

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
May 19, 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, John Ellis, Scott Freudenberger, Allison Linville, and Toby Scott. Chris Gardner was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Long Range Planner Tara Osendorf represented the Whitefish Planning and Building Department. Director of Public Works Craig Workman also attended.</p> <p>There were approximately 10 people attending in addition to the board members and staff.</p>
<p><b>AGENDA CHANGES</b> <i>6:01 pm</i></p>	<p>Chair Qunell announced that the applications for Public Hearing No. 2 (Hill Conditional Use Permit Request) and No. 5 (Thompson Conditional Use Permit Request) were pulled by the Applicants prior to the start of the meeting due to the passing of the Accessory Dwelling Unit (ADU) Regulations by the City Council on May 16.</p>
<p><b>APPROVAL OF MINUTES</b> <i>6:02 pm</i></p>	<p>Freudenberger made a motion, seconded by Beckham, to approve the April 21, 2022 minutes without corrections. <b>The motion passed unanimously.</b></p>
<p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>UNFINISHED BUSINESS:</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: MG VENTURES LLC PLANNED UNIT DEVELOPMENT REQUEST</b> <i>6:02 pm</i></p>	<p>A request by MG Ventures LLC for a Planned Unit Development in order to develop a mixed-use building. One property is currently developed with a commercial building and the second lot is undeveloped and they are zoned WB-2 (Secondary Business District). The properties are located at 509 E 6th Street and 806 Spokane Avenue and can be legally described as Lots 4, 5, 6, Block 3 Riverside Addition; Lot 3A EG Ventures Subdivision in S36 T31N R22W P.M.,M., Flathead County, Montana.</p>
<p><b>STAFF REPORT WPUD 22-01</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. An updated site plan was received and distributed to the board</p>

<p>(Compton-Ring)</p>	<p>tonight. As of the writing of WPUD 22-01, one comment had been received with concerns about the changing nature of their neighborhood away from residential; no additional comments have been received since then.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPUD 22-01 and for <b>approval</b> of the Planned Unit Development for the MG Ventures LLC project to the Whitefish City Council, as submitted by the applicant, and deviations to the zoning be granted.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Ellis asked and Compton-Ring said the off-site parking will no longer be an off-site parking lot because they will do a lot line adjustment and the interior lot lines will be eliminated so it will be just one big lot now instead of the four separate current lots. They do not need that particular zoning deviation anymore. In the map provided tonight, Ellis said it looks like the driveway and trail get jumbled together and Compton-Ring said they will be very close. Ellis asked and Compton-Ring said the light grey area on the map next to the parking spaces is sidewalk. Ellis asked and Compton-Ring said as far as requiring landscaping between the parking lot and City property, when they did the River restoration, they did some restoration landscaping. Ellis suggested requiring this Applicant to provide bushes and trees to screen the parking lot. Compton-Ring said the Parks Department will need to evaluate how they want to manage the park. Ellis asked if there are any restrictions on them changing the building and putting a height of 45-feet on E 6th Street if we approve the height deviation to 45-feet tonight. Compton-Ring said the Board could say according to the drawing submitted in the plans, which would be a good clarification.</p> <p>Qunell asked and Compton-Ring said she thinks the City built the existing gravel trail. Qunell said there are actually City lights on the trail there and Director Workman said the lights stop where the trail transitions from paved to gravel at the lot line. Director Workman said we pay \$1.00 for an annual license to maintain a gravel trail, and, as part of the easement agreement, it is not permitted to be paved. The streetlights stop at the property where the parking lot is; it is just a graded trail with no lights. We have a permanent easement for the paved part but not for the rest. Qunell asked and Compton-Ring said the parking lot will be asphalt.</p> <p>Freudenberger said "buffer average" is a new term to him and Compton-Ring explained the 75-foot buffer along the length of the</p>

