

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
MARCH 17, 2016**

<p><b>CALL TO ORDER AND ROLL CALL</b></p>	<p>Chair Ken Meckel called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Chair Ken Meckel, Councilor Richard Hildner, John Ellis, Jim Laidlaw, Rebecca Norton and Ken Stein. Melissa Picoli Philips was absent. Planning Director David Taylor and Senior Planner Wendy Compton-Ring represented the Whitefish Planning and Building Department.</p> <p>There were approximately 27 people in the audience.</p>
<p><b>APPROVAL OF MINUTES</b> 6:00 pm</p>	<p>Rebecca moved and Jim seconded to approve the February 18, 2016 minutes. The motion passed unanimously, with Chair Meckel abstaining since he was not in attendance.</p>
<p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b> 6:02 pm</p>	<p>None.</p>
<p><b>OLD BUSINESS:</b> 6:02 pm</p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: WHITEFISH TP, LLC. CONDITIONAL USE PERMIT AND PLANNED UNIT DEVELOPMENT</b> 6:03 pm</p>	<p>A request by Whitefish TP, LLC, for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S and can be legally described as Tract 1L in Section 1 Township 30N Range 22W.</p>
<p><b>STAFF REPORT WPUD 16-01 / WCUP 16-02 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of the staff report, no public comments had been received. However, two letters were later received which identified concerns with the proposed height and size of the structure, traffic at both the Highway 93 S intersection and use of the existing public streets, and requests for a landscaping buffer.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPUD 16-01/WCUP 16-02, and for <b>approval</b> to the Whitefish City Council.</p>

**BOARD QUESTIONS  
OF STAFF**

John asked what the maximum height of the Hampton Inn being constructed across the street is and Richard replied 42'. Planner Compton-Ring said they also received a PUD to exceed the allowable height. John said on the proposed hotel, the site plan looks like it is divided into Tract 1 (western part) and Tract 2, but Planner Compton-Ring said the portion where it says "Tract 1 COS 1880" is the whole parcel. John asked if the pond is owned by the applicant and the Mountain Mall and Planner Compton-Ring said yes. John asked if they own the section between the PUD outline and Whitefish Avenue, and Planner Compton-Ring said it's a separate owner. John asked what that was zoned and Planner Compton-Ring replied it has two zoning designations, partially WR-1 and partially WB-2. John said he noticed neither this applicant nor the one we are going to consider next has put in plans for their ownership along Highway 93 South and Planner Compton-Ring confirmed. John said those areas are zoned WB-2, so anything like what is there now, i.e., Les Schwab Tire, a gas station, restaurants, could be built there and Planner Compton-Ring confirmed.

Rebecca asked who maintains the stormwater pond and Planner Compton-Ring said there may be an agreement between the Mountain Mall and Rivers Edge subdivision. Rebecca also wondered whether we have approved a project in the past where the PUD is only showing part of what they want to build, and Planner Compton-Ring replied that was also the situation when the Hampton Inn was approved.

Richard said there seems to be some discrepancy over the total building height within the staff report and Planner Compton-Ring confirmed 42' is the highest height requested and the 45' is a typo. He also wondered if the Board approves the CUP, does it only pertain to the hotel or can the developers change their mind if they decide a hotel is not working out for them and come up with another use. Planner Compton-Ring said it is specific to what is being requested, in this case a hotel with 111 rooms and 115 parking spaces. Richard asked if we know when the Akers intersection will reach the Montana Department of Transportation's threshold for when signalization is required and Planner Compton-Ring replied we should ask the applicant. Richard also noted there is an osprey nest at the pond, which seems to be an omission in the wildlife section of the request.

Rebecca wondered what the policy is for assessing whether or not a wildlife corridor is actually in that location. Planner Compton-Ring said we provide a notification to the state of Montana Fish, Wildlife and Parks requesting comments and, from her conversations with FW&P, they recognize we are in an urban area and they are more focused on rural areas, where larger swaths of land can be protected. Director Taylor

