

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
June 17, 2021**

<p><b>CALL TO ORDER AND ROLL CALL</b></p>	<p>Vice Chair John Ellis called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Councilor Frank Sweeney, Whitney Beckham, John Ellis, Scott Freudenberger, Chris Gardner, and Toby Scott. Chair Steve Qunell and Allison Linville were absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, Long-Range Planner Hilary Lindh, and Planner II Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 18 people attending in addition to the Board members and staff.</p>
<p><b>AGENDA CHANGES</b> <i>6:01 pm</i></p>	<p>None.</p> <p>Chair Ellis mentioned two of the items (Item Nos. 1 and 3) previously scheduled for the July 6, 2021 City Council agenda have been moved to the July 19<sup>th</sup> City Council agenda at the request of the Applicants.</p>
<p><b>APPROVAL OF MINUTES</b> <i>6:01 pm</i></p>	<p>Scott made a motion, seconded by Beckham to approve the May 20, 2021 minutes without corrections. <b>The motion passed unanimously.</b></p>
<p><b>COMMUNICATIONS FROM THE PUBLIC HERE (ITEMS NOT ON THE AGENDA)</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>OLD BUSINESS:</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: BUNKER PRELIMINARY PLAT REQUEST</b> <i>6:02 pm</i></p>	<p>Karen Jean Bunker is requesting preliminary plat approval for a 4-lot subdivision called Fulkerson Homestead. The property is currently undeveloped and is zoned WR-2 (Two-Family Residential District). The property is unaddressed and is located at the southwest corner of Sawtooth Drive and O'Brien Avenue and can be legally described as Tract 5BDB in S36 T31N R22W, P.M.M., Flathead County.</p>
<p><b>STAFF REPORT</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings.</p>

<p><b>WPP 21-01 (Compton-Ring)</b></p>	<p>As of the writing of WPP 21-01, two public comments had been received with concerns about the impact of the project on the character of the neighborhood, lack of open space, and drainage. An additional comment in opposition with concerns about density of the development was received and included in the online packet.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 21-01 and for <b>approval</b> of the preliminary plat for the Fulkerson Homestead Subdivision to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Beckham asked if there is a definition for affordable prices now that we are out of the Inclusionary Zoning world. Compton-Ring said they will be market houses, but the definition has not been changed – one paying no more than 30% of income towards housing - which is the standard nation-wide definition of affordable housing. Beckham asked if it would be possible to include a condition for these to be affordable, and Compton-Ring said no, the law that was passed and signed by the Governor in April prohibits us from requiring affordable housing based on price or income and we cannot make any condition.</p> <p>Vice Chair Ellis said in the public comments some of the neighbors seemed to think three lots would be more appropriate than four lots. He asked if the four lots are significantly smaller than the lots that exist in O'Brien Bluffs and Compton-Ring said they are not - some are a bit larger and some in the south-center portion of the subdivision are similarly sized. They meet the zoning regulations and have the same zoning as the O'Brien Bluff neighborhood.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, representing Ms. Bunker, said they have read the report and agree with all required conditions. This is an infill project, and they are not asking for variances. This property has been in the family for many generations, but they have moved to Lake County and are ready to sell and develop this last piece of the family's property.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Vice Chair Ellis opened the public hearing.</p> <p>Kathleen ("Kitty") Steele, 319 Sawtooth Drive, said she is representing several neighbors in O'Brien Bluffs, and gave a comment letter to Compton-Ring. There are a number of kids in the small loop with the majority being eight and under. The loop gets a lot of traffic and pedestrian use due to its proximity to The Wave and they are</p>

