

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
February 17, 2022**

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| <p><b>CALL TO ORDER AND ROLL CALL</b></p>  | <p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were John Ellis, Scott Freudenberger, Chris Gardner, Allison Linville, and Toby Scott. Whitney Beckham was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Long Range Planner Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 18 people attending in addition to the board members and staff.</p> |
| <p><b>AGENDA CHANGES</b><br/><i>6:00 pm</i></p>  | <p>None.</p>   |
| <p><b>APPROVAL OF MINUTES</b><br/><i>6:00 pm</i></p>   | <p>Ellis made a motion, seconded by Linville, to approve the January 20, 2022 minutes without corrections. <b>The motion passed unanimously.</b></p>   |
| <p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b><br/><i>6:00 pm</i></p>          | <p>None.</p>   |
| <p><b>UNFINISHED BUSINESS:</b><br/><i>6:00 pm</i></p>  | <p>None.</p>   |
| <p><b>PUBLIC HEARING 1: 444 CENTRAL, LLC CONDITIONAL USE PERMIT REQUEST</b><br/><i>6:01 pm</i></p> | <p>A request by 444 Central LLC for a Conditional Use Permit to develop four single family units on one lot. The property is currently developed with two residential structures and is zoned WR-4 (High Density Multi-Family Residential District). The property is located at 444 Central Avenue and can be legally described as Lots 10, 11, 12, Block 60 Whitefish Original in S36 T31N R22W, P.M.,M., Flathead County.</p>  |
| <p><b>STAFF REPORT WCUP 22-01 (Compton-Ring)</b></p>   | <p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 22-01, two letters had been received from neighbors not in support of the project and concerned with the size of the proposed three-story buildings in the context of the 400 block of Central Avenue. Three additional comments were received since then from two people, one not in support, and one requested to have their signature removed from a submitted letter signed by all</p>                            |

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|  | <p>the neighbors and had some questions about the power line changes that were going to happen in the alley.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 22-01 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>   |
| <p><b>BOARD QUESTIONS OF STAFF</b></p> | <p>Ellis asked and Compton-Ring said a conditional use permit is required because there are four separate single-family homes on one lot which makes it fall under the multiple primary uses requirement. Ellis asked and Compton-Ring said eight parking spaces (two per unit) are required and she reviewed where they are proposed. Ellis questioned Finding 7, "The project is compatible with the neighborhood and community because, as conditioned, the proposed buildings scale and mass will be like surrounding buildings ..." and Compton-Ring said "as conditioned" is in the wrong place. Ellis also pointed out a typo in Condition 9, where "contributed" should be "contribute," and asked if that condition means they have to reduce the building height? Compton-Ring said it could be building height or they could come up with something else. We have not been provided with anything showing that yet, but it will be reviewed at the time of building permit as the Architectural Review Committee does not review single-family homes.</p> <p>Gardner said Condition 9 is fairly subjective when it states, "Building bulk and mass must contribute to the neighborhood context ..." and asked who will define that and Compton-Ring said it will be part of their building permit. Gardner asked about adding that as a condition and Compton-Ring said single-family homes are not reviewed by the Architectural Review Committee (ARC) so they have no standards; that review will happen as part of the building permit.</p> <p>Chair Qunell asked and Compton-Ring said they will need to combine the three lots there now into one lot with a boundary line adjustment as part of building permit. The house there currently sits on more than one lot which is pretty common in downtown, and there is nothing in our Code regarding historic designation for homes in Whitefish. Chair Qunell said he has never seen a condition like Condition 9 before, with Zoning Administrator Director Taylor being the only person who has review over determining what contributes to the community versus what does not and that does not make sense to him. Compton-Ring said we have the review criteria of neighborhood and community compatibility so that condition was added for this particular project so we could review that. Chair</p> |

