

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
September 16, 2021**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were John Ellis, Scott Freudenberger, Allison Linville, and Toby Scott. Whitney Beckham and Chris Gardner were absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Planner II Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 21 people attending in addition to the board members and staff.</p>
<p>AGENDA CHANGES <i>6:02 pm</i></p>	<p>Scott made a motion to move Agenda Item No. 4 to Item No. 1 as there are items in that application that he thought might influence or be used for the hotel application currently listed as Item No 2. Director Taylor cautioned moving items around unless necessary since at the August 19 meeting, someone flew in from Seattle just for the meeting and ended up missing their agenda item as the items were rearranged.</p> <p>Linville agreed that people may be waiting to join the meeting later until the item they are interested in is being discussed and rearranging the order could affect that.</p> <p>Following discussion and an informal vote (4 in favor and Scott opposed), the order of the items remained as published.</p>
<p>APPROVAL OF MINUTES <i>6:02 pm</i></p>	<p>Scott made a motion, seconded by Freudenberger, to approve the August 19, 2021 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:04 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:04 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: HOLD YOUR HORSES, LLC CONDITIONAL USE</p>	<p>Hold Your Horses, LLC is requesting a Conditional Use Permit (CUP) to amend their previously approved CUP to use the Boarding House Parking Standard. The property is currently developed as a boarding</p>

<p>PERMIT REQUEST <i>6:04 pm</i></p>	<p>house and is zoned WR-4 (High Density Multi-Family District). The property is located at 625 Park Avenue and can be legally described as Lots 1 & 2, Block 7 Park Addition S31, T31N, R21W, P.M.,M., Flathead County.</p>
<p>STAFF REPORT WCUP 21-20 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 21-20, no public comments had been received, and none have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-20 and for approval of the conditional use permit to the Whitefish City Council subject to the following amended condition No. 6 and all other conditions of WCUP 16-08 remaining unchanged:</p> <p>6. Parking spaces and drive aisle located in the front yard setback must be removed and relocated so the parking is not less than 18 <u>10</u> spaces.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Ellis asked Compton-Ring to explain the condition about "parking spaces and drive aisle located in the front yard setback must be removed and relocated," and Compton-Ring said the only aspect being changed is going from 18 to 10 parking spaces. Back in 2016-2017 when the project was being reviewed, the asphalt went all the way to the sidewalk adjacent to Park Avenue which is considered to be the front yard. They were required to remove the front 25-feet and do some landscaping which they completed. They are not asking for changes to other conditions.</p> <p>Chair Qunell asked and Compton-Ring said the underlying zoning is WR-4, the highest density residential. Director Taylor, as Zoning Administrator, made a determination that they could use the boarding house parking requirement which is one space per room, and one space for the manager. Since they have nine rooms and an on-site manager, that would be ten spaces. Chair Qunell asked and Compton-Ring said the use and building are not going to change. This the result of a surveying error that caused some of their parking that should have been on their property to be on the eastern lot now being developed as a multi-family building. If they wanted to change the use, they would have to come back through the Planning Board.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, worked with Ryan Purdy on this application for revisiting of the condition. They</p>

	<p>were not the surveyor who made the error, but that is basically what necessitated this request as that parking ended up on the neighboring parcel to the east, so they lost a number of spaces. They started looking at the Zoning Ordinance and this has essentially been functioning as a boarding house since it was created in 2017. It provides very valuable workforce housing to the community and a lot of the people who live there work in the service industry in town. Very few of the residents use the parking; it is striped, but a lot of the paint is missing.</p>
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing.</p> <p>Lonnie Porro, 618 Pine Avenue, wondered about access to the building to the east of this property and thinks there will be a serious access issue getting into the garages of the new complex facing E 7th Street. It will probably have to be a one-way entrance and exit because the driveway is so narrow getting into that complex and it might affect the parking and issues of how people function in this boarding house.</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>
MOTION / BOARD DISCUSSION	<p>Chair Qunell asked if the property to the east was included when the CUP was done in 2017 and Compton-Ring said it was always separate, they are two parcels, but they were owned by the same person. The CUP only applied to the boarding house property (building and lot).</p> <p>Chair Qunell asked and Mr. Mulcahy said five parking spaces east of the building were lost due to the property line moving as a result of the surveying error.</p> <p>Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 21-20, including the amended condition No. 6, as proposed by City Staff.</p>
VOTE	<p>The motion passed unanimously. The matter is scheduled to go before the Council on October 4, 2021.</p>
PUBLIC HEARING 2: WHITEFISH 57 COMMERCIAL, LLC	<p>Whitefish 57 Commercial, LLC is requesting a Conditional Use Permit for an 85-room hotel. The property is currently undeveloped and zoned WB-2 (Secondary Business District). The property is located at</p>

