

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
September 17, 2020**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Whitney Beckham, Scott Freudenberger, Allison Linville, and Toby Scott. John Ellis was absent. Senior Planner Wendy Compton-Ring and Planner II Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 19 people attending in addition to the board members and staff.</p>
<p>AGENDA CHANGES <i>6:00 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:00 pm</i></p>	<p><i>Note: At the August 20, 2020, Planning Board meeting, the minutes of June 18, 2020, were approved without corrections on unanimous vote of the three board members present (Vice Chair John Ellis, Whitney Beckham, and Scott Freudenberger). Councilor Andy Feury abstained as he did not attend the June 18 meeting. Since three board members is not a quorum of board members, approval of the June 18, 2020, board meetings will take place tonight.</i></p> <p>Freudenberger moved, and Linville seconded to approve the June 18, 2020 minutes without corrections. The motion passed unanimously.</p> <p>Freudenberger moved, and Linville seconded to approve the August 20, 2020 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: CARTER CONDITIONAL</p>	<p>A request by Jake Carter for a Conditional Use Permit to construct a commercial parking lot associated with the professional office at</p>

<p>USE PERMIT REQUEST <i>6:05 pm</i></p>	<p>307 Spokane Avenue. The property is zoned WR-4 (High Density Multi-Family Residential District). The property is located at 312 Kalispell Avenue and can be legally described as Lots 3-6, Block 51 Original Whitefish Townsite in S36, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-13 (Taylor)</p>	<p>Senior Planner Compton-Ring reviewed Director Taylor's staff report and findings. As of the writing of WCUP 20-13, seven comments from neighboring property owners had been submitted opposing the proposal. In general, concerns were expressed about commercial creep into the historic residential neighborhood, whether a parking lot is an appropriate use, and a desire to keep the neighborhood character intact. Seventeen additional comments have been received as of today and were distributed to board members prior to the meeting. Ten comments were not in support with concerns about the loss of character in the neighborhood, encroachment of commercial uses into the neighborhood, the zoning does not support it, that is could potentially be precedence setting, and use of the alley for vehicles. The seven in support noted the design maintains the residential character, that there is needed parking for this commercial use and they are currently parking on City streets surrounding this block, and that there would be less traffic on Kalispell Avenue.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-13 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell said the language in the CUP only refers to adding the parking lot and does not say anything about the proposed townhomes. Compton-Ring replied townhomes are permitted in the WR-4 zone, so they are not included in the CUP application. The property includes four lots, and there will be a lot line adjustment, so the townhouses will be on their own separate lots and a lot for the parking lot. He asked for an example of accessory use to a building that is already built that does not require parking and Compton-Ring said accessory apartments are typically an accessory use with a CUP where the primary home is already constructed. Chair Qunell said that is the same lot with the same owner, which is the part he is confused about.</p> <p>Beckham asked and Compton-Ring said the townhomes are proposed to be built and will be their buffer; the CUP is just for the parking lot part. Condition No. 8 requires a building permit to be obtained prior</p>