	<p>concerned with safety during the development process. During construction, where vehicles will be parked on the narrow roadway is a safety concern. It should not be used as parking.</p> <p>There being no further public comment, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<b>MOTION / BOARD DISCUSSION</b>	<p>Freudenberger made a motion, seconded by Scott, to adopt the findings of fact within staff report WPP 21-01, with the nine (9) conditions of approval, as proposed by City Staff.</p> <p>Scott said he understands the public comments. He uses the area of the proposed location, and it is a slightly denser area than others. He is sympathetic to Ms. Steele's concerns regarding off-street parking and hopes the developer will consider them.</p> <p>Gardner spoke to Ms. Steele's concern about traffic. The proposal is conforming with the off-street parking in the garage, but can be concerning when new construction is occurring. When trucks and tradesmen are around, they need to be aware to not speed through the neighborhood.</p>
<b>VOTE</b>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 19, 2021.</p>
<b>PUBLIC HEARING 2: WOLF AUTO GROUP CONDITIONAL USE PERMIT REQUEST 6:18 pm</b>	<p>Wolf Auto Group is requesting a Conditional Use Permit to operate a car dealership. 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 E2SE4 in S1 T30N R22W, P.M.M., Flathead County.</p>
<b>STAFF REPORT WCUP 21-10 (Osendorf)</b>	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WCUP 21-10, one public comment had been received from neighbors to the east which did not argue the use but offered some suggestions for the conditions of approval.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-10 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>
<b>BOARD QUESTIONS</b>	<p>Councilor Sweeney asked for confirmation that there will be</p>

OF STAFF

landscaping and fencing required along the east side of the property, and Osendorf said there will be no requirement for landscaping or fencing on the east side at this time. Councilor Sweeney said he noticed what appears to be some sort of self-made entrance and exit onto the road on the east side of that property from the back of it. He asked if that was going to be blocked or whether they will be allowed to improve access off that road. Director Taylor said that condition could be added but there is no curb-cut there and in order to add a curb-cut they would need permission from Public Works. They have the right to request that for secondary access. He believes in the future there is potential for some other use along Shiloh Avenue and at that time landscaping, sidewalks, and other improvements would be required. This is not a change of use so we cannot add things at this point with just the conditional use permit. The Board could include a condition that it is not utilized.

Scott asked if is possible for the Board to require landscaping along the rear of that property and perhaps to say they cannot use it as a driveway. Going onto Highway 93 is one thing for an auto dealership but exiting out the back of that lot right into a residential area is another thing. If they ask Public Works to cut a driveway into the curb, there would not be an opportunity for public input. Director Taylor said Public Works has standards of where curb-cut can happen and how many entrances are allowed. It is a public street dedicated to the public so that makes it difficult to keep people from accessing it. There is an access next to Wright's Furniture so people could cut through those parking lots and still have access onto those streets. There might be some other uses on that property as the auto sales is only a portion of the overall site. The Board needs to be careful about including conditions that would not be required of someone else. Don K has accesses on it and there needs to be equal protection. Scott asked if this dealership could subdivide it and sell off the back half of the property and Director Taylor said it could as there is no minimum lot size in the WB-2 zone and there could potentially be other uses on that side.

Freudenberger asked and Osendorf said this will only go through Architectural Review if there are changes to the exterior of the existing building (paint colors, etc.), and we are not aware of any at this time. Freudenberger said for this Board's benefit, he thought when Don K added on and remodeled, the Architectural Review Committee requested significant landscape upgrades to protect the residential owners on Shiloh Avenue.

<b>APPLICANT / AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	<p>Vice Chair Ellis opened the public hearing.</p> <p>Tom Brown, 539 Kalispell Avenue, said he rides his bike there a lot and is concerned about folks cutting through the lot to avoid the traffic light so he would like something on the east side to eliminate that. He thinks it is an appropriate place for a car dealership, but now there are new condos and more residential than there was before and that needs to be considered.</p> <p>Burt Boessneck, 727 Lenna Joy, said he represents a small group of townhouse and condo owners who live on Lenna Joy which backs up directly to the east of the parking lot being discussed. The east side is not landscaped nor fenced and is wide open. There are folks who live in the Lenna Joy and Shiloh neighborhoods who use the parking lot to pass through. He asked for required fencing and trees along the lines of what Don K put in several years ago. We have a residential neighborhood now directly abutting a commercial neighborhood that was not there 15 years ago. He is also concerned that overhead speakers to page employees to return to the building, as is common in some auto dealerships, not be allowed.</p> <p>There being no further comments, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<b>MOTION / BOARD DISCUSSION</b>	<p>Scott made a motion, seconded by Sweeney, to adopt the findings of fact within staff report WCUP 21-10, with the nine (9) conditions of approval, as proposed by City Staff.</p> <p>Scott suggested we add a condition to create fencing along the eastern property line. Director Taylor said a condition could be added for screening and additional landscaping as long as it abuts the use. His understanding from the site review meeting is they may potentially come back in with a subdivision on this lot, with residential on Shiloh Avenue, which may affect a condition if that were to happen.</p> <p>Councilor Sweeney said he had the same question and asked if a condition could be added specifying fencing and landscaping if the lot was not subdivided and Director Taylor said that would be an appropriate condition to add.</p>