<p>CONDITIONAL USE PERMIT REQUEST <i>6:17 pm</i></p>	<p>21 Hedman Lane and can be legally described as Lot 4, WF 57 Subdivision, S1, T30N, R22W, P.M.,M., Flathead County.</p>
<p>STAFF REPORT WCUP 21-19 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 21-19, one comment had been received from a neighbor not in support of the proposed use. Three additional comments have been received and distributed to the board members tonight. There were concerns from Baptist Church members regarding use of the frontage road, and concerns about changes to the character of the neighborhood, traffic, water, outdoor lighting, and trespass on Park Knoll Lane.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-19 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Ellis asked and Compton-Ring said the landscaping has to be specified at the time of building permit. They will submit a general landscaping plan but the specific details, including irrigation, happens at the time of building permit submittal. Ellis asked if the drawing on page 15 of the application is realistic of what they are planning to build. Compton-Ring said no, this is at the conceptual stage. They have not gone to any pre-app meetings for Architectural Review. Ellis asked for clarification that the Planning Board has no authority over the landscaping or architecture of this building. Compton-Ring said the Architectural Review Committee (ARC) is a decision-making body so they will review and approve it, ask for changes, or deny it. It will only come to the City Council if the applicant appeals an ARC decision.</p> <p>Scott asked about the parking lot entrance and exit depicted on the picture on the screen in the lower right-hand corner and Compton-Ring said it is the frontage road that they share with the Baptist Church. Arrangements for snow disposal and bike racks, along with engineering plans, will be reviewed at the time of ARC review and building permit.</p> <p>Chair Qunell asked and Compton-Ring said this proposal, with 711 vehicle trips a day, does not connect in any way to JP Road where there is a stop light.</p>
<p>APPLICANT / AGENCIES</p>	<p>Doug Peppmeier, TD&H Engineering, 450 Corporate Drive, Kalispell, thanked Mr. Ellis for his clarification on what the Board is reviewing</p>

tonight as it is important to note these are conceptual building elevations. If and when they move forward, those details with the landscaping, etc., will be required to be complied with at the time of building permit. They have reviewed the staff report and are in full agreement with the findings of fact and recommendation. Regarding the public comment about the Traffic Impact Study, they have been working with Public Works and because it is MDT's highway, Public Works deferred to MDT. They went back through and made sure MDT does not want any additional analysis, and they included an updated letter because the original had an 86room hotel and this is 85 rooms. As Mr. Scott mentioned, there are two arrows there and that is strictly for the use of the Church. He discussed adding a condition to put in a gate with Compton-Ring today, and the developer is 100% behind that. They cannot put in a gate within the subdivision so it cannot be on the subdivision's side, but he knows during the process there was discussion with potential development moving forward and they are 100% fine with putting the gate in if the board wants to add a condition. It would have no use for this development; it would be strictly for the use of the Church as that is a shared access agreement with MDT. Regarding the stated concerns about water capacity, a developer is required to get basically a "will serve letter" from the City about capacity when a subdivision is done and that was provided to them so there should not be a problem based on these uses. Regarding the parking space concerns, it is an 85-room hotel so a minimum of 85 spaces for the rooms is needed, along with additional parking for staff and employees, so there are eight of those, for a total of 93 spaces.

Freudenberger asked about the parking space requirements for employees and Mr. Peppmeier said the requirement is one parking space for every two employees during peak shift hours. The eight parking spaces would accommodate up to 16 employees, but the peak they expect is eight employees.

Carrie Bailey, Rimrock Companies, 1000 Riverside Avenue, Suite 450, Jacksonville, Florida, said they are looking at a branded extended stay product; it is a hotel, not an apartment product. The average stay for this model is about 28 days so it is designed as a long-term solution for seasonal workers, firefighting crews, professional travelers, etc. Every unit is an efficiency unit with the goal to provide a quality, efficient, long-term stay product.

