

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 19, 2015**

**CALL TO ORDER AND  
ROLL CALL**

The regular meeting of the Whitefish Planning Board was called to order at 6:00 pm. Board members present were Chairman Ken Meckel, Jim Laidlaw, Rebecca Norton, and Councilor Richard Hildner. John Ellis, Melissa Picoli and Ken Stein were absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department.

There were approximately 50 people in the audience.

**APPROVAL OF  
MINUTES**

Rebecca moved and Chairman Meckel seconded to approve the November 5, 2015 minutes with corrections, with Richard abstaining as he was not present at the November 5 meeting. The motion passed unanimously.

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

None.

**OLD BUSINESS:  
AMENDMENT OF  
WHITEFISH CITY  
CODE TITLE 12,  
SUBDIVISION  
REGULATIONS**

Audio 6:05 pm (and  
9:00 pm)

A request by the City of Whitefish for an amendment to §12-4-11, Park Land and Open Space Requirements, of the Subdivision Regulations. (Continued from June 18, 2015 Planning Board Meeting.)

There being no objection, Chairman Meckel moved this item to end of Planning Board agenda since there was no one in the audience to address this item.

**PUBLIC HEARING 1:  
POTTER'S FIELD  
MINISTRIES  
CONDITIONAL USE  
PERMIT**

Audio 6:05 pm

A request by Potter's Field Ministries for a Conditional Use Permit for a 'parish house' at 943 East 2nd Street to house up to eight ministry staff and interns. The property can legally be described as Lot 1A of AMD Lot 5, 6, Block 1 McKeens Addition, S31 T31N R21W.

**STAFF REPORT  
WCUP 15-15  
(Taylor)**

Director Taylor reviewed his staff report and findings. Since the original application was submitted, the Applicant has reduced the number of student interns and/or ministry staff from eight to six. No building modifications are proposed. Seven public comments were received and were handed out prior to the meeting. The Applicants meet the parking requirements, but will need to pave driveway.

Staff recommended adoption of the findings of fact within staff

report WCUP 15-15, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Richard asked for further clarification on the definition of a "parish house" as far as what the Whitefish City Code allows and Director Taylor said "parish houses" are not in the Code so he consulted Webster's dictionary, which has a broad definition. Richard also asked if the Fire Marshal had concerns and Dave said there would be an inspection.

Rebecca asked about four "unrelated individuals" living in a house and Director Taylor clarified that is the limit for single-family homes, not necessarily church-related facilities. Rebecca asked if and how that limit is enforced, and Director Taylor said it is complaint driven and difficult to enforce, but that is how our Code addresses it.

**APPLICANT /  
AGENCIES**

Mike Rozell, 857 Highland Loop, President of Potter's Ministry, said the house on 2nd Street was purchased to house staff and members of the Potter's Field Ministry, and they are willing to reduce the number of occupants from eight to six based on the neighbors' complaints that have been received. They previously had an 80-acre ranch in Olney. They have many programs in different countries, and recently added the Browning Indian Reservation. Interns are trained and then go into the field and come back to make Whitefish their home and help with the ministry here. Due to the lack of low-income housing here, one of their supporters purchased the home on 2nd Street. Interns are between 18 and 29 years old and come here for a year commitment, after they have served in foreign countries doing medical outreach. They will comply with whatever requirements the City has, and does not think there is a law against him purchasing another house to put four people in. He spoke highly of the integrity of the individuals who will be living there.

Jim asked to Mr. Rozell to expand on the nature of work. Mr. Rozell said he and his wife had a touring ministry, which has thousands of sponsors helping the children. They have to give great account as to where money goes per IRS requirements, which requires a lot of administrative work. They also work with foster care children and constantly look for opportunities to do what they can in foreign countries and on the Browning Indian Reservation.

Rebecca asked about the concern, based on comment letters received, about interns entering the ministry who have had some

issues. Mr. Rozell said they do the best they can but of course, there might be some who fall through the cracks, but the interns have gone through a year already by the time they come here.

Richard asked about residents doing outreach to people of Whitefish, and whether those people would come into the home. Mr. Rozell said they would come to the church, but not be housed in the parish house.

