

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

<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 Whitney Beckham, Scott Freudenberger Chris Gardner, Allison Linville, and Toby Scott. John Ellis was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Planner I Jessica Nymark represented the Whitefish Planning and Building Department.</p> <p>There were approximately 12 people attending in addition to the board members and staff.</p>
<p><b>AGENDA CHANGES</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>APPROVAL OF MINUTES</b> <i>6:02 pm</i></p>	<p>Scott made a motion, seconded by Freudenberger, to approve the February 17, 2022 minutes without corrections. <b>The motion passed unanimously.</b></p>
<p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b> <i>6:03 pm</i></p>	<p>None.</p>
<p><b>UNFINISHED BUSINESS:</b> <i>6:03 pm</i></p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: 444 CENTRAL, LLC CONDITIONAL USE PERMIT REQUEST</b> <i>6:03 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>This matter was postponed from the February 17, 2022, Planning Board meeting, with the public hearing remaining open. Applicant wished to update application; changed application to 4 units in 3 buildings versus 4 units in 4 buildings.</p>
<p><b>STAFF REPORT WCUP 22-01</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings at the February 17, 2022, Planning Board meeting. As of the date of</p>

<b>(Compton-Ring)</b>	<p>the February Planning Board meeting, four letters had been received from the public. Three were not in support of the project and had concerns with the size of the proposed three-story buildings in the context of the 400 block of Central Avenue, and one asked to have her name removed from the neighborhood letter. As of the date of WCUP 22-01 with the updated plans, one letter was received today from the Central Avenue Homeowners in support of the project but with continued concerns with mass, scale, character, materials and parking.</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>
<b>BOARD QUESTIONS OF STAFF</b>	The Board had no questions of staff.
<b>PUBLIC HEARING</b>	Chair Qunell opened the public hearing.
<b>APPLICANT / AGENCIES</b>	<p>Joel Roos, the applicant, brought forth changes after February meeting due to adjacent neighbors to reduce mass and bulk, and parking and driveways. Drafted new set of plans which are in staff report. Jeremy Oury, the architect, is going to show additional images to show the application better. Feels the design is better after the comments from committee/public.</p> <p>Jeremy Oury, architect in Whitefish, said the application isn't too different than one presented in February. They stuck to height limits and dropped the building 5-feet out of concern of massing, smaller footprint and neighbor impact and these revisions came from responses from neighborhood. They will show materials at Architectural Review Committee (ARC) review. The building being torn down isn't historical but the build references its massing and roof pitches to fit downtown character.</p> <p>Beckham asked about the plan for roofing and siding materials and Jeremy responded that the primary and upper roofs are composite shingles in charcoal, to mimic oldest form of roofing of cedar shakes. Lower pitch is oxidized standing seam, nickel plated with historic look. The siding on the upper portions will be wood sided vertical, upper gables wood, possible masonry or lap siding. The materials will be presented for ARC review.</p> <p>Beckham asked about using composite shingles on lower roof versus</p>

	<p>metal and Jeremy responded that he does restoration work and composite shingles hold snow so you can lose warranty depending on pitch of roof. Classical look is a benefit.</p> <p>Beckham asked if any other buildings have this roofing and Jeremy responded that quite a few in this neighborhood have standing seam shingles.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Rhonda Fitzgerald; 412 Lupfer Avenue, submitted a letter today from the Central Avenue Homeowners. The neighbors feel the new design fits the neighborhood much better. It will still be the largest buildings in the area, but the pitches and gables match much better. Porches help blend the buildings, but they are still super concerned about materials. Asked the Planning Board to make a finding that indicates the importance of all buildings to preserve historic character of the surrounding 1920s architecture of the neighborhood. Thanked applicant for being collaborative and accepting.</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>Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 22-01, with the eleven (11) conditions of approval, as proposed by City Staff.</p> <p>Scott stated he was pleased the applicant collaborated and changed their plans. Would like to bring up the whole area is WR-4. Any one of them could put a multi-unit building and that's a part of living in WR-4.</p> <p>Qunell would like to add a condition to construction materials but that isn't under Planning Board jurisdiction.</p> <p>Compton-Ring stated that is all under ARC review purview.</p> <p>Beckham wants to amend condition #9 to 'pay specific attention to building materials to match character of the neighborhood'.</p> <p>Beckham's motion fails for lack of a second.</p> <p>Qunell asked if ARC gets Planning Board minutes. Wendy stated they do not get minutes. Qunell would like this process to change in the</p>

