied for a Design Waiver to increase the height of pole-mounted luminaries from 30 feet to 38 feet (35-foot pole with a 3-foot concrete base), and this has been approved. This design reduces the number of poles required in the interior of the site as well as providing a more uniform light distribution. Poles along the perimeter of the site will remain at 30 feet, lessening the amount of light trespass onto adjacent properties. Per the requirements of the Land Development Code, full cutoff luminaries will be used for all site lighting, including parking lot fixtures.

Minor subdivisions do not require public notice notification, but the Conditional Use Permit (CUP) does. Patty Cadwell, Neighborhood Council Coordinator, provided information regarding the proposed project via email to Neighborhood Councils 4 and 5. The applicant's representative provided information at a joint Council meeting held on April 28, 2014, and the Councils voted to support the CUP.

Ms. Amy reviewed the Findings of Fact and the Conditions of Approval for both the Minor Subdivision and the Conditional Use Permit as provided in the staff report during her presentation. Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board.

Ms. Sparklin complimented the site plan and said it will be a nicer entrance to Great Falls. She said this was the size of project needed, but in light of concerns of blight when such stores close, she asked if the applicant owned other large retail stores in Great Falls. She also asked if the same provisions that are being put in place with this project are already in place in the City so that if the owner chooses to close another store location, those provisions would be in effect.

Ms. Amy said that this is the first large format retail project being built since the City Code changed in 2005, and there is not an adaptive reuse plan in place for previously built stores.

### **PUBLIC QUESTION AND ANSWER SESSION**

Ms. Sparklin asked what the burden to the Great Falls taxpayer may be and what the economic impact to the City may be for this project. Mr. Nellis said the City does not evaluate economic impact, and that after months of negotiations, infrastructure improvements seem to be a fair split between the City and the developer. He said this developer will provide facilities that will serve other projects in the future and they will be reimbursed in part as other properties are benefited. He said the Improvement Agreement is 90 percent completed, and the City is making a major addition to the capacity of the City to serve land uses in the area.

Ms. Patton said that looking down the road, if something happens and the store closes, the adaptive reuse plan is not very specific about the owner submitting an adaptive reuse plan or a demolition plan. She asked at whose urging, and at what point in time would these be submitted? Mr. Nellis said the adaptive reuse plan is not specific because the Code is not specific, but that the Zoning Commission could request something that is date certain. The current agreement is that an adaptive reuse plan is required within a year of store closure and there needs to be a range of flexibility.

Chair Weisenburger said he assumes there has been substantial traffic evaluation for this area, and he asked if this would make the intersection at 38<sup>th</sup> Street South and 10<sup>th</sup> Avenue South worse. Ms. Amy said applicant submitted traffic study information to MDT, which does the exhaustive reviews of traffic on 10<sup>th</sup> Avenue South, and she was not aware of any impact on 38<sup>th</sup> Street South but could not say. Dave Dobbs, City Engineer, said 57<sup>th</sup> Street South and 10<sup>th</sup> Avenue South are both State highways, and MDT will scrutinize this area closely. Part of the improvements will be to reconstruct and signalize that intersection.

Chair Weisenburger asked whether outlot A would be a permanent pond. Mr. Nellis said none of the outlots are proposed for even temporary stormwater management. All of the outlots have to be stabilized for erosion control using native grasses. Chair Weisenburger then asked how those lots will be maintained, and Mr. Nellis said they would be mowed to the point of preventing a fire hazard but will also be used for snow removal.

Ron Gessaman, 1006 36<sup>th</sup> Ave NE, asked how the Great Falls Transit buses will turn around in the area. Ms. Amy said there is substantial turn-around area for buses and fire trucks.

Ms. Henkel asked if there had been discussion with local law enforcement about increased calls and any burdens put on them by increased traffic. Ms. Amy said that part of the standard process on an application is to get input from other City departments, including the Police Department. The Police Chief commented on the increased traffic at the intersection of 10<sup>th</sup> Avenue South and 57<sup>th</sup> Street South, but he felt confident that MDT's improvement requirements would handle the extra traffic.

Mr. Striepe asked if an adaptive reuse plan was in place in case other large format retail stores in the City moved their location to this center. Mr. Nellis said there was no provision in the past in the Code.

Ms. Sparklin asked about existing traffic numbers for 10<sup>th</sup> Avenue South. Ms. Amy said staff could get numbers but also that the City Senior Transportation Planner felt confident that 10<sup>th</sup> Avenue South has full capacity to handle the increased traffic.

### **PETITIONER'S PRESENTATION**

Ian Morrison, 701 5<sup>th</sup> Avenue, Suite 6600, Seattle, WA, attorney with McCullough Hill Leary and representing the applicant, said he appreciated the work of City staff on this gateway project in the City. He said they concur with the staff report and the Findings of Fact, and asks for the recommendations of the Planning Advisory Board and Zoning Commission to the City Commission.

In response to adaptive reuse questions, Mr. Morrison said the applicant is Kyso Corporation, which does not own any other large format retail stores in Great Falls. The applicant has decided to go beyond the Code requirements of the adaptive reuse plan, and should the need ever occur, they will consult voluntarily with the City on a marketing plan and also consult with the Great Falls Development Authority (GFDA). They want to ensure a dialogue between the City and stakeholders.