	<p>Councilor Sweeney made a friendly amendment, seconded by Beckham, to amend the conditions set forth in the staff report to add a condition that the eastern lot line of this property be screened with landscaping if the lot is not subdivided with residential on the back of the lot, in which case this problem would go away.</p> <p>Vice Chair Ellis said he thought this would be a good additional condition to add to the CUP and he is in favor of it.</p> <p><b>The friendly amendment passed unanimously.</b></p>
<p><b>VOTE</b></p>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 6, 2021.</p>
<p><b>PUBLIC HEARING 3: NELSON PRELIMINARY PLAT REQUEST</b> <i>6:37 pm</i></p>	<p>Dan Nelson is requesting preliminary plat approval for a 4-lot subdivision called 736 Wisconsin Avenue Subdivision. The property is currently undeveloped and is zoned WR-2 (Two-Family Residential District). The property is located at 736 Wisconsin Avenue and can be legally described as Lot 1A, the amended plat of Lot 1 Clark's subdivision in S25 T31N R22W, P.M.M., Flathead County.</p>
<p><b>STAFF REPORT WPP 21-02 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WPP 21-02, one comment letter had been received wondering about the type of homes that will be constructed, wanting to ensure the zoning regulations were followed, and with the change of elevation towards the west. A second letter was received recently and put in the folder with concerns about development happening along Wisconsin Avenue, including the traffic, impact on infrastructure, and garbage.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 21-02 and for <b>approval</b> of the preliminary plat for the 736 Wisconsin Avenue Subdivision to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Beckham asked if we have any idea when or how Wisconsin Avenue may be improved, as this comes up every time something happens along Wisconsin. We know we have to wait on the Montana Department of Transportation ("MDT"), and even though it is less than 200 trips and therefore does not need a traffic study, we continue to say yes over and over. Do we have any idea when crosswalks will be painted, and sidewalks repaired? Compton-Ring said there is the Wisconsin Avenue Pedestrian/Bike Trail all the way</p>

	<p>along Wisconsin Avenue, but Beckham does not think it is a good situation. Director Taylor said we had to work with MDT to get the bike trail there and it crosses back and forth. At some point we are going to try to add extra turn lanes, but it is a secondary highway and the state controls what happens there. We can work with them, but we cannot do anything without their assistance.</p> <p>Scott asked if there is a way to communicate our desires to the MDT as he drives that road four or five times a day and crosswalks are nonexistent. There are supposed to be three along there between Edgewood and The Lodge, but there is one with signage and you can press a button to cross, but he does not know if it works as folks stand there a long time. Compton-Ring said Public Works staff works closely with MDT and we can share the minutes from this meeting and ask them to continue to work with MDT.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Will MacDonald, 180 Fonner Road, said he is involved with this project, as well as The Quarry project, which came before this Board. They have no issues with any of the conditions, are not asking for variances, and are adhering to the zoning. They have gone out to bid on the extension of East Marina Crest and are looking at putting it in this fall if it gets City approval. It adheres to the Traffic Master Plan for Whitefish, and what they are planning is a hammerhead at the end of East Marina Crest so the Fire Department can turn around there. It is then put on the City to continue to Dakota, but they are fulfilling their obligation to put in East Marina Crest all the way across their property to the end of Clark Subdivision which is on East Marina Crest Drive. Traffic was mentioned and one of the things with the Quarry was a condition for a crosswalk at the Snow Bus stop to allow people to go to the Ice Den and he does not think it has been put in yet. That could be brought up to Public Works through this approval process.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Vice Chair Ellis opened the public hearing.</p> <p>Mike Barham, 429 East Marina (also owns the lot at 433 East Marina Crest). Their home and lot border this project and both are entirely within the adjacent landowner notification map. As direct neighbors to the parcel being discussed, they are opposed to 4-lot subdivision. They have spoken to three to four immediate neighbors who are also opposed, and probably seven to eight more who are concerned about congestion and overall issues with The Quarry. Mr. Barham pointed out the property being part of Sub-Area "B" I the Wisconsin Avenue Corridor Plan which has the highest concentration of</p>