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|                             | <p>Qunell asked and Compton-Ring said in the WR-4 there are no short-term rentals allowed, so that does not need to be added as a condition.</p> <p>Scott asked on the site layout, Unit A shows a garage that seems to be entered from the north and asked if there is another alley along there. Compton-Ring said it would be a driveway they would put in which comes off the alley. Scott asked if there was enough radius and Compton-Ring did not know.</p>   |
| <b>PUBLIC HEARING</b>       | <p>Chair Qunell opened the public hearing.</p>   |
| <b>APPLICANT / AGENCIES</b> | <p>Joel Roos, Vice President of Pacific Union Development Co, said he is joined by his partner, Nathan Nishiguchi, here tonight. Their company was founded by Tom Callinan and has been around for 45 years as a small, family run company with a focus on developing high quality projects, most often high design projects. Mr. Callinan has been looking at Whitefish for some time and desires to have a residence here and the 444 site fits. Jeremy Oury was working on a project with them already in Hamilton and his local knowledge of Whitefish and great design sensibility was a great fit for them. The project submitted in December began to be developed six to eight months ago and they had worked hard to find what they thought would be the right density, height, and bulk. They agreed with most of the comments that came out of the submittal and with Compton-Ring's comments for mitigation of the height and bulk. Over the past couple of weeks, they have significantly modified the design, including the driveway with the challenging turn radius, and significantly reduced the height and bulk. They met with neighbors Rhonda Fitzgerald and Andrew Strong today and showed them the most recent plans and had what he considered a productive conversation. Ms. Fitzgerald and Mr. Strong asked about the residents of 444 Central who will be displaced, and they whether there could be an extension of time for them. They also met with their property manager, Suzy Schweikert, and agreed they will extend the time for the current residents to move until the end of May and will forgo their rent for March-May.</p> <p>Mr. Roos introduced Jeremy Oury. Mr. Oury is the architect on the project and lives at 359 W 7th Street, with an office at 235 Central Avenue. He has been here for 22 years and also has a lot of work in Hamilton. Mr. Oury went over the mitigation of the site plan, elevations, and building massing based on the comments they received about a week and a half ago and in some of the meetings</p> |

with local neighborhood. They plan to push the two larger units up on Central Avenue together so it will appear to be a single mass with a similar footprint to what was there before which will eliminate the "canyon" between two buildings that was submitted. They are trying to adhere to the setbacks allowed and are taking the four units and putting them together into two buildings. He discussed parking spaces and vehicular access. They may connect Unit A to its garage and Unit C to its garage by a breezeway. They imagine these to still be carriage-house units, no longer three stories, but classic two stories in the style of the accessory dwelling units (ADUs) that are being done in the downtown area. The new elevation shows a reduction of about 7.5-feet in height of the larger building and about 11-feet (an entire story) taken off the carriage units in back. They would like a third story in the main units, but in a two-story structure roof. In their conversation with Ms. Fitzgerald and Mr. Strong today, they discussed making some references back to the original structure built by the Baker Brothers a long time ago. There have been a lot of modifications, but there are some historical references that can possibly be made to the original roof pitch and some little things like handrail details, etc., and they are not insensitive to that.

Gardner asked and Mr. Oury said if the idea is the parking for the larger units has to be off the alley now, it makes sense for them to connect them. The client is interested in being a resident of at least half of this project. The two larger units are connected so this will now go to architectural review as they are duplexes. These are two fee simple projects now, the main house and the carriage and would still be considered four fee-simple houses on three 25-foot lots combined into one.

Chair Qunell asked and Mr. Oury said these are condos now. The carriage house is designed to go with the garage, but they are being sold separately. Freudenberger asked how the carriage house is not an ADU and Mr. Oury said he would have to understand the City's definition of ADU a little bit better. From an architectural prototype they are looking at is what feels like an alley garage similar to what most of the neighborhood has, which is a detached garage. They would like the opportunity to be able to have living space above it.

Freudenberger said with ADUs you have deed restrictions on rentals, so he is curious how it is separated differently. As Gardner said, with the duplex style, or shared wall, this project would go before the ARC.

