

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JULY 13, 2021**

CALL TO ORDER AND ROLL CALL

Chairman Vukonich called the meeting to order at 6:30 p.m.

Present: Russ Vukonich, Sam Kavanagh, Mike Shepard, Robert Smith, Kurt Nelson, Steve Duffy and Claudette Byrd-Rink. Absent: Patti Singer and Clay Lundgren.

Also present: City Manager Nicosia, City Planner Mulcahy, Public Works Clerk Vissotzky, and City Attorney Breck.

APPROVAL OF JUNE 15, 2021 REGULAR MEETING MINUTES:

Chairman Vukonich stated that the statement on family transfers on the top of page 2 was unclear and wished to amend the minutes accordingly. Mulcahy noted that it should read one transfer per family member per county.

Motion made by Shepard to amend page 2 of the minutes as recommended. Seconded by Duffy.

Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, Duffy.

Motion made by Duffy to Approve the June 15, 2021 Minutes as amended, Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, Duffy.

VISITOR OR PUBLIC COMMENT: None.

PUBLIC HEARINGS AND ACTION:

Chairman Vukonich read the notice of hearing and asked for the staff report presentation for CZC-21-05 and CCU-21-02:

Zone Change:

The applicant, Toby Gilchrist, is requesting a zone change for 302 Meadow Lake Boulevard from the current CR-5 two-family designation to a CRA-1 multi-family residential designation. The applicant amended the application that was reviewed by the Planning Board in February. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile north of Highway 2 on Meadow Lake Blvd. The property is described as Assessors' Tract's 2BDEA and 2BDAEA of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Conditional Use Permit:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The applicant amended the application that went before the Planning Board in February. The proposed two-story apartments will access Meadow Lake Blvd at the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile north of Highway 2 at 302 Meadow Lake Blvd. The property is described as Assessors' Tract's 2BDEA and 2BDAEA of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy presented Staff Reports CZC-21-05 and CCU-21-02 reviewing each of the Findings of Fact and Conditions. Mulcahy noted that the requested zone change from CR-5 Two Family Residential to CRA-1 Residential Apartment complies with the 2019 Growth Policy. There is property zoned as CR-5 to the north and a surrounding mix of CR-3, CR-1, CI-1 and CI-2. With the current zoning the area already has the

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possibility of higher density housing. This project had a hearing earlier in the year but the Board denied the staff report based on traffic and pedestrian concerns. As the project was less than 40 units, the City had not required a Traffic Impact Study (TIS) to be completed before the February hearing. The applicant withdrew the project and further addressed issues raised by the Planning Board as well as having a Traffic Impact Study (TIS) completed. The TIS found there was no decrease in services by adding the proposed 36 apartments. The applicant added plans for a tot lot and a primitive interior walking path. Planner Mulcahy noted that the children will attend Ruder Elementary school and not Glacier Gateway, as was discussed in the previous hearing.

Chairman Vukonich asked the Board if they have any questions for staff. Kavanagh asked what the current density was based on zoning. Mulcahy stated it was currently CR-5, a two-family zone, so the two lots could currently have 4 houses without having to subdivide. Mulcahy noted that this property is a transitional use, creating beneficial use to the single family residences by buffering the visual and sound from the industrial area. Board discussed possible for higher density under the current CR-5 zoning than that proposed in the application. Vukonich noted that the Growth Policy designated this area as higher density. Duffy asked about the site distance needed at the entrance of the project, clearing of the property, and if the area needed grading. Mulcahy noted that the applicant has indicated that the area will likely be clear cut; no grading is needed but maybe some limb and shrub removal. Discussion ensued on who would maintain the site distance clearing. Board will consider adding a condition. Shepard questioned if the applicant and the Garnier Heights Subdivision had met with the County about the problem roads. Mulcahy replied that he was not sure if they had. The City has talked to the Flathead County Road Department Director about an expanded path but there is currently no funding for additional paths. Vukonich asked Mulcahy to summarize the changes made from the previous proposal. Mulcahy noted that during the previous hearing the applicant did not have a completed TIS as it was not required by the City. He noted that the TIS addressed the main concerns of the Board. The applicant also looked at a 4-way intersection at Meadow Lake Blvd and have aligned the driveway to Best Way. The applicant also addressed recreation on site as well as school transportation. Mulcahy also noted that the conditions include installing the water main extension to include a primitive path. Shepard noted this area is in the comprehensive Transportation Plan that is currently being developed with MDOT and Flathead County.

Chairman Vukonich asked if the applicant wished to address the Board. Aaron Wallace of 406 Creative represented the applicant. He noted that the staff report, not the zone change or CUP, was denied in the previous meeting. The applicant has completed a TIS and addressed the neighbors' concerns. The plan is for two 8-unit apartments buildings. Each building will consist of 8 two-bedroom units, 2 studio apartments, 2 1-bedroom units, and 6 3-bedroom units. Each unit will have the required 2 parking spots. They will be 2 stories, similar to single family residences, and have a natural tone to them. The applicant stated that the goal for these apartments is to provide long-term rentals at market rates for people that work here. He discussed the site plan and building layout. They will keep as many trees as possible to use as a buffer to neighboring properties. A six-foot tall privacy fence will be installed along the perimeter. A primitive walking path will weave through the buffer trees and a tot lot has been added to the property. Wallace discussed the clear vision triangle (CVT) compliance for the property. He noted that while the applicant is an advocate for a solution to the pedestrian issues, it is a larger issue than just this development.

