

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
OCTOBER 20, 2016**

<p><b>CALL TO ORDER AND ROLL CALL</b></p>	<p>Chairman Ken Meckel called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Chairman Ken Meckel, Councilor Richard Hildner, Jim Laidlaw, Allison Linville, Rebecca Norton and Steve Qunell. John Ellis was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department.</p> <p>There were approximately 20 people in the audience.</p>
<p><b>PLANNING BOARD APPOINTMENTS</b> 6:00 pm</p>	<p>Norton moved and Laidlaw seconded to nominate Steve Qunell as the Vice Chairman. <b>The motion passed unanimously.</b></p>
<p><b>APPROVAL OF MINUTES</b> 6:05 pm</p>	<p>Laidlaw moved and Norton seconded to approve the August 18, 2016 minutes as submitted. Chairman Meckel, Councilor Hildner and Linville abstained as they were not present at the August meeting. <b>The motion passed unanimously.</b></p>
<p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b> 6:05 pm</p>	<p>Dave DeGrandpre, Principal Planner with Land Solutions, LLC, 36708 Leon Road, Charlo, MT, invited the Planning Board to participate and work with the landowners and Flathead County on a corridor plan for an area about 1.5 miles of Highway 93 S, about one-quarter mile wide on each side of the Highway. He described the background of the project, property owner involvement and the jurisdictional changes over the years. They are encouraging the Planning Board to comment. The plan was recently submitted to Flathead County, and it will be considered by the Flathead County Planning Board in January, so there are a couple of months for the Planning Board to consider it and get their comments together. In developing the plan, they looked closely the Whitefish Growth Policy, the Flathead County Growth Policy and other plans, to develop recommendations. He showed two zoning maps (current and proposed) and they want to consider the important aspects of the Whitefish Growth Policy including architectural standards, landscaping, signage, parking lots, lighting, aesthetics, scale, etc.. They have tried to respect Whitefish's policies since this is the gateway to the City of Whitefish and they do not want to have full-scale commercial strip development, but property owners also want to have some different opportunities to help develop their properties. They also looked at transportation issues –</p>

	<p>there are high vehicle speeds and lots of approaches onto the Highway, so to address those issues they have been working with the MDOT and Flathead County and have come up with several recommendations to address transportation issues as development occurs. They are also recommending that the overlay text addresses several ways they hope to reduce traffic hazards when the properties develop including frontage roads, to consolidate accesses whenever possible and link properties together by internal roads.</p> <p>Hildner asked for clarification on the location and mileage and Mr. DeGrandpre said it is 1.5 miles between North Valley Refuse on the south and Highway 40 on the north.</p> <p>Norton asked and Mr. DeGrandpre said this area was formerly a part of the City of Whitefish planning jurisdiction. Norton asked and Mr. DeGrandpre said they want the Planning Board to work with them on this and he would leave a copy of plan with staff. Taylor said we could consider at next month's meeting.</p>
<p><b>OLD BUSINESS:</b> 6:15 pm</p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: COTTONWOOD, LLC, SUBDIVISION REQUEST</b> 6:15 pm</p>	<p>A request by Cottonwood, LLC, to develop a 23-lot subdivision. The property is zoned WR-2 (Two-Family Residential District). It is addressed as 709 and 711 Colorado Avenue and can be legally described as Whitefish Townsite Company 5 Acre Tracts, Block 2, Lot 6 in S25, T31N, R22W.</p>
<p><b>STAFF REPORT WPP 16-03 (Compton-Ring)</b></p>	<p>Planner Compton-Ring reviewed her staff report and findings. To date, no comments have been received.</p> <p>Staff recommended the Whitefish Planning Board adopt the findings of fact within staff report WPP 16-03 and recommend to the Whitefish City Council the preliminary plat for the Cottonwood Estates Subdivision be <b>approved</b>, as submitted by the applicant, subject to the conditions, and recommend the variance requested be <b>denied</b>.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Qunell asked how often, or significantly, do the site plans change once the drainage plan is done and are there usually some drainage plan before this stage. Compton-Ring said they often get a preliminary drainage plan, and the Applicant did submit enough information to start the project, but they don't often see subdivisions change significantly through that process because there usually has been a lot of work done with the Public Works Department. This particular design is not going to</p>

