

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
March 19, 2020**

<p>CALL TO ORDER AND ROLL CALL</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, Steve Qunell, and Toby Scott with John Middleton, Whitney Beckham and Allison Linville participating via phone. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Planner II Bailey Minnich represented the Whitefish Planning and Building Department. Public Works Director Craig Workman and City Attorney Angela Jacobs also attended via phone.</p> <p>There were approximately 7 people in the audience.</p>
<p>AGENDA CHANGES <i>6:01 pm</i></p>	<p>None.</p>
<p>PLANNING BOARD APPOINTMENTS <i>6:02 pm</i></p>	<p>John Middleton moved and Toby Scott seconded to nominate Steve Qunell as Planning Board Chair. Steve accepted and the motion passed unanimously.</p> <p>Toby Scott moved and Allison Linville seconded to nominate John Ellis as Planning Board Vice-Chair. John Ellis accepted and the motion passed unanimously.</p> <p>John Ellis moved and Allison Linville seconded to nominate Toby Scott as the representative for the Lakeshore Committee. Toby accepted and the motion passed unanimously.</p>
<p>APPROVAL OF MINUTES <i>6:03 pm</i></p>	<p>John Ellis moved, and Toby Scott seconded to approve the February 20, 2020 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</p>	<p>None.</p>
<p>OLD BUSINESS:</p>	<p>None.</p>
<p>PUBLIC HEARING 1:</p>	<p>A request by Mireille Bierens for a Conditional Use Permit to construct an accessory apartment. The subject property is currently developed</p>

<p>BIERENS CONDITIONAL USE PERMIT REQUEST <i>6:06 pm</i></p>	<p>with a single-family home and is zoned WR-2 (Two-Family Residential District). The property is located at 553 Park Avenue and can be legally described as Lot 4, Block 8 Park Addition in S31, T31N, R21W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-02 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-02, one comment received after packet completed and read into the record tonight.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-02 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>John Middleton asked about Condition #2 and staff responded that the footprint of the building exceeds 600 square feet due to the exterior stairway requiring the primary setback requirements; however, the apartment does meet the maximum square footage.</p>
<p>APPLICANT / AGENCIES</p>	<p>Decided not to attend but plans to be at Council</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Senior Planner Compton-Ring read an email from the Kohnstamms into the record.</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>MOTION / BOARD DISCUSSION</p>	<p>John Ellis moved and Toby Scott seconded to adopt the findings of fact within staff report WCUP 20-02, with the eight (8) conditions of approval, as proposed by City Staff.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on April 6, 2020.</p>
<p>PUBLIC HEARING 2: COURTNEY CONDITIONAL USE PERMIT REQUEST <i>6:11 pm</i></p>	<p>A request by Joseph and Jill Courtney for a Conditional Use Permit to construct a guest house. The subject property is currently developed with a single-family home and is zoned WR-2 (Two-Family Residential District). The property is located at 535 Colorado Avenue and can be legally described as Lot A Whitefish Townsite Company 5 Acre Tracts in S25, T31N, R22W, P.M.M., Flathead County.</p>

<p>STAFF REPORT WCUP 20-04 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-04, no public comments had been received.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-04 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>John Ellis asked about the zoning and why this is a guesthouse vs accessory apartment; Wendy discussed the zoning differences between a guesthouse and accessory apartment.</p>
<p>APPLICANT / AGENCIES</p>	
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Jill Courtney on the phone; 533 Colorado Ave; thanks for experimenting with this and working quite well. Nothing more to add from staff report.</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>MOTION / BOARD DISCUSSION</p>	<p>John Ellis moved and Scott Freudenberger seconded to adopt the findings of fact within staff report WCUP 20-04, with the six (6) conditions of approval, as proposed by City Staff.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on April 6, 2020.</p>
<p>PUBLIC HEARING 3: BAUR FAMILY CONDITIONAL USE PERMIT REQUEST 6:17 pm</p>	<p>A request by Montana Commerce, LLC on behalf of Baur Family Partnership LP, with technical assistance from CWG Architects for a Conditional Use Permit to construct a gas station and convenience store at the northeast corner of Highway 40 and Highway 93 South. The property is currently vacant and is zoned WB-2 (Secondary Business District). The property is located at 6045 Highway 93 S and can be legally described as Tracts 5N and 5IA in S12, T30N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-01</p>	<p>Planner Minnich reviewed her staff report and findings. As of the writing of WCUP 20-01, one comment letter and one letter from MDT</p>

