

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
April 21, 2022**

<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 Whitney Beckham, Scott Freudenberger, Chris Gardner, and Allison Linville. John Ellis and Toby Scott were absent. Planning Director David Taylor and Senior Planner Wendy Compton-Ring represented the Whitefish Planning and Building Department. Public Works Director Craig Workman also attended.</p> <p>There were approximately 13 people attending in addition to the board members and staff.</p>
<p>AGENDA CHANGES <i>6:00 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:00 pm</i></p>	<p>Beckham made a motion, seconded by Linville, to approve the March 17, 2022 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:01 pm</i></p>	<p>None.</p>
<p>UNFINISHED BUSINESS: <i>6:01 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: HAIGH CONDITIONAL USE PERMIT REQUEST <i>6:02 pm</i></p>	<p>Ben and Melissa Haigh are requesting a Conditional Use Permit to build a guesthouse. The property is currently developed with a single-family home and is zoned WR-1 (One-Family Residential District). The property is located at 1001 Creek View Drive and can be legally described as Lot 55, Creekwood Park in S32 T31N R22W, P.M.,M., Flathead County, Montana.</p>
<p>STAFF REPORT WCUP 22-15 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 22-15, three neighbors wrote letters with concerns about the project not complying with HOA CC&Rs. Compton-Ring noted CC&Rs are a private agreement within the HOA. No additional comments have been received.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 22-15 and for approval of the conditional use permit to</p>

	the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Chair Qunell asked and Compton-Ring said Condition No. 5 is the requirement for a deed restriction or restrictive covenant.
PUBLIC HEARING	Chair Qunell opened the public hearing.
APPLICANT / AGENCIES	<p>Paul McDonald, J Martin Builders, 3576 Highway 93 S, Suite A, Kalispell, said they will be constructing the guest suite and they also built the main house.</p> <p>Chair Qunell asked and Mr. McDonald said they are proposing a guesthouse that cannot be rented, as opposed to an accessory dwelling unit that could be rented, because the HOA rules do not allow it to be rented. Additionally, it is a guest suite with no kitchen facilities.</p>
PUBLIC COMMENT	There being no comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Gardner made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WCUP 22-15, with the six (6) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 16, 2022.
PUBLIC HEARING 2: NORTHRUP/VICKMAN ZONING MAP AMENDMENT REQUEST <i>6:07 pm</i>	A request by Jeff Northrup on behalf of Kurt Vickman, for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 (One-Family Residential) to a split zoning of WR-2 (Two-family Residential) and WB-2 (Secondary Business District), divided by the centerline of the future Baker Avenue right-of-way. The property is currently undeveloped and un-addressed, located off of Pheasant Run on Highway 93 South, and legally described as Tract 1 of COS No. 19966, in S1 T30N R22W, P.M.,M., Flathead County, Montana.
STAFF REPORT WZC 22-02 (Taylor)	Director Taylor reviewed his staff report and findings. As of the writing of WZC 22-02, a comment was received from Montana Department of Transportation (MDT) that the zone change should not impact MDT facilities, and several comments were received from Park Knoll property owners opposing the rezone as requested and asking that the western portion be rezoned to WR-1 rather than

	<p>WR-2 due to density and potential traffic concerns. No additional comments have been received.</p> <p>Staff recommended adoption of the findings of fact within staff report WCZ 22-02 and for approval of the zoning map amendment to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Freudenberger asked and Director Taylor said there was not a zone change when the Hampton Inn went in, it was already zoned WB-2. There was a zone in the back part of the property that had a residential zoning which is one of the reasons they developed it with a PUD because then you can blend zoning. They also asked for a little height deviation but did not change the zoning. In this case, this property has already been annexed into the City so there is the necessity for a zone change.</p> <p>Chair Qunell asked and Director Taylor said the apartment complex has a combination of WB-2 (zoning that allows for commercial) and the back portion was WLR. They developed the apartments on the WB-2 portion of the lot and have some parking and overflow areas on the back portion that was zoned residential. It was a PUD overlay on that property as well.</p> <p>Chair Qunell also asked if the right-of-way (ROW) for South Baker is something we already have in place and Director Taylor said this lot does not have an easement or ROW for that, but as part of the rezone when it gets developed we will require that ROW through that lot. There is an easement set aside to the north of that for the Baker ROW and to the south of it for the Baker ROW. The applicants worked with our Public Works Department to determine the correct location for it. The centerline of the future Baker Avenue ROW is the dividing line between the WB-2 and WR-2 portions of this lot that is being proposed for a rezone.</p> <p>Chair Qunell asked and Director Taylor said we do not have an easement in place because this property was in the County, and we do not have an easement with this either, but when they go to do something with this property as long as it requires a discretionary permit we will have the opportunity to get that ROW. Chair Qunell asked and Director Taylor said in the WR-2 they could build one house on this one lot unless it is subdivided. Technically this does not subdivide the lot - it has two zoning districts on it until it is subdivided. If they come in for a subdivision, then that would be our opportunity to make it meet all our standards, provide the access, and require them to dedicate that ROW. The property to the north and south already have ROW through them for the South Baker</p>