	<p>be approved by the Public Works Department, so something different is going to have to happen.</p> <p>Hildner said there does not appear to be any sidewalks in the cul-de-sacs and no sidewalk or cash-in-lieu on Colorado on the two lots north and south of their access road. Compton-Ring said she did not think Colorado Avenue was designed to have a sidewalk on the east side, only on the west side, but she could check on it. Hildner also asked and Wendy said the cul-de-sac turning radius would have to meet the City's fire requirements and will be reviewed at the engineering stages. Hildner said he observed there was a lot of water there today and ducks were using it. In the discussion of wildlife, the staff report says it is not an issue, but he counted twelve deer there this afternoon and felt it should be clarified in the report. Compton-Ring said they route these requests to Fish, Wildlife &amp; Parks and if they do not provide comments to Planning staff, they do not have anything to give the Planning Board.</p> <p>Norton asked and Compton-Ring said the requirement to not have basements could be added as a condition. Norton said she was confused about the Park Board recommendation that we should keep the land and need more open space for increased density, and wondered if there is additional land they could put it in besides where they are going to be building outside the perimeter. Compton-Ring said if they put the park in the southeast corner, there are five-acre tracts to the south, east and southeast and if everybody did about the same amount there would be a nice-sized park in the neighborhood. For now they want to see it as a homeowners' association park, but at the time it becomes an acre or more, they would like to see it become a City park.</p> <p>Qunell noticed the curb cut is lined up with where they want the road and asked and Compton-Ring said they would have to take out the curbs anyway in developing this whole thing.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Charles Lapp, 3230 Columbia Falls Stage Road, Columbia Falls, will be in is the representative for this project, and introduced Don Brummel, a project manager at LHC, who will be in charge of the construction of the infrastructure in this project.</p> <p>Mr. Lapp said they have been working in this project for a year. He distributed packets and showed an aerial video of the proposed property development. When deciding what type of development to propose, they decided a straight-up project with nice rectangular lots would fit best. They have in mind something like the development on Woodside Lane, not like Aspen Grove where the boulevards make snow</p>

removal difficult. The minimum lot size is 6,000 square feet, and they wanted to go larger than that. Mr. Lapp said in regards to the variance Compton-Ring mentioned, when Colorado was rebuilt, the sidewalk was built as a pedestrian and bicycle path. After further review, they are no longer interested in the variance they originally requested, but according to Compton-Ring, it cannot be withdrawn now, but they are fine with the condition. In creating the video, it is obvious there is an issue with people illegally entering the Ice Den using the "exit only" access, and something will need to be done in the future.

Mr. Lapp said when they met with the Park Board on November 10, 2015, they wanted to do cash-in-lieu instead of parkland because the Ice Den has a very good playground with new equipment, a volleyball court and picnic area, and there did not seem to be a need for another park there. The November 2015 Park Board minutes are included in his packet and show where the Park Board seemed fairly open to doing cash-in-lieu. There are different zones set up in Whitefish and included in his packet is a "Cash-in-Lieu of Parkland" map showing this project in Zone 1, everything north of the railroad tracks, so the cash-in-lieu would need to be used in Zone 1. There are a lot of parks around town that have never been developed or are struggling to be developed, including the undeveloped 2.5 acres at Crestwood might be an option for some of the cash-in-lieu money. They have gone through several different configurations of where the parkland could be already, and the stormwater plan, and they are willing to work with whatever Public Works wants as far as getting rid of the stormwater. Their real desire would be to do cash-in-lieu and let the City use that money somewhere where a park would be more needed, but if not, they would prefer to it in the south central area in order to preserve the trees.

Norton asked about the difference in square footage for the park if they do not do the 19,000 square feet and go with the two lots by the trees and Mr. Lapp replied 13,000 square feet. Compton-Ring clarified the requirement in the Subdivision Regulations is 11%.

Hildner asked and Mr. Lapp said their plans for collection would be a basin and/or wet well to take the water down, with the basin itself possibly a feature of the park. Hildner said the issue he has is the example at the far end of Denver, where the stormwater retention almost never dries even in August, and he is concerned if they put stormwater retention ponds in the park what they will have is an unusable area that would not qualify as part of their parkland dedication, so he wanted to caution them. Mr. Lapp said they did groundwater monitoring and have those results. Hildner also asked if

	<p>the plan shows sidewalks in the cul-de-sacs and Mr. Lapp said he understood whether the plans show it or not that the sidewalks went all around, and that will be determined by Public Works. They will adhere to the City's requirements. Hildner asked and Compton-Ring said it would not need to be a Condition because the project will need to meet the City's street standards. Hildner agrees with Mr. Lapp's observation that the exit from the Ice Den is often used as an entrance and he hopes there could be some accommodation made in the future, maybe through this project. Hildner said, as Compton-Ring indicated, we might be able to have some sort of a Condition dealing with construction and groundwater. There needs to be an adequate means of getting rid of stormwater so homeowners do not need to deal with mold or water issues so as not to degrade the neighborhood in the long run. Mr. Lapp said they will require slab on grade, with no crawlspaces nor basements, which can be enforced through the Building Department. Hildner asked and Mr. Lapp said they have not given any consideration to space for a recycling station. They will need to set aside an area for a cluster box for the Post Office and perhaps bus stops, and typically in a residential setting everybody is responsible for their recycling. Hildner said with 23 homes there would be a lot of recyclables, and a recycling station should be considered, perhaps for the exclusive use of the homeowners in this development, as that is an important issue to the City. Hildner noted Crestwood Park is a unique situation and the standing water from high groundwater in the park was splashing over his shoes, and it would take a lot of money to make it a year-round usable park and may not be a viable option to put the money towards Crestwood Park.</p> <p>Norton asked and Mr. Lapp said the engineer who has been working with them on the stormwater issue was not available tonight.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Tom DeAngelo, 633 Colorado Avenue, recent new owner to the south of this project asked about the groundwater concept since density, amount of permeable surface and driveways all affect the groundwater rate and flow issues. He is interested in how the final solution will affect the overall density of the project, along with the park and whether it is public or drainage. If not a park, does that allow for more density? He wants more information on the role of the whole stormwater plan in the development. He does not know what the solution is, but in his mind the groundwater solution and density go together.</p> <p>There being no further comment, Chairman Meckel closed the public hearing and turned the matter over to the Planning Board for consideration.</p>

**MOTION / BOARD  
DISCUSSION**

Norton moved and Qunell seconded to continue the discussion for another month in order to have more data provided about the drainage issues from the Public Works Department before the Planning Board proceeds.