	<p>population in the area and noted the Land Use designation change from "Urban" to "High Density Residential" and its lack of compliance with the current zoning. There are over 55 stand-alone units within The Quarry, which does not include the multi-unit buildings which have yet to begin construction. He believes there are two of those buildings and each will probably house 25-30 people. Using an average of two people per unit as well as one person per condo unit, that is over 160 people and at least 100 cars within The Quarry complex already. They purchased their home and adjacent lot seven years ago with the belief that Whitefish would honor its zoning rules. The Applicant is seeking to subdivide effectively 8/10ths of an acre. There is nothing remotely close in that contiguous WR-2 area. Anybody else in that area who has done construction - subdivision or major projects – has approached their neighbors, but The Quarry has done zero outreach. They live in Whitefish for open spaces, the views, and community of its people, not for stacked high-density housing. They suggested capping the subdivision to two lots.</p> <p>There being no further comments, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>Scott made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WPP 21-02, with the sixteen (16) conditions of approval, as proposed by City Staff.</p> <p>Scott said the Board is approving the subdivision, not the houses or whether they are duplexes.</p> <p>Beckham appreciates the Applicant's representative saying they will work to get the crosswalk installed or updated. We need to do whatever it takes to push or pull Wisconsin Avenue into an updated form. Hopefully this can reach Public Works who can reach out to the Department of Transportation. We are continually trying to balance saying yes or no to applicants when it is not their fault Wisconsin Avenue is not a good pedestrian area. It is our road to the mountain and the traffic is terrible, and every time someone comes before us with a development along Wisconsin, we understand how terrible it is to be adding density, even within zoning. Wisconsin Avenue is difficult for people who live there and recreate in that direction. It is not the applicants' fault Wisconsin is such a mess but if an applicant can help create a solution, that is wonderful. She thanked the neighbors, and said she was sorry, and we will try to get some work done.</p>



<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on July 19, 2021.</p>
<p>PUBLIC HEARING 4: BURNHAM CONDITIONAL USE PERMIT REQUEST <i>6:56 pm</i></p>	<p>Heather Burnham is requesting a Conditional Use Permit to convert an existing accessory structure into a guesthouse. The property is developed with a single-family residence and is zoned WR-3 (Low Density Multi-Family Residential District). The property is located at 810 Colorado Avenue and can be legally described as Whitefish 5 Acre Tract AMD Lot 2 Block 1 TR1 in S25 T31N R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 21-11 (Lindh)</p>	<p>Planner Lindh reviewed her staff report and findings. No comments have been received on this project.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-11 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Vice Chair Ellis asked Lindh to go back over the history of this property and its violations of the setback. Lindh said there is an older structure on the property that was constructed right on the rear property line before the zoning code was in place. It is legal, but nonconforming with the code. A 100 square foot addition was built onto the existing structure in 2019 and was also built right on the property line. That is a zoning violation discovered by the Building Department. The Applicant acquired an after-the-fact building permit which requires removal of the addition out of the setback. The Applicant wants to get the sewer and water services connected before pouring a new foundation, and needs the CUP to do that. Vice Chair Ellis asked how long is given for compliance when there is a zoning violation. Lindh said they are looking for some measurable progress and this is part of her progress. Vice Chair Ellis thinks we should be asking for something in good faith from her rather than her asking for it from us.</p> <p>Gardner asked what the consequences would be if she does not move the building in the near term. Lindh said at some point it would be taken down, but in the near term the applicant will not get a building permit or connect to sewer and water. Gardner asked if the non-working water meter on the main house would connect to this secondary structure and Lindh said two separate services are required. Gardner asked if the meter has ever worked, and Lindh said it failed in January. Gardner said it seems there are no consequences to not doing this immediately. Director Taylor said our</p>