Scott asked Ms. Bailey for an estimated cost per night, and she said they do not have specific details, but it will fall between our average

	<p>transient nightly rentals and a more budget friendly amount, so will fall right in between the two and is geared to be an affordable option for folks staying long-term. Scott said it will not be cheap and Ms. Bailey would not speculate on a possible price. Scott asked if they have considered any other incentives for this, <i>i.e.</i>, there is another agenda item tonight where they are offering to put an optional 1% tax on their rooms and donating that to the Whitefish Housing or other employee housing organizations. Ms. Bailey said that has not been discussed but it would be at the board's discretion if they want to discuss it.</p> <p>Chair Qunell said he did not see anything in the application about giving back to the Whitefish Housing Authority to promote affordable housing in the City. Ms. Bailey said that has not been specifically discussed on the development side but again, if that is something the board wants to discuss, that would certainly be at its discretion.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Randy Olson, 115 Ardell Drive in Kalispell, is the Pastor at First Baptist Church of Whitefish. He appreciates this process and the ability to send emails with their concerns. They have a good working relationship with Mr. Peppmeier and the developer as it relates to the potential fencing and gate but when they saw the drawing and letter sent, they had concerns with the arrows pointing both directions as though that frontage road provides public or commercial access. Knowing the amount of traffic that flows in and out of the businesses up and down the street, it is an issue to consider that traffic going into their Church property trying to find the hotel entrance further down the road. They are working with them and have not made much progress in getting that nailed down, but he knows they will. Traffic is a real concern of theirs. Their other concern is trespassing issues, as they currently already have issues with people stopping to let their dogs use their grass as a relief area. They would like proper fencing written in as a condition to protect against that problem.</p> <p>Mr. Peppmeier said as a point of clarification on the southwest is just an arrow for the parking lot. It is not a connection; there is actually a trash enclosure there. They completely agree with putting a gate in and now is the time.</p> <p>Ellis asked about a fence as on the drawing there is a proposed block</p>

	<p>retaining wall. Mr. Peppmeier said the retaining wall is for grade. The way the property drains is from west to east, so they are anticipating having a cut, not a huge wall. They are fine with putting in a fence if the board wants to put in that condition.</p> <p>There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Chair Qunell asked and Compton-Ring said if this gets built it does not preclude building the South Baker extension. This subdivision has another lot to the west that has an easement that goes all the way to the western property line that would abut where the Baker Avenue extension would come through. They had them design this road in the event it needs to become a public street.</p> <p>Compton-Ring said this is a commercial CUP, which means do must meet all the CUP standards and mitigate any negative impacts of the particular use, or the bulk, scale, and size. This is not a PUD. PUD developments are the ones that need to provide a community development, but this applicant is using a different type of permit than the later hotel and this application does not require a community benefit in order to be approved.</p> <p>Freudenberger asked how this ties in with what the Council may be looking at in the future to adjust short-term rental definitions. Compton-Ring said this falls under the definition of hotel; this is not considered a short-term rental. Short-term rentals are a residential use and this is commercial.</p> <p>Ellis made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WCUP 2119, with the eight (8) conditions of approval, as proposed by City Staff.</p> <p>Ellis made a motion, seconded by Freudenberger, to add Condition No. 9 that a fence of at least four-feet in height be run the entire length of the property on the south side. Compton-Ring asked if it should be from the frontage road west because some of their lot goes out towards the highway. Ellis agreed to whatever language is appropriate.</p> <p>The motion on the amendment passed unanimously.</p> <p>Scott made a motion, seconded by Ellis, to add Condition No. 10 that</p>