	<p>river which can be manipulated so the overall square footage remains the same but may be larger in some areas and less in other areas.</p> <p>Scott asked if we could ask for something other than asphalt, maybe individual bricks where water can run between them, for the parking lot. Compton-Ring said the material used would have to meet the City's Engineering Standards. Director Workman said the subsurface treatment (compacted gravel and sand layer) that would be required to set a paver to support a vehicle is not going to be considered a pervious surface; he thinks it would be compacted to the point where water would run right off. We do not have a standard in the Engineering Standards right now for a brick paver parking lot or street and he does not think it would be the right treatment for this environment adjacent to the Whitefish River. Director Workman said there will be an approved Stormwater Management Plan with this project, though, since it is directly adjacent to the River. They will not have to detain water but treatment will be required as part of this project and that is included in the conditions.</p> <p>Chair Qunell said this is a weirdly-shaped piece and asked if there is any building envelope where the parking lot is situated if it were a separate lot; Compton-Ring said there is very limited space. Between the property line, River buffers, and floodplain buffers, there is a small triangular piece, and right underneath it is a big sewer line with an easement. Chair Qunell asked and Compton-Ring said people who wanted to use the parking lot will enter from the north off E 6th Street and exit on Spokane Avenue, one-way. He asked if they need to have an agreement with Après to access their parking lot. Compton-Ring said they will need to work with the Montana Department of Transportation (MDT).</p> <p>Scott asked and Compton-Ring said as part of their Engineering Plans they will need to put up a sign indicating the entrance is on E 6th Street.</p> <p>Freudenberger said the map shows there is 350-feet that needs to be purchased from MDT and Compton-Ring said she thinks that is to put the driveway in, but the Applicant could explain.</p>
<b>PUBLIC HEARING</b>	Chair Qunell opened the public hearing.
<b>APPLICANT / AGENCIES</b>	Scott Elden, founder and partner at Montana Creative and Design, 158 Railway Street, presented on behalf of Aaron Wallace and

represented MG Ventures. He said he would answer questions presented regarding the requested 45-foot height deviation, the triangle of MDT land being discussed, and the one-way driveway and other parking issues.

In terms of the height, as the new drawing shows their design intention is to build a three-story building in appearance to the public (E 6th Street and Highway 93 S). The reason for the 45-foot portion is to have space to create the extra parking below the building where there happens to already be a big dip in the current property which has been modified from what surely was its original topography. Taking advantage of that allows them to create underbuilding parking which speaks to the scope of project. Why underground parking? Why keep the existing parking on E 6<sup>th</sup> Street? Why secure this neighboring property for parking and then split off most of the property to give to the City as a park? The owner went to the City asking to partner together to secure the parkland and solve the parking access to the park, mitigate the issue with the easement and sewer line easement, and provide an improvement to this otherwise disturbed property. Through some meetings it was determined to do it this way.

In order to have enough scope of project, you have the three-story building on the front which basically provides enough revenue to purchase the adjacent land which then combined allows for contiguous parking and takes away the deviation Compton-Ring mentioned. Instead of having parking by agreement on opposite properties, through the boundary line adjustment and purchase agreements we'll now have one contiguous piece of private land.

At the Park Board meeting it was determined as well to have a separate parcel of land, dedicate parking to the City, and secure the City's interest for the parkland and secure the private owners contiguous parking. There are some spaces in float and a certain amount need to be dedicated to the residential uses and uses for the building which is provided in the Staff Report. Going underneath provides the building requirements in full. As mentioned in the Staff Report, the parking requirements for the building next door need to be met as well as a function of this change. That triggers the 45-foot section around the largely invisible side where there is a low spot in the property.

There is another little commercial unit down on the parking level and they are not sure who might want to take, but the idea was a

paddleboard rental, coffee shop, or some other amenity to complement the park might be nice. By condition of the Staff Report this scale drawing on Page 6 or 7 would be the design intent so they would not be able to put a 45-foot façade on E 6th Street or on Highway 93 S.

The triangle section provides exactly the connection through the pinched point and MDT was willing to part with it as it fit their leeway requirements for what they can do with parcels like that. It just so happened to also resolve the little hourglass section where the driveway and path pass. Shared use was also mentioned and through the process of final design, road path, grading, drainage, etc., are well handled by requirement. That little section may have a shared section. Mr. Elden happens to live on the same thing on the bike trail by the Pedestrian Bridge where a section of roadway is both the bike trail and the alley altogether. They would obviously like to avoid that in final design as much as possible, but it is a question of that final grading and how it is provided by the purchase of the section from MDT.

Regarding the improvement of the park and drainage of the parking lot, as with any parking lot plan in town they must meet Engineering requirements, so a runoff, grading and drainage plan will need to be submitted as standard procedure. It has been discussed before about permeable surfaces versus impermeable surfaces. Any new development must handle their stormwater, and this would be no different. It is always intended for the benefit of the neighboring properties and in this case the River. Also, every project reviewed by the City must meet a stormwater and sedimentation plan during construction.

Regarding the sidewalk and potential landscaping, any new project has to meet basic standards through the Architectural Review Committee, not just for the building but also for a basic landscape plan. There is basically a partnership going on with the parkland right along the parking lot and the spaces will be dedicated to the park, so it is their frontage. What they want to do with the park and how they want to develop and landscape it is up to them but at a minimum, this project would have to meet the guidelines of ARC to their satisfaction for approval for permit.