	<p>added we do not have anything in our regulations that sets any kind of criteria for wildlife protection within our zoning code. He added more rural development may require some wildlife corridors or buffers to be put around areas, and if there is an eagles' nest there, there may be a state or federal standard to create a buffer. Planner Compton-Ring said we used to have the two-mile planning jurisdiction which included quite a bit of rural areas, but now we have been pulled into the City limits.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, spoke representing the applicants of the Towne Place Hotel. They concur with the written staff report and recommended conditions. He reiterated when one is looking to develop in a community, they look at the zoning maps and master plan to find an area to place their development. In this case, the master plan for this property is designated for commercial, the zoning regulations give it the WB-2 designation, which is the Highway Commercial designation, hotels are permitted uses. This is where the Whitefish planning documents indicate this type of use belongs. The zoning regulations create two designations for every use category, i.e., permitted uses, and conditionally permitted uses. Permitted uses are those uses deemed compatible with everything around it and there is no additional review other than a building permit. Conditional uses are also deemed compatible but require a public hearing to determine whether there are impacts that need to be mitigated. In the case of Whitefish, standards within the architectural review regulations address larger buildings to make sure they are compatible from a design perspective and reflect the recreational character Whitefish is trying to keep and protect. Over recent years, the conditional use permit tool has been used to review the City Hall, Firebrand Hotel, Hampton Hotel, and the Safeway remodel. If The Wave had come in after this rule was placed, The Wave would have been required to have been reviewed under this category. 15,000 square feet is not a prohibition but, a threshold on when additional design elements are triggered. In regard to height and the two letters received, height is being looked at for its aesthetic impact. The 35' foot height standard was created in the Flathead when they started zoning back in the 1960s and 1970s, every jurisdiction in Flathead County (Columbia Falls, Whitefish, Kalispell and the County) used the 35' height limit which was based on a health and safety issue because the fire trucks only carried ladders that could access a third floor, and for the most part it is still the standard. This project was reviewed by Fire Marshal Tom Kennelly and he worked with the applicant on access – not only to the top floor but to the roof as well. Mr. Mulcahy believes from a health and safety standpoint, the height issue can be addressed.</p> <p>One of the letters also mentioned the scale of the project and yes, it is a</p>

big building, but it is not the biggest building. The Mountain Mall is the neighbor to the north and is by far one of the biggest buildings in the City. This project is in character with the neighborhood and there are number of hotels just across the highway from this particular project.

Regarding traffic, they did provide a traffic study, which looks at not only this project, but also the project to the south. As found in the appendices, during the peak hours, when traffic impacts are going to be the greatest, the traffic leaving the hotel there would be four left-hand turns onto Highway 93 S. If vehicles go around to Commerce to the light to make left-hand turns, the maximum pm traffic count in the traffic study is five trips in an hour. Less than one vehicle every ten minutes would use Commerce from the hotel.

To touch briefly on Rebecca's comment on the wildlife, Mr. Mulcahy also does projects in Flathead County and, if you talk to the wildlife biologists while working on these projects, they are trying to discourage development and sprawl out in the County where there are impacts. They are trying to encourage projects in cities where the services are and there is already a concentration of people. They are not looking at Whitefish to be high quality wildlife habitat. In fact, for the most part, we will want to discourage some of the wildlife like bears from being within city limits. As far as the osprey and eagle nests, it would be an issue for FW&P if this project was located 20 miles out of town. From at least one of his projects, FW&P looked at the density of one unit per ten or fifteen acres within a half mile of an eagle's nest, but that wouldn't make sense to have that kind of density in the middle of our city where there is sewer, water, highways, schools, a mall, shopping center, etc.

Mr. Mulcahy introduced David Mitchell, their architect with CTA, he prepared some slides to address the height and to clarify, they did only request 42' not 45', so he believes that was a typo in the staff report.

Rebecca asked Mr. Mulcahy if he knew anything about the drainage in the pond and he deferred to their civil engineer.

Dan Mann, 3 Engineering, 2929 E. Camelback Road, Suite 116, Phoenix, AZ, spoke as the civil engineer for the applicant. They have not found any agreements for maintenance on the pond. There is an easement from the storm drain from Rivers Edge into the pond which gives maintenance access to that particular pipe. For the pond itself, they have discussed getting together with the Mall owner to come up with a long-term maintenance plan since the property line splits the pond. Rebecca asked whether Mr. Mann about current maintenance of the pond and he replied

he didn't know, but they have not found any official agreement. Rebecca asked whether all the water goes into the Whitefish River. He said the water from Rivers Edge drains into the pond and dissipates into the ground or evaporates.