	<p>to the construction of the parking lot. Beckham asked and Compton-Ring said nothing could happen with the parking lot without the townhomes.</p> <p>Freudenberger asked if Condition No. 8 could it be reworded so that the parking lot could be secondary to the completion of construction. Compton-Ring said you could add, "after issuance of certificate of occupancy." Freudenberger said that would guarantee the townhomes are done before the parking lot is built.</p> <p>Beckham asked how any parking the townhomes would need would be factored in. Freudenberger said the packet indicated there are garages. Chair Qunell said they would fall under the WR-4 requirements and be totally separate.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, represented the applicants. He said Jake Carter, applicant/owner, will give an introduction after Mr. Mulcahy has completed with his presentation. Mr. Mulcahy thanked the staff for their thorough review of the application and said all the recommended conditions are completely acceptable, including the proposed change to Condition No. 8. The 307 Building was constructed in complete compliance with the zoning regulations. In that zone, no parking was required but they did provide some parking onsite. The uses, particularly the CPA firm in that building, have quite a few employees who park on the surface streets around in the neighborhood. The applicants would like to create some parking to take the pressure off those surface streets in the neighborhood. The zoning ordinance encourages office use and retail use in this downtown business district, but it does not require parking so there is always this chafe between parking and the businesses that go in. That is good because it means you have a successful, thriving downtown, but it does create conflicts between residential uses on the outskirts of the downtown and the business uses interior. That is what they are trying to resolve with this application. The original developer of the 307 Building came in with a project about eight years ago but his project was considerably different in that the parking went all the way to Kalispell Avenue, so there would be headlights and traffic directly onto Kalispell Avenue and they understand that was an issue for the neighbors. When they started looking at this project in the fall, they came up with some concepts and ideas, and talked to staff. Then they had a neighborhood meeting in January and invited everyone on this block and across Kalispell Avenue who would potentially see this project. Through that process they developed a concept with two residential</p>

units on Kalispell Avenue so all you see driving Kalispell Avenue are residential units and landscaping, not the parking lot. They designed the two units so one door fronts Kalispell and one is on the side, so it almost looks like a large single-family home. They did their best to try to address the issues for both the office and the neighbors and think they came up with a concept that does that. To answer Chair Qunell's question regarding accessory parking offsite, an example is the First Interstate Bank with the parking south on Spokane Avenue, which was an accessory use occurring close to 20 years ago.

Beckham asked and Mr. Mulcahy said this parking lot will be signed solely for the use of 307 Building.

Chair Qunell asked and Mr. Mulcahy said the offsite parking for the townhome units will require driving through the parking lot to access the garage at the rear of the residential units. Freudenberger asked and Mr. Mulcahy said there will be an easement for those units through the 307 Building's parking lot.

Freudenberger said since there will be easements involved, if they do not retain ownership of the townhomes, debates may occur regarding snow plowing and removal. Mr. Mulcahy said there will be a maintenance agreement that addresses snow removal and asphalt maintenance.

Jake Carter, one of the business owners in the 307 Building and in the real estate office, as well. He works fulltime in the building and there are 30-35 working there during a low peak time up to 50 when fully staffed with ten parking spots. The proposal is for 18 additional spots, for a total of 28. They are trying to get employees and people in the building off the streets. While we have the nice parking structure here at City Hall, it is a little over a quarter mile away and, that can be a trek, especially in winter. In addition, employees of the accounting firm oftentimes arrive and leave work in the dark. From day one their goal has been to be open with their neighbors and they tried to truly listen to them and did not take their opinions lightly. This is never going to be perfect but feel as if it is a give and take relationship and the best they can do given the situation.

Chair Qunell asked and Mr. Carter said there will still be more people working in the building than the proposed parking lot spaces, and parking will be on a first come, first served basis. Others will continue to use street parking.

PUBLIC COMMENT

Chair Qunell opened the public hearing.

Paul McCann, 340 Somers Avenue (about two blocks from the subject property), requested denial. He was at the City Council meeting eight years ago where the application for a commercial parking lot on this same site was turned down; however, as time went on, the area continued to be used as a commercial parking area. He suggests the City enforce the parking ordinance and not allow use of this area for commercial parking. The alleyway between Spokane Avenue and Kalispell Avenue is the line that keeps commercial out of their neighborhood.

Jamie Maxwell, 426 Kalispell Avenue, spoke in opposition. He has lived there for eight years and has seen traffic get worse and worse. There are a lot of kids living near him. Columbia Avenue is so congested people cannot drive it as fast as they want and he thinks folks will race down Kalispell Avenue where there are no stop signs in the morning to get to this first come, first served parking lot first. The only way he would be in favor of any kind of parking lot would be if stop signs were installed at every block on Kalispell Avenue to protect children from traffic.

