

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
June 9, 2015**

**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:

Scot Davis, Vice Chair  
Peter Fontana  
Dana Henkel  
Anthony Houtz  
Dr. Heidi Pasek  
Cheryl Patton  
Sophia Sparklin  
Mark Striepe

Planning Board Members absent:

Nathan Weisenburger, Chair

Planning Staff Members present:

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

Other Staff present:

Dave Dobbs, City Engineer  
Sara Sexe, City Attorney

Commissioner Bob Kelly was also in attendance. 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~~ Vice Chair Davis asked if there were any comments or corrections to the minutes of the regular meeting held on May 12, 2015. Seeing none, the minutes were approved as submitted.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **West Ridge Addition Phase VII - XI Preliminary Plat, Annexation & Zoning**

Galen Amy, Planner II, presented the staff report for West Ridge Addition Phase VII – XI for preliminary plat, annexation and zoning. Ms. Amy entered the staff report into the record. The subject property is vacant undeveloped cropland located north of 40<sup>th</sup> Avenue Northeast, between 1<sup>st</sup> Street Northeast and 4<sup>th</sup> Street Northeast, and is ±58.749 acres. The proposed zoning is R-3 Single-family high density district.

Ms. Amy reviewed some background information on this application. The developer has been working in the area since West Ridge Phase I was approved in 2003. Part of Phase VI immediately south of the subject property is still under construction. The preliminary plat of the full property has been submitted. The applicant is proposing 171 lots in the next five phases. Phases VII through X consist of 30 lots each, and Phase XI consists of 17 lots, due to the dedication of an 80-foot wide right-of-way for 43<sup>rd</sup> Avenue Northeast.

Ms. Amy provided information as found in the Findings of Fact as listed in the staff report. The subject property is being used for agricultural purposes, and the undeveloped portion will continue to be farmed until such time as development occurs. Surface drainage from the subdivision primarily flows to the northwest with a smaller portion flowing due north. The dedication of a natural drainage on the Thaniel Addition property will preserve a portion of the natural drainage in the area from adjacent properties. However, storm water drainage will ultimately be managed in a regional storm water detention facility immediately north of the Thaniel Addition. The Sun River Watershed Group submitted a letter expressing concerns about storm water runoff from Watson Coulee related to development of the subject property impacting the Sun River, and they attached the U.S. Army Corps of Engineers Sun River Flood Protection Project Operation and Maintenance Manual Section V.

Ms. Amy reviewed other details of the proposed project as provided in the staff report, including development of roadways. There is a Draft Improvement Agreement which outlines improvement requirements as it relates to phasing of the Final Plat of the development and obligations of the owner at the time of annexation into the City. The developer will be required to contribute to a larger transportation study for North Great Falls. Both the developer of this project and the developer of the Thaniel Addition will be participating in a storm water master plan for the area.

The subject property is located in Neighborhood Council #3. The owner presented information to the Council on October 2, 2014 and the Council voted in favor of the project. An update was provided to the Council on June 8, 2014. Staff has received three phone calls from residents with general questions about the proposed development.

## **GENERAL QUESTION PERIOD**

Ms. Sparklin said she is excited to see Great Falls develop. In relation to a number of these projects being developed in sections within this area, she asked if there is anything that can be done to encourage islands of small scale commercial, such as neighborhood stores and coffee

shops. Mr. Raymond said such stores add a vibrant element to communities, and there is potential to create that sort of environment, although none is currently being proposed.

Dane Garton, 4000 4<sup>th</sup> Street Northeast, said the back of his lot lines up with the new construction. He asked if changing the density per this zoning request allows apartments. Ms. Amy said the zoning request allows for smaller lots in this development, which are above the minimum size of R-3 (7,500 square feet) but below the minimum lot size for R-2. She said the project is only for single family homes. Lot sizes for this project range from approximately 9,900 square feet to 11,800 square feet. Mr. Garton said he received a letter about the subdivision but there was no contact information. He said the weeds are getting crazy, and they have always maintained the alley way. They were told to remove anything in that area due to trespass issues, but he said weeds are not being controlled. Ms. Amy said that is not a true alley way, but is privately owned. When annexed into the City, the land will be used for farming and there should be weed control on vacant lots. The City has a contact person for weed issues. Mr. Garton asked who will handle it in the moment, and Mr. Raymond said that is under County jurisdiction.

Ms. Patton asked if Choteau and Flathead Avenues are related to the 43<sup>rd</sup> Avenue Northeast connection. Ms. Amy said these streets will be carried all the way across the subdivision and are created due to differing lot sizes in other development areas.

Pat Myers, 201 40<sup>th</sup> Avenue Northeast, asked if there were any park areas planned in this development. Mr. Raymond said there was no park planned on the subject development, but there is a ±17- acre park area to be developed to the west of this development. Ms. Amy referenced Ordinance 3190, which addresses park assessments in the City. Pocket parks can be created by developers but then have to be maintained by homeowners. Ms. Myers said weeds are out of control and there is a lot of trash caused by builders in the area.