	<p>the applicant be required to designate a fenced pet relief area. Freudenberger said we already have leash laws so why would we need this. Chair Qunell said we added a fence at the request of Mr. Olson to prevent pets from going onto the property, so a pet area may not be necessary.</p> <p>The motion on the amendment failed by a 3 to 2 vote with Freudenberger, Chair Qunell, and Linville voting in opposition.</p> <p>Chair Qunell made a motion, seconded by Ellis, to add a condition that a gate be installed at the southeastern part of the development at the frontage road. Compton-Ring said it would have to be off this subdivision's property and on the Church's property. Chair Qunell asked Mr. Olson if they were fine with putting it on the Church's property. Mr. Olson said in working with the developer they did their own research and talked to the Fire Marshal, and he said as long as fire department personnel has access that works perfectly fine. The Fire Marshal said if it is on the Church's private property they do not care where they put it, so everything is fine.</p> <p>The motion on the amendment passed unanimously.</p>
<p>VOTE</p>	<p>Ellis said he will be supporting this, but it is sort of difficult for the Planning Board because members really do not know what they are approving or what it looks like. The drawings are just sort of a box looking thing. The board gets input from the citizens of Whitefish that they want the town to retain its historic look and feel and that is what is in our growth policy. It would be nice if the Planning Board had some role in that, but it does not since it does not approve the building or landscaping. As an example, there is not one evergreen tree on the property at the brand-new elementary school. He is in favor of this but urged the developer of this property to build something that looks like Whitefish rather than just a hotel that looks like it could go on the side of a highway anywhere. There are plenty of examples of that on Highway 93 right now. He also urged the developer to design the hotel to look like the west so tenants will want to come here.</p> <p>Chair Qunell said it is hard for him to agree at this point in time that we need another hotel in our community on the strip south of town. He has an issue with Finding No. 6 that no impacts are anticipated beyond what would be expected from a typical commercial use. Although it could at one time, he does not think the road can now handle 700 more vehicle trips a day. He will not be supporting this</p>

	<p>as he does not think we need another hotel right now and he finds flaw with Finding No. 6.</p> <p>Linville said she does not think affordable, extended stay hotel rooms is an acknowledgement of our community needs. She wants the board to be cognizant of that as it considers the application which is different from our stated community need of affordable housing and we should not use that language lightly. Chair Qunell said it is not conditioned anywhere either in the application that it is affordable, so we have no ability to enforce that.</p> <p>The original motion, with two amendments, passed 3 to 2, with Chair Qunell and Scott voting in opposition. The matter is scheduled to go before the Council on October 4, 2021.</p>
<p>PUBLIC HEARING 3: ULVIN/MATTESON CONDITIONAL USE PERMIT REQUEST 6:53 pm</p>	<p>Courtney Ulvin and Dillon Matteson are requesting a conditional use permit to construct an accessory apartment above a new two-car garage at 1018 Patton Lane. The property is currently developed with a single-family home and zoned WR-2 (Two-Family Residential District). The property can be legally described as Lot 13, Pattons Subdivision, S26, T31N, R22W, P.M.,M., Flathead County.</p>
<p>STAFF REPORT WCUP 21-21 (Osendorf)</p>	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WCUP 21-21, no public comments had been received. Two comments against the CUP due to parking concerns have been received since then and added to the packets. It sounds like there is a small cul-de-sac in the area that gets full which makes it tricky to have sufficient turnaround space for garbage trucks and emergency vehicles. All the parking (three spaces) will be required to be on-site and there might be some extra spaces as well. The other comment was regarding our Zoning Code that says accessory buildings cannot be in front of a primary structure, but per § 11-3-2E, the Zoning Administrator may waive that and he has done so for reasons of lot configuration.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-21 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>None.</p>
<p>APPLICANT / AGENCIES</p>	<p>Dillon Matteson and Courtney Ulvin, 1018 Patton Lane, said regarding the opposing comments, the cul-de-sac they live in has</p>

	<p>townhomes next to their home that do not have sufficient parking. They rerouted State Park Road so now it is a dead end with greenspace in front of their house. They have never used any of those overflow spots and do not anticipate that they will have to. When they remove their septic tank they will have additional parking and it will be plenty. As far as locating the structure in front, their existing house is not a beautiful structure and this one will be nicer than their existing house.</p> <p>Scott asked about having only eight-feet of space between the new garage and the house and whether that is the entrance to their house on the eastern side. Ms. Ulvin said it is a basement walk-in and their main entrance is actually on the south side of the house. Ms. Ulvin said there are many unhealthy trees in the front yard that will be removed, but they will be leaving the healthy trees and doing other upgrades, along with tying into City services.</p> <p>Freudenberger asked with the additional paved parking spaces and the driveway being paved how they plan to mitigate the stormwater being retained on-site as required by Condition No. 5. Osendorf said the only portion that needs to be paved is the driveway on the south side. Not all parking spaces are required to be paved, only the three required (the entrance to the garage). Chair Qunell asked and Osendorf said they do not need a stormwater retention plan as the amount of paving would not trigger that.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Belinda Mitchell, 847 Patton Lane, is the applicants' neighbor and owns seven other properties on Patton Lane, one of which is kitty corner to their property. She supports their proposed project, thinks it will be an improvement, and that it will be nice for them to have a garage to park their cars in. Ms. Ulvin reached out to her and explained the project to her very thoroughly and she thinks it will be a positive addition.</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>Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 21-21, with the eight (8) conditions of approval, as proposed by City Staff.</p>

