

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
NOVEMBER 5, 2015**

**CALL TO ORDER
AND ROLL CALL**

The regular meeting of the Whitefish Planning Board (rescheduled from October 15, 2015, due to lack of a quorum) was called to order at 6:00 pm. Board members present were Chairman Ken Meckel, John Ellis, Jim Laidlaw, Rebecca Norton, Melissa Picoli, and Ken Stein. Councilor Frank Sweeney was absent. Planning Director David Taylor and Senior Planner Wendy Compton-Ring represented the Whitefish Planning and Building Department. Planner Bailey Minnich was absent.

There were approximately twelve people in the audience, including Craig Workman, Public Works Director.

**APPROVAL OF
MINUTES**

John moved and Rebecca seconded to approve the August 20, 2015 minutes with one amendment suggested by Chairman Meckel. The motion passed unanimously, with Ken Stein abstaining. Rebecca moved and Jim seconded to approve the September 17, 2015 minutes. The motion passed unanimously.

**COMMUNICATIONS
FROM THE PUBLIC
(ITEMS NOT ON THE
AGENDA)**

None.

OLD BUSINESS

None.

**PUBLIC HEARING 1:
ELAINE EDWARDS ON
BEHALF OF
1840 BAKER LLC,
1822 BAKER LLC AND
1820 BAKER LLC
REZONE REQUEST**

A request by Elaine Edwards, on behalf of 1840 Baker LLC, 1822 Baker LLC, and 1820 Baker LLC to amend the Whitefish zoning jurisdiction map to add the Commerce Street Condos at 1820/1822 Baker to the adjacent WI-SC (Industrial and Warehousing with a Statement of Conditions) zoning district, and amend the Statement of Conditions to add three additional uses for the district – trade schools, music schools, and hotels. The new district will be comprised of 2.71 acres of property addressed as 1820, 1822, 1824, 1830, 1840, 1842, 1844, and 1848 Baker. These properties can legally be described as Tracts 6BGA and 6BK and Units 1 and 2 of Commerce Street Condominiums, S01, T30N, R22W, P.M.M., Flathead County, Montana.

**STAFF REPORT
WCZ 15-03
(Taylor)**

Director Taylor reviewed his staff report and findings.

Staff recommended adoption of the findings of fact within staff report WZC 15-03 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

John asked if any public comments had been since the staff report was written and Director Taylor replied no. John asked for clarification in the staff report which seemed to indicate a front setback change from 30' to 20', in addition to allowing three additional uses. Director Taylor replied that change was approved previously when the special zone change was done a couple of years ago, the only thing being discussed tonight are the three new proposed uses.

**APPLICANT /
AGENCIES**

Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, spoke on behalf of the applicants, and said Director Taylor did a good job leading into the topic with his staff report. He said the intent of this particular zone change amendment and the previous amendment is to create a light industrial transitional area, as well as transitioning from industrial to commercial. As John mentioned, the front setback went from 30' to 20' but that setback matches the commercial setbacks that are directly east of Baker Avenue, so the street frontages, essentially the setbacks, line up and the new two-unit building being added into this is an existing building so the footprint really won't change on those condominium structures. The reason for requesting the additional uses is that applicant has been approached by folks wanting a music school and the applicant wants to add a restaurant and cooking school portion with the restaurant, along with a small boutique, 12-unit hotel structure in the back of the property.

Rebecca asked Mr. Mulcahy if the storage units are staying there and he replied the Montana Shirt Company and Sweet Peaks will stay, and the two condominium units will stay but get a complete facelift. Otherwise, the property is vacant. The storage units are on a property north of this property.

PUBLIC COMMENT

Dave Elliott, 1025 Creekview Drive, owns the buildings being leased by Montana Shirt Company and Sweet Peaks at 1830 Baker. He has no issues with the proposed uses but does have an issue with the proposed hotel, as there is an easement that goes across their property used for traffic flow. When they bought the property, there was no planned hotel on the table, and he has safety concerns with the amount of employee and public traffic coming into the property. He also has concerns over the applicant's ability to complete what they are proposing, as they are in breach of contract as of August 12 for not finishing the site work on their property. He suggests building in something that says they need to finish what they propose to do.

Melissa thought some of the other approved uses would probably generate similar traffic as a hotel, but Mr. Elliott said it would not

be in a location that would generate traffic over his property.

Mitchell Drachman, 6002 St. Moritz Drive Unit F, Whitefish, suggested a performance bond by the developer would be a way to alleviate the issue of the applicant not finishing their proposal.