	<p>Avenue Extension. The one to the north (Hamilton property) actually has not been dedicated to the City but there is a lot that is set aside which is the same width of our ROW, and that is the intention when they go to develop that and hopefully we will get that last missing piece that connects to Baker. On land use map, this abuts to the north to the Hamilton property (old gravel pit), not City property, and is currently zoned Industrial. In the County, the whole thing was zoned R-3 which is the equivalent of our WR-1 (10,000 square-foot minimum lots).</p>
<p>PUBLIC HEARING</p>	<p>Chair Qunell opened the public hearing.</p>
<p>APPLICANT / AGENCIES</p>	<p>Kurt Vickman, 4303 Oakdale Avenue South, Edina, Minnesota, said he is here tonight with his business partner, Jeff Northrup. They are seeking WR-2 and WB-2 zoning as Director Taylor described, consistent with the future land use map and the approved Highway 93 Corridor Plan. The Plan describes the future of Baker Road as an arterial and states that "[b]ecause of the traffic volume and commercial uses permitted to the east, denser uses along the arterial are more appropriate than the low-density residential use" They see thoughtfully designed duplex lots as consistent with the need for higher density along this arterial while providing an appropriate transition from commercial to the east and industrial to the north. For that reason, they are asking the Planning Board to recommend to the City Council that this zoning map amendment be approved. They are grateful for the opportunity to be involved in this piece of property and look forward to partnering with the City on its development.</p> <p>There were no questions for Mr. Vickman.</p>
<p>PUBLIC COMMENT</p>	<p>Karen Giesy, 121 Park Knoll Lane, live adjacent to the west of the requested zone change property. She passed out a page from the Whitefish Transportation Plan and said according to the table, Akers Lane and Pheasant Run both received an "F" in the evening for the ability to access those roads. The study was done probably within the last year or so and without necessarily a lot of tourists in town, so you can see that is a very dangerous area out there. There are only two other places in Whitefish where the WR-2 zone abuts up against the WLR. This is an important issue for the Planning Board to consider as it not only affects 16 lots in Park Knoll and their neighbor Adam Kincheloe's property to the north, but this decision will set a precedent for future land use in Whitefish. If the developer would consider having the high density on the east side of Baker, WR-2 up</p>

	<p>closer to the highway like Whitefish Crossing and having single-family residents on the back part, it could be a workable situation. If they request a PUD on this WR-2, there could be up to 18 units per acre, which is a lot. If they get to use four of the acres, that would be 64 properties there, along with the commercial that is going to be on the other side. There is only one way out right now, Pheasant Lane. The City Council turned down the hotel on Highway 93 because of too much additional access to the highway on a daily basis. If you get the PUD overlay on this, and with the additional commercial, it will be around the 700 trips a day mark, the same opportunity for traffic to come on that road that the City Council previously turned down. She requested the Planning Board seriously consider this and the developer consider maybe developing the property with the single-family residences closer to the property that is now WLR. They have been in place for +34 years in Park Knoll and Adam's property has been there for several years and they would like this turned down, or possibly turned into a three zone district to buffer between the high zoning and lower zoning with the WR-1.</p> <p>Adam Kincheloe, 90 Park Knoll Lane, has almost five acres to the south of the proposed development and said they are all in business and understand what makes sense for that property. It is consistent with the approved Corridor Plan, but Mr. Kincheloe feels the Plan is flawed and has a lot of holes in it. As Ms. Giesy said, the property lends itself to a WR-1 zone (single-family residential) along the south and west corridors, which is consistent with that area. Allowing Mr. Vickman to do this sets a precedence that Mr. Kincheloe can take his five acres and do the same thing and then we have this whole huge, dense development. With the future Baker Avenue Extension that fronts his whole property, he does not know if there is really enough room to put commercial on the east side of the Baker Avenue Extension. There is a lot to consider before we pass this.</p> <p>Chair Qunell offered Mr. Vickman rebuttal, but he declined, as did the public.</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>Gardner made a motion to deny the findings of fact within staff report WZC 22-02, seconded by Beckham.</p>