(Minnich)	<p>regarding the access onto the Highways was received; two additional letters received after the packet and read into the record.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-01 and for approval of the conditional use permit to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	<p>John Ellis asked and Planner Minnich responded that the property to the north is in the city limits, owned by the North Valley Hospital and zoned WB-2/WPUD. She noted there is an island of County resulting from the recent annexation to the northeast.</p> <p>Toby Scott asked about the right-in/right-out onto Highway 40 and people attempting to make a left-hand turn. He also asked and Planner Minnich noted there are no requirements in the zoning code requiring electric vehicle charging stations.</p> <p>Steve Qunell asked how one would access the site if travelling southbound on Highway 93 S and Planner Minnich responded one would turn left onto the private road, which is maintained privately.</p> <p>Scott Freudenberger explained that Montana Department of Transportation controls access onto their highway and that the internal road is privately owned and maintained but open to public use. Planner Minnich agreed.</p>
APPLICANT / AGENCIES	<p>Jason Egeline, CWG architects, Helena, presented on behalf of the applicant. He went over the proposed conditions and how they would comply. Bicycle racks would be in covered area near the doors. He stated they are four times over the landscaping requirement. The project has been presented to the Architectural Review Committee for a pre-application meeting with discussion regarding minimizing height of retaining walls with terracing and landscaping. He reviewed the site section showing sloping and grading of property and provided a study of vehicle turning radii to show the amount of asphalt is needed to accommodate vehicles. The materials proposed reflect small Montana town architecture, with varying types of materials so it looks like something that was added on to over time and not brand new. They stayed away from franchise architecture. This particular Town Pump would be unique and does not look like any other one in the state. The brick stone wood look has not been used with prior projects.</p> <p>Scott Freudenberger asked about access for kids coming from the Hospital or Sports Complex, and Egeline showed the public sidewalk</p>

	<p>that was added off the unnamed private road. Scott also asked about sign colors and whether they used copyrighted colors. Egeline responded that main signs used standard colors but other signs on site use muted colors.</p> <p>Steve Qunell asked about elevation drop on east side. Egeline explained how they kept retaining walls at 4 feet and terraced it. Tried to keep site grading as close as possible to existing conditions while keeping it safe in icy conditions. Qunell asked whether there would be any franchise restaurants associated with it and Egeline responded that there would just be the town pump deli, no other restaurant on site.</p> <p>Joe Murphy, Big Sky Civil and Environmental, Great Falls presented on site layout, drainage, stormwater, etc. Pedestrian walkways were added, including connections to bike path and the applicant has agreed to install a bike path down the hill parallel to highway 40 on existing private road to provide connections to the hospital and sports field. The proposed stormwater will be treated above and beyond city standards. He discussed the previous 2005 traffic study and how this use will have less traffic than the previously proposed uses. The traffic study states development will have no noticeable delay of traffic. A new study was not required by MDT because the proposed use has less traffic than what was proposed previously.</p> <p>Steve Qunell asked about vehicle trips per day for gas station and Murphy replied around 1000 vehicle trips per day for a larger size, this one approximately 500-600 per day.</p> <p>Dan Sampson, Town Pump Inc, on the phone stated 880 maximum vehicle trips per day. Qunell asked about left hand turns into site from 93, and Murphy responded that was studied and was adequate.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing. Bailey read two letters into the record, one from Alpine Women’s Center and one from Anita Mills. Janet Donahue, 6111 Highway 93 South – As a neighbor she is concerned about traffic, odors, risk of spill as she is on a well, trespassing people going to the gas station, air quality and noise from idling vehicles. She believes this should be built in another location.</p> <p>Leo Keane, 514 Pine Place – He noted the currently vacant property was recently a beautiful forest until most of the trees were removed. He recommended, several years ago, the Council to buy the property as it would be a great opportunity for the City. He warned the property</p>

would end up as a gas station if the Council did not act and now here it is. He believes all the developments in town are chipping away at the character of Whitefish. Do we really need another gas station? He questioned the 15-year-old Traffic Study; things in town have changed and traffic has increased. He can't believe we are at this point – it is such a lost opportunity. He told the Planning Board to not approve the CUP – we need a better entrance into our town.

Judy Hessellund, 786 W 7th Street – It is a well-thought out plan and it looks quite nice with an awesome layout, but it is a bad location. During the Growth Policy update, a lot of people were very concerned with the entrance into town. She noted the traffic has changed considerably since 2005. She is also concerned with the environmental issues and agrees with the other speakers that another corner would be better.

Tom Thomas, 1000 Point of View Ranch Road – The Town Pump needs a new location and cannot be successful where they are currently located. He commented on the continuous changes in the zoning regulations and directing all the commercial to the downtown where larger business cannot fit – we are forcing people to shop in Kalispell; Nelson's is a good example of a business moving out of downtown; WF wants all the amenities, but pushes business out of town. WF was opposed to a bypass and will be a mistake later; can't keep cramming it downtown.