Christine Bernat, owns 306 Kalispell Avenue (just north of this property) and she does not want a parking lot next to her house. She went through this seven years ago and is distressed this commercial property is infringing onto their neighborhood. A parking lot is not a pleasant view and will lower her property value. They bought the house for a reason, to be in a residential area within walking distance to town, and it is no longer their neighborhood, it is something different.

Sarah Canepa said she and her husband Shane McMillen live at 336 Kalispell Avenue. She appreciates Jake Carter's outreach efforts to the community letting folks know about the proposal and asking for ideas. The Staff Report says they will address traffic in the alleyway *if* it becomes a problem, but they use that alleyway every day and it already *is* a problem. There is a lot of traffic going through the alley at high speeds with drivers not considering residents trying to get in and out. They bought their house six years ago to be part of the downtown historic Whitefish neighborhood and would like it to maintain residential feel.

Molly Brown, 344 Kalispell Avenue, also appreciates Mr. Carter being open and honest with them. She has a difficult approach to her

parking from the alley and she is just waiting to get into an accident. She is also concerned with a lack of stop signs as there are children, people walking pets, etc., that could get hit. She sees both sides and wants to help them get what they need, and the residents get what they need. This will take more thought and suggested board members spend time at the 307 Building so they can visually see what is going on. She suggested they remodel the little yellow house currently there for rental income instead of building the townhomes and work with the parking issue to keep it residential.

Janice McCann, 340 Somers Avenue, understands the difficulties of parking for downtown businesses in the commercial versus the residential. Her plea is the commercial businesses address their problems without involving the residential neighborhoods and perhaps consider mandatory carpooling, biking, use of the City's parking structure and accessory parking, but not use residential neighborhoods as a solution to the parking problem. If they need to have fewer employees in their building due to inadequate parking, so be it. That is something they should deal with and the neighborhood should not carry that burden.

Dane Boat, 240 Columbia Avenue, is firmly opposed to this project. The growth, parking, and traffic are huge issues that need to be dealt with. If there is going to be some sort of variance, it should be for the City Hall parking structure to add three or four more stories of parking, as there is a huge deficiency of parking spots. The most fundamental thing about this issue is we are going to set a precedent that will go right down the line and will completely change the character of historic Whitefish.

Mike Howke, 323 Kalispell Avenue. Parking is always going to be an issue and he is not opposed to this; he is kind of for it because right now all the employees are parking on Kalispell Avenue in front of his block, and this would eliminate that. It is a private parking lot, so the hours are limited. Removal of the approaches on Kalispell Avenue now will eliminate people trying to get onto Kalispell Avenue through those approaches. It affects him like everyone else, but he sees this as a good solution for a problem that exists. He does not want to see any parking lot facing Kalispell Avenue, not through a conditional use permit or any other method.

Rhonda Fitzgerald, 412 Lupfer Avenue. She thinks the issue that these very desirable, historic neighborhoods that define the character of Whitefish are imperiled is an important issue for

	<p>everyone who lives in the community. We talk about how important it is for us to retain our character and the culture of our community and we know people want to live in these modest, single-family homes close to downtown, and the only way to <i>maintain</i> the integrity of the neighborhoods is to <i>maintain</i> the integrity of the neighborhoods. When the Whitefish Area Housing Needs Assessment was done, it was identified we needed 400 more homes for ownership by 2020, with the most desirable type being a small, modest home, with a small yard, preferably a garage and some storage close to downtown. By the nature of the fact that you are close to downtown and walkable, you are going to be close to commercial. Those lines, which in this case is the alley and in her case is the alley between Baker and Lupfer, must be respected as where it stops. She is kind of shocked this has come forward again when it was already denied because the application makes it sound like an accessory parking lot use for a professional office in the WR-4 is okay. This professional office is in the WB-3, a totally different thing, and the wording in the application makes it sort of gray. Maybe it is not an accident it is a little misleading because a parking lot in the WR-4 is not a permitted use; it is not a permitted conditional use either. As John Ellis pointed out, applying for a conditional use permit for something not allowed for a conditional use is a little beside the point. In any application you are supposed to comply with the growth policy and folks rely on staff to tell them if things comply with the growth policy. These four or five neighborhoods in the community are in jeopardy all the time because these people live in single-family homes historic residential neighborhoods and yet we are looking at what is allowed in a WR-4 which is a lot of other things, but not a parking lot.</p> <p>There being no further comments, Chair Qunell offered the applicant five minutes of rebuttal but the applicant declined. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Linville moved and Beckham seconded to deny the Findings of Fact within staff report WCUP 20-13, as proposed by City Staff.</p> <p>Linville said she would cite Finding of Fact No 1, Growth Policy Compliance, because it does not appear to comply with the Growth Policy. Is this a parking lot in a residential neighborhood or a parking lot supporting a business or a parking lot supporting a development?</p> <p>Beckham said most of the public comment prior to this meeting was</p>