Hildner said this area is one of the areas identified early on with high groundwater that precipitated the City's Critical Areas Ordinance, so he thinks it's incumbent to fully study, understand and have a stormwater management plan in place or to a high degree of development prior to approving this subdivision. Mr. DeAngelo has a legitimate concern as one of the effects of development in the Colorado/Texas area is people who had been there before ended up with more water and dampness in their crawlspaces that they had not had before. He wants to make sure we protect those landowners who may be affected by this subdivision so he would hope we can see a more robust stormwater treatment plan and discuss the effects of it.

Norton would like to see what incorporating drainage with a park area would look like, but may not be possible. She reminded the Board it is trespassing and illegal to displace water from one area onto an adjacent persons' property. Until we have more information about how the drainage is actually going to work, she feels the Board should delay passing this item through.

Linni Reading, 636 Colorado Avenue, requested Chairman Meckel reopen this item to public comment and he agreed. She raised the concern, in addition to the stormwater drainage issues, of traffic issues with this density.

There being no further comment, Chairman Meckel again closed the public hearing and returned to discussion amongst the Board.

Qunell likes this sort of subdivision in this area and thinks it suits the character of what is there and what has been built in the last ten years. It makes sense to put in straight streets that might eventually hook up and continue east into the next property. This project is the first one developing in this really high groundwater area and the Board needs to see a much more detailed version of what it is actually going to look like with the stormwater in place and where parkland will be, especially when we are thinking ahead to the future. If this area does develop, we need parkland in this area, we cannot just continue to accept cash-in-lieu as we have done in the past as it has not benefitted the City. On top of the groundwater issue, the parkland issue needs to be settled. He would like to see one version of what the developer really wants as

	<p>there are currently too many unknowns. The density might have to change because of the water in that area and without knowing that it is too hard to go forward.</p> <p>Assuming the vote will be to continue until next month, Hildner asked the developer to include a further discussion on including a place to recycle as he will probably ask to have that added as a Condition. Secondly, he would like the developer to incorporate boulevard trees and boulevard irrigation, along with some of the things they have concerns about.</p> <p>Qunell asked and Mr. Lapp said a month will probably be enough time to address these items. He asked and Compton-Ring said Planning staff would need to get the information early so staff can review it and get it to the Planning Board. Mr. Lapp asked if it could be delayed to the next month if necessary and she agreed.</p> <p>Chairman Meckel reminded the Board of its responsibility and discretion. Members are not designers, which is why we have the Public Works Department. He typically would not want to get too much into the design, but in this case, he agrees with Hildner that the high groundwater situation is a big concern. He cautioned the Board about crossing the threshold and trying to do Public Work's job and just to be wary of the line. Norton said she appreciates Chairman Meckel's caution.</p>
<p><b>VOTE</b></p>	<p><b>The motion to continue passed unanimously.</b> The matter was previously scheduled to go before the Council on November 7, 2016.</p>
<p><b>BREAK:</b> 7:15 pm</p>	<p>Five-minute break with microphone off.</p>
<p><b>PUBLIC HEARING 2:</b> <b>WHITEFISH HOTEL</b> <b>GROUP WCUP</b> <b>CONDITION</b> <b>AMENDMENT</b> <b>REQUEST</b> 7:20 pm</p>	<p>A request by Whitefish Hotel Group to amend Condition #22 of Conditional Use Permit WCUP 14-11 in order to install a hot tub on the roof of the hotel. The property is zoned WB-3 (General Business District). It is addressed as 650 East 3rd Street and can be legally described as Whitefish Original Townsite, Block 46, Amended Lots 1-18 in S36, T31N, R22W.</p>
<p><b>STAFF REPORT</b> <b>WCUP 14-11A</b> <b>(Compton-Ring)</b></p>	<p>Compton-Ring reviewed her staff report and findings. As of the writing of the staff report, fifteen public comments have been received. Eleven comments were in support of the request on the basis that it will bring more business to the hotel and add value to the hotel. Three comments were not in support of the request, citing continued concerns with noise</p>