	<p>Building Department can make them move the building and cite the owner, but she is trying to bring it into compliance by getting this permit and we need to let them go through the reasonable process. If all progress ceases and nothing changes, we will take the necessary action to make sure it gets remediated. Gardner said it goes back to the intent when it was first built. He thinks a reasonable person should know a building permit is required in the City and asked about the Applicant’s intent when that was built.</p> <p>Lindh said the Applicant is here and should be able to answer that question.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Heather Burnham, PO Box 993, Whitefish, said her grandfather bought the property and sold part of it to her dad who put a mobile home on it and in the back 45 years ago built a structure. When she first considered the addition, she researched on-line using Sterling Codifiers and it said no building permit was needed for an addition of less than 100 square feet. Once constructed, she discovered she needed an electrical permit. When she came down for that, she was told she needed a building permit. She worked with the Building Department to get an after-the-fact building permit, then COVID hit, and now she is back working on the process.</p> <p>Vice Chair Ellis asked Ms. Burnham if she would be prepared to start work upon receiving a CUP in July from City Council, and Ms. Burnham said the foundation is dug out and she is ready to get started. She has called three plumbers but has not received a response so will keep trying. She has prepaid for the meter here and when she finds someone to install it, she will.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Vice Chair Ellis opened the public hearing. There being no public comment, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>Beckham made a motion, seconded by Gardner, to adopt the findings of fact within staff report WCUP 21-11, with the ten (10) conditions of approval, as proposed by City Staff.</p> <p>Beckham said she thinks moving forward is a good thing to do and wished Ms. Burnham good luck.</p> <p>Scott said he hopes Ms. Burnham does everything in compliance with the rules and regulations as there seems to be a history of noncompliance. She and her Father owned it for 45 years which</p>

	gives a good history, but that does not allow nonpermitted construction and setback violations, etc. He hopes if we find out there is noncompliance in the future that the penalty is appropriate.
<b>VOTE</b>	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 19, 2021.
<b>PUBLIC HEARING 5: CANEPA AND KALISPELL AVENUE NEIGHBORS REZONE REQUEST 7:11 pm</b>	Sarah Canepa and Kalispell Avenue Neighbors are proposing to rezone three blocks of the west side of Kalispell Avenue between Third Street East and Sixth Street East to WR-2 (Two-family Family Residential District) from WR-4 (High Density Multi-family District). The properties are located at 306, 312, 328, 336, 334 406, 418, 426, 428, 436, 442, 506, 514, 518, 532, 534, 558, and 564 Kalispell Avenue, Whitefish, and 631 East 4th and 620 East 6th Street, Whitefish. They can be legally described as Lots 1-12, Block 51, WFSH; Lots 1 and 2 E2 and 1 and 2 W2 as well as Lot 3 E2N2, 3 W2 of N2, 3 S2, 4, 5 N2, 5 S2, and 6-12, Block 62, WFSH; and Lots 1-4, Block 2, WFSH Land Co Add 1, as well as Lots 1-4, Block 6 and REW 5 and 6, W2, Block 6 and REW 5 and 6, E2, Block 6, all in Riverside Add W, S36 T31N R22W, P.M.M., Flathead County.
<b>STAFF REPORT WZC 21-01 (Taylor)</b>	Director Taylor reviewed his staff report and findings. As of the writing of WZC 21-01, 12 public comments had been received supporting the request, and one from property owners within the rezone area opposing it as they purchased their property as WR-4 and were aware of that and did not want it to change.  Staff recommended adoption of the findings of fact within staff report WZC 21-01 and for <b>approval</b> of the proposed zoning map amendment to the Whitefish City Council.
<b>BOARD QUESTIONS OF STAFF</b>	Gardner said this is basically downzoning. He asked if we have seen in the past where other landowners have purchased properties specifically for the zoning have done something that gave the City some exposure to the downzoning; have they come back and attempted to litigate? Director Taylor said the City has had a policy from the Council where we do not initiate downzoning because there is the potential of a takings due to reducing property values. But if the neighborhood initiates it rather than the City, as they have in this case, we feel confident we can make this zone change without being subject to litigation. Councilor Sweeny said the law is pretty clear that downzoning in this context is not a taking for which compensation can be granted to a landowner. It would be a fight but that is what the case law says.