## **PUBLIC COMMENT**

Leslie Jones, 223 Somers Avenue, said she lives across the street from the house that was withdrawn (224 Somers Avenue) and she wants to be clear about the picture being painted. This is only one of three houses that have been purchased within a block of this church, and her house sits between two of them. These are quintessential, historic downtown homes, and they are concerned about the feel of "employee housing" surrounding them. There is a lot of foot traffic, which affects the feeling of the neighborhood. She asked for clarification on how frequent the turnover will be, will there be new people there every week?

Veronica Feightnus, 201 Park Avenue, said she has the same concerns as Ms. Jones. She feels this is a school-zone, family neighborhood, and there are too many people and too much traffic coming and going, and that some of the people have not been nice when she has tried to ask them questions.

## **MOTION / BOARD DISCUSSION**

Jim moved and Rebecca seconded to adopt the findings of fact within staff report WCUP 15-15, with the seven (7) Conditions of Approval as proposed by City Staff.

Richard asked for clarification that this is not transient, but permanent, housing of a year in duration based on the comment by Ms. Jones. Mr. Rozell said they are not invited back to assist with administrative work until they make a year commitment. He said some interns purchase their own homes, which is something he cannot control. Jim asked if the commitment is a year in Whitefish and Mr. Rozell said yes. Rebecca asked about the one-month debriefing period Mr. Rozell mentioned and he said they have other facilities for the one-month periods.

Richard has a concern with parking. If there is a three-car garage and then cars park in the driveway in front of the garage doors, is that really adequate parking? Director Taylor replied there would be additional space on the lot if a fence were removed. Richard said he does not see five true parking spots, and Director Taylor said the code allows garages to count as parking spaces, but the

Planning board we could make that a requirement for five outside spaces.

Rebecca said she understands the neighbors' concerns but thinks impact will be minimal with only six people in the house, and she is in favor of it.

Richard asked with a Conditional Use Permit for this particular lot, if it is conditioned as a "parish house" without a definition in the Code, what is permitted now on this property? Director Taylor said that was a good point and that a Condition could be added to define that it be used solely for residential purposes and limited to six occupants if the Board wanted to.

Richard made a friendly amendment with a second by Chairman Meckel to amend Condition No. 5 to read, "The house shall only be used for residential purposes and shall not exceed six occupants."

Jim called for the question.

**VOTE**

The motion as amended passed unanimously. The matter is scheduled to go before the Council on January 4, 2016.

**PUBLIC HEARING 2:  
POTTER'S FIELD  
MINISTRIES  
CONDITIONAL USE  
PERMIT**

Audio 6:40 pm

A request by Potter's Field Ministries for a Conditional Use Permit for a 'parish house' at 224 Somers Avenue to house up to eight ministry staff and interns. The property can legally be described as Lots 12 and 13 (N2), Block 48, S36 T31N R22W.

**STAFF REPORT  
WCUP 15-16  
(Taylor)**

The applicant withdrew this application prior to the meeting.

**PUBLIC HEARING 3:  
SPARROW'S NEST OF  
NW MONTANA  
CONDITIONAL USE  
PERMIT**

Audio 6:45 pm

Sparrow's Nest NW Montana for a Conditional Use Permit for a Type I Community Residential Facility to house five unaccompanied homeless high school students. The property is located at 200 Colorado Avenue and can be legally described as Lot B, Wisconsin Tracts in S25 T31N R22W.

**STAFF REPORT  
WCUP 15-18  
(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings.

Staff recommended adoption of the findings of fact within staff

report WCUP 15-18 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Richard said Compton-Ring's staff report stated it was unlikely that any of the housed students would have cars and asked how she arrived at that conclusion. Compton-Ring replied that is what the application said. Richard asked what recourse was available to the neighbors if violations to the CUP occurred. Compton-Ring replied if the Zoning Administrator finds that the Conditions of Approval are not being met, he would notify the applicant and schedule a public hearing before the City Council, which could revoke the CUP.