Mr. Morrison said that regarding the potential for an existing large format retail store choosing to relocate to this center, according to City Code in the section addressing vacation of existing buildings, when a large format retail store is proposed as a replacement for a building already in the City, the property owners shall not prohibit or otherwise limit the reuse of its former store.

Zell Cantrell, Galloway & Company, Inc., Denver, Colorado, said he did not have information on existing traffic counts on 57<sup>th</sup> Street South, but he clarified that a rule of thumb is 10,000 cars per day per lane, so a 4-lane roadway can handle 40,000 car trips. He said this project is adding about 7,500 trips per day, which actually equates to half that many cars, since each car would be considered to make two trips.

### **PUBLIC COMMENT**

Brett Doney, GFDA, 300 Central Avenue, said this is a year when projects that began at least 8 years ago are coming to fruition. He thanked the City's Planning Division and Public Works Department and everyone involved in this project. He said no other project has garnered this much public interest and that anchoring the east end of the City will lead to more infill. Currently, the east entrance is a poor reflection on our City and we can be proud of this anchor project. This project will also help balance traffic flow, as this is the under-served part of town. He said retaining and attracting people is our biggest challenge to continuing economic growth and this will help us retain workforce talent and attract new people to jobs in Great Falls. Mr. Doney explained that where people have a habit of shopping also determines where they go for health care and entertainment.

Eric Ray, 3401 15<sup>th</sup> Avenue South, said timing could not be better for this project. He said there was a public forum of Neighborhood Councils 4 and 5 in which there was unanimous affirmation for this project. "Ladies and gentlemen, it's time," he said.

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

Ms. Sparklin said she seconds the general opinion that this is a wonderful project for Great Falls, and we are all very excited to see it come along and support it.

Ms. Patton said she is in favor of this project but has a question about the Improvement Agreement. She asked if the agreement will be signed by the current owners of the project. Mr. Morrison said the Improvement Agreement is still being negotiated and the applicant is the Kyso Corporation. He said they are working with staff on the substance of the agreement and then they will get to the procedural elements of entity formation and the appropriate signatory. Ms. Patton asked if that will be done prior to City Commission taking final action. Mr. Nellis said we can't sign the contract until we know who the signatory will be, and the assumption is there will be a change of ownership. Improvement agreements run with the land and this applies also to the outlots of this project. Ms. Patton said she wanted to make sure that the agreement will have some method to hold the parties to it and that City Commission will understand it before making a final decision.

Mr. Davis said he is thrilled to see retail shopping on this end of the City. He said it was a long travel when he was a young man.

**MOTION:** The Planning Advisory Board recommends the City Commission approve the Amended Plat of Lot 1, Block 1, East Great Falls Retail Center Addition, situated in the NW ¼ of Section 15, Township 20 North, Range 4 East, P.M. city of Great Falls, Cascade County, Montana, the Findings of Fact and Conditions of Approval located in the staff report, and the accompanying preliminary plans.

### Conditions of Approval:

1. The Amended Plat shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. 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.
3. The Easements, Covenants, Conditions, and Restrictions (ECCRs) that are recorded against the property shall address cross access and parking between the remainder of the parent lot (Lot 1-E) and the outlots (Lots 1-A, 1-B, 1-C, and 1-D) in compliance with the OCCGF.

Made by: Ms. Sparklin  
Second: Mr. Striepe

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

## **ZONING COMMISSION ACTION**

**MOTION:** The Zoning Commission recommends the City Commission approve the large format retail store Conditional Use Permit application for Lot 1-E, Block 1, East Great Falls Retail Center Addition, situated in the NW ¼ of Section 15, Township 20 North, Range 4 East, P.M., City of Great Falls, Cascade County, Montana, the Findings of Fact and Conditions of Approval located in the staff report, and the accompanying preliminary plans.

Conditions of Approval:

1. The final engineering drawings, specifications and cost estimates for public improvements for the large format retail store shall be submitted to the City Public Works Department for review and approval.
2. 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.
3. The proposed project shall be developed in accord with the preliminary plans on record.
4. An Improvement Agreement shall be entered into containing terms and conditions for the proposed development including, but not limited to the requirements set forth by Section 17.20.5.040(E) of the OCCGF:
  1. A provision that prevents the property owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purposes.
  2. A provision requiring long-term maintenance of the development if the building is vacated.
  3. A provision requiring the preparation of an adaptive reuse plan or a demolition plan acceptable to the City.
  4. Other provisions deemed necessary by the City to address the particular circumstances related to the project.

Made by: Dr. Pasek  
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

**PRESENTATION: A PLANNER'S TOUR OF GREAT FALLS**  
**Presenter: Lee Nellis, FAICP, Deputy Director of P&CD**

Mr. Nellis suggested this presentation be postponed until a future meeting due to the length of the current meeting. The Board concurred.

**COMMUNICATIONS**

Next Meeting Agenda – Tuesday, March 10, 2015

- None

Project Status:

- None

Petitions and Applications Received:

- Great Falls Rescue Mission - CUP
- CHS – Annexation and Zoning
- West Ridge Phase VII – Major Subdivision, Annexation & Zoning
- East Industrial Park TIF Industrial District (AgriTech) Application
- Central Montana Agricultural & Technology Park TIF Industrial District (Great Bear) Application

**PUBLIC COMMENT**

There was no further public comment.

**ADJOURNMENT**

There being no further business, Chair Weisenburger adjourned the meeting at 4:43 p.m. to a round of applause by the public in attendance.

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CHAIRMAN

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SECRETARY