David Mitchell, CTA Architect & Engineers, 2 Main Street, Suite 205, Kalispell, elaborated on the pond. They went through a large renovation to the Mall last year and the pond is self-sustaining in its current state. There is an overflow on the southeast side so if fills up to critical elevations, it would overflow out of the pipe. Rebecca asked and Mr. Mitchell replied no maintenance is required since it is self-sustaining and is just a settlement pond where any oils or dirt that comes through the roof drains or the parking lot drain into the pond and settles there and either turns into groundwater or evaporates.

Mr. Mitchell presented the building design and layout. The site plan shows a linear building, but they made a great effort to break-up the building in a negative and positive form in plan and elevation in order to create different pockets, elevations and planes in the building. The real reason they are requesting for an increase in height is to have the ability to create a better character for the facility. Slides were shown indicating the character of the neighborhood, including recent changes to the Mall, Les Schwab and Army Navy. There was no picture of the Hampton Hotel included, to clarify, the top of the Hampton is 41', 10-3/4" tall per their construction documents. They have several portions of it that are at 42', and then down to 40', 38', 37', and 35'.

Mr. Mitchell showed slides of downtown to show the context for inspiration for their design. They have tried to change the mentality a little bit, so have worked on the elevations. They also included an elevation of a standard Marriott which is basically the same footprint, but with slight changes. He further showed slides indicating changes in height (the main entrance is the only piece that goes up to 42') and use of color to provide a different context or plane. They have also incorporated landscaping and, due to the size of the lot, there is quite a distance from sidewalk, to the building, to the parking lot.

Additional images were shown of the pond and pool/spa areas. The east elevation is the lowest part of the building where it is closest to the residential area. Then there is a heavy, 15' landscape buffer to the east before you get to Whitefish Avenue. The front entry has low canopies to reflect the character of downtown, to provide shade protection and an outdoor seating area to encourage pedestrian activity. The proposed building setbacks are set well off the pond. They did not consider the

pond an amenity to the hotel as there is not much to it. There are a lot of dead branches and it is hard to even get to the site.

Rebecca said and Mr. Mitchel responded there is plan is for a small complimentary breakfast area, but no dining area or restaurant. She also asked if Mr. Mitchell knew of any plans for the area out towards highway, and he replied he did not.

Jim asked how this project mirrors the Towne Place in Missoula as far as architectural design and Mr. Mitchell replied it is different in materials and height, as there are a lot different requirements in Missoula.

Rebecca asked what will keep people from stomping into the wetland area around the pond. Mr. Mitchell said he did not believe it is classified as a "wetland." It was designed as a settlement pond for the Mall. When they built the road behind the Mall and redid Shopko last year, they pulled it out about 3' in order to get fire trucks access through there, and they met with the City and there were no requirements for any kind of water permits from the DNRC or DEQ. They did a sediment fence and straw bales to protect the pond, but there were no other requirements.

John asked and Mr. Mitchell about the height of the building and the details of its construction. Mr. Mitchell also noted the façade conceals some of the mechanical units on top of roof, and provides acoustical value to reducing the sound of those units. As John reviews the elevation, the majority, not the minority of it, exceeds 35'. He asked what design, not aesthetics, requires this to be so tall? Mr. Mitchell replied in their opinion, it is not all that tall. John rephrased his question, "What design requirements require you to exceed our building height?" Mr. Mitchell replied it is a matter of aesthetics, if you put a 1' jog in a building that is 35' tall, you are not going to perceive it from any point, you might as well go back and leave it flat. Unless you make some dramatic or some fairly large change in the massing, what you are doing is just changing the parapet height, you are not changing the massing. Discussion continued about changing various materials and construction practices.

Richard asked and Mr. Mitchell stated no mechanical units will exceed the 42'. The argument might be that the Hampton was allowed to exceed 35', because it is up against a hill and would not be front and center of the viewshed, where this proposed project is front and center.

Richard asked and Mr. Mulcahy responded the figures did not include cumulative traffic, just what the proposed hotel only would produce as far as left-hand turns onto Highway 93 S.