**APPLICANT /  
AGENCIES**

Laura Kochis, 12 Willowbrook Close, said she moved to Whitefish in 1978, and her family has been in their current home for 23 years. She clarified that the staff report says they are requesting a Conditional Use Permit for a residential facility "to house five unaccompanied homeless teenagers," and she wanted to point out the teenagers have to be in high school as a requirement of their organization (Sparrow's Nest). She explained the history of the organization, which goes back three years. She reiterated that there will be an on-site resident manager, and that there will be enforced house rules, curfews and strict requirements for remaining in the house.

Richard asked what happens to the students in the summer and Ms. Kochis replied they would remain in the home with adult supervision. Their goal is to make sure the students get a diploma, and they will try to help them prepare a resume and get jobs. Richard asked who will track the young adults through school and Ms. Kochis replied the executive director, who will probably also be resident manager, will monitor them. Richard said he thinks this is an awesome idea and it has his unyielding support.

Rebecca asked how many homeless children are in the area. Ms. Kochis said it is hard to give an exact number and Linda Kaps could speak to that question. She said they have done needs assessments and asked the area high schools for input.

Jim asked how many of the occupants would be attending Whitefish High School and Ms. Kochis said they do not know at the moment. They also have a residence, donated in Kalispell, but it needs major renovations. There may be some students from other high schools, but transportation will need to be worked out. They do not intend this house will be limited to only Whitefish

students.

Linda Kaps, 258 El Rancho Road in Kalispell, said it is very difficult to determine the number of homeless students in Flathead Valley, but Columbia Falls has 30 to 35 as defined by the McKinney-Vento Act, which includes students who live in cars or campers, couch surf, live with non-legal guardians, do not have running water or electricity, etc. Whitefish has not participated in the needs assessment, so their numbers are uncertain at this point. They have been reluctant to participate.

Michael Flannery, Pastor of St. Peter Lutheran Church on Wisconsin Avenue, 1181 Old Stone Road on Star Meadows, Whitefish said he and his wife do not live in the parsonage as they moved here with goats and horses. They formed a committee to look for a use for the parsonage, seeking a ministry or community thing that would be a great use for the Flathead Valley, especially the north end of the Valley. They talked to hospitals, hospice, etc., but wanted something that would not impact the neighborhood. They contacted United Way and Sparrow's Nest came in and they had several talks and interview with them. The house is already paid for and since they are a non-profit, they could not rent it since that would look like profit. They wanted low impact on their neighbors and something where their congregation could have an impact. Adults have let these young people down and they did not want to let them down. They could make quilts for them, give them personal space, help them, tutor them, love on them at Christmas and on their birthdays and give that affirmation of love to them during that process, basically to share the love of Christ with them and try to make a difference. That is their goal.

Sherry Stevens, Executive Director of Northwest Montana United Way, 40 East Nevada, Kalispell, spoke to endorse the movement of the Sparrow's Nest. She knows there are neighbors who are concerned, but there are other youth shelters and other facilities with 24-hour supervision who try to be part of the neighborhood, try to give back and are good neighbors. United Way is serving as the fiscal agent for Sparrow's Nest and offering whatever support they can administratively and fiscally for the startup of this project and they wholeheartedly endorse this and back them. They will provide insurance, etc., to make the project a reality. In working in the greater Valley with social services, there is a huge, unmet need. Homelessness is one of largest issues throughout the County. These teens need our love and care, and she loves that the Church is coming alongside, which will be a big benefit to this

particular project. The United Way publically endorses the Sparrow's Nest.

## **PUBLIC COMMENT**

Marguerite Amstadt, 695 Waverly Place, is excited and enormously happy to see this in our community and especially across the street from her. If there is perceived concerns about loss of value, and as a property owner she thinks it is wonderful to bring heart to our community. She thanked Sparrow's Nest, etc., for all they do.

Harriett Quinn, has been a resident of Whitefish for 53 years, and owns 684 Copperwood Court, but does not live there, her daughter does. The side yard looks directly at this house and their back yard. She and her daughter have concerns about parking. They only want students from Whitefish in the house as they are concerned that students from Columbia Falls or Kalispell would need a car and she does not feel there is adequate parking. They felt the wording in the letter from Sparrow's Nest was extremely vague and did not explain who is the governing board and who to report problems to, including names and phone numbers. They want to know how often grades are checked and how often drug testing is done, and how they can check on those. They have very narrow back yards and students they do not know could come over the fence to retrieve a basketball, etc. If there is a problem, who does she call?

