

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
July 12, 2016**

**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  
Peter Fontana  
Keith Nelson  
Cheryl Patton  
Mark Striepe  
Michael Wedekind

Planning Board Members absent:

Sophia Sparklin  
Anthony Houtz

Planning Staff Members present:

Craig Raymond, Director P&CD  
Tom Micuda, Deputy Directory P&CD  
Charlie Sheets, Development Review Coordinator  
Erin Borland, Planner I  
Connie Tryon, Sr. Administrative Assistant

Other Staff present:

Joseph Cik, Assistant City Attorney  
Jim Young, 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 Nate Weisenburger asked if there were any comments or corrections to the minutes of the regular meeting held on June 14, 2016. Seeing none, the minutes were approved as submitted.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **Dance Design Studio: Conditional Use Permit**

Mr. Micuda entered the staff report into the record for a Conditional Use Permit (CUP) request for a Dance Design Studio located at 821 10<sup>th</sup> Avenue SW, consisting of 12,227 square feet currently zoned as R-1 Single-family suburban. The parcel is triangular in shape at the edge of a residential neighborhood, but directly across from commercially zoned property. The existing building is vacant, formerly used as a Worship facility. Mr. Micuda reviewed some site photos, and said only minor changes to the building are proposed, including a new doorway and change in signage. The applicants have submitted the proposed hours for the studio, with limited class sizes and occupancy.

Mr. Micuda explained the previous church use was considered a nonconforming use, and this Conditional Use Permit simply replaces that use with a different nonconforming use. The property in its current condition does not conform to the current zoning code, particularly the gravel parking. Staff would require one ADA parking space, boulevard trees and a six foot grass plot, reduced driveway width, and a paved and striped parking lot with seven spaces. He explained staff believes the best alternative is to make the improvements with the paved and striped lot; however, this is a point of contention with the applicants, as they would like to keep the parking lot gravel. Staff feels paving the lot would bring the property closer to code, provide a safer configuration and improve property aesthetics.

The site is located in Neighborhood Council #2, and there have been 10 contacts on the proposal with one opposed, one in favor, and eight requests for information. Mr. Micuda highlighted two of the seven findings for the Board to consider for the proposed CUP. He said the comprehensive plan supports this proposal, as it is the essence of small business entrepreneurship, as well as redevelops a vacant property, both of which are consistent with the City's Growth Policy. He said staff recommends approval with the Conditions of Approval as listed in the staff report.

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

Mr. Nelson asked how long the current building has been for sale. Mr. Weisenburger stated for the record that it had been on the market for a few weeks.

Mr. Nelson asked if it was a possibility to put a time stipulation on the requirement for a paved parking lot; get the business up and running, and then require the improvements. Mr. Micuda said yes, that is within the discretion of the Board. Mr. Davis asked if Mr. Micuda could provide an approximate square footage area that would be required to be paved. Mr. Micuda said he does not have an exact square footage, but it is a relatively small parking lot. There was discussion on the potential cost of the paving.

Brad Barringer, 1008 Adobe Dr., applicant, said they did have an estimate done that came out to \$22,000. He said they are not opposed to paving the lot, but they would like some time to make the improvements.

Mr. Wedekind asked if the CUP applied only to the Dance Design Studio; if they wanted to turn it into a retail store down the road, would that require a separate application. Mr. Micuda said the CUP is for this use with the specified limitations only.

Maurice Cameron, 607 10<sup>th</sup> Avenue SW, asked if this Instructional facility use would carry over to a new owner if the applicants were to sell, who would continue the facility as an Instructional use, such as a karate or boxing center. Mr. Micuda said a significant change, including employees or operating hours, may void the Conditional Use Permit upon the Director of Planning's discretion.

William Budeski, 614 10<sup>th</sup> Avenue SW, asked how far into the state right-of-way the parking lot will be. Mr. Micuda said the parking lot is entirely within the confines of the property.

Nancy Donovan, 830 10<sup>th</sup> Avenue SW, asked if this proposed use with improvements would impact the residential property taxes. Mr. Micuda explained the building will virtually stay the same, but he suspects because of the limitations in scale of the use, it is not believed there will be any impact on the taxes.

### **PETITIONER'S PRESENTATION**

Brad Barringer, 1008 Adobe Dr., said his family has a commitment to being good neighbors, and assured those in the audience that they will be considerate in the way operations are run. He said they had hoped to not have to incur the full expense of the parking lot until they were up and running and could determine functionality. He thanked the Board for their consideration.

### **PUBLIC COMMENT**

Maurice Cameron, 607 10<sup>th</sup> Avenue SW, expressed his concern for the extra traffic that may be generated in the residential area, as well as the concern about overflow parking onto the street. He wished the applicant luck.