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|                       | <p>Chair Qunell asked and Mr. Oury said lowering the height of the main building 7.5-feet will make the dominate ridge at the top 26.5-feet; it will have a third story set in within the reference of the roof. Chair Qunell's concern is that whatever happens we do not get to have a say, but we can condition things in a way that we feel comfortable with. He asked if the Applicant would be comfortable with the Planning Board conditioning the ridgeline could be no more than 26.5-feet and Mr. Oury said they would like a little time to run this through CAD and make sure they have their heights right. Chair Qunell said it is hard to make a decision based on the new drawings when we only have the original drawings at this point.</p> <p>Gardner asked with the main house and carriage house being connected with a breezeway if that constitutes a zero lot line. Mr. Oury does not think so because you are still talking about a CUP for a condo project, but the intent is to have the dividing line between the two structures lined up with each other down the middle. He would actually work towards architectural solutions to not make it feel like that and offset the symmetry so it looked like an older estate residence downtown rather than something that looks like somebody tried to get around the rules.</p> <p>Gardner asked and Mr. Roos said two parking spaces will always be required for any property. He also suggested they might be able to affix a certain height number if that makes Chair Qunell more comfortable. Mr. Oury did the hand sketches today and they know this can be lowered significantly.</p> <p>Chair Qunell asked and Compton-Ring said they have to have parking; a dedicated spot and a surface spot have to be dedicated to the front two units. They are doing a condominium project so as part of their condominium declaration they are going to dedicate an inside space and an outside space to those front units. Mr. Roos said the deed will reflect that.</p> <p>Compton-Ring said because their new proposal now is to connect those two units it will go to architectural review, so there is really no need to pick a height and that should be left up to the ARC. Gardner asked and Compton-Ring said it is a requirement the parking space goes with the front unit so there is no need to add the condition.</p> |
| <b>PUBLIC COMMENT</b> | <p>Andrew Strong, said he owns 435 Central Avenue and is currently restoring the home at 405 Central Avenue, the old doctor's house built in 1905 at the corner of E 4th Street and Central Avenue. He</p>   |

has been coming to Whitefish for the last 8 years, and one of the things that brought him here and he is sure many others is the small-town, historic feel, which is very important. Several of them put together a letter which is included in the packet. Neighbor Megan Clark and her husband signed the letter but have since asked to have their names removed. Mr. Strong and Ms. Fitzgerald talked with the developers today and, in terms of developers, they think they have a good one here, but wanted to know why we are considering a proposal for a design they are not planning to build. Planning Board members raised good questions and once the project goes through to the City Council, the Planning Board has no more control. Mr. Strong recommended they withdraw and submit the plan they want. He felt the findings are incorrect, with the mass, scale, and character being completely out of line with the homes around it. Mr. Strong said staff cannot make findings, only the Board can, and he proposed changes to Findings 1 and 7 which he passed out. The homes around it do not look like what is being proposed here. The developers are making promises, but the Board can only act on the application, not what is said here. He suggested the Board deny the application, the developers meet with the neighborhood, and then come back with the application they want. Mr. Strong thanked the developers for reaching out to them and for giving the current tenants more time.

Guiseppe Caltabiano, 2075 Lion Mountain Loop Road, made a procedural comment during the City Council January 3<sup>rd</sup> meeting, on the record there are a number of questions related to a PUD between Council members and staff. Compton-Ring reminded the Council that should a project be subjected to *substantive* changes between the Planning Board and City Council, that project would go back to Planning Board.

Chris Schustrom, 504 Spokane Avenue, a block away from proposed development. It is great the property owner is interested in developing this historic property, but as submitted the proposed mass, scale, and design are not in keeping with the mass, scale, building materials, and character of this zone, the neighborhood and the intent of the Downtown Master Plan. He is also a founding Board member of the Heart of Whitefish which is the downtown association partnered with the City to help fund the original Downtown Master Plan, first adopted in 2006. On page 58 of the 2018 version (the most up-to-date version), under land use framework, there is a section titled character which he read to the Board. Mr. Schustrom appreciates staff recognizes the mass and

scale issue; however, under Finding 7, Condition 9, there is no requirement the Applicant reduce mass and scale or alter the design to complement buildings materials of adjacent buildings in the neighborhood, but it reads more like a suggestion. Mr. Schustrom thinks this can be a great redevelopment of the project, but as the application goes forward he thinks there should be a requirement they reduce the scale. He would echo Mr. Caltabiano's note as there are substantial changes it should come back to Planning Board. That could provide a great opportunity for the applicant to run it through CAD and make sure the floor heights work, etc., and a building is under 30-feet tall would be in keeping with the neighborhood character. The building that he owns with Rhonda Fitzgerald, the Garden Wall Inn, is only 24-feet tall and one of the taller buildings in the area, so something between 24- and 30-feet would be an appropriate height.