	future.
VOTE	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on April 4, 2022.
<b>PUBLIC HEARING 2: RINGESIEN CONDITIONAL USE PERMIT REQUEST 6:24 pm</b>	A request by Blake Ringesien for a Conditional Use Permit to construct an accessory apartment over an attached garage. The property is currently vacant but will be developed as a single-family home and is zoned WR-2 (Two-Family Residential District). The property is located at 708 Cottonwood Court and can be described as Lot 2, S25 T31N R22W, Cottonwood Estates Subdivision, Flathead County, Montana.
<b>STAFF REPORT WCUP 22-10 (Nymark)</b>	Planner Nymark reviewed her staff report and findings. As of the writing of WCUP 22-10, no public comments had been received, and none have been received since then.  Staff recommended adoption of the findings of fact within staff report WCUP 22-10 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.
<b>BOARD QUESTIONS OF STAFF</b>	The Board had no questions for staff.
<b>PUBLIC HEARING</b>	Chair Qunell opened the public hearing.
<b>APPLICANT / AGENCIES</b>	None
<b>PUBLIC COMMENT</b>	There being no comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
<b>MOTION / BOARD DISCUSSION</b>	Linville made a motion, seconded by Scott, to adopt the findings of fact within staff report WCUP 22-10, with the seven (7) conditions of approval, as proposed by City Staff.
VOTE	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on April 4, 2022.
<b>PUBLIC HEARING 3: JOHNSON CONDITIONAL USE PERMIT REQUEST 6:28 pm</b>	A request by Patricia Johnson of Foxtail Forskoleklass for a Conditional Use Permit to operate a Kindergarten through second grade school in the second level of an existing commercial building. The property is currently operating as a restaurant in the lower level and is zoned WB-3 (General Business). The property is located at

	<p>300 East 2nd Street, Unit 2 and can be legally described as Lot 17-18, Block 37, S36 T31N R22W, P.M.,M., Flathead County, Montana.</p>
<p><b>STAFF REPORT WCUP 22-11 (Nymark)</b></p>	<p>Planner Nymark reviewed her staff report and findings. As of the writing of WCUP 22-11, two public comments had been received, one with concerns about the distance from the school to his establishment which is associated with a beer and wine license, and one with concerns regarding parking and pick-up/drop-off location for students. No additional public comments have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 22-11 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>Scott – parking for the drop off-pick up; various restaurants have spaces to lease for schools in other cities; are there options for leasing private spaces? <i>The applicant visited with lots of surrounding businesses such as American Bank; public works was unwilling to designate public parking spaces even for a temporary pick up and drop off.</i></p> <p>Beckham – the crosswalk in front of the crosswalk on E 2<sup>nd</sup> Street at Lupfer Avenue <i>the applicant isn't looking at options that would cross Highway 93 and have no plans for crosswalk improvements Dave noted the improvements would have to be done by MDT.</i></p> <p>Qunell – what is the total # of children expected? <i>Ask the applicant.</i> What is the definition of a school? <i>K-12</i></p>
<p><b>PUBLIC HEARING</b></p>	<p>Chair Qunell opened the public hearing.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Brook Ober &amp; Patricia Johnson; bring a lot of life and light to the community the school is currently off Edgewood. Currently the Edgewood school is through Kindergarten and the 1-3 at the downtown Whitefish. Really like the Depot Park meeting spot could be an important part of the education. Rain or shine its OK to be outside. Operating under a nonaccredited private school based on the state and they are applying for nonprofit status. Cap this location at 30 students, if grow beyond that they will re-evaluate.</p> <p>Beckham – any preference for downtown kids to reduce traffic <i>open application – not a primary application</i></p> <p>Qunell asked if the applicant would be open to a condition to allow no more than 30 students. Johnson replied that they would.</p>