Chairman Vukonich asked the Board if they had any questions for the applicant. Duffy asked about the distance between the road pavement and the properties sidewalk, is there room for widening the road? The applicant stated it is a conceptual drawing but they are open to move it so it could have less grading. Wallace then stated the max lot coverage is 40% and they are using 25%. The project is allowed in the requested zone and also

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meets the 2019 Growth Policy. Shepard asked if the neighbors had been consulted. The applicant talked on the phone with the northern neighbors and restated the improvements made to the project proposal. Kavanagh asked about site grading and the retaining walls shown on the site plan. Wallace stated that it will be slab on grade and the retaining wall will allow patios to be on the same grade. Vukonich asked about the lack of a southern perimeter fence. Wallace replied that the lot to the south is open for development and has a steep grade. They would like to leave their options open unless the fence is required. Kavanagh said the vegetation buffer to the neighboring properties could be increased and asked if the large 2nd story windows on the west side could create a privacy issue. Wallace said they are flexible on the internal landscaping and want to save as many trees as possible, but also doesn't want dark areas to create security issues. One of the two western windows could be moved. Wallace noted that there already could be a 2nd floor window privacy issue with a standard single-family home under the current zoning. Kavanagh asked about the interior primitive walking path and the vegetative buffer. Wallace noted that the drawing shows the path along the perimeter but it will weave through the trees, be roughly 2 feet wide and will be built so it doesn't remove the vegetative buffer.

Toby Gilchrist, the owner/ applicant. He thanked the Board for the hearing. He said he spoke with the northern neighbor on the phone. They were concerned with parking, a fence, and overall design. Once shown the site plan he noted that they were ok with the design. The aerial view of the CVT is different than on the ground. Most of the CVT area is currently small shrubs. He said he chose the property based off the 2019 Growth Policy and it is a good mix of units for families. Duffy asked Brent Foley, the civil engineer, about the fire access. Foley said Fire Chief Weeks had approved the plan and that the buildings were sprinkled.

Chairman Vukonich opened the Public Hearing at 7:36 PM. There were 4 written comments.

Brooke Stearns-Lawson. 292 Meadowlake Blvd. She reported that she is the northern neighbor. She had questions on if the TIS considered Garnier Heights, if it looked at present and future growth, where the bus stop was, and about overflow parking. She stated that Meadow Lake Blvd's problems need to be addressed before more growth. She asked if the project could hold off until the Transportation Plan was completed. The sidewalk stopping at her property could cause an issue. It was hoped the CVT would only affect 2 trees on her property or it would change her amount of privacy on her own property.

Jelani Lawson. 292 Meadowlake Blvd. He noted that he had a positive conversation with the applicant Toby Gilchrist on the phone. The pedestrian path inside the fence is a concern to him. He said it might be better on the inside of the landscaping instead of next to the fence. He understands vehicles are essential to live in Montana, so he is concerned with visitor parking. Between this project and Garnier Heights there will be around 140 new units. This adds a lot more people to one street. He discussed traffic issues and said the two projects could add 500-600 new people.

Aaron Wallace, 406 Creative. The primitive path shown is in a conceptual location. As for the overflow parking, most projects require less than what this one does. The residents tend to self-regulate, such as they do at the Highline apartments.

Nikki Lintz, manager of the Highline Apartments and others in Whitefish. Overflow parking is not an issue at these other apartment locations. Not everyone is allocated 2 parking spots. For example, a studio would get one spot and not everyone is home at the same time.

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Jelani Lawson, 292 Meadowlake Blvd. Those locations also have fairly close on street parking. The closest possible parking is across the highway at Super 1. That would only add more trips to pick up visitors.

Chairman Vukonich closed the Public Hearing at 7:53 PM.

Kavanagh said the project meets the Growth Policy and while it would be good to have the Transportation Plan adopted, the area could already have higher density with the current zoning. City Attorney Breck discussed the importance of the Growth Policy noting that developers and investors rely upon the document to plan growth. Attorney Breck noted that a project cannot be denied on the basis of something the state, county or city has not done; if so, it would not hold up in court noted Breck. Breck also noted that Garnier Heights to the north was just approved and it is a larger project. Kavanagh stated the completed comprehensive Transportation Plan will help the area but the City can't enforce a plan that does not exist.

Motion made by Duffy to approve CZC-21-05 as Findings of Fact, Seconded by Shepard.
Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Motion made by Kavanagh to approve CZC-21-05 to City Council, Seconded by Duffy.
Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Motion made by Shepard to approve staff report CCU-21-02 as Findings of Fact, Seconded by Nelson.
Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Motion made by Duffy to add Condition 18: Applicants will provide long-term maintenance of the foliage in Meadow Lake Blvd for the site of distance. Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Motion made by Kavanagh to add Condition 19: (Identical to Garnier Heights) The applicants shall request the Montana Department of Transportation to consider signalizations and timing movements at Hwy 2 and Meadow Lake Boulevard. Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Kavanagh asked about cash-in-lieu for the sidewalk to add to a larger area project, similar to what the Board approved for Garnier Heights. The applicant concurred with this thought. Mulcahy said this would be similar to what was done in the Scenic View and Talbot Rd areas.

Motion made by Kavanagh to add Condition 20: (City Staff will duplicate the Garnier Heights language) At the City's discretion, cash in lieu of installing a sidewalk can be explored along the Meadow Lake Blvd. Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

Motion made by Byrd-Rinck to add Condition 21: Applicants will work with School District 6 on appropriately siting a bus stop. Seconded by Nelson. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

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Motion made by Kavanagh to approve CCU-21-02 with Conditions to City Council, Seconded by Shepard.
Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Smith, Kavanagh, and Duffy.

ADJOURNMENT

Motion made by Nelson to adjourn at 8:28 PM, seconded by Kavanagh.

Chairman,

Alex Vissotzky | Public Works Clerk