Rhonda Fitzgerald, 412 Lupfer Avenue, said as proposed she thinks the project is really inappropriate, improper, and not in the best interest of community. As discussed this afternoon in a meeting, with all the possible changes, it could be a good project and very complementary to neighborhood. But that is not what the Planning Board is being asked to approve, and she is very concerned about that. There are no specifics, and in the interest of expedience, she thinks the best thing would be to table it so the Applicant could come back with revised drawings, and everyone could understand what it actually would be and as neighbors they could support it. They talked about improvements to honor the character of the community and the neighborhood and be compatible. Not just height, mass, and scale, but also the exterior materials which are all wrong as proposed, and they acknowledged that. It would be great if we could all see what we are actually saying yes to and that way we could go smoothly forward in time for the building season. For clarification, the Downtown Master Plan made it very clear that the business core of downtown ended at 4th, and the historic neighborhoods south were to be recognized and honored. The commercial designation means you could have a live/workspace or professional office; at one time there was an accountant who made a lot of improvements to a bungalow and there is also a daycare. Those were the kinds of things that are envisioned in the Downtown Master Plan. In the 2015 revision under "Implementation", it calls for developing an overlay specifically to honor these areas and make it much clearer what is meant by character, scale, and materials, but that overlay has unfortunately never been undertaken. If we had that in place, this would not have arisen as the developers and

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|   | <p>architect would have had clear guidelines. They would have had a design we would all have been comfortable to begin with. Ms. Fitzgerald appreciates the conversation and receptiveness they demonstrated.</p> <p>Eric Greenberg, 416 Central, agreed it makes sense to table this matter after hearing the discussion tonight. He also thanked the developer for extending the time to tenants.</p> <p>There being no further public comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>  |
| <p><b>MOTION / BOARD DISCUSSION</b></p> | <p>Linville said as we have seen the presentations, it feels almost like we are talking about different projects. It sounds like there was a helpful conversation today, but we need more clarity. She is curious to hear from staff as this seems messier than usual. Compton-Ring said what we have before us is the four units. The developers have taken the comments to heart, talked to the neighbors and listened to their comments, and have been madly working on this even today. They have sort of talked about some of their ideas, but this is the first chance staff has had to look at it. They are taking public comment and working hard to incorporate ideas. Tabling it might be a good idea because then they could have more time to put their ideas together and bring it back. She suggested, though, that because CUPs have to be approved within 90 days, the deadline for this project is April 3<sup>rd</sup>. There is no way they could get it before Council by then if they came back to Planning Board, so the developer would have to agree to an extension of that timeframe. If we do not act one way or the other within the timeframe, the original proposal gets approved.</p> <p>Gardner said we have seen some substantive changes from zero lot line being the biggest one for him, so now this will go to architectural review and the bulk of the issues people seem to be having are with massing, colors, and materials, things that architectural review should be dealing with. In essence, Planning Board deals with land use items. His concern is how can we ensure now these are duplexes and will be going through that process. Compton-Ring said we will not accept a building permit without ARC review for a two-unit building, but we could add that as a condition of approval as well. Gardner asked and Compton-Ring said what the Planning Board would be approving or denying tonight would be the revised plans reflecting the duplex which would trigger the</p> |



architectural review, not the original plans given in the packet.

Ellis asked and Compton-Ring said the zoning of the block on Central Avenue between 3rd and 4th, is zoned WB-3, which is different from this block. He said Condition 1 says "... major deviations from the plan must require review pursuant to § 11-7-8." Ellis asked and Compton-Ring said that is the full CUP section of the WCC. Ellis asked if that means major deviations must go back to the Planning Board and Compton-Ring said correct.

Freudenberger said he agrees with Gardner on the point of view now they are proposing shared common walls (duplex-style), it will go through architectural review which will take care of a lot of the comments on metal railing, height, massing, structures, etc., mentioned. If it is not voted on tonight as far as accepted or denied, he does not think "tabling" is the correct term; it will need to be "postponed" or "continued".