<p><b>APPLICANT / AGENCIES</b></p>	<p>Sarah Canepa, 336 Kalispell Avenue, thanked the Board for the opportunity to speak on this issue. She is one of the neighbors who has been organizing the effort to change the zoning on the west side of Kalispell Avenue from WR-4 to WR-2 zoning. The goals of the neighbors who submitted the petition are simple – they want to maintain the residential character of Kalispell Avenue. In order to do this, they are asking the Planning Board to approve the petition to allow the zoning on the west side to match the zoning on the east side and the rest of the historic neighborhood that they see themselves as a part of. The petition, as Director Taylor said, also reflects the recommendations of the 2007 Growth Policy which identifies the density of multi-family structures allowed in WR-4 would be far out of scale with the surrounding neighborhood on Kalispell Avenue. She spoke before this Board in September 2020 requesting denial of a Conditional Use Permit for a commercial parking lot on the west side of Kalispell Avenue within this zone due to concerns about the character of the neighborhood. Through that application process and subsequent research, she and her neighbors became concerned about what WR-4 zoning could mean for the character of their street and neighborhood. Residents on the west side of Kalispell Avenue are well aware they live adjacent to a commercial district; they are already feeling the effects and purchased their homes knowing that. She has lived there seven years and is the "new girl on the block"; most of her neighbors have owned their properties for a very long time. What matters most to them is when they look out their front door, they see a neighborhood and they see their neighbors across the street and feel a part of that neighborhood. They request approval of the petition brought by the majority of the landowners on the west edge of Kalispell Avenue so they can maintain the residential feel of their neighborhood.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Vice Chair Ellis opened the public hearing.</p> <p>John Lacy, 506 Kalispell Avenue, has lived there 23 years and is one of the owners who has the "conflict" as it was described with commercial. He shares a parking lot with 5th Avenue Massage and the conflict is not a conflict at all; it is a neighborly relationship he has with a business owner who is just as invested in the neighborhood as she is in her own business. The conflict he perceives is the fact there is the potential for creep. For those who have been there for a long time, this is consistent with what they have thought of for their neighborhood, and he asked the Board to approve and forward it to the Council for approval.</p>

Thomas Brown, 539 Kalispell Avenue, spoke in support of this zone change. When he looks across the street, the houses are like his, and the feeling on Kalispell Avenue follows right through to the east all the way to the high school – it's the same type of neighborhood. If we start increasing the density across the street from his house, traffic will increase even more and force the street to deteriorate living-wise. He does not drive, but rides a bike in town, and the neighborhood is safe for bikes, pedestrians, and children, but they are seeing more and more traffic, which affects the whole neighborhood, and he would like a traffic study completed.

Mary Drew Powers, 327 Kalispell Avenue, has lived there for 12 years. She is not an affected landowner regarding the proposed zone change but has concerns with the development taking place right now which is to the highest bidder. She can see the single-family residences across the street being bought and what is being built is not something that people in Whitefish can afford. One property behind the alley from her just sold for \$800,000 on Columbia Avenue and is a second home. Someone who lives and works in Whitefish cannot afford that. That is what she is worried about when she sees that can be done in WR-4.