### **PETITIONER'S PRESENTATION**

Gary Knudsen, speaking on behalf of his daughters, Shawne Rothwell and Leanne Bailly with S&L Development, said he has been involved working with developers and subdivisions in Great Falls for almost 40 years and has probably been involved with more subdivision development than anyone in the city. He said the fact that City staff has involved two developers to work together on a master plan for an area is unique. He said he is not aware of any subdivisions of this magnitude that have been planned so comprehensively. He commended the City Public Works Department and the Planning Division, and said this is probably one of the most desirable areas in Great Falls for single family homes.

### **PROponents**

There were no proponents.

### **OPponents**

There were no opponents.

### **PUBLIC COMMENT**

Pat Myers, 201 40<sup>th</sup> Avenue Northeast, said the trash blowing across this area is horrible. She wondered if the contractor could pay to have trash picked up. She also said parking on the

street is a problem. A neighbor has a horse trailer, a big boat and an RV parked on the street and the snow plows won't plow because of it. She said it is hard getting out in the winter. There is also a lot traffic and the streets are pretty narrow.

Mr. Raymond said City staff has a long list of City code changes being discussed, and the topic of boats and RVs parking on City streets is one of the subjects being discussed.

Brandon Mickealson, 216 20<sup>th</sup> Street Southwest, asked if 43rd Street Northwest would tie in all the way across that area. He said there is a private house on the northern end and there is dirt bike use. Ms. Amy said the right-of-way is just south of that property and the roadway will connect all the way through. Since 36<sup>th</sup> Street Northwest is the only main collector roadway in the area, 43<sup>rd</sup> Street Northwest will eventually become another collector roadway. Mr. Mickealson said there are farm animals, smells and noise in that area and he asked if there would be fences. Ms. Amy said there is no requirement to have fencing on each lot, and that as far as smells, it is the reality of rural-urban interface. Mr. Mickealson asked if there was a plan to address any of this, and Ms. Amy said it would have to be addressed at the time of build out, which is being done in phases over a period of time, and the City has no jurisdiction over these matters.

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

**MOTION:**     **RECOMMENDATION I:** The Planning Advisory Board recommends the City Commission approve annexation of West Ridge Addition Phase VII - XI, legally described in the staff report, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II, and subject to the Conditions of Approval being fulfilled by the applicant.

### Conditions of Approval:

1. The Final Plat of the West Ridge Addition phases shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings, specifications and cost estimates for public improvements for the West Ridge Addition phases shall be submitted to the City Public Works Department for review and approval, prior to consideration of the Final Plat of any West Ridge Addition phase.
3. An Improvement Agreement shall be executed and filed containing terms and conditions for annexation Final Plat phases, including, but not limited to, agreement by Owner to:
  - a) install, within three 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) Provide temporary storm water management facilities until such time as the final detention area that will server the subject property is secured and construct all of the storm water conveyance improvement to drain the site to the future onsite detention pond, whether they be surface conveyance and/or inlets and pipe;
  - d) reimburse the City its proportionate share of the cost of installing a new lift station and force mains to serve the property;
  - e) pay its proportionate share of the cost of an area storm water master plan;
  - f) pay its proportionate share of a North Great Falls transportation study;
  - g) pay all applicable fees owed as a condition of annexation, as determined in Improvement Agreement.

Made by: Mr. Striepe  
Second: Dr. Pasek

VOTE: All being in favor, the motion passed.

### **ZONING COMMISSION ACTION**

MOTION: RECOMMENDATION II: The Zoning Commission recommends the City Commission approve rezoning property within West Ridge Addition Phase VII - XI from the existing County SR-1 Suburban Residential to R-3 Single-family high density, upon annexation to the City, subject to the Planning Advisory Board adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Ms. Patton  
Second: Mr. Striepe

VOTE: All being in favor, the motion passed.

### **PLANNING ADVISORY BOARD ACTION**

MOTION: RECOMMENDATION III: (Note: this Recommendation is revised from the one presented in the staff report.) The Planning Advisory Board recommends the City Commission approve the Preliminary Plat of West Ridge Addition Phase VII - XI, legally described in the staff report, and the accompanying Findings of Fact, subject to:

- 1.) The Planning Advisory Board adopting Recommendation I;
- 2.) The Zoning Commission adopting Recommendation II; and
- 3.) The Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Fontana  
Second: Ms. Henkel

VOTE: All being in favor, the motion passed.

Ms. Amy advised the applicant of the next steps in the process.

### **ADDITIONAL PUBLIC COMMENT**

There was no additional public comment.

### **BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

#### **Thaniel Addition Phase I Final Plat, Annexation & Zoning**

Ms. Amy presented the staff report for the application by Kendall and Maxima Cox for Thaniel Addition Phase I. Ms. Amy entered the staff report into the record. The subject property abutts 6<sup>th</sup> Street Northwest on the west property line in the vicinity of 37<sup>th</sup> Avenue Northeast and 43<sup>rd</sup> Avenue Northeast. The subject property is ±155.672 acres of vacant, undeveloped land. Ms. Amy reviewed other details of the proposed development as presented in the staff report.