Gardner said he feels there is not enough transition between the higher density and the lower density on the west. If this parcel were divided as the public comment stated and we had higher density potentially on the east and lower on the west it would add to a better transition between the two.

Beckham said it is a big jump to go to WR-2 in that area and there needs to be some buffer not only for Park Knoll because in Whitefish we will always have somebody encroaching upon a very quiet neighborhood that is a different zone especially as we reach out and rezone and take County areas, but this property is big enough to allow for some transitional zoning. A discussion on how that might happen would help before a flat approval of this.

Linville asked and Director Taylor said Park Knoll voted to downzone from County R-3 to WLR a couple of years ago when they annexed in.

Chair Qunell said he is not in favor of this motion because we are not looking at a development right now, which could look a lot of different ways. It does not have to be all duplexes; it could be some duplexes in part with single-family homes that are adjacent to four lots on the west and one lot on the south and the north part is industrial. It is a heavily wooded lot and the part that is going to abut any neighbors can easily be screened, and he does not see the impact being a problem.

We have to look at the future and we will have a Baker Avenue Extension at some point, and it will have commercial along it. Mr. Kincheloe's property is a good example of a place where it could change, and there could be some duplexes with single-family homes. We have seen a development come through that had something similar where we would have had an extension from Baker down to JP Road that would have provided us access to a traffic signal.

One of the comments mentioned that we approved the Corridor Plan and part of it said development will be discouraged that does not line up with the regulated intersection and he was the one that put that in there. Again, this is not a development proposal, it is a zoning change, so we need to decide what is the most appropriate zone here. In terms of transition, to put this in three different zones would give us a "Frankenstein Effect" and also the effect of sort of a spot zoning. WR-2 does sort of match the transition of businesses

	<p>on the south side of the Baker Avenue Extension line with WR-2 and just next to that are apartment complexes and hotels, and WB-2 along the future Baker Avenue Extension, which is an important and vital part our Transportation Plan with high density housing. WR-2 is not considered high density housing, so he does not see a problem with changing this to WB-2 on the part south of the Baker Avenue Extension which we will get eventually when this is developed, but we will not get if he decides to build one house out there.</p> <p>Linville noted we are grappling with how to become comfortable with changes in zoning that could lead to development or density. In agreeing with the Highway 93 South Corridor Plan, we have become more comfortable with where that fits best in our community, so that is a consideration in her vote. It is important to acknowledge that the traffic issues that occur now are changed when the property is being used differently so that is how we can incite changes with those issues. For example, turning left onto Edgewood used to be a yellow yield light and shortly after the apartments were built over there, there were a lot of traffic concerns. Now it is a solid green light, and you can easily turn left, so adding that density actually helped push forward to solve the traffic problem which is a good lesson learned. Those are considerations, in addition to the public comment, in her vote.</p> <p>Beckham said she seconded the motion because we need these discussions and have to move forward in these meetings. Hearing this discussion, one of her biggest concerns in Whitefish is the need for housing and people who already live here need places to live. It is important to keep in mind we are growing and will have to build. She hopes some of these places inevitably developed will be affordable for people who work and live in Whitefish. She is not against this zoning even though she seconded the denial, but like has been said you can be mindful, you can have barriers, and you can respect your neighbors. Obviously, everything will change in that area once Baker comes through. Zoning is kind of the first backstop for the community to come in and say this is what we want, and this is what we do not want. Then when a plan comes through, those are also opportunities for the community. Her vote will likely change but she wanted to be able to further this discussion and talk about what makes sense there and what can possibly happen when Baker comes through.</p>
<p>VOTE</p>	<p>The motion to deny WZC 22-02 failed 4 to 1 with Gardner voting in favor by roll call vote.</p>