	<p>Bob Abelin, Abelin Traffic Services, 130 South Howie Street, Helena, said he has been working in Whitefish for quite some time. In response to the question about when this intersection might reach the signal warrant threshold, if we just look at these two projects alone, it will never be warranted. Highway 93 S is an MDT controlled route and they are very particular about when and where they will put in a traffic light. It is a busy road especially at the intersections on the west side of the road where more vehicles are trying to turn left. Mr. Abelin further described what factors are required and what conditions need to be met in order to get a traffic light, including a City planning process. The intersection does not work great, but none of them along the corridor do. There is no way to solve this issue without a major planning process.</p> <p>Chair Meckel asked and Mr. Abelin clarified that he took into account the existing traffic into account when they considered the additional traffic – the report includes everything that is existing plus the developments. The Board had further discussion on the types of uses that might trigger a light.</p> <p>Richard asked when Greenwood Avenue was posted as "no left-hand turn" and Ken S. thought it was part of the approval for Rivers Edge. Richard noted this sign requires people to use the parking lot in the Mall to get to the signalized intersection to Commerce Street, and is concerned it will be compounded. Richard asked and Mr. Mann replied Akers Lane is wide enough to be striped with a dedicated left-hand turn lane, as the 10' bike/pedestrian path is separated from street. Chair Meckel asked Richard if he was talking about the east side of the intersection only and he replied yes.</p> <p>Ken S. asked and Mr. Mitchell replied the proposed roof units are only for the lobby and common areas and are fairly small. Individual rooms have small, compact air conditioning and heating units.</p> <p>The Board discussed issues with the applicant including parking, recycling, airport shuttle, location of the hotel in Whitefish versus other Flathead County locations, occupancy rates.</p>
<p><b>PUBLIC COMMENT</b> 7:26pm</p>	<p>Judy Spivey, 117 Park Knoll Lane in Whitefish, read a three-page letter into the record from her and Don Spivey. Many of their comments apply to both the proposed hotel and the McKay PUD. Concerns included height, the size of the structure, traffic is a problem, which is recognized by all parties involved, and they commended the Planning staff for requiring the traffic study.</p>

<p><b>BREAK</b> 8:40—8:45 pm</p>	<p>BREAK.</p>
<p><b>PUBLIC COMMENT CONTINUED</b> 8:50 pm</p>	<p>Rhonda Fitzgerald, 412 Lupfer Avenue in Whitefish, commented on the bald eagles in the trees surrounding the pond, she noted the pond was there when she moved here in 1977, the Mall originally intended to use it as a potential amenity as a promised skating rink. She questioned the community benefits with this project and felt it didn't meet the character of the community, the viewscape is very important as the view to the east of this building is Glacier Park. Ms. Fitzgerald, as a member of the Montana Tourism Advisory Council and chair of the State's tourism and recreation research committee, noted Whitefish hotel occupancy rates, associated traffic and the shoulder season.</p> <p>Barbara Morris, 1 Rock Creek Court in Whitefish, right across from where this project is coming in, spoke in opposition to the Marriott's request for a permit to exceed the 15,000 square foot footprint and 35' height limit for building projects in that zone. She noted section of the 2007 Whitefish Growth Policy, under "Future Land Use Goals" to preserve and enhance the character, the qualities, and the small-town feel and ambiance of the Whitefish community. She asked the Planning Board to reject the CUP application to exceed the 15,000 square foot limit and the PUD to exceed the 35' height limit for the Marriott proposal.</p> <p>Mike Mormino, 723 Clearwater Drive in Whitefish, supports denial of the CUP and PUD requests by the Marriott for the additional square footage and height. He had additional concerns including the external design and layout of the project, location of trash containers, request for visually impenetrable buffer to mitigate noise impact, lighting for parking lot and building and noise abatement, signage location and design and landscaping design. He requested the Planning Board make a conscientious review of this project and ensure there is minimal negative effect on the neighborhoods on Greenwood and Whitefish Avenue.</p> <p>Brian Averill, 1476 Barkley Lane in Whitefish, is generally concerned with the hotel industry in this Valley. He described the state of the hotel industry in the valley, occupancy rates and concerns for the future. He further described their hotel project in downtown Whitefish and noted they were able to keep their hotel to 15,000 square feet and 35' height limit.</p> <p>Wendy Coyne, 3 Rock Creek in Whitefish, immediately across from the proposed Marriot, asked that they not be allowed to exceed their height and size limits. She was concerned with the visual impact to the neighborhood, the wildlife and the pond.</p>