The Applicant agrees to all the conditions of approval other than the condition regarding paving continuation of the trail. They think it may not be appropriate at this time because the Park Board may

want to move it or develop it in a certain way. They think it might be premature or presumptive to require the Applicant, not only from a cost reason, but also that it may not be appropriate or practical to pave it at this time or at the time they would want to pave the parking lot. They suggested an agreement be set up with the Parks Board in terms of the sidewalk adjacent to the parking to discuss the terminus of the trail, etc. Maybe other language could be developed around to better suit the Park Board's intention.

Ellis said he is not concerned about the building being 45-feet on the south side because the land slopes down, but he is concerned about giving a height deviation to 45-feet in case they change their mind and want to put 45-feet on E 6th Street. Mr. Elden said the drawing shows three-stories with only underground parking as the 45-foot section.

Freudenberger asked and Mr. Elden said there will be an elevator shaft for residential use located where the 45-foot comes in. An elevator for any building in town is an allowable extension into the 35-foot to 45-foot span and for access per Fire Code. It is located near E 6th Street and the degree to which that will come up will be the mechanical space required for safety above that. So that penetration arguably would be between the 35-foot and 45-foot distance, not the entire façade and set back from the façade.

Scott asked and Mr. Elden said the parking floor will have access to the elevator and usually the stair corridor and elevator go together.

Doug Peppmeier, TD&H Engineering, 450 Corporate Drive in Kalispell, said he is serving as the Civil Engineer on the project. He agrees with the Planning Board that drawings are not part of its approval process, but the 45-feet is to the low point, so the way it is written is they cannot have a 45-foot building on E 6<sup>th</sup> Street, it would be a maximum of 35-feet.

Regarding MDT access, it is shared. Spokane Avenue is an access-controlled highway because it is MDT, as they do not want a bunch of accesses. Any time there is a change in use, MDT requires the access permit to be updated and it will be a part of that process.

Regarding the pavers, that is a great idea but the problem with the River and banks is any water on the banks adds to slope instability issues, which we have a lot of. The idea is to capture and treat the water, and put it back in the River, not the bank. Scott asked and

Mr. Elden said they will be required to do a full stormwater analysis as part of the final design.

They tried to get an easement from MDT in order to pull the access road further away from the River, but they do not want to give up anything. The City's sewer main goes there and this is the only place they can cross. They are purchasing that piece which is less than 2,000 square feet total and not really buildable. The path and sidewalk interface is a good point and something they have looked at. What they plan is for it to be like a City standard street with a 6-inch curb and not at the same grade to give a barrier.

Chair Qunell asked if the trail and dock that are part of this will be public and Mr. Peppmeier deferred the question to the Applicant.

Monte Gilman, MG Ventures, PO Box 382, said the path and dock, not on the parkland, will be private for use by the residential owners. The City can do what they want with the 1.1-acre park being given to them, including a dock. The 806 Spokane Avenue property is pretty much worthless to anyone but him and the City of Whitefish and the sellers know it. It has a  $\pm 2,000$  square foot pad in the middle of it that could possibly be developed, but the City sewer is right underneath. It has been on and off the market for years and was recently under contract for six months at \$700,000 or \$800,000, and that fell through, so he contacted the sellers and put a deal together which he brought to the City hoping to partner. The bike trail easement is not permanent and could be revoked with a 30-day notice. He spoke with Mayor Muhlfeld, who said the City has expressed a lot of interest in this property and would want to buy it, but it has been too complicated and expensive. So, Mr. Gilman had to buy it on his own, incur debt, build a parking lot, and then give 1.1 acres to the City, which he is happy to do.

Ellis asked and Mr. Gilman said he is aware he will need to get a 310 Permit from the Conservation District for the path and dock. If he still owns the property when the path is paved or the dock built, he will have to get a 310 Permit, but if he conveys it to the City before the path is worked on, the City will have to get a 124 Permit from Fish, Wildlife & Parks (FW&P). Ellis anticipates FW&P will want the unpaved portion of the current trail moved further from the Whitefish Riverbank.