Chair Qunell asked and Compton-Ring said this would go through architectural review after the City Council acts on it. Council must take action before April 3<sup>rd</sup> and Chair Qunell asked and the developer said they would bring updated plans for the City Council meeting. Chair Qunell asked and Director Taylor said he did not think what they have changed would be considered a substantive change since they are just moving a building around here or there and/or reducing the height. They are not adding more units or trying to remove conditions; they are just massaging the site plan and the buildings a little bit, so in that sense he would not consider it a substantive change, although he has not seen the new layout or design.

Chair Qunell said since the developer obviously understands the timeframe, it seems prudent to postpone this to our March 17 meeting, which puts us up against the timeline as we would not be able to act on it before the April 3 deadline at the City Council level. That leaves two options in his mind – the developer allows the postponement and willing to go to sometime in May probably, or if they are not willing, the Planning Board would have to consider denying it and having them come back with a new plan and start over. Chair Qunell asked and Mr. Roos said they would be willing to postpone and possibly not get approval until May. Mr. Roos said they would obviously like to move the project forward and their word is good. They will deliver something that looks pretty much exactly what we see here tonight, and they want to make sure they

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|   | <p>work on concert with us and not force anything through. If we can move it forward more quickly, they can draw a whole lot quicker, and would obviously bring a revised plan to Council. In consideration with that and along with saying of course they will work with us in whatever capacity we want them to.</p> <p>Linville made a motion, seconded by Gardner, to postpone WCUP 22-01 to the March Planning Board meeting.</p> <p>Chair Qunell asked and Compton-Ring said it would be a good idea to get something in writing from Mr. Roos that he is willing to waive the requirement for a decision on the matter within 90 days, and Mr. Roos agreed to send an email to Wendy.</p> <p>Linville said obviously one of her considerations is having full respect to the process but also feeling like we are doing an adequate review of the proposal as it is brought forward. There were a lot of new revelations tonight, not only in the information brought from the applicant but there also seems to be some shift in the public comment which we are also considering. She does not feel like we are analyzing the actuality of it based on new discussions and would like to see where everyone stands. She said she really appreciates the developer addressing the displacement issue which is a major issue in any development.</p> |
| <b>VOTE</b>   | <b>The motion to postpone passed unanimously.</b> The matter was previously scheduled to go before the Council on March 7, 2022.  |
| <b>PUBLIC HEARING 2:<br/>LIBERTAS GREEN<br/>GEORGIA, LLC ZONING<br/>MAP AMENDMENT<br/>REQUEST<br/>7:09 pm</b> | A request by Libertas Green Georgia, LLC for a Zoning Map Amendment to amend the approved Statement of Conditions on the current conditional zoning to add marijuana facilities as an administrative conditional use. The property currently has a six-unit commercial condo building and is located at 1822 Baker Avenue. It is zoned WI (Industrial and Warehousing)/WB-2 (Secondary Business)/SC (Statement of Conditions) and can be legally described as Tracts 6BDC and 6BE, Units 1 through 6 of Commerce Street Condominiums, S01 T31N R22W, P.M.,M., Flathead County.  |
| <b>STAFF REPORT<br/>WZC 22-01<br/>(Taylor)</b>  | Planning Director Taylor reviewed his staff report and findings. As of the writing of WZC 22-01, no comments had been received. Since then, two comments were received and distributed tonight with concerns about odors, parking, traffic, and snow removal from the adjacent property owner. Director Taylor said if they came in for an Administrative CUP for a dispensary, for instance, they would have   |