	<p>John Lowell, 9 Rock Creek Court in Whitefish, believes the sizing of the zoning there is to prevent big box type of structures.</p> <p>Don Spivey, 117 Park Knoll Lane in Whitefish, was concerned with parking for people that bring their toys to town and how to deal with all that in parking lots. We do not have a regulation to govern that at all, we just live with it.</p> <p>Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West, Kalispell, spoke to endorse and support comments that have come before from the neighbors. The criteria that we really need to be looking at is the community benefit criteria in looking at a conditional use and she feels the testimony before the Planning Board demonstrates criteria has not been met, and that the Board should seriously consider denying this additional size for this facility.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>John moved and Rebecca seconded to deny Planned Unit Development WPUD 16-01 and Conditional Use Permit WCUP 16-02.</p> <p>John addressed his motion saying it is a great location for a hotel. The people who live in the neighborhood live behind the Mall and the area is zoned for commercial, so he does not think they can be surprised that something commercial might end up in this location. The question is should we vary from our rules to allow a building of this size and height to be there and he thinks the answer is no. He described design options for the project including location and proximity to the neighborhood. He voted for the hotel across the street because it blended in with the hillside and voted against the hotel downtown. He thinks Mr. Mitchell has designed a great looking building, and his talents could be put to work to design a nice two-story building. With two stories they would have plenty of extra room to put a different roof on or whatever to get to 35'. He urged the Board to deny the WPUD/WCUP as presented tonight.</p> <p>Richard thinks the developer, proponents, and audience deserves to hear his rationale. He is concerned particularly with the height limitations and size of the footprint of the building and how it fits with our regulations. He is particularly concerned about the traffic and left turns. He knows the traffic study would indicate not a concern, but when you drive it every day, you see those times where it makes it very, very difficult. If Akers Lane ever became a no left-turn, then the problem would become extremely difficult. He will not vote at this time in favor of the proposal.</p> <p>Ken S. agrees with what has been said so far and would also like to</p>

	<p>comment on the Firebrand Hotel. He believes they were required to reduce the number of rooms because of the square footage and he does not see why we should pass the CUP on an increased square footage for this project if we did not for the other hotel.</p> <p>Rebecca likes the design and thinks it is a good place for the project, but when they passed the Hampton Inn there really was not a lot of negative comments from the neighbors except about an easement through the property for Baker Avenue and one of the neighbors worked with the developer to clarify. Tonight we have only heard negatives from neighbors because of the impact on their investments in Whitefish. We have to listen because we represent the community. She has a problem with height, loss of views and safety of the pond.</p> <p>Jim agreed with the rest of the comments. The problem he has is the size of the project in terms of the number of rooms and impact on the community as a whole. He thinks it is a great area for it and that it is a well-designed hotel, but he thinks it needs to be smaller.</p> <p>Rebecca said the rationale behind the box store laws is to give local people, those who live here year-round, the opportunity to be successful. Sometimes when larger entities come in without that community connection it can put people who live here and invest here out of business.</p>
<p><b>VOTE</b></p>	<p>Chair Meckel called for the question and the motion to deny passed unanimously. The matter is scheduled to go before the Council on April 18, 2016.</p> <p>Planner Compton-Ring pointed out all the Findings in her Staff Report are for favor, so thought it would be a good time for decide whether she needed to rewrite the staff report for the Council. Chair Meckel said Finding No. 5 on Page 9 of the Staff Report (WPUD 16-01/ WCUP 16-02), regarding preserving and protecting the qualities of the neighborhood, would be the appropriate justification for the Planning Board to deny. John also suggested the variance to the zoning in Finding No. 1 on Page 5, but Planner Compton-Ring pointed out it was not a variance but a deviation to the zoning through the PUD and does not follow the variance criteria. Chair Meckel said Finding No. 5 on Page 9, having to do with preserving and protecting the character and qualities of neighborhood, would be germane to the finding of the Board. Planner Compton-Ring asked if the Board was directing her to rewrite that for Council or if they would have particular things they would like her to include. John also suggested our action implies rejection of Finding No. 1, proposed use and</p>

