

# **CITY OF COLUMBIA FALLS**

## **MINUTES OF THE REGULAR MEETING**

### **HELD MARCH 14, 2023**

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

Present: Smith, Singer, Nelson, Lundgren and Shepard. Absent: Vukonich, Byrd-Rinck, Duffy and Kavanagh.

Also present: City Manager Nicosia, City Attorney Breck, City Clerk Staaland and Contract City Planner Valade.

#### **APPROVAL OF MINUTES:**

Nelson made motion to approve the February 14, 2023 Meeting Minutes, seconded by Singer and the motion carried.

#### **PUBLIC HEARINGS AND ACTION:**

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, March 14, 2023 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on April 3, 2023 starting at 7:00 p.m. in the same location.

#### **Conditional Use Permit – Sports Bar and Casino:**

A request by J & L Golf, Levi LaPrath and Jarred Griffis to open a sports bar with a casino of up to twenty gaming machines. The building in question is located at 605 Nucleus Avenue, Unit B, currently a Hair Salon. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for new casinos while bars and restaurants are permitted uses. The property is described as Lots 1 and 2, Block 45 of the Columbia Falls Original Townsite located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Donna Valade, Contract Planner presented Staff Report CCU-23-01 as Findings of Fact. Ms. Valade said the State of Montana ties Casinos and Liquor Licenses together by only allowing gaming machines if one purchases a liquor license. The result is casinos like Lucky Lil's buy up many of the liquor licenses which drive the price upwards of ¾ of a million dollars. This in effect forces restaurants and taverns to install gaming machines in order to pay the inflated price of the liquor license. The maximum number of gaming machines in any establishment is 20 machines as set by State Statute. Staff recommends approval of the CUP.

Shepard asked why we need a CUP for gaming machines. City Attorney Breck said it is listed as a Conditional Use Permit.

With no public comments Shepard opened and closed the Public Hearing at 6:35 p.m.

Nelson inquired on page 17 it states there are no off-street parking standards for the CB-4 zone as it would cause half of the historic buildings to be torn down in the downtown area. Nelson said it seems there should be more nuance than a house gets torn down or it won't work. Perhaps going forward there has to be natural ground. City Manager Nicosia said in the CB-4 parking standards the zoning regulations state they have to provide a plan on where employees will park but it is not required. Some of the lots on Nucleus are smaller and longer, and parking

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD MARCH 14, 2023**

may be in the back of the building or non-existent as buildings can be built to the lot line in CB-4. The City cannot pick one use in CB-4 to require parking said Nicosia. Nelson asked if we can require it with review. Nicosia said it would take a change in the zoning regulations. Singer said she disagrees with downtown parking availability. The business owners do not have adequate parking. Nicosia said staff has reviewed downtown parking and there is available parking. Some of the newer buildings are adding on-site parking for their occupants' parking; it is not required but the developer chose to add parking. Parking is available downtown, it may not be in front of the businesses and folks may have to walk a block but it is available. Singer believes if we want downtown to grow we need to provide parking. City Attorney Breck said the CUP meets the zoning requirements.

Shepard said this is a simple request that meeting zoning requirements.

Nelson asked what the distance from a business that people can smoke. Breck said 30 feet from the business based on the Montana Clean Air Act. Nicosia noted those provisions are enforced by the Health Department.

Nelson motioned to Adopt Staff Report CCU-23-01 as Findings of Fact, seconded by Lundgren with the Board voting as follows. Ayes: Nelson, Smith, Lundgren, Singer and Shepard.

Singer made motion to recommend approval of CUP to City Council, seconded by Smith with the Board voting as follows. Ayes: Lundgren, Singer, Nelson, Smith and Shepard.

**MISCELLANEOUS:**

The Board and staff had discussion on downtown parking.

**ADJOURNMENT:**

Singer motioned to adjourn, seconded by Nelson and the meeting adjourned at 6:55 p.m.

Next Regular Planning Board Meeting – April 11, 2023

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Vice Chairman

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Clerk