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|  | <p>to meet the parking standards within the WCC for that retail use on that location if this was approved.</p> <p>Staff recommended adoption of the findings of fact within staff report WZC 22-01 and for <b>approval</b> to the Whitefish City Council of the zone change on the property subject to an amended Statement of Conditions, which would need to be signed and notarized by all the property owners within the Commerce Street Condos development and recorded with the County.</p>   |
| <p><b>BOARD QUESTIONS OF STAFF</b></p> | <p>Chair Qunell asked and Director Taylor said this is zoned WI and WB2 with a statement of conditions . There is a unique ability to do conditional zoning in our Code where we can take someone who is on the fringe of a zoning district nor instance, or has specific characters, that applicant can come forward with basically a blended zone. In about 2013 or 2014, the properties around this property got a blended zoning district - a blend of the WB-2 and Industrial zoning. They added some uses out of the WB-2 into the Industrial zone. The staff report and attachments include an Exhibit A, a Conditional Zoning Statement of Conditions, that lists what the setbacks are, permitted uses, and other development requirements. Chair Qunell asked and Director Taylor said we did approve marijuana dispensaries in the Industrial zone and the WB-2 zone, but the zoning of these particular properties is still stuck with this Statement of Conditions. All the amendments that have been done to the WB2 zone, for instance, do not apply to these properties; their Statement of Conditions rules what their zoning is. They do not have the ability to ask for a marijuana facility of any kind because it is not in their zoning which is recorded with their deed. So, they have to amend this Statement of Conditions and the only way to do that is to come back through this process of a zoning amendment. Chair Qunell asked and Director Taylor said at the time this was done, the property owner wanted some additional uses that were not permitted in the Industrial zone. It is a unique, complicated situation, and the only other one in town is the Whitefish Hotel. The Mountain Gateway project was asking for this type of zoning for their commercial uses. Director Taylor said the applicant is just asking to add marijuana facilities and marijuana dispensaries to their permitted uses.</p> <p>Gardner asked and Director Taylor said potentially everything around this by right could be doing this cultivation. The other stuff that is zoned with the special conditions overlay is not part of this application so they would not be able to do that. Across the street is</p> |

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|                             | <p>WB-2 and they could do it, and to the north there is additional Industrial property, and it could happen there. Gardner asked and Director Taylor said the limitations were put on this in maybe 2013 or 2014 and this particular property took on that zoning in 2018 when it became the consignment furniture store that is now in the Mall.</p>  |
| <b>PUBLIC HEARING</b>       | <p>Chair Qunell opened the public hearing.</p>   |
| <b>APPLICANT / AGENCIES</b> | <p>Ian Stewart, PO Box 9371, Missoula, Montana, and has lived in Montana about 20 years. He runs a small family office that specializes in M&amp;A business development deals hyper focused in cannabis. Typically, they work all over the country; however, with the passage of House Bill 701, they decided to start their first projects here in Montana, specifically this Whitefish location for the dispensary at 1822 Baker Avenue. They have been working with state lawmakers and the legislature, as well as with folks locally to ensure that the program is successful by design. They like to come in from the ground up on the development side and make sure they take into consideration everything that the local folks of Montana and local cities value. As it pertains to the zoning map amendment and specifically the Statement of Conditions being amended to encompass the cultivation, manufacturing, and dispensary components of the vertical system allowed here under House Bill 701, it was called to the attention that the Statement of Conditions do not account for the use they intend to have at 1822 Baker Avenue. The objective really is a dispensary and they do not plan to cultivate or manufacture cannabis in this location. They understand the parking concerns and those will be addressed as they move forward with the CUP. They plan to work with the Association at Baker Avenue and find a solution for parking to accommodate the additional spaces necessary to comply with the CUP which calls for approximately one parking space for every 500 square feet of gross square footage. Their space is 1,500 square feet so they would essentially be deficient one parking space at this time which they are aware of.</p> |
| <b>PUBLIC COMMENT</b>       | <p>Chris Hyatt, 611 Somers Avenue, said he owns 1826 Baker Avenue, and they were told at the beginning there would be manufacturing, and take large things and turn them into small things. Their great concern is parking as they have two parking spaces per unit, and he does not know how they can have retail in that location. He believes this will have to go back to their Condo Association as that is where it should have started instead of going to each one of them. He does</p>  |