Mike Howke, 323 Kalispell Avenue, lives right across the street from Ms. Canepa, and said what they have basically asked for is to move zoning to the alley between Kalispell and Spokane Avenues. Residents and commercial have lived there forever; he has been in his house for 35 years with no problems. He would like to see the integrity of the neighborhood continue with single-family residences.

Molly Brown, 344 Kalispell Avenue, has been working with the group on this and wants to keep the neighborhood as it is. She thanked Planning staff for their time and help answering questions on this proposal.

Chris Burnett, 306 Kalispell Avenue, does not reside there, but her mother has for 15 years. A proposed parking lot has come up twice. She wants to protect the neighborhood and thinks it will only be a matter of time before developers move in if the zoning is kept as is.

Rhonda Fitzgerald, 412 Lupfer Avenue, owns a business within 150' of the proposed zone change so she received notice. When Growth Policy was developed, there were a lot of meetings held, and the City was charged with finding a way to protect these neighborhoods. This is 2021 and these neighbors have had to protect their neighborhood

	<p>twice. She hopes we will support them by doing the right thing to protect the community, and she thanked them for going through all the trouble to bring this forward as we will all benefit.</p> <p>There being no further comments, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>Scott made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WZC 21-01 as proposed by City Staff.</p> <p>Scott said when the parking lot issue came up in September 2020 and the Planning Board denied it, he chastised the neighbors and said they should pay attention to their zoning and try to get it changed. He gave them kudos for paying attention and doing the diligence to get their zoning changed. He thinks it is a little bit out of line as there is the possibility of a multi-unit apartment on one side of the street and single-family homes on the other which would be way out of character. He congratulated them for coming this far and said he hopes the rest of the Board agrees with him.</p> <p>Vice Chair Ellis agrees the Growth Policy points out this section of Kalispell Avenue, so it is good we are considering changing that. The Downtown Master Plan sort of identified this problem, too. He thinks the most important thing to preserving our old downtown residential neighborhoods is a clear boundary, so everyone knows what is residential and what is commercial. Maintaining the boundary at the alley that goes between Spokane and Kalispell Avenue is important and this adds to the clear boundary. He has been here 13 years and came from Atlanta, GA, where he lived in a single-family neighborhood that turned into all sorts of different things. It was downtown and close to the subway and art museum. People started moving in and changing the duplexes and apartments back into single-family homes. That process sort of culminated when a 20-unit apartment burned down and someone turned it into a single-family lot and he feels we will not be reducing the value of the property by downzoning, he thinks it will actually cause the property to appreciate. He is in support of this motion.</p>
<p><b>VOTE</b></p>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 19, 2021.</p>

<b>NEW BUSINESS:</b> <i>7:43 pm</i>	None.
<b>GOOD AND WELFARE</b> <i>7:43 pm</i>	<ol style="list-style-type: none"> <li>1. Matters from Board. Councilor Sweeney complimented the neighborhood for the work they put in. He encouraged folks to attend the City Council meeting where this will be addressed.  Scott said it is good to be meeting in person.</li>   <li>2. Matters from Staff. Lindh provided an update on the status of the Highway 93 South Corridor Plan. A public open house and work session with the Planning Board on the draft plan is scheduled for the July 15 meeting.   Vice Chair Ellis said the new apartments on the north side of E 7<sup>th</sup> Street seem to have no setback whatsoever. Compton-Ring said the sidewalk was built very wide onto private property by the previous owner. It appears building is close, but it meets the front-yard setback requirements for the zoning. Part of the sidewalk may be removed so residents will have a small fenced front yard.</li>   <li>3. Poll of Board members available for the next meeting on July 15, 2021. All members indicated they thought they would be available.</li> </ol>
<b>ADJOURNMENT</b> <i>8:02 pm</i>	The meeting was adjourned on a motion by Scott at approximately 8:02 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on July 15, 2021, at 6:00 pm, at 418 East 2nd Street.

/s/ John Ellis  
John Ellis, Vice Chair of the Board

/s/ Keni Hopkins  
Keni Hopkins, Recording Secretary

APPROVED AS **SUBMITTED** / CORRECTED: 7-15-21