Marcia Bunke, 55 West Brier Court, Kalispell, Chairperson of Sparrow's Nest Northwest Montana, spoke to address concerns. Looking at the kids that will be at the house and they cannot guarantee they will be Whitefish students. They have met with the Flathead County School Superintendent and their board and have discussed with the different school principals in the area. Until the home in Kalispell is renovated, this is the only home in Flathead Valley for unaccompanied homeless high school students. The only other home in the state of Montana is in Billings. They are interested in the Whitefish population but cannot guarantee they will only be Whitefish kids. When the Kalispell home is ready, it will also be for any Flathead County student, not just Kalispell. They recognize that Whitefish has kids at a smaller number compared to the rest of the population but with the help of their executive director they will determine who they will house based on who needs the home the most. There is parking to the west of the home as well, so not just in the driveway and/or garage, they can use the overflow parking from Church.

Rebecca asked if they have ongoing relationships with the neighbors, as there seems to be a lot of concern about the progress of the kids. Ms. Kaps said the students have the right of privacy and as a counselor she cannot reveal grades to anyone who asks. These kids cannot afford gas, insurance, etc. Parking is a very minor issue and there is a lot of room for cars. Staff will monitor students' progress and their success is going to be determined by their potential. Not every student will get As. They get to choose who is allowed to live there and they will have a strict screening process. They are being very careful to keep everyone safe.

Jim asked Ms. Kaps if a student lives in Whitefish, can they choose where they will go to school and she replied most students want to stay in their current school. The Columbia Falls School District would have to provide transportation to Columbia Falls High School even if a student lived in Whitefish. It can be very complicated, but with cooperation it can be done.

Mark Berney, 692 Copperwood Court, lives in the townhouse directly on the corner of Copperwood Court and Colorado Avenue, and does not have the luxury of a 6-foot fence; he has a small white picket fence. He is entirely in support of helping anyone in need. He was a volunteer firefighter for a number of years in Whitefish and has helped raise funds for the local food bank, school musical instruments, etc., and is truly for helping those in need. He is opposed to this CUP as he feels questions have not been addressed. He feels if they had contacted him personally, perhaps he would not need to be here and that they did not have his best interests at heart. He is the closest tenant to this home and the parking around the corner. He believes there needs to be further discussion on the requirements, as they do not have their funding in place. They have a property in Kalispell, which they acquired in 2014 but have not opened yet. They are trying to obtain a program director but not have one in place at this time. What are the requirements for this position? The *Whitefish Pilot* says the person must be "professionally trained." One person cannot be there nonstop, so who will fill it. Have the teens been screened? Do they have histories of violent behavior? What has led them to their homeless state? They say they have adequate parking, but who will enforce this? He asked the CUP be denied until funding is secured and secured to operate the facility. He is not against helping people, but feels there are too many unanswered questions in regard to this facility to grant the CUP.

Ms. Bunke said since they did not have phone numbers or emails for the neighbors, at Compton-Ring's suggestion, they sent out

49 letters three weeks in advance to try to contact all the affected people, and included their contact information. They could have obtained a copy of the CUP from the Planning Department. They received only one phone call and a few emails from folks against the project and they responded to those. Parking will not be an issue as the kids do not have vehicles. If you come through the Church's parking lot off Wisconsin there is a maintained gravel road that can be used for parking. People can park against the fence and come right through a gate and the area is even plowed in the winter. That parking will really end up being for extra staff and people coming to the home to tutor and/or help kids. There will be a resident manager onsite and extra staff. These students will have set guidelines and more supervision than most high school students with two working parents. It is true they do not have full funding. This house is ready to be occupied and has five bedrooms, one of which is large enough it could be shared by two siblings, and it has three bathrooms and a large back yard.