Mr. Gilman said he feels the requirement to pave the path might be a little unfair and he would appreciate some back and forth on that,

	<p>especially since we do not even know where the path will be located.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Mark Andreas, 504 East 6th Street, directly across the street, said his concern is the existing path. If we are trying to make a connection to the same trail that goes behind Super 1, this seems like a significant piece of property for that connection. If that path is not feasible with a road going there and pushed off as a side, it makes a big difference overall to the City vibe. If you connect all the new housing in Alta Vista, etc., via bike path to downtown and to City beach, you really alleviate a big parking problem the City has. Maintaining that would be key to him. Regarding the elevation, maybe just set an elevation based off the survey on E 6th Street as a height restriction.</p> <p>Rhonda Fitzgerald, 412 Lupfer Avenue, owns property one block north at 504 Spokane Avenue. This is the most northern piece of the WB-2 within the recently approved Highway 93 South Corridor Plan. This would be considered Segment A which abuts WR-4 which is a residential district and the beginning for the approach into the downtown corridor. During the Corridor Planning meetings, it was very powerfully conveyed by both the community and committee that Segment A retain the character of Whitefish and it be enhanced. It is kind of a "no man's land" because originally it was an oxbow of the River and filled by the Highway Department which is why it has no use, and you cannot build on it because it is all fill. A lawsuit went on for probably 15 years about who owned it. During the Corridor planning it was very clear this was an important piece to improve, and the riverfront park is a huge, wonderful bonus for the City to obtain. She very much supports it and hopes the parking lot and road do not degrade it too much. The pedestrian access on E 6th Street and Spokane Avenue needs to be addressed. The vision of the Corridor Plan was this would have a separated greenway boulevard, street trees, and sidewalks on E 6th Street and Spokane Avenue, and she read several sections of the Plan supporting this. Mrs. Fitzgerald thinks this is an opportunity to make that a condition. Regarding the mass and scale, this is a huge building unlike any of the others around it. When the community arrived at the 35-foot height limit it was so you could articulate rooflines on two-story buildings. Mrs. Fitzgerald does not agree with the statement in the application, "To the north are single family homes that are either still homes or have been converted to smaller commercial uses. Most of the existing buildings are older that have been maintained or updated over time or converted from their original use. There is no specific style or use and we would see this building being of higher</p>

	<p>quality and style then many of the existing buildings in the area." She thinks the public and the committee that developed the Corridor Plan thought the abutting two blocks are charming and very characteristic of Whitefish and need to be celebrated. This is not consistent with the vision for Segment A and does not fit the character. It is a really large box like several other really large boxes that have sprung up around town.</p> <p>Mark Andreas said he also took offense to the statement Mrs. Fitzgerald just read as his house is nice in his opinion and has intrinsic value. If this is approved tonight, maybe the other side of the street could be WB-2. Everyone is already a business, and he is the only residence, and he would love to have a brewery which he has said before.</p> <p>Mr. Peppmeier said regarding Mrs. Fitzgerald's comments about landscaping and boulevard along the Corridor, he could not agree more, but we cannot do it as it is MDT-owned. They cannot do anything with the sidewalk as it is in MDT right-of-way.</p> <p>Mr. Gilman said he appreciated all the feedback, and it is part of a good discussion. Regarding the paragraph read about the adjacent properties, if you continue on, it says right across the street is National Parks Real Estate and immediately to the south is a hotel with three-stories with another hotel right beyond that, so classifying this as not fitting the neighborhood is not really accurate.</p> <p>Mrs. Fitzgerald said she understands the MDT right-of-way, but the property they are going to own could have a grassy boulevard and sidewalk, especially on E 6th Street. It does not have to have a parking lot adjacent to the street. They could create the pedestrian environment on E 6th Street, or the Planning Board could condition it to have a landscape setback on E 6th Street.</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>Freudenberger asked and Compton-Ring said WB-2 does not have same 20-foot setback for a third story as WB-3. He thought the Corridor Plan Mrs. Fitzgerald was talking about was indefinitely tabled but Compton-Ring said it was approved in December.</p> <p>Ellis asked and Compton-Ring said their drawing shows a sidewalk</p>

along the frontage of the building between the parking and the building that connects to Spokane Avenue. It does not show it right out on the curb so they can have the parking right off the street, but it could be conditioned to ensure there is a sidewalk on their private property. It would not be a boulevard and sidewalk configuration.

Freudenberger made a motion, seconded by Scott, to adopt the findings of fact within staff report WPUD 22-01, with the fifteen (15) conditions of approval, as proposed by City Staff.

Freudenberger said he thinks this is a great use of the property and agrees with Mr. Gilman that it is a difficult property that has been looked at and available for decades. The acre plus of River frontage is beneficial to the City and he thinks that warrants the PUD.

Ellis said this is a unique property in Whitefish. He wishes the building could look more than just a square box. We have a lot of square boxes recently built downtown and along Highway 93 North. It is a hard property to do much on other than maybe what the Applicant is doing. There are some little houses in the next block leading up to Mrs. Fitzgerald's property on E 5th Street, but they probably will not remain little houses for long which is a shame.