	<p>Matt Lawrance – the space will limit the number of the children; square footage, egress and use will dictate this</p> <p>Qunell – any of this above the kitchen? No separation required between a kitchen and school; commercial and restaurant there are standards; work closely with the Building Department</p> <p>Brook Ober – did visit with the surrounding businesses and they were supportive.</p>
<b>PUBLIC COMMENT</b>	<p>Rhonda Fitzgerald – 412 Lupfer Avenue, described the program and thinks the kids will be ‘tough’ enough to walk; no Farmer’s Market set-up before 3:30 so thinks it would work out OK; the building over time has been a school for dance classes, etc.</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>
<b>MOTION / BOARD DISCUSSION</b>	<p>Beckham made a motion, seconded by Gardner, to adopt the findings of fact within staff report WCUP 22-11, with the seven (7) conditions of approval, as proposed by City Staff.</p> <p>Beckham – good idea but concerned about the parking and drop-off</p> <p>Gardner – good location and not concerned about the parking</p> <p>Qunell – thinks it’s a great idea but thinks it’s a bad location. Doesn’t understand how it is going to work – this intersection is one of the worst spots right at the school time; encourage they start school later to avoid the current school traffic. Will be voting against this.</p>
<b>VOTE</b>	<p><b>The motion passed 4-2, Qunell, Scott in opposition.</b> The matter is scheduled to go before the Council on April 18, 2022.</p>
<b>PUBLIC HEARING 4: SIMPSON CONDITIONAL USE PERMIT EXPANSION REQUEST 6:58 pm</b>	<p>A request by Ralph Simpson of MOST Physical Therapy to expand an existing Conditional Use Permit to expand business operations into a second building located on the same lot. The property is currently operating as a commercial building and is zoned WR-4 (Multi-family Residential). The property is located at 576 Spokane Avenue and can be legally described as Riverside Addition West, Lot 6, Block 5, S36 T31N R22W, P.M.,M., Flathead County, Montana.</p>

<p><b>STAFF REPORT WCUP 22-12 (Nymark)</b></p>	<p>Planner Nymark reviewed her staff report and findings. As of the writing of WCUP 22-12, three comments were received for the proposed project. The Montana Department of Transportation and one private party were in support of the proposed project. The third comment pertained to errors in the stie plan which have been corrected by the applicant. No additional public comments have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 22-12 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>None</p>
<p><b>PUBLIC HEARING</b></p>	<p>Chair Qunell opened the public hearing.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>None form the applicant</p>
<p><b>PUBLIC COMMENT</b></p>	<p>There being no 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>Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 22-12, with the eight (8) conditions of approval, as proposed by City Staff.</p>
<p><b>VOTE</b></p>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on April 18, 2022.</p>
<p><b>PUBLIC HEARING 5: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST <i>7:24 pm</i></b></p>	<p>A request by the city of Whitefish to amend Whitefish City Code Title 11, Chapter 3-1, Accessory Apartments, Title 11, Chapter 9, Definitions and Subsections: 11-2A-3, WA Agricultural District Conditional Uses; 11-2B-3, WCR Country Residential Conditional Uses; 11-2C-3, WSR Suburban Residential Conditional Uses; 11-2D-3, Estate Residential Conditional Uses, 11-2E-3, WLR One-Family Limited Residential Conditional Uses; 11-2F-3, WR-1 One-Family Residential Conditional Uses; 11-2G-3, WR-2 Two-Family Residential Conditional Uses; 11-2H-3 WR-3 Lot Density Multi-Family Residential District; 11-2I WR-4 High Density Multi-Family Residential Conditional Uses to create new standards for Accessory Dwelling Units, update the definition and amend the Conditional Uses in all residential zoning districts.</p>

<p><b>STAFF REPORT WZTA 22-04 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. No public comments were received, and none have been received since the packet went out.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 22-04 and for <b>approval</b> of the proposed changes to the Accessory Dwelling Unit regulations associated with the Whitefish Legacy Homes Program to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Qunell asked about design guidelines versus regulations and Compton-Ring responded it would just be a non-regulatory guideline book to help people think about the ADU they want to build. ADUs do not go through ARC review.</p> <p>Qunell asked about incentives for renting to local person and if code enforcement would check on this. Senior Planner Compton-Ring stated the Whitefish Housing Authority and/or our new Housing Coordinator would be in charge, and they review all deed restrictions. The Housing Authority currently is party to deed restrictions along with the City and they certify one is qualified to rent a deed restricted unit. The homeowner (or property manager) then determines who they want to rent to based on the standard review criteria.</p> <p>Planning Director Taylor stated the requirement for a long-term lease would indicate someone is staying for a while.</p> <p>Compton-Ring stated the definition is 6-month minimum and 10 out of 12 months total.</p> <p>Gardner asked what the definition of “local resident” is.</p> <p>Compton-Ring stated it just has to be their main residence.</p> <p>Scott asked staff about ARC review, and size considerations. What is the latitude on changing anything?</p> <p>Compton-Ring said the ARC only reviews duplex units and up. If you want to change it you can, but that would add more time, cost and process which we are attempting to streamline.</p>
<p><b>PUBLIC HEARING</b></p>	<p>Chair Qunell opened the public hearing.</p> <p>Nathan Dugan, 937 Kalispell Avenue, stated he is very happy with</p>