Rebecca said one of Mr. Rozell's questions was how they screen for emotional behavior, and she assumes that goes along with the screening process and privacy issue. Ms. Kaps said they use Tumbleweed in Billings as a guideline for their application, and it is a stringent several step screening process of paperwork, interview by a social worker or someone skilled in health care, and a final screening. Kids are scared of this type of facility as they do not want to be "in the system."

Ms. Quinn asked why the facility could not be limited to Whitefish students if we have five Whitefish students. Why can't we take care of our own first?

Ron Brandt, 205 Colorado Avenue, right across the street, has concerns that no executive director has been selected yet, and not even people to stay in it yet. How do we know people going to school in Kalispell will be willing to live in Whitefish? Won't they want to stay where their peers live? Can they have friends over? Is there a cap on the number of people? He thinks it is a good thing they are trying to do, but has concerns.

Tina Barnes, 300 Armory Road, Whitefish. Wanted to address why are we not only housing Whitefish students? St. Peter Lutheran Church Council does not care where the kids come from, they just want to help every child who needs help. She is a member of the St. Peter Lutheran Church and she and her husband were just accepted to the Advisory Board for Sparrows Nest. She and her husband have been going out to businesses in Whitefish

for two to three weeks to ask them if they will put donation bottles in their business, and so far 70 in Whitefish have, and 50 in the surrounding other cities. They have met several people who have experienced helping these homeless high school aged kids and people will not tell you about it unless you ask them. They are proud to have done it and would do it again. This is a big problem in our Valley and folks do not know about it. This is Whitefish's opportunity to set the standard and say we will no longer allow our kids to be homeless.

**MOTION / BOARD  
DISCUSSION**

Richard moved and Rebecca seconded to adopt the findings of fact within staff report WCUP 15-18, subject to the six (6) Conditions of Approval as proposed by City Staff. Richard addressed his motion. Some of the questions brought up by Mr. Berney and Ms. Quinn were outside of the purview of the CUP, but he wants to convey to Sparrow's Nest that it's important to do more outreach one-on-one with the neighbors and alleviate their concerns and fears. The homeless kids deserve a chance and he will vote for it.

Rebecca agreed with Richard but if this works and if the kids get the people here tonight as neighbors, they are going to be very lucky. She urged them to reach out to the children because they would be great in their lives. She was a foster child. Her Mom died when she was 17 and she and her two younger sisters entered the foster system. If she had not been taken in by a family at that time she does not know what might have happened in her life. We should not assume all the kids would be in trouble, some just need stability. She was highly motivated and has done well.

Chairman Meckel has empathy for how conditional uses affect neighbors, but the Board looks at the criteria within the Zoning Code and they do their best to lessen impacts. Oftentimes it is a judgment call but under a Conditional Use Permit if they can mitigate it down to be compatible with other permitted uses in the neighborhood, then they move forward.

He called for the question and there was no opposition.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on December 7, 2015.

**BREAK**

Richard requested a five-minute break and the recording were turned off.

**PUBLIC HEARING 4:**

A request by Whitefish West Ltd Partnership for an amended

**WHITEFISH WEST  
LIMITED  
PARTNERSHIP  
PRELIMINARY PLAT  
AMENDMENT**

Audio 7:55 pm

Preliminary Plat in order to develop five (5) duplex lots into ten (10) townhouse lots. The property is located at 265 Haugen Heights Road and can be legally described as Lot 4, Block 11 of Lake Park Addition in S26 T31N R22W.

**STAFF REPORT  
WPP 14-04A  
(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings. Formerly known as Timber Ridge Subdivision when the City Council approved it in 2014, now known as Maple Ridge. After the packet went out, they received a letter from a neighbor concerned about the changing character of the neighborhood, and that was distributed to the Board. The parkland dedication is changing and they will be doing a cash-in-lieu.

Staff recommended adoption of the findings of fact within staff report WPP 14-04A and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Rebecca asked why townhome and duplex controversy and Compton-Ring explained the developers are Canadian and townhomes and duplexes have a different meaning there.

Rebecca asked for five minutes to read the comments received tonight and Chairman Meckel allowed it.

Richard wanted to know how the \$18,000 parkland determination was arrived at, was it the fair value appraisal or just put together by the landowner? Compton-Ring said both and the numbers were nearly the same. Richard asked whether it is prior to any improvements and Compton-Ring said yes.