Ellis made a friendly amendment, seconded by Chair Qunell, to add Condition No. 16 as follows, "Building height deviation is permitted only as shown in the supplied East and West elevations. Deviation from these elevations excepting the elevator shaft shall be considered a major deviation requiring approval from the Planning Board and City Council." Ellis said he just did not want to leave this with no restrictions on the 45-foot building height deviation. Even though he believes the Applicants have the best of intentions, he does not want to lead to any future temptation to change the design. **The motion on the amendment passed unanimously.**

Director Taylor suggested we amend Condition 10(e) to ensure that we have a public access easement on those drive aisles. It is great to have the parking and park, but you have to be able to get to it. Chair Qunell moved to amend Condition 10(e) as above, seconded by Linville. **The motion passed unanimously.**

Beckham said she appreciates the dedication of parkland, and it will be wonderful to have it secured and actually be part of the City and not on private land. She does not think in anyway the style of building is fitting with the character, but the Applicants basically let

the Planning Board know they are maximizing profit to be able to dedicate this land, so it is a give and take. She would like them to pay attention to the landscaping in the front and thinks the parking lot along E 6th Street is an eyesore. The sidewalk there will make sense to connect to the new entrance but at the same time it is a sidewalk to nowhere past there. The more they can do with that entrance to make it in the character of the park that it is an entrance for, not just the building, would be great.

Chair Qunell reminded the Planning Board this will go before the Architectural Review Committee before it becomes official, and they may have suggestions about what it actually looks like. We do not approve the building, just the land use, but we do have an opinion about the character.

Chair Qunell said he appreciates the donation of land, and it is past time. It seems like the City could have condemned this because it is unbuildable and just taken it anyway instead of waiting for someone to do a land use. He does not disagree with having some commercial and residential there, but in terms of public benefit he would like to see at least one of units limited for long-term affordability by deed restriction. That would be a nice bonus, but he does understand they are buying this property and giving it to the City. The building is big, but it is across the street from a big building and down the road from a big building and he thinks it will be okay. What bothers him is adding private access to our waterways. He has a problem with them building a private trail that intersects with a public path and having a private dock. He also does not quite get paving on the top of the bank and would like to see alternative materials to blacktop and/or buffered with landscaping. In terms of the eastern edge of the property and trying to put a path there, we are already kind of continuing this bike path to nowhere that kind of ends up at the new Après Hotel. It does not cross the River or a street anywhere, so he would hate to force the Applicant to build a sidewalk on their own property that does not connect to anything and probably never will. Maybe City Council will add some buffering against Highway 93 S, but he does not think it is a reasonable request of the Applicant to put in a sidewalk with a boulevard separated from Spokane Avenue, especially since there is no connectivity south or north of there. There are some things he thinks could make it better but overall, it is good enough for him, and he supports the application.

Ellis asked and Director Workman said there is no way to hook the

	<p>parking lot up to the City's stormwater system as the mains going down Spokane Avenue discharge to the River. There is an MDT storm sewer that runs down Highway 93 S, but he thinks the elevation of this parking lot would be too low to connect. We have some storm sewer in E 6th Street, but it discharges to the River. He thinks the best thing we can do would be to create our own stormwater management system down here that will have its own separate treatment to be managed.</p>
<p><b>VOTE</b></p>	<p><b>The motion with two amendments passed unanimously.</b> The matter is scheduled to go before the Council on June 20, 2022.</p>
<p><b>PUBLIC HEARING 2: TRUE NORTH PARTNERS, LLC ZONE CHANGE REQUEST</b> <i>Listed on published agenda as Public Hearing No. 3. 7:27 pm</i></p>	<p>A request by True North Partners LLC for a zone change due to annexation into the city limits to WB-2 (Secondary Business District), WR-2 (Two-Family Residential District) and SAG-10 (Suburban Agriculture). The property is currently partially developed with a thrift store and residence and is zoned Flathead County B-4 (Secondary Business) and R-3 (One Family Residential). The property is located at 6335 Highway 93 S and can be legally described as Tract 1BB in S1 T30N R22W, P.M.,M., Flathead County, Montana.</p>
<p><b>STAFF REPORT WZC 22-03 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WZC 22-03, no public comments had been received, and one has been received since then not in favor of proposal (put in electronic packet).</p> <p>Staff recommended adoption of the findings of fact within staff report WZC 22-03 and for <b>approval</b> of the zone change to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Ellis asked regarding the curved line in the projected drawing, is it two different lots and how did it get picked where those will be commercial and residential. Compton-Ring said it is one lot and that line is where the future Whitefish Avenue will extend; on the north end is the Riverview Meadows Subdivision so it is moving towards that right-of-way. Ellis asked and Compton-Ring said the plan is for Whitefish Avenue to go into Shiloh Avenue. Director Taylor said typically our zoning goes to the centerline of all the roads so the WB-2 should be on the centerline to differentiate between the WR-2 and the WB-2.</p> <p>Scott said the property appears to be a rectangle but also appears to go close to the Whitefish River, and Compton-Ring said it is on the River and the River front property will be WR-2. Scott asked and</p>