	<p>what staff has presented and it is going to be one of the most progressive ADU policies in the state. He supports the incentive to rent to local residents. He is in support of smaller lots and no parking requirements so homes like in his neighborhood can utilize this benefit. He hopes they pass this.</p> <p>Rhonda Fitzgerald, 412 Lupfer Avenue, agrees with Nathan that local resident incentives are good, and she is happy to see that. ADUs were originally meant to increase downtown housing but they didn't. Administrative CUP should only be if they are going to be deed restricted because most existing ones are not being rented to local residents. ADUs should be accessory to main dwelling but increasing the square footage could make the "accessory" larger than the primary. She suggested making the footage based on percentage of primary house, so they fit with the neighborhood and the main house. Does the requirement that it's leased for a minimum of 6 months and 10 months out of 12-month period make loophole for 30-day rental for July/August? A non-conforming building should only have an ADU if it is deed restricted and she's adamantly opposed to renting both home and ADU. Why don't ADUs go to ARC review when we make duplexes go to ARC?</p> <p>Mallory Phillips, 937 Kalispell Avenue, wants to speak in support of this. There was a comment that a 600 square foot or 800 square foot isn't good enough for a family, she was raised by single mother and this would have been perfect. Suggested that ADUs in the short-term rental zoned be deed restricted to prohibit short-term rental in order to get long-term rentals.</p>
<b>APPLICANT / AGENCIES</b>	N/A
<b>PUBLIC COMMENT</b>	There being no further comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
<b>MOTION / BOARD DISCUSSION</b>	<p>Scott made a motion, seconded by Qunell, to adopt the findings of fact within staff report WZTA 22-04, as proposed by City Staff.</p> <p>Qunell appreciates Rhonda's comments, but we have several ADUs and homes that aren't being rented so they both sit empty which doesn't create housing. We are trying to streamline this process, and he understands we are trying to preserve the character of the neighborhoods, but we need the housing. Allowing non-garage ADUs is a good idea, and he doesn't see a problem with an 800 square foot</p>

	<p>limit. He isn't sure what we are saving by addressing Rhonda's concerns, and it would be hard to agree to send everything to ARC when we are trying to streamline this. Hopefully if these become administrative CUPs we can trust the staff to follow the zoning requirements. If people want to deed restrict them that's wonderful but he isn't sure how much that will happen. He doesn't think we can limit this to requiring only those with a deed restriction get to use the Administrative CUP process because we are just jamming up the system at that point. He doesn't see anything terribly concerning as proposed. Would like to see this settled by summer.</p> <p>Gardner doesn't see ADUs exploding with current construction costs because it's going to cost \$300,000 to build a small ADU.</p> <p>Linville wants to add to Gardner's point, the balance of discussion comes into play and its between shifting regulations and the 39 that have been built in 15 years. This points to her that it's the right direction to go. As far as a housing solution, she doesn't see it as a notable solution, and being overly prescriptive of ADUs doesn't fit the solution and that making a big deal out of this isn't helpful but still need to find good solutions to increase housing beyond ADUs.</p> <p>Scott hopes with these streamline changes, we could see an increase in housing and the ability to rent out the ADU while owner is absentee allowing more rentals on the market.</p>
<p><b>VOTE</b></p>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on April 4, 2022.</p>
<p><b>GOOD AND WELFARE</b> <i>7:41 pm</i></p>	<ol style="list-style-type: none"> <li>1. Matters from Board. <p>Linville stated thanks for the follow up after discussion last month. Qunell thanked staff for getting ADUs on this month's agenda.</p> </li> <li>2. Matters from Staff. <p>Taylor told Board about two new hires. Michael will be new Building Inspector/Code Enforcement and the Long-Range/Housing Coordinator, Marissa Getts, will start in May after she graduates from Harvard.</p> <p>Compton-Ring – 2021 Annual report is on your desk and online.</p> </li> </ol>

	<p>3. Poll of Board members available for the next meeting on April 21, 2022. Scott will not be present. All Board other members present indicated they thought they would be available.</p>
<p><b>ADJOURNMENT</b> <i>7:44 pm</i></p>	<p>The meeting was adjourned on a motion by Gardner at approximately 7:44 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on April 21, 2022, at 6:00 pm, at 418 East 2nd Street.</p>

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Steve Qunell, Chair of the Board

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Keni Hopkins, Recording Secretary

*APPROVED AS SUBMITTED / CORRECTED:* \_\_\_\_\_