	Scott said it seems like a fine addition and they have ambitions to improve the place, and this is one of the starting points.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on October 4, 2021.
BREAK <i>7:02 to 7:07 pm</i>	
PUBLIC HEARING 4: 38 CENTRAL PARTNERS, LLC PLANNED UNIT DEVELOPMENT REQUEST <i>7:07 pm</i>	A request by the Will MacDonald on behalf of 38 Central Partners, LLC, for a Planned Unit Development to develop a new three-story forty-room boutique hotel with a bar and lounge and a footprint of 16,250 square feet. The property is vacant and zoned WB-3 (General Business District). The property is located at 38 Central Avenue and can be legally described as Lots 6, 7, 8, 9, and 10 of Block 27, Whitefish Original Townsite in S36, T31N, R22W, P.M.,M., Flathead County.
STAFF REPORT WPUD 21-01 (Taylor)	<p>Director Taylor reviewed his staff report and findings. As of the writing of WCUP 21-01, no public comments had been received. Since then, four letters of support have been received, including from the owners of the Gt. Northern Bar and Tupelo Grille. One letter has also been received with concerns about the building height being exceeded, and non-attractiveness/monotonous appearance of the building. A letter was also received from the Whitefish Housing Authority which is happy about the donation towards the Snow Lot project. Copies of the letters were distributed to the board.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPUD 21-01 and for approval of the planned unit development for the 38 Central Hotel project to the Whitefish City Council, as submitted by the applicant, and deviations to the zoning be granted.</p>
BOARD QUESTIONS OF STAFF	Ellis asked about the maximum height. Since this is in the WB3 zone, WCC § 11-2L-2 says it could be 45 feet. Ellis asked and Director Taylor said the only reason it would get knocked down to 35 feet would be because it is not stacked, so to speak. Director Taylor said within the Zoning Code it is a maximum of 45 feet but anything above 35 feet or above two stories be stepped back 20 feet from the property line. They are still within the 35 feet, but since they are proposing three stories, the Code would have required the third

	<p>story to be stepped back. Ellis asked and Director Taylor said they are not going above the maximum height; we are just giving them a waiver so to speak on the step part.</p> <p>Linville asked and Director Taylor said we do not have a formal definition of "boutique," but generally a boutique hotel is an independently owned high end hotel that is not part of a chain franchise. Linville was considering whether that should be defined as a condition. Chair Qunell asked and Director Taylor said there are already existing codes about franchises downtown, but they only apply to restaurants and retail, not hotels.</p> <p>Chair Qunell asked how tall the neighboring buildings are and Director Taylor said the old Flannagan's is 35 feet but only two stories, the brewery goes up to 45 feet, and the outside seating at Casey's starts at 35 feet with the elevator shaft up a little higher. Scott thought the brewery was approved with a third floor, but Director Taylor said it is just outdoor seating and a bar on the roof, not a third floor.</p> <p>Chair Qunell asked and Director Workman said we require downtown projects to be lot line to lot line so there is not room for stormwater. The \$8,000 cash-in-lieu would go into the City's Stormwater Fund as a revenue source for treatment and future construction at Riverside Pond. The Pond has the capacity for this project's stormwater and that is where it will be transported.</p> <p>Freudenberger asked and Director Taylor confirmed the \$500,000 donation earmarked for improvements at the Snow Lot can be used by the Whitefish Housing Authority as it wishes, not necessarily exclusively for the Snow Lot project.</p>
<p>APPLICANT / AGENCIES</p>	<p>Sean Averill thanked Director Taylor for the detailed staff report. They realize this is a very high-profile corner, so they brought in Becky Stone, an architect from OZ Architecture out of Denver which specializes in this kind of project. They thought this deserved another level of sophistication and she will give a presentation on what it will look like. They realize any time you develop it will be an impact so the \$500,000 was their idea, and as long as the donation goes to housing that is all they care about. The Lodge gives a 1% tax to the Whitefish Lake Institute, and it is a very successful program so they followed that and hope it can maybe become the standard with other businesses following suit. Regarding the setback, you do not have to do a setback, you could have two stories and 35feet. What</p>