Chairman Meckel asked for clarification that the duplexes were on larger lots originally and Compton-Ring said yes. Compton-Ring said duplexes are under one ownership with two families in one building. The building and land are owned by one person. A duplex has to be sold as one two-family building. A townhouse is owned by two families, with the ownership line down the connecting wall, and they can be conveyed separately.

Jim asked if they are required to pave Lake Park Lane and Compton-Ring said yes and they are working on it right now.

Rebecca said the comments said this was originally a single-family approval. Compton-Ring replied way back before they received Council approval, their application said it would be

only a single family although the zoning is WR-2 and if you have a large enough lot you can have a duplex or a townhouse. It's in a zoning designation that allows both single-family and duplex/townhouse.

Rebecca asked if they went through the public process correctly and Compton-Ring said yes and the Council approved it.

Richard asked Compton-Ring earlier about parking issues and she asked City Engineer Karin Hilding, who said neither she nor Public Works Director Craig Workman felt "no parking" signs were needed as it's only a 20' (alley sized) road. Richard asked if that was because it is self-evident and Compton-Ring replied it could be brought up at a Council level with Craig. Richard request that be done.

Rebecca asked if Public Works would work with them if there is a complaint of water issues or water trespassing and Compton-Ring replied yes.

**APPLICANT /  
AGENCIES**

Monte Gilman, 605 Iowa, said the Applicant could not be here tonight and he is here to answer any questions.

**PUBLIC COMMENT**

None.

**MOTION / BOARD  
DISCUSSION**

Rebecca moved to approve an amendment to preliminary plat WPP 14-04A and Jim seconded to adopt the findings of fact within staff report WPP 14-04A, with the 18 Conditions of Approval as proposed by City Staff.

Rebecca said it seems like everything has been done legally and even though there seems to be some reluctance from the neighbors, she does not see how the Board can hold up the project.

Jim called for the question and there was no opposition.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on December 7, 2015.

**PUBLIC HEARING 5:  
2ND STREET LOFTS  
CONDITIONAL USE  
PERMIT**

Audio 8:15 pm

A request by 2nd Street Lofts, LLC, for a Conditional Use Permit in order to develop a mixed-use multi-family project with fifteen dwelling units and a footprint greater 7,500 square feet. The property is located at 214 E. 2nd Street and can be legally described as Lots 15, 16, 17, 18 and south 1/2 of Lot 20 in Block 36 Whitefish Original Townsite in S36 T31N R22W.

**STAFF REPORT  
WCUP 15-17  
(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings.

Staff recommended adoption of the findings of fact within staff report WCUP 15-17 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Rebecca said when the Episcopal Church was moved, there was contamination at that site from the dry cleaners and they were doing testing at the River. Compton-Ring did not know. Rebecca also asked what is the rationale for 45' height in the middle of the building and Wendy replied she thought it originated with the Fire Department so their ladders can access roofs. Rebecca thought 35' was the standard downtown, but Wendy said it is 45'.

Richard asked whether these units are zoned for overnight and temporary rentals and Compton-Ring said yes.

**APPLICANT /  
AGENCIES**

Bruce Boody, Landscape Architect, 301 E Second Street, is here to answer site related questions, and Ken Huff is here to address the architectural part. Bruce pointed out one minor correction on Page 2 of the staff report, that Lot 19 should be included in the project. Bruce said to answer Rebecca's question about contamination in area, there was some contamination found in the Phase 1 evaluation performed by Applied Water Consulting, and it was not of any level considered a concern to the DEQ. They will make the report available to the City Council if this project is approved by the Planning Board. They will be able to make all the landscaping requirements without any deviations, but the plan is not quite done. Robert Peccia Associates will be working on the stormwater drainage and that will be done by the time it goes to Council. The finished streetscape that will be needed on O'Brien will be to the Downtown project standards. Richard asked if a sidewalk is included and Bruce replied it did, along with new curb and gutter, drainage reworked and new sidewalks, and also, street trees and street lighting.