Rhonda Fitzgerald, 412 Lupfer Avenue, said affordable housing and places for small manufacturing are encouraged in Whitefish, and she feels this Planning Board and Planning Department are the key to being sure that our community continues to be the kind of place we want it to be. She said one of the reasons we cannot have the affordable housing we want is because people change the zone and get permits to do other things in places where affordable housing should be being built, which immediately gives their investment more value but it hurts the community. This is zoned industrial and she does not believe we need another music school as we have one. She does not feel we need a culinary school there since the College has one, and we certainly do not need any more hotel rooms, as we are way over supplied with hotel rooms. She said the plan shows 14 rooms, not 11 or 12 as was stated.

Vik Keuylian spoke as the project manager of the project; Elaine Edwards is his mother-in-law. He said the only change from previous change is restaurant use; the industrial use is already there. Mr. Elliott has a business there; Sweet Peaks has a business there; Great Northern Pasta Company is going to move over there. They already had an approval for office space when they bought the property and they have been approached for mixed-use office space and they will include that. As far as Mr. Elliott's concerns about the hotel, the previous plan showed a building there of 10,000 square feet building which would have added more traffic than a hotel. Regarding the easement that he's talking about, there will be no change in traffic. He feels Mr. Elliott is just frustrated with them because they have not been able to finish the site work as planned. The sole reason they didn't do it is because they found out from the City that they are not allowed to put their detention pond where they had planned, which was not their fault. They have talked to the culinary school at FVCC and they are in favor of the proposed culinary school. The applicant envisions the proposed restaurant to be small, possibly for 20, so famous visiting chefs can demonstrate their skills in conjunction with the culinary school. He said the current Music School is interested in moving to this location from its current location, which was supposed to be confidential, but Ms. Fitzgerald is forcing him to disclose that information.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and John seconded to adopt the findings of fact within staff report WZC 15-03.

Ken asked about the minimum parking requirement for the proposed music school and/or restaurant, and Director Taylor said that is addressed in the Whitefish City Code and will be looked at through CUP process. He said the specific uses within the zoning should be addressed as part of the CUP.

Rebecca asked if Sweet Peaks and the Montana Shirt Company own their own buildings and Director Taylor said Dave Elliott owns the building which is leased by Sweet Peaks and the Montana Shirt Company, and that the rest of the buildings will be owned by this other group or sold, and that he did not know the ownership for sure. Rebecca asked if approval was solely to change zoning and Director Taylor replied it was to permit hotels, music schools and trade schools.

Ken asked about uses and parking, especially of the hotel and culinary school both need evening parking. Ken does not have a problem with music school or trade school uses, but does have a problem with the hotel use.

Rebecca asked about easement issue and Director Taylor said that is outside the scope of this request, that the easement would come up during the CUP process. Melissa asked if there are other cases in Whitefish with this zoning and Director Taylor replied that this is unique to this request.

Rebecca called for the question.

VOTE

The motion passed unanimously. The matter is scheduled to go before the Council on November 16, 2015.

**PUBLIC HEARING 2:
ELAINE EDWARDS ON
BEHALF OF
1840 BAKER LLC,
1822 BAKER LLC AND
1820 BAKER LLC
CONDITIONAL USE
PERMIT**

A request by Elaine Edwards, on behalf of 1840 Baker LLC, 1822 Baker LLC & 1820 Baker LLC, for a Conditional Use Permit pursuant to §11-2-3B(12) in order to develop a project with multiple principle structures. The property is zoned WI/WB-2-SC (Industrial/Secondary Business Districts with Special Conditions), located at 1842, 1844, 1846 and 1848 Baker Avenue and can be legally described as Tract 6BGA in S1 R30N R22W, P.M.M., Flathead County.

**STAFF REPORT
WCUP 15-14
(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings. The Traffic Information Study has now been received and reviewed by the Public Works Department. It recommends a stop sign, and she will suggest that as a Condition 12.

Staff recommended adoption of the findings of fact within staff report WCUP 15-14 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

Rebecca asked why detention pond was necessary. Wendy indicated the project will have more than 5,000 square foot of impervious surface which will require an engineered stormwater facility.

Rebecca also asked about the easement on the Montana Shirt Company property for the project. Senior Planner Compton-Ring stated the applicant could describe it for the Board.

**APPLICANT /
AGENCIES**

Eric Mulcahy spoke for the applicants. They have read the staff report Planner Compton-Ring has prepared and are comfortable with the Conditions, as well as additional Condition No. 12 for stop sign. Mr. Mulcahy said the property was sold with an easement that provides access to the rear of the property. There is two-way traffic on southern approach onto Baker Avenue and one-way traffic on northern approach onto Baker, and there is not room for more on the northern approach.