	<p>they are basically saying is they want to do three stories without the setback so from the street it will look the same. You could have a double-story lobby and not have a setback. It really makes it financially unfeasible to do a hotel if you have to set that back, and they think a hotel will be good there. There are five lots and there could be other uses, but he thinks this might be the only spot to do a downtown boutique hotel.</p> <p>Becky Stone, OZ Architecture, 3003 Larimore Street, Denver, said she has been doing resort and hospitality projects in resort communities since 1998 when she started at OZ. This is the realm she operates in, and they have a lot of experience with boutique hotels, which are normally well under 100 rooms, in the Rocky Mountain area (California, Idaho, Colorado, Utah, and Montana). She gave a very detailed presentation of the project.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Will Hagen spoke on behalf of Glacier Restaurant Group, 284 Flathead Avenue, which owns and operates MacKenzie River Pizza Company, Ciao Mambo, Craggy Range, and Latitude 48, and also on behalf of the underlying landowners of Craggy Range and Latitude 48. This is a beautiful design, but he requested the board reject the height design deviation and adhere to the 20 foot step back requirement for the third floor in order to prevent a wall-like façade and the other reasons the requirement is in the Code in the first place. As Director Taylor referenced, those requirements were put in the Code many years ago for certain considerations but if changes need to be made to the Code they should be made appropriately through changes to the actual Code and not through deviations over time. A substantial change to the Code like that merits debate and discussion. There are other developments in the downtown core that are complying with the step back requirement and the downtown looks fine. If this needs to be scaled back then maybe that fits the rhythm of downtown even more. The staff report states the design standards make development of a large hotel difficult but that is not all that persuasive either as the design requirements are there for a reason. Having a wall of rooms adjacent to their building and patio area is daunting. The party atmosphere of the rooftop and that kind of activity where something could be dropped from 40 feet above their patio gives them pause. The alleyway the hotel proposes to use as access to the underground parking is a critical artery for goods into the Craggy and the brewery where Jeremiah Johnson is going to be brewing, as well</p>

	<p>as Markus' staging area for neighboring businesses, so that alleyway may be jammed up from time to time with semis and trucks using it as a service entrance.</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>Freudenberger asked and Director Taylor said the 20-foot setback is just right-of-way, so that would be Central and 1st Street, not necessarily next to Craggy's patio.</p> <p>Chair Qunell said the hot tub area is proposed to overlook Craggy's patio so that would justify Mr. Hagen's concerns.</p> <p>Chair Qunell asked and Director Taylor said the Firebrand Hotel is only two stories and then steps back on the top, with an internal double-story lobby. There was a discussion and explanation of setbacks, two floors versus three floors, etc.</p> <p>Chair Qunell asked and Director Taylor said the Firebrand has restrictions on hours of operation on the rooftop because it is adjacent to a residential neighborhood. Since this is downtown and Casey's is across the street with a rooftop bar, Director Taylor does not think restrictions would be necessary. Expansion of the Gt. Northern Brewery was recently approved by the board which includes a rooftop bar and space with no limitations on hours of operation.</p> <p>Brian Averill said the rooftop food and beverage will be a bit self-regulating because hotel guests below will not accept that level of activity and they will have to keep it quieter after a certain time. Chair Qunell asked and Mr. Averill said there will be hours of operation for the hot tub like most hotels.</p> <p>Ellis asked and Ms. Stone said the hot tub could be moved so it was not above Craggy's patio. They proposed it in that location so guests could see Big Mountain but flipping it to the front side is an option.</p> <p>Ellis made a motion, seconded by Scott, to adopt the findings of fact within staff report WPUD 21-01, with the twenty (20) conditions of approval, as proposed by City Staff.</p> <p>Ellis said he was not much in favor of the Firebrand and its rooftop at</p>

the time of approval because it is so close to a residential neighborhood, but there have not been a lot of complaints and it seems to have worked out. He agrees with the whole building being straight up rather than setback as so many of the buildings on Central and Baker Avenues built in the last three or four years are stepped back, and it is starting to look monotonous. The hot tub issue above Craggy Range can be worked out. He suggested the developers design some solid, weatherproof awnings using copper or some other nice material and maybe join them together so there are no gaps because of precipitation. The Building Code says a maximum of 45-feet and this is 45-feet so that is good enough for him.