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|   | <p>not agree with what they are doing moving forward and wants to take back letter he signed. He also has a letter from the individuals, Craig Edelman, and Angie Bera, 1832 Baker Avenue, retracting their signatures from documents they signed to support request.</p> <p>Allyson Hakala, co-owner of the unit at 1824 Baker Avenue, and co-president of the COA, said she seconded everything that Mr. Hyatt mentioned. They have serious concerns about the parking in the units and does not think there is anyway to adjust it because the space is very limited. They are a relatively young association and should have a meeting to make sure they are on the right track before a huge zoning change like this happens.</p> <p>There being no further comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>   |
| <p><b>MOTION / BOARD DISCUSSION</b></p> | <p>Linville said Mr. Hyatt retracting the statement from Craig Edelman, seems strange to her as he is one of the names on the application. Director Taylor said we require all the owners of the property to sign an application like this. Technically you can do a rezone with two-thirds of the property owners, and that does affect the standing of this if the people who signed the application are retracting their names for support of it. In order to change it, the owners have to be on board.</p> <p>Chair Qunell asked if Craig Edelman owns all the units and Director Taylor said this project has six condos that have different owners, or one person might own a couple of them.</p> <p>Freudenberger asked and it was confirmed that we have at least three of those owners represented here tonight supporting denial – Craig Edelman, Chris Hyatt, and Allyson Hakala.</p> <p>Chair Qunell said it seems like in order to have a zone change, we would have to have agreement from two-thirds of the property owners, and he does not think we have that anymore.</p> <p>Director Taylor tabling this to a date uncertain until they can come back with an agreement from the rest of the property owners.</p> <p>Chair Qunell said we have the option of tabling this to a date uncertain where the applicant would come back with an agreement without having to pay all the fees again. We could postpone it to a</p> |

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|  | <p>date certain (<i>i.e.</i>, two months) to give them time and since it is a zone change, we are not under any timeframe requirements. Or we could just approve to deny it.</p> <p>Ellis made a motion, seconded by Linville, to table WZC 22-01 .</p> <p>Chair Qunell suggested Mr. Stewart that he try to work with the other property owners and see what they can come up with and whether they are willing to do retail there or not.</p>  |
| VOTE   | <b>The motion to table passed unanimously.</b> The matter was previously scheduled to go before the Council on March 7, 2022.  |
| PUBLIC HEARING 3:<br>CITY OF WHITEFISH<br>ZONING TEXT<br>AMENDMENT REQUEST<br><i>7:34 pm</i> | A request by the City of Whitefish to amend Chapters 2, 3, and 9 of Title 11 in order to change the definition of at-home daycares and daycare centers, increasing the threshold definition from 12 children to 15 children. This change to the Zoning Regulations is in response to Senate Bill 142, which was an act to increase the number of children who can receive daycare at a group or family daycare home.   |
| STAFF REPORT<br>WZTA 22-03<br>(Osendorf)   | <p>Planner Osendorf reviewed her staff report and findings. As of the writing of WZTA 22-03, no public comments had been received, and none have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 22-03 and for <b>approval</b> to the Whitefish City Council of the proposed changes to Title 11, Zoning Regulations, of the Whitefish City Code to redefine the number of children allowed at home daycares and daycare centers.</p> |
| BOARD QUESTIONS<br>OF STAFF  | None.  |
| PUBLIC HEARING   | Chair Qunell opened the public hearing.  |
| APPLICANT / AGENCIES   | None.  |
| PUBLIC COMMENT   | There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.  |
| MOTION / BOARD<br>DISCUSSION   | Scott made a motion, seconded by Gardner to adopt the findings of fact within staff report WZTA 22-03, as proposed by City Staff.  |

|                                    |   |
|------------------------------------|---|
| VOTE                               | The motion passed unanimously. The matter is scheduled to go before the Council on March 7, 2022.   |
| GOOD AND WELFARE<br><i>7:38 pm</i> | <ol style="list-style-type: none"> <li>1. Matters from Board. None.</li> <li>2. Matters from Staff. Compton-Ring announced a work session on Accessory Dwelling Units (ADUs) will be held following adjournment of the meeting so the Board can provide direction to staff.</li> <li>3. Poll of Board members available for the next meeting on March 17, 2022. Ellis will not be available, but all other Board members present indicated they thought they would be available.</li> </ol> |
| ADJOURNMENT<br><i>7:40 pm</i>      | The meeting was adjourned on a motion by Scott seconded by Chair Qunell at approximately 7:40 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on March 17, 2022, at 6:00 pm, at 418 East 2nd Street.   |

/s/ Steve Qunell  
Steve Qunell, Chair of the Board

/s/ Wendy Compton-Ring  
~~Keni Hopkins~~ Wendy Compton-Ring,  
Recording Secretary

APPROVED AS *SUBMITTED* / CORRECTED: *3-17-22*