	<p>Compton-Ring said the Applicant will address if we have any easements along the River for a public trail as they have been in discussions with the Public Works Department, but Director Workman had left the meeting. Scott said it would be nice to see that trail completed and paved all the way through.</p>
<p><b>PUBLIC HEARING</b></p>	<p>Chair Qunell opened the public hearing.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Dom Goble, Morrison-Maierle, 172 Timberwolf Parkway in Kalispell, spoke representing True North Partners. There is an existing 20-foot wide nonmotorized public access easement they will be following for the bike trail extension as represented on the displayed drawing. They will negotiate the exact location as it is in a Water Protection Zone.</p> <p>Scott asked and Mr. Goble said they plan to pave the path in the easement and extend what has already been done to the South and North.</p> <p>Ellis asked and Mr. Goble said they are aware they need not only the City's approval, but the Conservation District's permission to pave any trails or start digging around in that area via a 310 Permit and have been in discussions with Director Workman and Senior Project Engineer Karin Hilding. Ellis asked why they are not asking for a change to WR-1 and moving forward to get a PUD like other people. Mr. Goble said others are doing townhomes, so to get the true zoning for it they will not have to go through the additional work or process and are trying to get what they want from the very beginning.</p> <p>Scott said as a WR-2 all we are changing is the zoning and asked if they have had any thoughts about more affordable housing in there other than just some residences. Mr. Goble said he would bring that up to the developer, and Chair Qunell reminded the Board this is just a zone change request at this time.</p> <p>Freudenberger asked and Mr. Goble said they have no plans to request WR-1 in the future and have no plans to increase density. Freudenberger asked if that could be conditioned, and Chair Qunell said you cannot condition a zone change. You can either approve, deny, or say what they think it should be zoned. Director Taylor said they annexed the property into the City, so it needs a City zone rather than a County zone and it meets the Urban designation.</p>

	<p>Chair Qunell asked and Compton-Ring said it is currently zoned County R-3 which is closest to our WR-1 zone. He said he knows we have a sewer easement there and asked and Compton-Ring said we will ask for the right-of-way and get them to construct a road for their project at the time of development. This is one lot and there is already a house and business on the property so in order to do anything else they have to subdivide, which is when we would get roads, trails, and parks. Chair Qunell asked and Compton-Ring said it is WR-1 zoning to the North and South from there, but this would not be considered spot zoning because it meets the Growth Policy. Urban designation is consistent with WR-1, WLR, and WR-2. Chair Qunell said it seems strange to have a WR-2 portion in the middle of two WR-1 zones but Director Taylor said what is built on the WR-1 zones is all multi-family connected. Typically, you do not see that in WR-1 zones, but it was all done with PUDs and all the way to the South of there is multiple attached housing projects. This is a more honest approach in the sense the density they are looking at will not have to go through another process and rezone to accomplish. Chair Qunell said with a PUD they would have to prove there is a significant public benefit as well. Director Taylor said this is similar to the seven-acre project that came through Planning Board a month or two ago and just got approved by the Council on the opposite side of the road. This will be a major arterial and not Suburban density; WR-2 provides more housing.</p>
<p><b>PUBLIC COMMENT</b></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>Ellis asked and Compton-Ring said the big building on the property south of it is the old Depratu Ford building. Those lots shown behind Depratu on Shiloh Avenue are 6- and 8-plexes (attached townhouses with multi-units). The Applicant is interested in something similar but not 6 or 8, only 2. Ellis asked and Compton-Ring said the back part of the Les Schwab property is zoned WR-1 and the front is zoned WB-2.</p> <p>Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WZC 22-03 as proposed by City Staff.</p> <p>Ellis made a motion to change the WR-2 designation on the back part of the property to WR-1. The motion failed for lack of a second.</p> <p>Chair Qunell said he was tempted to second Ellis' motion as it</p>