Linville made a motion, seconded by Chair Qunell, to add Condition No. 21 that the hotel meets the definition stated for "boutique", which she believes Director Taylor said is independently owned. She asked that we add that it meets the same regulations prohibiting franchise businesses in downtown. Chair Qunell asked and Director Taylor said there is no definition of boutique hotel in our Code. Director Taylor said a condition could be added that this hotel shall be independently owned and not a franchise hotel, and Linville and Chair Qunell agreed.

The motion on the amendment passed 4 to 1, with Ellis voting in opposition.

Chair Qunell said he would like the 1% tax conditioned in No. 19 to be renewable for five years. Mr. Averill said the 1% tax on Viking Creek is voluntary, but they have no intention of stopping it, and they have no intention of getting rid of this voluntary 1% tax. Chair Qunell would like this to continue beyond five years if we need it but is not sure of how to change the language. Following discussion, since this is voluntary, there is no need to change it. If housing is no longer a need at the end of five years, it will go towards some other community benefit.

Chair Qunell thanked the developers for stepping up and volunteering the \$500,000 donation and 1% tax. That is a lot, and we appreciate it. It is about time for this downtown hotel, and he is glad it will finally happen since it has long been in the growth policy. Regarding Mr. Hagen's comments concerning the height, it is going to be 35-feet on the sidewalk side either way and if they can put rooms there it makes more financial sense for them. He does have concerns about them looking down over the Craggy's patio, and

	<p>since the Craggy has music, that could also cause some conflict. Hopefully they can work on those items together moving forward.</p> <p>Linville thanked the developers and said the community benefit addresses a current need, is really noticed and appreciated, and resonates with the board.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on October 18, 2021.</p>
<p>NEW BUSINESS: <i>8:12 pm</i></p>	<p>None.</p>
<p>GOOD AND WELFARE <i>8:12 pm</i></p>	<ol style="list-style-type: none"> 1. Matters from Board. Scott mentioned the open house the Montana Department of Transportation will hold regarding the downtown highway study on September 23 and the various proposed options. Linville said we should acknowledge in consideration of time and the board's purpose that it is not this board's duty to weigh in on architecture design, other than maybe a short discussion. 2. Matters from Staff. Director Taylor said with regard to architecture, the board is allowed to talk about bulk and scale which relates to architecture, but details like types of awnings, etc., are out of our purview. We have standards in our architectural review with regard to downtown and awnings specifically. Linville said it was so helpful for the board to see the images the developer brought forward so it did not have to wonder what it would look like. She suggested that practice be recommended to developers at some point in the application process so the board would have a better visual. Director Taylor said it is encouraged but it costs money so it is up to the developer how much they want to put into the application drawings without knowing if they will get approval. Ellis said even with the drawings they do not have to build what they showed us tonight at all. Director Taylor said developers usually do not deviate all that much when they have this much into it already. Chair Qunell said the planning board's job is to approve or deny the use, and we can say we do not think the bulk and scale fits. 3. Poll of Board members available for the next meeting on October 21, 2021. Chair Qunell and Ellis indicated they would not be available. Chair Qunell asked if the meeting could be moved to October 14, but Director Taylor said that would not be possible due to the advertising window and Council agenda. Notice will be out

	the last week of September and if Beckham and Gardner are available, we will have a quorum.
ADJOURNMENT <i>8:22 pm</i>	The meeting was adjourned on a motion by Ellis at approximately 8:22 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on October 21, 2021, at 6:00 pm, at 418 East 2nd Street.

/s/ Frank Sweeney

~~Steve Cunell~~ Frank Sweeney, Chair of the Board
Secretary

/s/ Tara Osendorf

~~Keni Hopkins~~ Tara Osendorf, Recording

APPROVED AS *SUBMITTED* / CORRECTED: 10-18-21