Rebecca asked what the issue is between the parties and Mr. Mulcahy said he cannot talk to that issue but the easement into the property is there for access and parking.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and Ken seconded to adopt the findings of fact within staff report WCUP 15-14, with the 11 Conditions of Approval as recommended by City Staff.

John asked to discuss the three parking spaces in the front as he is concerned with the nonconforming use because it violates the setback. The Downtown Master Plan addresses in the future the possibility of making Baker Avenue one-way and Spokane Avenue one-way the opposite direction, and feels that regardless of whether that happens, traffic on Baker is going to increase. He said there is no parallel parking on Baker Avenue from where it comes off Highway 93 all the way to the bridge over the River, other than parking for the three houses on the east side of Baker Avenue just south of the river. He feels additional parallel parking spaces on Baker Avenue is a traffic hazard for cars, bicycles, pedestrians, etc., and there is no good reason for it. They need 91 parking spaces and they have 123 proposed, so removing the three parallel parking spaces will not be a great problem for them, and they can put the ADA parking somewhere else. He urged the Board to modify the Conditions to remove three parking spaces. John made motion to amend Condition No. 8 to read, *"No parking shall be installed in front of the building. Existing reconfigured parking is nonconforming and must be removed."* Rebecca seconded the motion as she feels Baker Avenue will eventually become a conduit. The motion was amended to remove the parking in front of the existing building at

1820 Baker Avenue.

Melissa asked if the frontage improvements would come up with Public Works. Ken said no, if sidewalks are allowed now, they would stay. Public Works Director Craig Workman respectfully disagreed and said the parking spots would probably be required to be removed. He said we would probably have to honor pre-existing agreements but this stretch of Baker has a 66-foot right of way.

A vote was taken on John's amendment regarding parking spaces and passed unanimously.

John made a motion with a second by Rebecca to amend staff report WCUP 15-14 to add that a stop sign be erected by the applicant where their southern driveway meets Baker Avenue as Condition No. 12. The motion passed unanimously.

PUBLIC COMMENT

Chairman Meckel opened for public comment.

Rhonda Fitzgerald said she called a major Music School sponsor and they said they knew nothing about the Music School relocating, and she felt the Board was not getting the full story. Mr. Keuylian said 100% without a doubt that he has met with people from the current Music School, and they have been to the site and seen plan, but it was supposed to be kept confidential.

MOTION / BOARD DISCUSSION

Chairman Meckel closed the discussion to public comment. Ken said it is not part of the scope of this Board to say who goes where, but that he feels the current location of the Music School is an accident waiting to happen, and Rebecca apologized for bringing it up. Ken asked about parking requirements for a hotel, and Planner Compton-Ring replied that according to our Code, one space per room, plus one space for every two employees on a shift is the requirement. If there is a night-operated business, then the number of parking spaces needs to be adequate.

Rebecca asked for clarification on whether 11 or 14 hotel rooms are proposed. Mr. Keuylian originally said 13 rooms, but then changed that to 11. Melissa asked if the Board should add a condition of approval to require the applicant and the Montana Shirt Company owner to enter into mediation. Senior Planner Compton-Ring indicated that the Conditional Use Permit criteria start on Page 3 of staff report and that is what they should stick to for their review.

VOTE

The motion passed unanimously. The matter is scheduled to go

before the Council on November 16, 2015.

NEW BUSINESS

Work Session to review Neighborhood Mixed Use and Industrial Transition zones, Artisan Manufacturing special provisions, and various definitions as part of the Highway 93 West Plan implementation (continued from September 17, 2015), and includes public comment.

GOOD AND WELFARE

1. Matters from Board. Rebecca mentioned making sure the Planning Staff has current contact information for everyone.

2. Matters from Staff. Wendy reminded Melissa and Jim that their positions are up at the end of the year so if interested in reapplying, Jim should contact the County and Melissa should contact Necile. Wendy also said in two weeks, the meeting will be a whopper, so have a hearty dinner and bring some caffeine.

3. Poll of Board members available for the next meeting on November 19, 2015. Ken and John will not be able to attend, but all others indicated they thought they would be available.

ADJOURNMENT

Ken made a motion to adjourn the meeting at approximately 9:45 p.m. and John seconded. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on November 19, 2015, at 6:00 pm, at 1005 Baker Avenue.

/s/ Ken Meckel
Ken Meckel, Chair of the Board

/s/ Keni Hopkins
Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 11-19-15