	<p>concerns him to be surrounded by WR-1, but if they are going to do anything significant changes (anything more than subdivide) they are going to have to come back in through a process. He understands the desire to not to not have to do that as it is very difficult. Chair Qunell asked and Compton-Ring said without going through a bigger subdivision process the most they could build on this is two-unit or single-family. The two-unit would be a subplot; one parent track with two sublots for two units and they would have to do a subdivision. Anything they do will trigger having to build the road and trail as well.</p> <p>Linville thinks for the Planning Board this is exploring different options for building development and density in an area. It is not necessarily setting a precedent, but rather looking at different options for how we move forward with these types of developments is something for us to note as a board. It is an opportunity to learn from this and the PUD option going forward - what makes the most sense for our community.</p>
<p><b>VOTE</b></p>	<p><b>The motion passed 5-1 with Ellis voting in opposition.</b> The matter is scheduled to go before the Council on June 20, 2022.</p>
<p><b>PUBLIC HEARING 3: WOLF AUTO GROUP CONDITIONAL USE PERMIT AMENDMENT REQUEST</b> <i>Listed on published agenda as Public Hearing No. 4. 7:48 pm</i></p>	<p>A request by Wolf Auto Group for an amendment to an existing Conditional Use Permit (WCUP 21-10) to remove a condition (No. 7) regarding landscaping. The property is currently developed with a commercial building and is zoned WB-2 (Secondary Business District). The property is located at 6331 Highway 93 South and can be legally described as Tract 1BE, Tract 3E in E1/2SE1/4 in S1 T30N R22W, P.M.,M., Flathead County, Montana.</p>
<p><b>STAFF REPORT WCUP 21-22 (Osendorf)</b></p>	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WCUP 21-22, three public comments had been received, all against the requested amendment; three additional comments, also all against, have been received since then.</p> <p>Staff recommended the Whitefish Planning Board adopt the findings of fact within staff report WCUP 21-22 and the application to amend WCUP 21-10 be recommended for <b>denial</b> to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Chair Qunell said condition No. 6 stated, "All on-site landscaping must be improved and maintained to reach full compliance with the Landscaping Chapter prior to the start of business." He asked and</p>

	<p>Osendorf said that does not include the extra condition; since that is pre-existing it just means that what is there needs to be maintained.</p>
<b>PUBLIC HEARING</b>	<p>Chair Qunell opened the public hearing.</p>
<b>APPLICANT / AGENCIES</b>	<p>Phil Wolf, Wolf Auto, PO Box 836 in Buffalo, Wyoming, said they came here about a year ago and they were not really in town and not aware of all the conditions. They did not have many problems with them except for condition No. 7. It got passed and they protested it for several reasons including that it does not statutorily meet the guidelines of landscaping abutting residential. It exceeds the 20-foot requirement to residential. They abut Shiloh Avenue, not residential. The other common sense thing is that building was there 30-35 years before any of the residential buildings. To aesthetically make that any type of an improvement to the townhomes, you would be looking at 30-to 40-foot trees as the building sits up above the residences. It is not feasible to put types of landscaping without spending a small fortune to put in boulders and big trees. In their time on that property, this strip has become the dog walking/pooping capital of Whitefish and it is nasty along that street. If they had put anything in there it would have been destroyed because of the abuse of the residents, and the majority come from the townhomes. For some reason, the west side of the street gets the dog traffic. Statutorily, he does not think it abuts residential property; it abuts Shiloh, and that street will continue north through Whitefish Avenue in the future, and it will become a higher speed road as it improves. He does not see what benefit can be gained by putting 6-foot high shrubbery, trees, grass, etc., that would be acceptable.</p> <p>Chair Qunell said condition No. 7 says, "Prior to the commencement of business, a 20-foot landscaping buffer must be added ...." He asked and Mr. Wolf said they are open for business but posted a bond or letter of credit for \$10,000 he thinks. Osendorf said an agreement went through City Attorney Angie Jacobs and she figured it out. We did not have a landscaping plan so they upped the bond amount a little bit so there is a pretty decent bond if it were not to end up happening.</p> <p>Beckham asked and Mr. Wolf said the neighbors from Shiloh Avenue are coming onto his property with their dogs. It is a constant problem, and he does not see what can be done other than putting up a fence to keep that on Shiloh, but that would not be aesthetically pleasing either as there is so much dog poop there.</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>Chair Qunell said regarding the buffer, we just approved the zone change and ostensibly there will be a street that goes through there. He asked and Osendorf said the new businesses that are going to be WB-2 on the West side of that new street will be required to have a 20-foot landscape buffer at the time of development if it is developed as commercial. If it is not developed as commercial, they can do multi-family in the WB-2; there is a setback from the road.</p> <p>Freudenberger asked Compton-Ring if Don K and Wright's Furniture had to do a setback along the same corridor for the same reason - to protect from the Shiloh Avenue units. Compton-Ring said she thinks Wright's Furniture might pre-date that. Don K was required to put in sidewalks as well as a buffer and street trees when he came in for a CUP to remodel his building. Chair Qunell asked and Director Taylor said it is standard procedure to have buffering against a right-of-way, but Mr. Wolf brings up a point that if there is a right-of-way in between is that truly adjacent to a residential property.</p> <p>Osendorf clarified that generally this would not have been a condition, but there were a lot of comments from the neighbors who were interested in having some extra buffering, so they used those regulations as a template to help figure out that condition. Director Taylor said it was not a change of use technically except for the fact that the auto shop was vacant for more than 18 months. In between, the Council changed the zoning so automobile dealerships were a conditional use where they used to be a permitted use. Because it is now a conditional use to have an auto dealership, even though it had been one for the last thirty year, triggered Mr. Wolf to have to come in for a Conditional Use Permit. That provided an opportunity to add additional conditions.</p> <p>Ellis asked and Osendorf said the sidewalk stops south of there.</p> <p>Chair Qunell asked and Compton-Ring said we required Don K to put in a sidewalk. It has not been built yet, but plans have been submitted.</p> <p>Linville made a motion, seconded by Beckham, to deny WCUP 21-22.</p> <p>Linville said part of our gatekeeping for the community of Whitefish is to enhance neighborhoods and our respect as neighbors. Having a</p>