	<p>and neighborhood impacts. One comment questioned the use of the roof as usable space; essentially a fourth floor, when the maximum number of floors in Whitefish is three. Since the packets went out, there have been twelve additional comments, two against and ten in support, with a couple of them suggesting closing the hot tub at 10:00 pm, so there are now 24 comment letters.</p> <p>Staff recommended the Whitefish Planning Board adopt the findings of fact within staff report WCUP 14-11A, and recommend to the Whitefish City Council that the original conditions of approval be maintained and amendment to Condition No. 22 be <b>denied</b>.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Qunell asked for clarification on how Planning staff found out how the Whitefish Hotel Group was going to be building a hot tub on the roof of The Firebrand, and what set of building plans they finally saw that incorporated the hot tub. Qunell asked and Compton-Ring said the July 24, 2015 building plans did not show any type of hot tub nor plumbing for a hot tub. Minnich reviews the building plans and said it started as a rumor in the Fall of 2015. In January 2016, staff asked the Applicant if the rumors were true and the applicant said they were planning to do a hot tub. To her knowledge, no building plans have ever been submitted showing the hot tub or plumbing. Taylor said the Applicant was told they would not be able to include a rooftop hot tub, so they were looking at other means to pursue it and would have had to submit additional drawings to be able to do so. Qunell asked if Planning staff had to contact the Applicant and tell them a hot tub was not okay. Taylor said the Applicant thought a hot tub was part of a patio, but because of the specific language the City Council placed on the Condition, he made the determination that since it was never talked about nor anticipated, but since it would have some of the same impacts of what was anticipated, a hot tub was also covered in that Condition and they would have to pursue other mean to get approval for a hot tub.</p> <p>Norton asked and Taylor said there are no statutes about indecent exposure in the City Code, but she would have to ask the Police.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Sean Averill, Whitefish Hotel Group, said the Growth Policy anticipated a downtown hotel in Whitefish for 20 years and there are plenty of reasons why it did not happen for a long time because it is very challenging and difficult to get one, along with being very expensive, and he described failed previous attempts. The Whitefish Hotel Group deemed this as a partnership with the City to actually get a hotel downtown. The Whitefish Hotel Group went through the CUP process,</p>

and when they submitted the CUP, they anticipated a flag business hotel with a brand on it. The reason was because the appraisal came back and the bank was going to require having a branded hotel to make it work. The City Council said they did not want that, they wanted a boutique hotel, and the Applicant agreed, but it was easier said than done as they had to redo everything. The original plan had a basement pool, but in order to make this a true boutique hotel, they felt they needed to get a hot tub included and the roof seemed like the best idea for its placement. They did not mean to be secretive, it was just a big change at the last minute and they were just really busy moving through the process of redesign to change it from a brand hotel to a boutique hotel, including getting it reappraised and secure financing. They feel they are a good partner with the City on this hotel. They moved it over 18' and gave up a big strip to the City, kept a small footprint, and tried to make it look like it has been there for a while by using a lot of brick and rock. They think they have done a good job of making this look like something the community will be proud of. Mr. Averill believes, if they had known what they needed for a boutique hotel the first day they would have shown a rooftop hot tub and it would have been approved from the outset but because they did not know, he feels they are kind of being punished on this.

Brian Averill, 1494 Barkley Lane, feels noise is the main issue and he agrees it is an issue, but creating noise impacts their guests which hurts the Hotel's reputation and revenue. They wanted to study the noise to see if there is an impact and come here with some hard proof. They hired a sound engineer company out of Missoula who measured the noise as it exists today and added a noise source and re-measured it. He went over the results that are included in the packet. They took it to the level of what a rock concert would be and the main takeaway is there was no discernable noise increase in the neighborhood between pink noise and rock concert noise. They have an eight-foot high cedar fence on the south and east sides of the proposed hot tub area and are planning to frost the glass on the north and west sides which would block direct sight access to the School. Since sounds travels in a straight line, it is not able to carry over the fence into the neighborhood. They plan to operate the hot tub from 8:00 am until 11:00 pm, with quiet hours after 11:00 pm. They have security, security cameras, and staff trained to deal with noise situations. They will use a key card system to access the elevators and stairways and will restrict the access after 11:00 pm.

Mr. Averill pointed out a letter in the packet from a gentleman at PKF Consulting, a foremost hotel consulting company in Montana,

concerning why hotels need hot tubs, and the impact on the revenues of a hotel if they do not have a hot tub, which he identified as 10-20% annually for a mountain resort destination with proximity to skiing. That could jeopardize the whole financial viability of the hotel.

Mr. Averill reminded the Board of what he previously mentioned during the approval process that the ratio between the amount a hotel guest spends in a hotel and how that equates to an economic benefit to the community. They anticipate guests of The Firebrand Hotel would generate \$26.5 million spent locally, and based on the 10-20% impact to the community, that would be approximately \$5 million annually.

Qunell asked and Mr. Averill explained why some of the sound readings were taken for 15 minutes and others were not was because they were averaged. Qunell asked and Mr. Averill said requiring the clear glass to be frosted as a Condition would not be a problem.

Laidlaw said he can understand the issue of the sound, but he thinks there is a greater underlying concern, with all their expertise, initial planning, work done with international chains, etc., that went into this hotel, why wasn't the hot tub ever raised at all? And yet it is now all completed with the exception of the actual machinery of the hot tub itself being put in. Why has it taken so long to figure this out? Mr. Averill said that is a fair question. Sean alluded to all the different challenges and the week before they went to City Council, they changed from a branded hotel to making a commitment to make it an independent hotel. They went from a commercial hotel box, where the chain is going to produce 40-60% of the clientele through reward points, memberships, etc., with them not having to do anything, to an independent hotel where they have to do everything themselves, based on the services and amenities they provide. After they got through City Council, they redesigned the services and amenities. The hotel, if the architect was here, would tell us it was in a "design-build" process almost to when the building was totally open. In hindsight, it was a terrible decision, but they wanted to open in summer of 2016.