William Budeski, 614 10<sup>th</sup> Avenue SW, expressed concern about backed up traffic on the street, but also the width of the street being too narrow. He said families and kids ride their bikes on the street, and with the extra traffic from the studio, this could be a problem. He would like to see the street widened to the correct width of 35 feet to make it safer for all involved.

Fred Fairhurst, 935 10<sup>th</sup> Avenue SW, voiced his support of the project, does not believe traffic will be an issue, and said the landscaping proposed with make that area more attractive.

### **BOARD DISCUSSION AND ACTION**

Mr. Nelson verified the number of classes being held during the week, and the average number of students per class at \$25 a student.

Ms. Patton said it is very important for the development of the community that when an opportunity arises for code compliance and improvement, we do so. She also recognized the need to encourage small businesses, and said she was not opposed to giving the applicants time to make the improvements, but would like to see assurance from them that it would be completed. She asked the applicant if a year was reasonable.

Suzie Barringer, 1008 Above Dr., explained the dance studio would operate during the school year, so the summer is the perfect opportunity to make those improvements; however, three years is what they would request to gauge parking and traffic. Mr. Raymond advised the Board that a performance bond for the value of the improvements can be issued for surety as an option to provide the best assurance that the improvements would be completed.

Mr. Nelson said based off the numbers given, he does not see how they could afford to pay for a paved parking lot, even within three years.

Mr. Striepe voiced support in working with applicant to provide as much time as possible regarding the parking lot improvements.

**MOTION:** The Zoning Commission recommends that the City Commission approve the Conditional Use Permit of the subject property located at Lot 29 and 30E, Garden Home Tracts, NE1/4 Section 11, Township 20 North, Range 3 East, P.M. MT Cascade County, MT, the Findings of Fact and Conditions of Approval located in the staff report, with the elimination of condition #12, thus requiring no paving and striping of the parking lot.

Made by: Mr. Nelson  
Second: Mr. Striepe

Mr. Wedekind said he understands it is a small business, but it is important that a business comply with standards, and he firmly believes it needs to be paved. There was discussion on amending the motion to give the applicant two to five years to complete the improvements using a performance bond. There was clarification from Mr. Raymond on how a performance bond works, and discussion on the success rate of improvements being completed after the business is already running. It was pointed out that if the Board approves this CUP and the improvements are never made, the only recourse by the City is to shut down the business, which is not a desired scenario. Mr. Nelson said he would like to leave the motion as stated.

**VOTE:** Mr. Wedekind and Ms. Patton voted against the motion, with all other five votes in favor. The motion passed with a majority.

Mr. Micuda advised the Board and applicants what the next steps in the process would be.

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

#### **501 Smelter Avenue Northwest: Single Lot Subdivision**

Mr. Sheets entered the staff report into the record for the single lot subdivision at 501 Smelter Avenue Northwest. The property is currently 20,000 square feet and zoned R-2 Single-family Medium Density. He said there is a single family dwelling on the southern portion of the lot, and a detached garage on the northern portion. The applicant intends to build a new single-family dwelling on the northern portion of the lot.

The applicant was granted conditional approval for three variances by the Board of Adjustment in February. Those were for lot size, to allow the detached garage to remain on the northern portion of the lot, and the garage remain at an 18 foot setback as opposed to the required 20

feet. He was required to apply for the single-family dwelling permit within one year of that approval.

Mr. Sheets said the subdivision of this lot does meet the intent of the Growth Policy, and Neighborhood Council #3 voiced their support for the subdivision. He reviewed the Conditions of Approval as listed in the staff report, and said staff recommends approval of the subdivision.

Mr. Fontana asked if there were any requirements for street improvements. Mr. Sheets said no.

### **PUBLIC COMMENT**

Robert Edwards, 2100 6<sup>th</sup> Street NW, applicant, asked what his time restrictions were on building the dwelling. Mr. Sheets explained the only time limit was the one year to apply for a building permit that was imposed by the Board of Adjustment/Appeals.

### **BOARD DISCUSSION AND ACTION**

There was more discussion regarding the conditions placed by the Board of Adjustment/Appeals regarding the variance requests, and subdivision of the lot.

**MOTION:** That the Planning Advisory Board recommend the City Commission approve the minor subdivision of Lot 3, Block 1, Viles and Robinson Acre Tracts, as described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Ms. Striepe  
Second: Ms. Patton

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

### **COMMUNICATIONS**

#### Next Meeting Agenda – Tuesday, July 26, 2016

- None

#### Project Status:

- None

#### Petitions & Applications Received:

- None

### **PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further business, Chair Nate Weisenburger adjourned the meeting at 4:15 p.m.

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CHAIRMAN

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SECRETARY