	<p>development standards being met with the proposal which says, "with the exception of the requested zoning deviation" and he thinks we have found the zoning deviation is not acceptable. Richard asked Planner Compton-Ring if Finding No. 1 is the best place to find the issue with the height and footprint size. Planner Compton-Ring said that was just saying it was meeting all the zoning requirements, except for the height they were requesting, and that Finding No. 5 might be more appropriate, and Chair Meckel concurred with her opinion. Rebecca also suggested that the criteria of the community benefit has not been met, which is what Mayre Flowers was also saying, but Chair Meckel said the Board members disagree with Finding No. 5 having to do with the neighborhood impact. Planner Compton-Ring said she had enough information.</p>
<p><b>PUBLIC HEARING 2: MKAY ENTERPRISES, LLC PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT</b> 8:40 pm</p>	<p>A request by M Kay Enterprises, LLC, for a Preliminary Plat and Planned Unit Development for an 18-lot subdivision with 13 detached single family homes, 10 attached single family homes (two 5-plexes), 18 apartment units in three buildings and one commercial lot. The property is zoned WB-2 (Secondary Business District) and WR-1 (One-Family Residential District). It is located at 6361 &amp; 6365 Highway 93 S and can be legally described as Tract BDB &amp; 1BD in Section 1, Township 30N, Range 22W.</p>
<p><b>STAFF REPORT WPP 15-07 / WPUD 15-01 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. After the packets were assembled, one letter of concern was received and included in the packets. The questioned townhouses are a permitted use in PUD requests and the level of community benefit. In reviewing the definition of townhouses it is more of a construction standard, but if you look at the definition for multifamily, what the developer is proposing is technically under our definition considered multifamily, and multi-family is a permitted use in the zone in the PUD Chapter.</p> <p>The PUD request is predicated on the building of four affordable housing units. The Staff Report recommended a condition of approval that those units were built with Phase 1, and in follow-up conversations with the developer after the Staff Report came out, they came up with another suggestion. This option would be to give the City a financial guarantee that the units would be built with Phase 2. The developer would provide a financial guarantee in the amount of the cash-in-lieu of providing affordable housing pursuant to the \$8,000.00 per unit adopted by the Council, which would equal \$8,000.00 times the proposed 41 units. The City would hold this amount until the four units are built. Planner Compton-Ring handed out two amended conditions of approval (#19 and #20), one new Condition of Approval (#28) and read them into the record.</p> <p>Staff recommended adoption of the findings of fact and conditions of</p>

	<p>approval within staff report WPP 15-07/WPUD 15-01, and for <b>approval</b> to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Rebecca asked if the public has had an opportunity to look at the changes brought tonight, and Planner Compton-Ring replied no, that is why she read them into the record.</p> <p>Richard asked whether he understood correctly that the agreement regarding affordable housing is an agreement with the City, not the Affordable Housing Authority, and Planner Compton-Ring replied that was correct. Richard wondered if we have or need to make some administrative rules about how we would deal with them since we do not own those types of properties. Planner Compton-Ring confirmed the property owners would still own the properties. As she understands, the City does have an agreement with the Whitefish Housing Authority to do certain types of work and this falls within their realm of action, and the agreement reads those will remain affordable in perpetuity. They have been drafting one for the Whitefish Crossing project, and that template will be used for this project, too.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Michael Morton, managing general partner of M Kay Enterprises, PO Box 907 in Whitefish, the applicant before us tonight. He has lived here for 30 years, raised six children in this community, and been involved in other real estate developments. He owned and operated the Chalet Motel, the old Mountain Holiday Motel and the Cheap Sleep Hotel. He currently owns and operates the Whitefish RV Park. Bruce Boody, the project manager and landscape architect is here, along with Ron Nash, the architect for this project and Andy Bestwick, the engineer from TD&amp;H.</p> <p>Mr. Morton said he agrees with the Planning staff's recommendations and conditions, accepts them all and will honor and fulfill them all. Obviously the PUD is an exchange of benefits. He gets a benefit that he would not otherwise be entitled to, to develop 41 units, and the City is entitled to benefits in exchange. Mr. Morton reviewed the project benefits. This is a beautiful site, there are some gorgeous trees on this site – big, tall Ponderosa Pines. When he purchased the site and had the first surveys ordered in the planning process, he asked the surveyors to identify every tree in excess of 8" in diameter, and the green circles on the plats are those trees. They are very conscientious of those trees, endeavored to plan around them, and will continue to preserve and protect all the trees they can. The CC&amp;Rs of this project will require approval from the architectural control committee and homeowner's association before any trees can be cut on the property. If the Planning Board chooses to approve this project, Mr. Morton promised we would not end up with a</p>

Greenwood Trailer Park. The project will be very nicely landscaped and preserved.

