

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
April 16, 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 6:05 pm via WebEx videoconferencing. Board members present were Whitney Beckham, John Ellis, Scott Freudenberger, John Middleton and Toby Scott. Allison Linville was absent. 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.</p> <p>There were approximately 13 people attending via videoconference in addition to the board and staff.</p>
<p>AGENDA CHANGES <i>6:05 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:05 pm</i></p>	<p>Ellis moved, and Scott seconded to approve the March 19, 2020 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:09 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:09 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: KYLE CONDITIONAL USE PERMIT REQUEST <i>6:09 pm</i></p>	<p>A request by Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-07 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-07, no public comments had been received. One public comment was received today and Compton-Ring will read it into the record during the public comment period.</p>

	<p>Staff recommended adoption of the findings of fact within staff report WCUP 20-07 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked if staff thought this method of collecting money for the Legacy Homes Program (paying for only one unit at a time as they sell each unit) would set a precedent for the future. Compton-Ring said they will be handled on a case-by-case basis and applicants can make a case for this method before the Council; the money will be paid when the Certificate of Occupancy is issued and staff and the Building Department are comfortable with it. Chair Qunell asked if the wetland exits off the property and Compton-Ring said she does not think so; it is just a low spot on the property.</p> <p>Scott asked about vehicle access to the parking lot depicted under buildings 1 and 2 and how vehicles get to building 3. Compton-Ring said buildings 2 and 3 share underground parking that connects the two buildings; vehicles park under both buildings 2 and 3. Scott asked and Compton-Ring said visitor waiting and parking is by the round-about near the entrance and in the parking areas under the buildings. Scott asked and Compton-Ring said the Applicant will have to coordinate with Republic Services regarding the location of trash receptacles. Scott asked and Compton-Ring said she thought bicycle parking may be in the underground parking areas, but that would be a question for the Applicant. Scott asked and Compton-Rings said there is already a sidewalk along Highway 93 W.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell, said he has read through the staff report and is comfortable with all conditions. The project will be constructed in phases. They will get all the units on a floor in a building done, get the Certificate of Occupancy for each unit and pay the cash-in-lieu of affordable housing. Mr. Mulcahy thinks that is a good way to do it. There will be designated visitor parking in each of the underground parking areas, along with occupant storage for kayaks, paddleboards, bikes, etc. There will be a staffed office in the northeast corner of building 2 and visitors can get directions there on where to go for visitor parking. There will also be bike racks in the front of the office so visitors can park their bikes and walk in to see whoever they are visiting. There will also be refuse containers under each building and at the time of pickup an employee will roll out the refuse containers. To work with the grade of the landscape, building 1 will have first floor parking and buildings 2 and 3 have underground parking. Mr. Mulcahy said with</p>

this project they looked at a number of different scenarios and came to this design with underground parking to create open areas or green space over 65% of the site and allow protection of the wetlands area. The Club House on the north is for unit owners and is a single-story structure with plaza and patio area around.

Scott asked and Mr. Mulcahy said there is a very slight slope up to the round-about from the underground parking so refuse containers will be moved on collection days with a golf cart, 4-wheeler or something similar, not pushed by employees.

Beckham asked why they have chosen to do cash-in-lieu for the entire project rather than include any affordable housing units and Mr. Mulcahy said this is their first project to go through the Inclusionary Zoning (Legacy Homes) Program and it is an "upper end" project. To get the density they have a lot of upfront costs. Cash-in-lieu does not come without a price - 30% versus 20% - so he thinks the bonus of 10% offsets the decision to do all cash-in-lieu. Beckham said she is concerned that Inclusionary Zoning will come into money with nowhere to build and it was envisioned that affordable housing would be more spread out.

Beckham said she used to live right next door at 1625 Highway 93 W and knows this property had a large ravine with water present often and the wetland in the middle of property. She asked if there is an inlet and outlet on the west and east of property or how the water moves there. Mr. Mulcahy said Calypso looked at the wetlands and followed the water and it goes to a drain installed by the Montana Department of Transportation (MDOT). It is low quality and not continuous or jurisdictional. It is basically a wet field if you walk there and the previous landowners let their neighbors plow their snow into the field, which was a large source of the water.

Chair Qunell asked, considering our high groundwater, how deep the digging will be for the underground parking garages. Mr. Mulcahy said the geotechnical engineer bored test holes on site and felt the garages could be put in and maintained as dry garages. Mr. Mulcahy said he will let Fran Quiram with the architectural firm of Cushing Terrell address those specifics as they designed the buildings.

Freudenberger said the pictures in the staff report indicate it does not seem that wet and asked if they will dig some more depth in the wetlands and whether drainage goes to a culvert across Highway 93 W. Mr. Mulcahy said the water heads east on

	<p>Highway 93 W and goes to another outlet near the Whitefish River. They would like to put together a wetlands restoration plan and introduce attractive wetland plants to the area but did not want to go through the time and expense before knowing if they would get approval. They will proceed according to the included Condition and address the issue then.</p> <p>Beckham asked what time of year the ground were tests done and if multiple tests were done, i.e., in the spring, summer, and fall, to see if basements are sustainable. Mr. Mulcahy said there were not multiple tests, but the geotechnical engineer looks at the soils and that would indicate whether there is a presence of water. There are techniques available if necessary to move water around the buildings.</p> <p>Fran Quiram, Cushing Terrell, 2 Main Street, Suite 205, Kalispell, MT, said she had no specific comments to add and asked for questions. Beckham asked Ms. Quiram whether water will be stopped or redirected to add the basements. She also asked about water retention, whether there is a culvert that will take the water away under highway 93 W, whether the water moves through the property or simply holds it in place. Ms. Quiram said through report and investigation they determined it was maintained holistically (shown in blue on the engineering plans) and there was no flow. They will stay in place and not manipulate the performance of the wetlands. The wetland is not at all part of the plan for the basements. All site drainage - roofs, cul-de-sac, etc. - will be handled separately with no distribution to the wetland.</p>
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing and Compton-Ring read a comment received today from Eva Marie Abelson into the record in opposition to the density of the project.</p> <p>No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	<p>Beckham asked for the rest of the Board's thoughts if moving forward we continue to get cash-in-lieu. Middleton said his impression is this is largely how the Inclusionary Zoning Program was designed to work. Cash-in-lieu is designed to help the Whitefish Housing Authority (WHA) working as the developer on projects such as the Snow Lot. The funds for the Snow Lot project are short and something like this would go a long way towards meeting that. He feels the highest and best use is not to have affordable housing in</p>