Laidlaw toured the property the other day and this morning, and thought we were talking about a 10:00 pm closing, but now they are saying 11:00 pm. He asked and Mr. Averill said they have tested going until 10:00 pm at The Lodge and prefer 11:00 pm, but having the hot tub is more important than the hours.

Qunell asked and Mr. Averill said the speakers are for music. Qunell pointed out the Condition says no music and Mr. Averill said it is a

residential, household speaker used to create ambiance as it is awkward not to have any background noise, but the volume is controlled downstairs. This is a touchy issue.

Hildner said he recently observed noise when he left a function at Central School at 9:30 pm and the amount of noise from the roof of The Firebrand was sufficient to draw his attention and that of his companion, and not just in a casual way. That concerns him. Hildner asked and Mr. Averill said people using the hot tub would have access to both the open area and the currently locked enclosure. Hildner asked and Mr. Averill said access is controlled by your room key card, which can be programmed to prevent access after stated hours of operation. The elevator is programmed to shut off at prescribed times.

Laidlaw said when he toured the facility, the manager said the patio equipment is borrowed from The Lodge but the layout is the same as what it is designated for, a place for people to relax in the sun and enjoy themselves. He is concerned with Winter Carnival, or other public events up there. Mr. Averill does not want to make commitments about what is not going to happen there, but he does not anticipate that being a big issue as you have to maintain space for hotel guests. Winter Carnival has already approached them about whether they can announce from the patio.

Norton said when this came through Planning Board, there was a pool and she assumed a hot tub in the basement and they deviated from the plan. She said it looks like there is a meeting room and workout room in the basement and asked if it was possible to convert a hotel room to a hot tub room and get a hot tub in another area of hotel. Mr. Averill said it is probably possible, but their bank loan is predicated on a certain number of guest rooms, and there would probably be some structural issues, so it would be pretty difficult.

Hildner said he can understand the desire for a hot tub, but nothing he has read says it has to be on the roof. Their original plan called for a swimming pool and hot tub at the ground level and they choose not to do that but to put in some conference facilities instead. He takes their word for it that a hot tub is necessary for the solvency of the project, but he does not see anything that says it has to be on the roof, especially when considering the size of the hot tub, which is 22.5' long, 4.5' deep and 8' wide, almost to lap-pool size. It is a big hot tub. Mr. Averill referred to the PKF consultant's letter, which says aside from a lounge/beverage service, an outdoor hot tub is rated as the most amenity for a mountain resort property with proximity to skiing. A

	<p>basement hot tub would be run of the mill, and as a high-end boutique independent place, they are looking for a unique. The size is based on maintaining enough space on the patio for everyone else and is rated for 16 people. They have 86 guest rooms with an average of 1.5 people per guest room, but the size of the hot tub is more based on the size of the hot tub at The Lodge.</p> <p>Jeff Badelt, the Whitefish Hotel Group, said the measurements described by Hildner are the overall measurements including decking, so the tub itself is 7' by 20'. The space with the tub would hold 16 people and without would hold 24 people. It is already approved for potentially 24 people standing out in the rain chatting and now they are looking for approval for 16 people sitting in the water and he does not see how that is a big difference.</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Leo Rosenthal, 236 Columbia Avenue, lives one block east of the hotel. He has been opposed to this project since the inception of it. He and lots of other residents of Whitefish have concerns with the size and scale of the hotel. They talk about this being a boutique hotel but they had to get a Conditional Use Permit because the size they wanted to build was twice the size footprint of what zoning allowed. There were other residents of Whitefish who were concerned about parking, noise having to do with the rooftop patio. This went on for months and much to his chagrin, the City Council decided to pass this Conditional Use permit. They took a lot of the input from the public and residents of the historic downtown neighborhood, and carefully put a lot of different Conditions into approving this project, including landscaping and parking, but one of the most important Conditions they included was that the rooftop patio could only be used for patio - not for music, not for a bar, and not for any other entertainment purposes. Contrary to what Brian and Sean will tell you, they tried to slip this one by the City. It wasn't until City Planning staff heard rumors about it and prodded the developers who finally admitted to putting a hot tub on the roof. Had they not heard about this, there would be people sitting up there right now. This is just another example of the owners trying to get one over on this. There have been other Conditions that were worked through during the CUP portion of this, one of which was providing adequate parking for guests and they agreed to put in 76 parking spots for guests, and now they charge \$12 per day for their guests to use the parking. If guests do not want to pay, they suggest they use the residential neighborhood. They also said they were going to have a minimum beverage service when there were concerns about have a bar and lounge across the street from the Middle School. Brian said they needed to have a minimum beverage and food service for their guests,</p>

but now if you look at Flathead Events online they have live music almost every day scheduled and have signs on the street where they are trying to bring guests in off the street to come in and visit their lounge. It is just another example of them being disingenuous with their motives. In his opinion they have not fulfilled all the Conditions the City Council placed on them and now are coming back and trying to get amendments to Conditions they have not even fulfilled. He urged the Board to uphold the City Council's Conditions they placed on this hotel to mitigate the impacts of such a large hotel on the adjacent neighborhoods, the historic downtown neighborhoods of Whitefish. These impacts have already been felt in their neighborhood and he urged the Board to uphold the City Council's Conditions and stop them for doing any more damage to their neighborhood.