Rebecca had questions about the trail not being ADA compliant and asked whether there was a way they could get it paved and make it ADA compliant. Mr. Morton replied the idea of the easement from Whitefish Avenue back to the trail was to 1) provide a buffer and create a setback for the houses that border their project to the north, and 2) to provide an opportunity for their residents to get to the River. It is not required to make it ADA compliant, a public trail would be cost prohibitive and take more property. They are trying to provide a positive benefit to the neighbors and ease the traffic that might otherwise go through Rivers Edge Subdivision to get to the Whitefish River Trail. It is not impossible, but it is impractical, and this design provides a nice benefit.

Richard wondered about the requirement to be a member of HOA and the affordable housing component. He is worried it may be an excuse or a way to remove people utilizing the affordable housing component. Mr. Morton replied there is no advantage to kicking out an affordable housing client, because he would just get another one. He has not considered whether someone utilizing affordable housing could afford it. He thinks it could be a consideration, and possibly that fee could be waived for the four affordable housing units. He will work with Lori at the Housing Authority to take that into consideration.

Richard asked about the width of Akers Lane and the possibility of a left-turn lane being striped into that – is there enough room for three lanes and a few extra inches. Mr. Morton referred the question to Andy Bestwick with TD&H Engineering. Mr. Bestwick said the 36' is something they could expand if need be, but he is not sure what the minimum width is in Whitefish, but it is something they could look at. Richard asked Planner Compton-Ring if it is a logical Condition to include a striped left-turn lane and she replied Condition No. 9 as it is written, "[t]he applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 S, including conduit for a future stop light," gives adequate flexibility for the engineers to solve the problem. If they think a left-turn lane is needed, then it gives them the flexibility to have the applicant put it in. Mr. Bestwick said if you have 36', you would have 12' for three lanes, so that should be workable.

Rebecca asked Mr. Morton if the cul-de-sac will be maintained by the homeowners' association and he replied it would be.

	<p>John asked with regard to Lot 11, is anything requires them to require Lot 11 to go onto the cul-de-sac or could it have a driveway on Whitefish Avenue. Mr. Morton replied city staff requested no driveways be off from Whitefish Avenue.</p> <p>Richard said we have been encouraging not to have the construction of garage forward houses in our developments for multifamily, and he wanted to make sure that was considered throughout the development? Planner Compton-Ring said that would be part of architectural review, but it is not a requirement for single-family. She pointed out the design of the two five-plexes front the other way so no driveways will go onto Whitefish Avenue.</p> <p>Bruce Boody, 301 2nd Street, Suite 1B in Whitefish, wanted to thank Wendy and Dave for working on this and accommodating all their changes. He mentioned issues brought up by the public and further described how they arrived at the acreage to determine density on the project. Because in Whitefish, the zoning boundaries are not surveyed boundaries, they are a line on a map, so when he met with Planner Compton-Ring early on in the project, he told her how they determined the distance from the Highway to where to set that line. He handed out a one-page drawing to describing the boundaries and provided a detailed description to the Board. Regarding the access trail, the ground is really steep there. If the property is 330' from north to south, to make an ADA compliant access trail it would be somewhere in the range of 550-600 lineal feet, so they would have to do the full length of the property, do a switchback and come all the way back across the property to make an ADA compliant access trail and they would be doing that on 30% slopes. So they would not be preserving the River buffer zone if they cut the trail. If we get the extension of Whitefish Avenue south through two adjacent properties, Les Schwab and Dalen, the River trail will have public access to the Rocksund Bridge and access from Shiloh Avenue as well.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Don Spivey, 117 Park Knoll Lane in Whitefish really does not have any real problem with this development now. Most of his needs and questions have been satisfied. He supports it now. In the two-page memo he provided, he talked about what a townhouse is and he thinks that is a moot point now but he wanted to clarify why he made that position and he does know what the rules are with the definition of a multi-family is as well. He likes townhouses and supports the PUD. He backed away from the limitation simply because he thinks the regulations are going to be fixed anyway in the rewrite of this regulation that has been authorized, much with help from the Planning Board. Mr. Spivey asked Planner Compton-Ring whether Lot 17 is no longer in the PUD as he missed what</p>

she had said earlier. Planner Compton-Ring replied that is correct, and will be added as a Condition No. 28, and the information received from Bruce Boody today has a legal description for everything except for Lot 17. Mr. Spivey further read from his memo. He asked the Board consider all his comments, including those regarding traffic problems with both proposals tonight.