MOTION	Linville made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WZC 22-02 as proposed by City Staff.
VOTE	The motion passed 4 to 1 with Gardner voting in opposition. The matter is scheduled to go before the Council on May 2, 2022.
PUBLIC HEARING 3: KARROW WHITEFISH INVESTMENT LLC SUBDIVISION AMENDMENT REQUEST 6:40 pm	A request by Karrow Whitefish Investment LLC for an amendment to the previously approved 95 Karrow Subdivision to rearrange six lots (no new lots or uses are proposed). The property is currently undeveloped and is zoned WT-3 (Neighborhood Mixed Use Transitional District) and WI-T (Industrial Transitional District). The property is located at 95 Karrow Avenue and can be legally described as Tracts 4G, 4BA, 4C, and 4F in S35/36 T31N R22W, P.M.,M., Flathead County, Montana.
STAFF REPORT WPP 17-04A (Compton-Ring)	Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WPP 17-04A, no public comments had been received. One email was received and distributed tonight with concerns by a property owner to the south of the 95 Karrow Subdivision wanting to ensure he will continue to have access to West 1st Street to the north between his property and the 95 Karrow. That is a platted City street, and will continue to have access (one of the Conditions of Approval). Staff recommended adoption of the findings of fact within staff report WPP 17-04A and for approval of the amended preliminary plat for the 95 Karrow Subdivision to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Chair Qunell asked and Compton-Ring said they do not have to build a road to Birch Point Drive, it will just be a secondary emergency access designed to accommodate emergency vehicles and not necessarily paved. There is kind of a road there already. Chair Qunell asked and Compton-Ring said there is a gate on that road. It is County property and maintained by the Peace Park (not BNSF property).
PUBLIC HEARING	Chair Qunell opened the public hearing.
APPLICANT / AGENCIES	Casey Malmquist, 160 Walker Creek Lane, said this is the third time they have been before the Planning Board for this project starting back in 2018. The intent in doing so tonight is for full transparency -

	<p>nothing has changed as far as the use, buildings, or Conditions. They recently were approved with an amended PUD with some significant changes. In the course of going back through the project, they found there were some incongruities in terms of what changes were made and how they reflected to the literal lot lines. It was a matter of reconfiguring some lot lines, and in that process they met with Director Taylor and Planner Compton-Ring who suggested they come before the Planning Board again, even though there are no changes to the project or Conditions of Approval other than some configurations for lot lines. This is a really important project to him personally and he wants to make sure it is done right procedurally, and in every other way, to make sure it is done properly.</p> <p>Bruce Boody is here to answer any questions, but there were none from the Board for him or Mr. Malmquist.</p>
PUBLIC COMMENT	There being no comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Freudenberger made a motion, seconded by Linville, to adopt the findings of fact within staff report WPP 17-04A, with the twenty-seven (27) conditions of approval, as proposed by City Staff.</p> <p>Chair Qunell noted he is glad this project is moving forward – it feels like it has been a long time.</p>
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 16, 2022.
PUBLIC HEARING 4: THOMPSON CONDITIONAL USE PERMIT REQUEST <i>6:55 pm</i>	A request by Dana Thompson for a Conditional Use Permit to construct an accessory apartment over a detached garage. The property is currently developed with a single-family home and is zoned WR-2 (Two-Family Residential District). The property is located at 15 Washington Avenue and can be described as Lot 7, S25 T31N R22W, Block 18, WFSH, P.M.,M., Flathead County, Montana.
STAFF REPORT WCUP 22-13 (Taylor)	Prior to the meeting, the Applicant requested to postpone the hearing on this matter to the May 19, 2022 Planning Board meeting.
GOOD AND WELFARE <i>6:50 pm</i>	1. Matters from Board. Chair Qunell asked and Compton-Ring said there are items on the May agenda.

	<p>2. Matters from Staff. Compton-Ring asked for input from the Planning Board members on how the packets are identified electronically. Linville had suggestions and Compton-Ring will put all public comments in one document instead of individual documents. Following discussion, Compton-Ring will arrange the packet for the May meeting like the Council packet with one large, bookmarked packet, and the Board can vote on which way they prefer.</p> <p>3. Poll of Board members available for the next meeting on May 19, 2022. Chris Gardner will not be available, but all other board members present indicated they thought they would be available.</p>
<p>ADJOURNMENT <i>7:00 pm</i></p>	<p>The meeting was adjourned on a motion by Linville at approximately 7:00 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on May 19, 2022, 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: 5-19-22