Nola Howard, 224 Columbia Avenue, has owned that property for 38 years and seen a lot of transition. She was one of the people interested when they first wanted to put this hotel in this location and she wrote a 2-3 page document expressing her concerns with noise, parking and the location in general. She thinks what they have done is very nice and the Planning Board and staff as community representatives have done well to work with them to protect the community. Regarding the noise issue, OSHA law requires an employer to give employees headgear at 85 decibels, as it causes damage to the ears. When Mr. Averill was talking about 75 decibels, that is pretty annoying if it is people yelling on an overhead bar, but if it is music, it is very annoying. As an example, during Octoberfest last year at 11:00 pm she was living by the Duck Inn, a mile away, and it was so loud that she couldn't sleep. We should be going by the top decibel, not the average decibel. Music should not be allowed period, ambiance or otherwise. From a safety issue, when you get in a hot tub, you will get drunk faster. We live in a higher elevation and people from lower elevations do not realize they can get drunk faster, due to oxygen deprivation. People also easily suffer from dehydration when they drink a lot of alcohol and/or caffeine and do not realize those are diuretics. She doesn't know the clientele they are looking for, but ski groups and Carnival will be a real issue up there. If they are looking for a family friendly place where people can come for business, a place where you do not want to be in the lounge/bar or restaurant, you have a third place to go as a family, which would be on the rooftop. She does not think the ambiance of a hot tub with people getting inebriated, would be a benefit to the hotel or community. She thinks the business will do well and they just have to find their thing, but she doesn't think this hot tub will speak to all the people who want to stay there and may invite clientele that might make some people not want to go there. She felt kids getting access to key

cards and going to the rooftop by themselves may be another safety issue. She just recently found out about the \$12 charge for parking. While the hotel was being built, people on her street had to accept all the construction traffic and they accepted it. However, they made a very special point to City Council that they do not want their street to be a parking lot for hotel guests, friends or employees. She understood the employees would not be parking on their streets and there would be a way for them to get to work that would not involve using the streets as a private parking lot. People have been told by the hotel employees to go park in front of the houses on the streets if they do not want to pay the \$12. The Planning Board has done everything to represent the community and answered the hot tub question numerous times and she thinks it should keep with what it has already decided. She thinks the parking should be addressed to get it off their streets and the developers should be held to their agreement to provide parking for their guests. She is happy about having the hotel, but does not want there to be a noise impact.

Angela Flickinger, 676 Trumbull Canyon Road, General Manager of Firebrand, is responsible for booking music at The Firebrand on Saturday nights and it is dinner music in the lounge from 7:00 to 10:00. As General Manager representing The Firebrand, it is very important they establish a relationship with the community. They have a sales focus where they are going to the downtown business owners, introducing themselves and saying how excited they are to be downtown. They are asking them what they can do to work with other downtown businesses to make Whitefish even better, to increase tourism and business. Their 51 employees are looking forward to having successful careers at the Hotel and she wants that to start with a good relationship with the community. The Performing Arts folks come in and have dinner with them before performances and stay with them. BNSF is excited to be part of their hotel community. The support they have gotten from downtown stores has been awesome.

There being no further comment, Chairman Meckel closed the public hearing and turned the matter over to the Planning Board for consideration.

Norton disclosed she received a public comment via telephone tonight at 5:19 pm, from Chris Holt who got her number from Jan Metzmaker. Norton read the notes she took during the conversation into the record as Ms. Holt was not able to attend tonight. Ms. Holt has been a teacher at the Middle School for 39 years, teaching 7th and 8th grades, as well as working with the student council and supervising students on special

	<p>projects before and after school. Twice in the last week her students have observed people without clothes on getting dressed in their rooms with their lights on and the shades open. The children can see the patio from about the calf level upwards and Ms. Holt is concerned about indecent exposure from the rooms and activities the children might be exposed to in a hot tub from 8:00 am to 11:00 pm, which includes school hours. Norton wanted to bring it to the attention of the Board and the Hotel owners.</p>
<p><b>MOTION / BOARD DISCUSSION</b></p>	<p>Hildner moved and Norton seconded to deny amendment to Condition #22 to permit a rooftop hot tub at The Firebrand Hotel.</p> <p>Hildner said the Planning Board initially addressed the issue, Council in addressing the issue came up with Condition No. 22, and it was clear how Council was responding to the wishes, desires and concerns of the neighborhood. Then the Board of Adjustment upheld the Planning Director's statements on the purposes of a patio versus and/or a hot tub, followed by the Planning staffs' recommendation to deny. In taking another look at this with regards to the necessity of a hot tub, he thinks that could have been addressed as it was initially in the designs of the Hotel, but to come back later at this point is not in keeping with the actions of Council, Board of Adjustment, and Planning staff.</p> <p>Norton said she feels bad about how this has come out because she can see their vision and thinks it would be a great idea in another setting, and beautiful on the roof if on another setting. Unfortunately, the plans presented were in the basement and that is what was approved at the time it passed through the public process. To have this come out later, when we have a lot of concerns already about the noise levels and now what the children are seeing, she does not think it is appropriate to allow it. She hopes they can make it work in the basement and she is sure they will do a great job. She is sorry it was not discussed earlier, as maybe there would have been another location where it would have worked out, but she is against it at this point.</p> <p>Qunell said there are some things that probably need to be said. His original concern was there was some aspect of being sneaky, but in this case, he does not think this is what happened. He thinks what happened is what the Applicants said, this was a design-build project where they were running as fast as they could to get things done and to include the amenities they felt they needed to have in this Hotel to make it successful. That being said, though, he also has two questions, what did City Council mean in Condition No. 22 that no other uses will be permitted and he thinks they meant what they said - they did not</p>