Kenneth Huff, 1032 Klondike Loop, Somers, answered Rebecca's height question and said it is because of an angle issue for Fire Department ladders. The project is zoned for overnight rentals but that is not their intention, and all the units will be sold individually. Along O'Brien Avenue, these will be people's businesses and residences.

Richard asked if they envision foot traffic out the front door on E

2nd Street, and Mr. Huff replied yes.

Rebecca asked how many entrances there are to the building, and Mr. Huff replied there are two primary entrances for residences and in commercial part, maybe three or four. Each of the live-work units on the O'Brien side will have their own entrance, so maybe eight total.

Jim asked the size of the property and Bruce replied 0.36 acres. Rebecca asked for the square footage and Mr. Huff replied 9,300 footprint of the main and second floors, and quite a bit less on the third floor.

Richard asked if they envision any of these being affordable units and Mr. Huff replied there is a lot of different sizes, from 670 to 1,500 square feet. They might be considered affordable for downtown Whitefish, but not for him. Richard also asked about the price range and Mr. Huff replied that was still up in air, depending on appraisals. Richard said he is interested in recycling and would like an area that could be exclusive for their residents, and he may make that a Condition of Approval when it comes before the Council. Mr. Huff said the garbage area in the back will be large enough to include recycling.

Rebecca asked Mr. Huff for a picture of the parking structure and he said he would not have one until next Tuesday when the project goes before the Architectural Review Committee, but that only the side you drive in will be open, the other three sides will be enclosed.

## **PUBLIC COMMENT**

David Turner, PO Box 969, Whitefish, is the owner of 220 E 2nd Street East, which is currently being rented by Flathead Computers. Although he and his wife Colleen think the proposed building is nice-looking, their concern is primarily with parking and traffic. They have seen the congestion grow astronomically. This is the Railroad District and they would like to see it increase in value, but they are very concerned with parking. There is less parking on the street as driveways have been widening. 220 E 2nd Street relies primarily on parking in front of the building. They have two to three spaces, and their current tenant does not need more than that, but a future occupant might. They have Lots 13 and 14, east of this property. The driveway is not useful because there is only room for maybe one employee vehicle, and parking on the street is tight. Since the Church has been removed, many people have parked in the lot, maybe up to 10-15 vehicles at a time. Trucks block the alley all the time to unload goods to take

to various restaurants in that block, and adding 17 parking spots will really add to the unauthorized parking that already takes place. There is heavy traffic in the alley and snow compounds the problem in the winter. They are not opposed to this, but there are some issues with parking and traffic that have not been addressed. They would also like to know how close this project will be to their property.

Colleen Turner added if there was ever a fire, fire trucks would not be able to get through the alley most times of the day. The parking is horrendous and she hopes they will consider it.

Mr. Turner said they are not unalterably opposed to the project but they are concerned with parking, traffic, and the state of disrepair of the alley. He wondered if there is any plan to resurface the alley, as the condition of the asphalt of that alley will not allow for more traffic.

Chairman Meckel said there are always conundrums, and asked Mr. Turner if he had any suggestions? Mr. Turner said he is not a planner, but he supposes lower density would help somewhat. They do not want an empty lot there, but would suggest something with a lower density. As the businesses in the area have grown, more and more employee parking is required. Chairman Meckel said he has sympathy with them as he knows this is a real issue.

Richard said we are building a parking structure with 212 spots, many of which will be open for lease, and he hopes employers will consider leasing them for their employees.

**MOTION / BOARD  
DISCUSSION**

Rebecca moved and Richard seconded to adopt the findings of fact within staff report WCUP 15-17, with the 11 Conditions of Approval as proposed by City Staff.

Rebecca said it is unfortunate in the downtown area they are not required to have any parking and feels we need to address this as a City. She thinks we need to look at alleys and will bring it up with the City Council. She would like to amend finding No. 3 due to previous contamination of the ground by an adjacent business. She made a motion to add an additional condition that the applicant submit the evaluation performed by Applied Water Consulting to the City and it remain in the public record. Richard said he thinks Applied Water's report will include the extent of the contamination and remediation, and following discussion, Rebecca withdrew her amendment to the findings. Bruce said

they will provide the whole Applied Water Consulting report. The DEQ determined the levels of contamination are so low the only concern would be if you were using the water under the building directly for drinking water, which will not be done.