from neighbors on Kalispell or Somers Avenues in opposition. Of the seven comments received today in support, only two of them listed their address and those two were not in the immediate vicinity. What they heard from the neighborhood says this is clearly not something supported, and the neighborhood should not have to bear the problem of the WB-3. This is not something should be allowing to happen because there are commercial parking problems in downtown Whitefish. For those reasons, we must deny as there is no way this is an accessory use. This is a residential neighborhood, not commercial.

Chair Qunell said he does not agree with Finding 2, "The proposal is consistent with the purpose, intent, and applicable provisions of these regulations." It is stretching this at best to call this an accessory use to a building in a different zone, across the alley with fractional ownership. A parking lot is not a permitted use or conditional use in WR-4. He appreciates all the work done to try to make this palatable to the neighborhood, but this is a downtown historic neighborhood where we want residential uses. These need to be developed as residential and he will be voting for the motion.

Scott agrees the parking lot is a little out of character and he is in favor of denying, but this problem occurs continuously in the City where people are not aware of what zone they live in and what is allowed. This is WR-4 and Mr. Carter could come back with a proposal to put up a multi-story apartment building or several of them on those lots. His advice to the neighbors opposed to this would be to try to get their neighborhood rezoned.

Freudenberger said this is difficult for him. He has an office on the first floor in the 307 Building (he does a sublease) but has not occupied it since March when he started working from home because of COVID-19. He has nothing to gain or lose by this motion but wanted full disclosure. He agrees with Mr. McCann's comment about not enforcing parking; effectively it is a parking lot already and is not a legal use, so it needs to be enforced. People are parking on the grass right up to Kalispell Avenue, behind the neighbor's house and the old church accessory building, so he does not see much of a change in land use as it is without enforcement. If new residential improvements are built on Kalispell Avenue it eliminates access to Kalispell, creates more parking on Kalispell, and improves the residences currently there with clear signs of deferred maintenance. He likes the idea of remodeling the resident currently there if the structure can handle a remodel. He can see some positives and

	<p>there have also been some excellent comments in opposition; many are legitimate concerns. He does not see it going this way, but if approved, he would want a condition included that the developer cannot claim hardship due the lot size or cost of construction, etc. He agrees with increased traffic in the alley going north and south because there would not be the eastern outlet but one of the conditions is to make the alley one-way and he would imagine that would be northbound.</p> <p>Scott suggested if approved the applicant consider fencing with keyed or card access along the alley so only employees and townhome residents can use the parking lot.</p> <p>Linville said looking ahead as a Planning Board, as part of their evaluation for the seven criteria for review, a major issue will be where to put cars. She wanted to acknowledge two things in their motion as well, 1) an ongoing and increasing issue of parking and traffic in town, and 2) the value and purpose of public comment and understanding of both the criteria of review and the purpose for having the public process.</p> <p>Chair Qunell called the question.</p>
<p>VOTE</p>	<p>The motion to deny passed 4-1 with Freudenberger voting in opposition. The matter is scheduled to go before the Council on October 5, 2020, and all neighbors and the applicant should be aware the City Council will have the final decision at that time.</p>
<p>PUBLIC HEARING 2: HICKOK CONDITIONAL USE PERMIT REQUEST 7:06 pm</p>	<p>A request by Doug Hickok for a Conditional Use Permit to construct a guest house at 1632 W Lakeshore Drive. The property is zoned WR-1 (One-Family Residential District) and can be legally described as Lot 2A, Lake Park Addition Amended Lots 2 and 3 in S23, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-14 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-14, 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 20-14 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>None.</p>

APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Scott moved and Linville seconded to adopt the findings of fact within staff report WCUP 20-14, with the six (6) conditions of approval, as proposed by City Staff.</p> <p>Chair Qunell asked and Compton-Ring said a deed restriction is required as part of Condition No. 5.</p>
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on October 5, 2020.
PUBLIC HEARING 3: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST <i>7:11 pm</i>	A request by the City of Whitefish for a Zoning Text Amendment to the Architectural Review Standards.
STAFF REPORT WZTA 20-04 (Compton-Ring)	<p>Senior Planner Compton-Ring introduced Architectural Review Committee members Shane Jacobs (Vice Chair and architect), and Leslie Lowe (landscape architect), here to help with technical questions if needed.</p> <p><i>Note: Linville left at 7:21 pm.</i></p> <p>Compton-Ring reviewed her staff report and findings. As of the writing of WZTA 20-04, 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 WZTA 20-04 and for approval of the amendments to the Architectural Review Standards.</p>
BOARD QUESTIONS OF STAFF	Chair Qunell suggested since these are not things the Planning Board deals with and there is no one left for public comment, members ask specific questions or give comments rather than going over each item in the document.

	<p>Beckham said it looks good, is well thought out, and more user friendly.</p> <p>Scott had no comments or questions.</p> <p>Freudenberger has spent some time on the revised document and read it a few times, but Compton-Ring and Kathy Skemp, Chair of the Architectural Review Committee, have spent <i>a lot</i> of time on it. He asked a question regarding the standard of eight corners for townhomes. Leslie Lowe, Architectural Review Committee member and landscape architect, said as well as the massing of the building, it allows them opportunities for small courtyards because there are indentations in the buildings, rather than straight facades, as a way to encourage relationships between people in the building. It also encourages small garden in the front. Freudenberger wanted clarification if it is overhangs or massing of the building. Compton-Ring said the way it is drawn she understands it is the corner of the foundation, eight foundational corners, but she will clarify the note.</p>
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Chair Qunell moved and Freudenberger seconded to adopt the findings of fact within staff report WZTA 20-04, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on October 19, 2020.
NEW BUSINESS <i>7:27 pm</i>	None.
GOOD AND WELFARE <i>7:27 pm</i>	<ol style="list-style-type: none"> 1. Matters from Board. Chair Qunell thanked the Architectural Review Committee members for their hard work on review of the Standards and they are very well done. 2. Matters from Staff. Compton-Ring said the City Council will consider an Ordinance next Monday to possibly start going remote for all committee and board meetings. She thinks the boards will

	<p>have a choice and the Planning Board can vote later, she just wanted them to be aware of it. She also introduced Tara Osendorf, our new Planner II replacing Bailey Minnich, who came from the City of Missoula. We are very lucky to have her and all welcomed her.</p> <p>3. Poll of Board members available for the next meeting on October 15, 2020. All members indicated they thought they would be available except Chair Qunell. Compton-Ring said no applications have been received so the meeting may be cancelled.</p>
<p>ADJOURNMENT <i>7:30 pm</i></p>	<p>The meeting was adjourned on a motion by Scott at approximately 7:30 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on October 15, 2020, at 6:00 pm, at 418 East 2nd Street.</p>

/s/ Steve Qunell

Steve Qunell, Chair of the Board

/s/ Keni Hopkins

Keni Hopkins, Recording Secretary

APPROVED AS *SUBMITTED* / CORRECTED: *11-19-20*