envison a hot tub being up there. That is the current Condition and what they meant, but now the other question we are looking at is trying to decide if the noise, and now the issue with indecent exposure, is going to be a nuisance. Qunell believes the noise will not be an issue as he believes in science. It was suggested at the Board of Adjustment meeting it would be nice if there was a study about the noise and the Applicant went out and did it. They have been acting above board, but there is a perception unfortunately in the community that they are trying to slip one through. He honestly does not think that is the case. Ultimately, he does not think the Planning Board should be the ones dealing with this, he thinks they should go back to the Council and say we know this is what you said, but this is what we really need in order to make this a successful project. He does not think there is anyone in this room that does not want this project to be a success. He wishes there was some way to negotiate or compromise somewhat on where the hot tub is located, and that is the real issue. Unfortunately, through the design-build process the hot tub was put on the roof, but it got us to this point whereas if they knew they could not put it there, the design-build would have put it somewhere inside. He would hope we have some sort of leverage to rethink that the location, or just no hot tub, but he does not think that is a good idea. He believes as an amenity downtown, they need to have a water feature, and he hopes they can find a way to do that. He thinks it needs to go back to the City Council.

Qunell said he would like to add a Condition of Approval as a separate motion that if this does go through that there is frosting on the glass, but Taylor said since the motion to deny, adding a Condition towards the Approval would not make sense. If the motion should fail, then Qunell could offer the motion.

Laidlaw agreed completely with what Qunell said. He thinks they have done an excellent job. He has looked at all the research and studies the letters, and the hot tub is a feature they have to have. He has a problem with the location and what this will lead to, but he is sure they will figure out a way to have one and they do need one, but not there.

Linville said at this point she thinks the planning part seems sort of reactionary, and it is difficult to be looking at this plan and considering this amenity only in this one available place where it is prepared to be put. She understands the community concerns, and also that it is an amenity that an upscale hotel would need, but there is no discussion where it could go. Facing the school is a concern for some community members and the noise is a concern. The view would be nice for the Hotel, but she is struggling that there is no conversation around

	<p>relocating it on the roof because it sounds like something that is appropriate for the hotel, but they may need to adjust the exact placement of it.</p> <p>Chairman Meckel called for the question.</p>
VOTE	<b>The motion to deny passed, with Chairman Meckel, Hildner, Laidlaw and Norton voting in favor; and Linville and Qunell voting against denial.</b> The matter is scheduled to go before the Council on November 7, 2016.
<b>PUBLIC HEARING 3: CITY OF WHITEFISH REZONE REQUEST</b> 8:45 pm	A request by the City of Whitefish to rezone one parcel recently annexed into City limits from County R-1 (Suburban Residential) to WSR (Suburban Residential District). The property is unaddressed off Highway 93 West, and can be legally described as Parcel C of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of S35, T31N, R22W.
<b>STAFF REPORT WZC 16-07 (Minnich)</b>	<p>Planner Minnich reviewed her staff report and findings. To date, no comments have been received.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WZC 16-07, and for <b>approval</b> to the Whitefish City Council.</p>
<b>BOARD QUESTIONS OF STAFF</b>	Hildner asked and Minnich said the annexation was at the request of the landowners.
<b>APPLICANT / AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	There being no comment, Chairman Meckel closed the public hearing and turned the matter over to the Planning Board for consideration.
<b>MOTION / BOARD DISCUSSION</b>	Hildner moved and Norton seconded to adopt the findings of fact within staff report WZC 16-07.
VOTE	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on November 21, 2016.
<b>PUBLIC HEARING 4: CITY OF WHITEFISH REZONE REQUEST</b> 8:50 pm	A request by the City of Whitefish to rezone one parcel recently annexed into City limits from County R-3 (One Family Residential) to WR-1 (One Family Residential District). The property is located at 835 West 7 <sup>th</sup> Street, and can be legally described as Lot 1 in Torgerson