At the conclusion of a public hearing on May 12, 2015, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of this subdivision and recommended approval of annexation of the subject property. The Zoning Commission approved assigning a zoning classification of R-3 Single-family high density district upon annexation to the City. On June 2, 2015, City Commission conditionally approved the Preliminary Plat of the subject property and accepted the first reading of the zoning ordinance.

Ms. Amy said NeighborWorks is partnering with the owner on a portion of this subdivision to ensure a portion of the development is affordable housing. She reviewed the Final Plat information and the Findings of Fact for this proposed development, as well as roadway, storm water, and park land information.

The subject property is located in Neighborhood Council #3. The owner, its representative and NeighborWorks presented information to the Council on May 7, 2015. The Council is extremely concerned about the impact the new traffic generated by residential development will cause on the existing infrastructure. Three Council members were present; two voted in support of the project and one voted against. Staff has received 7 phone calls and one in-person inquiry from residents with general questions about the proposed development.

Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. Ms. Patton asked if there is a long-term plan for how 6<sup>th</sup> Street Northeast will be developed. Ms. Amy said that issue will be part of a transportation impact study. Currently it this street is at County road standard, and at some point will need to be developed to City standard. She said whether there could be a future SID for this is a long-term projection. There is language in the development agreement which looks at future improvements, and developers will be participating in a portion of those costs. Ms. Patton asked if there was a County or City SID for that. Mr. Raymond said there is an RSID for rural. The County could participate, but it's hard to predict the rate of build-out of this subdivision. He said there are portions of 6<sup>th</sup> Street Northeast coming down the hill and into the City that are actually still in the County and were not annexed.

Ms. Patton said it seems we hear from the neighbors that there needs to be a roadway out of developments in this area, and she assumes it is on City staff radar so that there will be a solution. Mr. Raymond said Thaniel Addition is paying 70% of the cost of the transportation impact study, and S&L Development is paying 30%. The City is considering expanding the boundaries of the study, and in that case would also contribute. He said staff thinks that the roadways are sufficient to handle traffic at this time, but is receiving comments from citizens concerned about the traffic in that area and staff also has concerns.

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

Ms. Patton said she was recusing herself from the vote on this project, but she said the Board has looked at two huge parcels recently which are changing the face of Great Falls. She complimented staff, the developers and the owners for working together to plan this and do a good job.

Mr. Striepe and Ms. Henkel also recused themselves from the vote on this project. Mr. Raymond confirmed there was a voting quorum.

**MOTION:** The Planning Advisory Board recommends the City Commission approve the Final Plat of Thaniel Addition Major Subdivision Phase 1, legally described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval:

1. The Final Plat of Thaniel Addition Major Subdivision Phase 1 shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings, specifications and cost estimates for public improvements for Thaniel Addition Major Subdivision Phase 1 shall be submitted to the City Public Works Department for review and approval.
3. An Improvement Agreement shall be executed and filed containing terms and conditions for annexation Final Plat phases, including, but not limited to, agreement by Owner to:
  - a) install, within three 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) construct all of the storm water conveyance improvement to drain the site to the future onsite detention pond, whether they be surface conveyance and/or inlets and pipe;
  - d) reimburse the City its proportionate share of the cost of installing a new lift station and force mains to serve the property;
  - e) provide sidewalk connectivity, including construction of sidewalks along the park frontage at such time as the adjoining street is constructed;
  - f) pay its proportionate share of the cost of an area storm water master plan;
  - g) pay its proportionate share of a North Great Falls transportation study;
  - h) pay all applicable fees owed as a condition of annexation, as determined in Improvement Agreement.

Made by: Mr. Fontana  
Second: Mr. Houtz

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

## **COMMUNICATIONS**

Next Meeting Agenda – Tuesday, June 22, 2015

- Soroptimist Village – Amended Plat, Block 27, Replat Lincoln Heights

Project Status:

- CHS Inc. Annexation and Zoning – City Commission July 7, 2015
- Thaniel Addition Final Plat Phase I – City Commission July 7, 2015

Petitions and Applications Received:

- East Industrial Park TIF Industrial District (AgriTech) Application

Mr. Raymond said staff is continuing to work on this TIF as well as a re-negotiated annexation agreement. He said there were certain performance measures in the original agreement that the developer was not able to achieve within the two-year time frame, so another agreement is in the works.

Other Communications:

Lee Nellis, Deputy Director – Resignation

Ms. Sparklin asked if there would be any more Planner's Tours in relation to Mr. Nellis resigning. Mr. Raymond said staff will work to develop a comprehensive planning map and capital improvement plan. He said staff and developers have spent a lot of time over the past year working on development projects. A comprehensive plan would provide a plan to look ahead to answer questions about impacts and infrastructure now for future improvements. Staff is also working with the City Commission on this so that the City can be proactive versus reactive with new development.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further business, Vice Chair Davis adjourned the meeting at 4:10 p.m.

---

CHAIRMAN

---

SECRETARY