Chairman Meckel called for the question and there was no opposition.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on December 7, 2015.

**PUBLIC HEARING 6:  
CITY OF WHITEFISH  
REZONE REQUEST**

Audio 8:50 pm

A request by the City of Whitefish for a Zone Change on parcels recently annexed into City limits. The properties are developed with residential uses. The subject properties are located at 2422 and 2424 Carver Bay Road and can be legally described as Lots 9 and 10 of Whitefish Lake Summer Homes subdivision in S10 T31N R22W.

**STAFF REPORT  
WZC 15-04  
(Minnich)**

Planner II Minnich reviewed her staff report and findings.

Staff recommended adoption of the findings of fact within staff report WZC 15-04 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

None.

**APPLICANT /  
AGENCIES  
PUBLIC COMMENT**

None.

None.

**MOTION / BOARD  
DISCUSSION**

Richard moved and Jim seconded to adopt the findings of fact within staff report WZC 15-04.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on January 4, 2016.

**OLD BUSINESS:  
AMENDMENT OF  
WHITEFISH CITY  
CODE TITLE 12,  
SUBDIVISION  
REGULATIONS**

Audio 9:00 pm

A request by the City of Whitefish for an amendment to §12-4-11, Park Land and Open Space Requirements, of the Subdivision Regulations. (Continued from June 18, 2015 Planning Board Meeting.)

**STAFF REPORT  
WSUB 15-01**

Senior Planner Compton-Ring reviewed her staff report and findings, along with examples of parkland dedication (current

**(Compton-Ring)**

standards versus proposed).

Staff recommended adoption of the findings of fact within staff report WSUB 15-01 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS  
OF STAFF**

Chairman Meckel asked why condominium projects do not pay and Compton-Ring said condominiums are exempt from subdivision requirements of State law.

Chairman Meckel said another issue was how to determine value, and Compton-Ring said the state of Montana does a valuation every two years now except in a case of agricultural land. Compton-Ring asked if they should include "forest timber land" along with "agricultural land" and she will look into that. Rebecca amended her motion to have "forest timber land" considered, and all were in favor of the amendment.

One of the other issues was percentages, but as broken down on Exhibit A, those concerns have been covered. Jim asked if the Park Board was in favor and Rebecca asked about lost money to Park Board if this happens. The Park Board seems to be okay with it. Compton-Ring said it will be reappraised every two years and could go up or down based on the economy. Rebecca thinks we should reduce fees if they are not fair. Richard thinks less cost to maintain small parks will help balance the loss of revenues. Chairman Meckel asked how often this type of small lot with a large cost per acre occurs and Compton-Ring said the closer you get to downtown or the closer you get to the Lake, the more expensive it gets.

Chairman Meckel said there is an option to provide an amenity to the parks and he thought Compton-Ring covered it in her report. Rebecca thought it was an exciting idea, and thanked Wendy for her diligence in preparing the examples.

Chairman Meckel called for the question and there was no opposition.

**APPLICANT /  
AGENCIES**

None.

**PUBLIC COMMENT**

None.

**MOTION / BOARD  
DISCUSSION**

Rebecca moved and Chairman Meckel seconded to adopt the findings of fact within staff report WSUB 15-01.

**VOTE**

The motion passed unanimously. The matter is scheduled to go before the Council on December 7, 2015.

**NEW BUSINESS**

None.

**GOOD AND WELFARE**

1. Matters from Board. Rebecca said the City is being sued because of the City Council denying the lake project and Richard said we cannot discuss it as it is an active lawsuit.

2. Matters from Staff. None.

3. Poll of Board members available for the next meeting on December 17, 2015. All indicated they thought they would be available.

**ADJOURNMENT**

Jim made a motion to adjourn the meeting at approximately 9:25 p.m. and Chairman Meckel seconded. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on December 17, 2015, at 6:00 pm, at 1005 Baker Avenue.

*/s/ Ken Meckel*

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Ken Meckel, Chair of the Board

*/s/ Keni Hopkins*

\_\_\_\_\_  
Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 12-17-15