	Subdivision in S36, T31N, R22W.
<b>STAFF REPORT WZC 16-08 (Minnich)</b>	<p>Planner Minnich reviewed her staff report and findings. To date, no comments have been received, although she has had a couple of questions about potential development, but this is just the rezone, not a development proposal.</p> <p>Staff recommended adoption of the findings of fact within staff report WZC 16-08, and for <b>approval</b> to the Whitefish City Council.</p>
<b>BOARD QUESTIONS OF STAFF</b>	None
<b>APPLICANT / AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	<p>Dave Streeter, 202 Abbey Road, here also for his next-door neighbor and partner, Dee Blank, who had a family commitment and could not be here tonight. He thanked the Planning Board and staff personally for working so hard to make the growth reasonable and prudent. WR-1 is an old designation and makes for a great density. He thinks the features of this subdivision are less dense than WR-1 and would like the Board to look at the least density possible being packed into this subdivision. Please make sure to keep that in mind as they go through the process.</p> <p>Minnich said she talked to Ms. Blank on the phone, and told her if it does go through Subdivision Review, that is a separate public process with public notice. The neighbors will be notified and there will be a public comment time for anything other than a standard single-family home.</p> <p>Qunell asked and Minnich said the other part of the property is not in the City, it is in the County. She said the siblings decided to do a split and did a subdivision in the County prior to coming in. From what she understands, because sewer and water are now located in 7th, the County would not issue a new septic permit as City utilities are available to the property. Therefore, to do anything they have to connect to sewer, which means they have to come in and be annexed. The other parcel belongs to one of the siblings. A house is being built on the County parcel, which had a valid septic permit.</p> <p>There being no further comment, Chairman Meckel closed the public hearing and turned the matter over to the Planning Board for consideration.</p>

<b>MOTION / BOARD DISCUSSION</b>	Norton moved and Laidlaw seconded to adopt the findings of fact within staff report WZC 16-08 as proposed by City Staff.
<b>VOTE</b>	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on November 21, 2016.
<b>PUBLIC HEARING 5: CITY OF WHITEFISH REZONE REQUEST</b> 8:55 pm	A request by the City of Whitefish to rezone one parcel recently annexed into City limits from County R-1 (Suburban Residential) to WSR (Suburban Residential District). The subject property is located at 2045 Lion Mountain Loop Road and can be legally described as Tract 1DF in S35, T31N, R22W.
<b>STAFF REPORT WZC 16-09 (Minnich)</b>	Planner Minnich reviewed her staff report and findings. To date, no comments have been received.  Staff recommended adoption of the findings of fact within staff report WZC 16-09, and for <b>approval</b> to the Whitefish City Council.
<b>BOARD QUESTIONS OF STAFF</b>	Qunell asked how many other parcels in that little area are part of the City already and Minnich said she thinks there is only one still in the County.
<b>APPLICANT / AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	There being no comment, Chairman Meckel closed the public hearing and turned the matter over to the Planning Board for consideration.
<b>MOTION / BOARD DISCUSSION</b>	Linville moved and Qunell seconded to adopt the findings of fact within staff report WZC 16-09 as proposed by City Staff.
<b>VOTE</b>	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on November 21, 2016.
<b>NEW BUSINESS</b> 9:00 pm	None.
<b>GOOD AND WELFARE</b> 9:00 pm	1. Matters from Board. Chairman Meckel welcomed new members Linville and Qunell. Norton asked whether we have any data on the corridor plan presented tonight and Taylor said he has been talking with Mr. DeGrandpre for five years and knew they were going to submit something. Taylor will get a copy to the Planning Board and plan on

	<p>having a discussion at the next meeting and maybe even invite the City Council to participate. This is a big thing from a planning perspective, and he wished Mr. DeGrandpre would have come to us before they scheduled something with the County, but luckily, there are a couple of months to formulate some comments. It does not include Happy Valley, from North Valley Refuse to Highway 40. Hildner asked if there will definitely be Planning Board meetings in November and December and Taylor said we will be looking at the Bike/Ped Master Plan at the November meeting, and also the corridor plan. Compton-Ring said we might look at the rezone of the large annexation regarding 44 wholly-surrounded parcels in December.</p> <p>2. Matters from Staff. Taylor said they will be kicking off the land use plan for the Wisconsin Avenue Corridor Plan on November 9. The Steering Committee has met twice now and on November 9 at the Whitefish Lake Lodge. There will be a public outreach session. He encouraged all Planning Board members to attend. There will be an overview of what they hope to achieve. The PUD Re-Write Committee has been meeting every week or two since August. Quite a bit is done, but they have gotten a little bogged down by the discussion on affordable housing, and density bonuses associated with that. They plan to button up some of the open discussion items within the next month or so, and anticipate coming to the Council with a draft in maybe December or January. It has been a very informative, but slow process, with a lot of guests. Compton-Ring said we may want to change the date of the December Planning Board meeting as there may be a second City Manager candidate meet and greet on December 15. She will keep us apprised.</p> <p>3. Poll of Board members available for the next meeting on November 17, 2016. Hildner will not be here but all others indicated they thought they would be available. Hildner will ask Councilor Sweeney to attend in his absence.</p>
<p><b>ADJOURNMENT</b> 9:05 pm</p>	<p>Laidlaw moved and Qunell seconded to adjourn the meeting at approximately 9:05 pm. <b>The motion passed unanimously.</b> The next regular meeting of the Whitefish Planning Board is scheduled to be held on November 17, 2016, at 6:00 pm, at 1005 Baker Avenue.</p>

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

/s/ Keni Hopkins  
Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED / **CORRECTED:** 11-17-16