	<p>this project and there are other areas better suited. He said the WHA has not earmarked any capital that has not come in yet but in conjunction with the City the WHA is working on multiple options and any sort of cash-in-lieu will be a boon. Money can be earmarked for whatever the WHA sees fit.</p> <p>Chair Qunell said typical condominium complexes are tricky as far as the way they get sold because you do not actually own any ground in a condo so makes it more difficult to get a loan and a larger down payment is needed which makes condos tricky as affordable units.</p> <p>Freudenberger said there are also condominium association dues, etc., to consider which also make affordable housing of condos difficult.</p> <p>Scott moved and Middleton seconded to adopt the findings of fact within staff report WCUP 20-07, with the twelve (12) 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 May 4, 2020.</p>
<p>PUBLIC HEARING 2: BLACKSTAR PARTNERS, LLC CONDITIONAL USE PERMIT REQUEST 7:01 pm</p>	<p>A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-06 (Taylor)</p>	<p>Director Taylor reviewed his staff report and findings. As of the writing of WCUP 20-06, no public comments had been received. One public comment was received a couple of days ago and Director Taylor will read it into the record during the public comment portion.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-06 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>None.</p>
<p>APPLICANT / AGENCIES</p>	<p>Aaron Wallace, MT Creative, 158 Railway Street in Whitefish, said the Applicant has been in negotiations with the former brewery</p>

	<p>operators but do not have a signed lease yet. They plan to have a tower and rooftop area and turn some of first floor and second floor over from brewery operations to a restaurant/bar with a full kitchen.</p> <p>Scott asked if the area on the third floor is proposed to be open year round or just in the summer. Mr. Wallace said the outside space will have tables and be used seasonally, weather dependent, but the covered area may be used year round, or for longer periods than just the summer. Scott asked how large the enclosed elevator access space is and Mr. Wallace said maybe about 20' x 20'. It will be a neat, fun spot with a fabulous view and will be used year round.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing and Director Taylor read the comment into the record in support of the project from Tom Britz, owner and CEO of Glacier Hops Ranch, 205 June's Way, Suite 1 in Whitefish. Mr. Britz said it is a good plan and perfect fit for our community. Reducing the brewing capacity and having a rooftop bar is a better, common sense use of valuable space in downtown Whitefish.</p> <p>No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Beckham moved and Scott seconded to adopt the findings of fact within staff report WCUP 20-06, with the eleven (11) 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 May 4, 2020.</p>
<p>PUBLIC HEARING 3: GOOSEBAY CAPITAL, LLC CONDITIONAL USE PERMIT REQUEST <i>7:19 pm</i></p>	<p>A request by Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in S12, T30N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-05 (Minnich)</p>	<p>Planner Minnich reviewed her staff report and findings. As of the writing of WCUP 20-05, one comment had been received from an advisory agency, the Montana Department of Transportation, regarding approval of any changes to existing access and potential work within the highway right of way must be permitted by MDT. No other comments have been received.</p>

	Staff recommended adoption of the findings of fact within staff report WCUP 20-05 and for approval of the conditional use permit to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Scott said it looks like this is a project for a lot of stuff beyond the existing building which is proposed to be turned into a bar/tavern. The drawing also depicts a coffee shop and car wash and Scott asked for clarification on exactly what is being voted on tonight. Minnich said the coffee shop and car wash are considered permitted accessory uses and the CUP being considered is only for the proposed use within the existing building.
APPLICANT / AGENCIES	Aaron Wallace, MT Creative, 158 Railway Street, said an application for a building permit for this project has already been submitted. And the Applicant has a request in for a beer/wine liquor license without food, which would allow them to have different hours. Mr. Wallace said Glacier Bank, which is the neighbor to this proposed project, is supportive. It will be an upgrade to the existing facility and provide food and restaurant in that area of town which is in short supply right now.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Scott moved and Beckham seconded to adopt the findings of fact within staff report WCUP 20-05, with the nine (9) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.
NEW BUSINESS <i>7:32 pm</i>	None.
GOOD AND WELFARE <i>7:33 pm</i>	<ol style="list-style-type: none"> 1. Matters from Board. Chair Qunell asked how everyone is doing in this unique situation and said he is not enjoying it! 2. Matters from Staff. Director Taylor said he appreciates everyone accommodating this unique format for the Planning Board meeting. He said Linville sent her apologies for being unable to attend tonight. She had to work today and was not able to attend

	<p>the earlier practice session and could not get could not get her audio to work. Director Taylor said this will be Minnich's last meeting with the Planning Board and he appreciated all the work she has done. She received lots of good wishes from the board and staff.</p> <p>3. Poll of Board members available for the next meeting on May 21, 2020. All members indicated they thought they would be available.</p>
<p>ADJOURNMENT <i>7:40 pm</i></p>	<p>The meeting was adjourned on a motion by Scott at approximately 7:40 pm. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board is scheduled to be held on May 21, 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: 6-18-20 _____