Barbara Morris, 1 Rockwood Creek Court in Whitefish, spoke in favor of the Mky Housing project. Homeowners of Rivers Edge are very pleased the current plan with housing units designed to be consistent with the existing zoning regulations for the entire lot. The plan has evolved with a number of specific changes beneficial to the project, its future residents and the homeowners at Rivers Edge. One of the most noteworthy is that the multi-family units which had originally been on the east side of Whitefish Avenue have now all been replaced by single-family homes, which mirror the profile of Rivers Edge. After reading the application, she knows all the right things are being done to protect the River along the length of this project, and the pedestrian bike path will be extended which will be greeted with lots of enthusiasm by heavy users around town including those at Rivers Edge. The new project includes a walking path for its residents down to the River, along which the developer as agreed to install a natural buffer between the path and the backyards of the homes along the path to protect the privacy of homeowners. The configuration of the lights will minimize glare. She is pleased with changes which will benefit both the residents of Rivers Edge and their neighbors and wished Mr. Morton good luck as the project proceeds.

John Lowell, 9 Rock Creek Court in Whitefish, said he has probably the largest property boundary with the Mky project, with probably about 100' of shared lot line, and supports the project as written. Regarding Rebecca's question on making the trail ADA compliant, there is an ADA compliant path about 100' yards north of where the trail is now in Rivers Edge. To try to make that trail ADA compliant down that steep, unstable bank, would require essentially logging the entire area and re-landscaping it in order to put in a trail of adequate width and stability. He recommends since it is right next door to his place that we try to leave it natural and maybe a little more primitive the way it is, as it also serves a wildlife corridor.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, asked the record reflect the written comments she provided, and read, were compiled prior to knowledge of the changes indicated here this evening. She appreciates the fact the developer has stepped forward to address the concerns of the neighbors. The comments in her memo are

	<p>particular to the real need to rewrite the PUD regulations and the ultimate need to revise the zoning regulations. Ms. Flowers read her memo into the record and identified the following concerns/comments: zoning boundaries, properties with multiple zoning districts, defined multi-family as a commercial use; therefore, not permitted in a residential PUD, as it is not complimentary to existing uses, protection of the trees and transportation.</p> <p>Given that the Board has now recommended a denial for the hotel, she asked the Staff Report reflect the Board and staff consider any implications that might have for the building of the road that they were proposing to build in association with their development.</p> <p>She thinks the point raised earlier about the homeowners' association fees is important for the affordable housing component. Also, she thinks the left-turn lane on Akers Lane is an important option to consider.</p> <p>Michael Morton said he has been reminded that the homeowners' association dues are paid by the owners of the building, not by the tenants, so that will not be an issue.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>Ken S. moved and Rebecca seconded to adopt the findings of fact within staff report WPP 15-07/WPUD 15-01, with the twenty-eight (28) Conditions of Approval, as proposed by City Staff.</p> <p>Ken S. said Mr. Morton said the tree retention is part of covenants and he does not see why it needs to be a separate condition. Rebecca asked and Planner Compton-Ring responded the applicant had a tree retention plan as one of their application submittals and the covenants are also approved by Council. Richard thought the CC&amp;Rs would cover the issue.</p>
<p><b>VOTE</b></p>	<p>Jim called for the question and the motion passed unanimously. The matter is scheduled to go before the Council on April 18, 2016.</p>
<p><b>NEW BUSINESS</b> 9:46 pm</p>	<p>None.</p>
<p><b>GOOD AND WELFARE</b> 9:47 pm</p>	<p>1. Matters from Board. Rebecca asked Director Taylor if the County Commissioners have voted on any of the new doughnut changes and he replied that they voted on it two or three weeks ago and are currently in the comment-taking period. The City's Mayor sent a letter to the Commissioners last week still outlining some concerns about Karrow, but also thanking them for streamside setback that they adopted to protect our watershed. He does not believe they have another vote on it as it has</p>

	<p>already been adopted but there is a period of waiting.</p> <p>2. Matters from Staff. None.</p> <p>3. Poll of Board members available for the next meeting on April 21, 2016. Jim will not be there but all others indicated they thought they would be available.</p>
<p><b>ADJOURNMENT</b> 9:50 pm</p>	<p>Ken moved and John seconded to adjourn the meeting at approximately 9:50 p.m. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on April 21, 2016, at 6:00 pm, at 1005 Baker Avenue.</p>

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

/s/ Wendy Compton-Ring  
Keni Hopkins, Recording Secretary

*APPROVED AS SUBMITTED / **CORRECTED:** 4-21-16*