	<p>condition added when there is awareness and public comment and neighbors coming to support that condition and then removing it a year later without the same public presence seems like not the point of adding those conditions in the first place or meeting the neighbors' requests and being a good neighbor in our community. Landscaping is always something we support as far as having a pleasing entrance into our town and something as good neighbors we are usually eager to do. We approached this topic in a different manner with the Town Pump on the corner. Having landscaping at the entrance to our town and how we manage, support, and enforce that is important. She suggested adding dog bags as well would be a positive thing we could look at.</p> <p>Chair Qunell said with a WB-2 zone abutting residential zones, we expect some sort of buffer in between, whether there is a road or right-of-way there or not. In the future as the WB-2 develops to the North there will be some buffering. It has been a car dealership for a long time and the use did not change, but the rules changed; he will be supporting the motion to deny.</p> <p>Scott said the other thing to consider is this landscaping buffer is not 30- and 40-foot tall trees; just 6-foot was specified he thinks as far as a landscaping buffer. He does not think it would be a big deal to put in half a dozen trees and bushes in there.</p>
<p><b>VOTE</b></p>	<p><b>The motion to deny passed unanimously.</b> The matter is scheduled to go before the Council on June 6, 2022.</p>
<p><b>GOOD AND WELFARE</b> <i>8:00 pm</i></p>	<ol style="list-style-type: none"> <li>1. Matters from Board. None.</li> <li>2. Matters from Staff. Director Taylor said this is Osendorf's last Planning Board meeting as she will remain living in Whitefish but is going back to work for Missoula fully remote in a similar position. She will be missed. <p>Compton-Ring said the Transportation Plan is working its way through the process. City Council had a work session on Monday night, and she was hoping we might get a work session with Planning Board before holding a public hearing as it is a big document. Linville and Beckham requested the work session begin at 5:00 pm rather than at the end of the June 16 Planning Board meeting and continue following the meeting if necessary and Director Taylor said dinner could be provided.</p> <p>Compton-Ring said she thinks there are only two simpler items on the agenda for the June meeting.</p> </li> </ol>

	<p>Compton-Ring said the packets were done differently and asked for comments. Members like it better so staff will continue with this method.</p> <p>3. Poll of Board members available for the next meeting on June 16, 2022. All board members present indicated they thought they would be available other than Chair Qunell who will be gone for the June, July, and August meetings. Councilor Frank Sweeney will be able to attend two of those meetings.</p>
<p><b>ADJOURNMENT</b> <i>8:11 pm</i></p>	<p>The meeting was adjourned on a motion by Scott, seconded by Ellis, at approximately 8:11 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on June 16, 2022, at 6:00 pm, at 418 East 2nd Street, with a work session beginning at 5:00 pm to discuss the Transportation Plan.</p>

/s/ John Ellis

~~Steve Qunell~~ John Ellis, Vice Chair of the Board

Keni Hopkins

Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: 6-16-22