Rebuttal – Joe Murphy: regarding the trucks idling concern, this gas station is not a truck stop; there will be diesel but for autos not semi-trucks. Jason Egeline: the Town Pump development is within the City not sprawl within the County. The project is designed to meet the City's zoning requirements.

Public Rebuttal - Janet Donohue: concerned about the access to the site and traffic flow with larger commercial vehicles.

There being no further comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.

Scott Freudenberger asked about the traffic and staff explained both Highway 40 and Highway 93 South are MDT's responsibility.

Toby Scott asked about the pork chop on the Highway 40 access and staff explained it is already installed.

<p>MOTION / BOARD DISCUSSION</p>	<p>John Ellis moved and Scott Freudenberger seconded to adopt the findings of fact within staff report WCUP 20-01, with the twelve (12) conditions of approval, as proposed by City Staff.</p> <p>John Ellis discussed his motion. He agrees 100% with Leo. The City has been derelict in preserving its character as other communities have done this. Regarding the traffic study, he agrees there will be problems as people will try to make illegal maneuvers. He has concerns about the 15-year-old TIS. He does think the architecture is great and the landscaping is great. Once you get past the idea of that property being a Town Pump aesthetically, he thinks they did as good a job as could be done with their plans. He sees nothing in our rules and regulations that would allow him to vote against it.</p> <p>Toby Scott agreed with John Ellis. He would have liked to see the trees retained and could have been something so much more.</p> <p>Steve Qunell replied it gave him heartburn, but the imagery makes it look sort of OK. The gas station has a large ‘pass-by’ traffic, but he doesn’t understand why we didn’t get an updated traffic study. Minnich explained that no city streets are involved, only private roads or MDT highways and that she discussed this item with the Public Works Director when the application was submitted.</p> <p>John Middleton agreed with a lot of what has been said 1) how reliable is a 15-year-old traffic study, and 2) has legitimate environmental concerns toward the hospital. He will not be supporting the motion.</p> <p>Whitney Beckham is also not in support of the project. She thinks the traffic study needs to be re-visited and is concerned with the environmental effects of the project.</p> <p>Allison Linville understands the perspectives of the Planning Board but she has concerns with the proximity of the project to the hospital and if those issues could be mitigated.</p> <p>John Middleton further reminded the Board that CUPs are at the city’s discretion and thinks it needs to include a community benefit.</p>
<p>VOTE</p>	<p>The motion passed 4-3 (Linville, Beckham, Middleton voted against). The matter is scheduled to go before the Council on April 6, 2020.</p>

<p>PUBLIC HEARING 4: TRIPLE S LAND GROUP CONDITIONAL USE PERMIT REQUEST WCUP 20-03 (Taylor)</p>	<p>A request by Michael Lancaster, on behalf of Triple S Land Group, LLC, for a Conditional Use Permit to construct a four-bedroom home to be leased to Chrysalis as a state licensed Type 1 Community Residential Facility for school age girls. The property is zoned WR-2 (Two-family Residential District) and located at 760 Salmon Run, legally described as Lot 4 of SWO in S26, T31N, R22W P.M.M., Flathead County.</p> <p>Prior to the March 19, 2020 meeting, this item was withdrawn by the applicant.</p>
<p>NEW BUSINESS</p>	<p>None.</p>
<p>GOOD AND WELFARE 7:40 pm</p>	<ol style="list-style-type: none"> 1. Matters from Board. Discussed adding requirement for an electric charging station at the gas station. Not a normal item to require for a gas station. Potential locations near other facilities like restaurants or other destinations. People generally don't spend enough time at a gas station to charge a vehicle. 2. Matters from Staff. There are applications for the next meeting. Discussed possible options for ways to hold future public meetings. The City is working with the governor's office and the League of Cities and Towns for guidance. Council will be looking at an emergency ordinance to suspend CUP approval deadlines, subdivision deadlines and lakeshore permit deadlines. Not sure what will happen for the next few meetings. 3. Poll of Board members available for the next meeting on April 16, 2020. All members indicated they thought they would be available.
<p>ADJOURNMENT 7:44 pm</p>	<p>The meeting was adjourned on a motion by Toby Scott, seconded by John Ellis at approximately 7:47 pm. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board is scheduled to be held on April 16, 2020, at 6:00 pm, at 418 East 2nd Street.</p>

/s/ Steve Qunell

Steve Qunell, Chair of the Board

/s/ Keni Hopkins

Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: 4-16-20