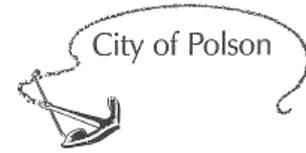




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**City-County Planning Board
and City of Polson Zoning Commission Meeting Minutes
Public Hearing Zoning & Subdivision Regulations
Tuesday February 16, 2016
City Hall Council Chambers—6:00 p.m.**

Members of the Board Present: Mark McGuyer, Merle Parise, Mike Lies, Tim McGinnis, Joslyn Shackelford, Lou Marchello, Gil Mangles, and Sam Jacobson

Members of the Board Absent: David Rensvold

Staff Present: City Planner Kyle Roberts, City Manager Mark Shrives, Building Official, David Simons and Technician Beth Smith

Staff Absent: Lake County Planner, LaDana Hintz

Public Present (who voluntary signed in): Noma Giffin, Richard Giffin, Chris Balstad, Cort Potter, Carol Plouffe, Lita Fonda, Ken Siler, Jim Anderson, Elsa Duford, Laura Siegelin, Pat Arie, Lee Manicke, Pam Coutts, Pat DeVries, Dennis DeVries, and Irene Marchello

Order of Business: Draft Polson Development Code 2016 - Public Hearing

6:00 PM~ Roll call was taken and Dave DeGrandpre led the Pledge of Allegiance. Tim thanked new Board members for their time and joining the Board. Tim requested nominations for Chair. Motion made by Sam Jacobson to nominated Joslyn Shackelford for Chair position, motion received second. No other nominations. All in Favor. Motion carried. Chair Joslyn Shackelford asked for nominations for Vice Chair. Merle Parise nominated Tim McGinnis. Motion received second. Board discussed rotating Chair and Vice Chair positions. Joslyn Shackelford nominated Lou Marchello for Vice Chair position, motion received second. Joslyn asked for a vote on Lou Marchello for Vice Chair. All in Favor. Motion carried. Lou Marchello motioned to approve January 12, 2016 meeting minutes as presented. Motion received second. All in favor. Motion carried.

(00:58 audio) City Planner, Kyle Roberts presented his staff report addressing each comment received by what was proposed in the draft PDC; the history/rationale; and staff recommendation(s). The 14 hot topics from the Tuesday January 26, 2016 meeting were (2:23 audio) 1. Transitional Residential Zoning District (TRZD); 2. 500 Average Daily Trips (ADT) triggering a Special Use Permit in Highway Commercial Zoning District; 3. No Strip language in HCZD; 4. Medium Density Residential Zoning District front yard setbacks; 5. Condominiums-ownership issue not development issue; 6. Performance standard- off street parking regarding shared parking; 7. Creation of Old Town Zoning District (OTZD); 8. Performance Standard – circulation in off-street parking areas; 9. Resort Zoning District (RZD) – 25% View Corridors; 10. Resort Zoning District (RZD) Maximum lot coverage; 11. Resort Zoning District – Minimum set back from lake, river, or stream (shoreline buffer); 12. Resort Zoning District (RZD) Multipal-family dwelling up to eight units per structure; (27:24 audio) 13. Resort Zoning District (RZD) rezone along riverfront (5th Avenue W. – 6th Ave W.); 14. Townhomes in Medium Density Residential Zoning District.

Board comments or questions for Kyle or Dave DeGrandpre: Tim McGinnis questioned Dave DeGrandpre with Land Solutions regarding #9) of staff report- 25% view corridor in Resort Zoning. He asked how do you permit occasional views to the lake? Dave clarified the intent is to require the developer *to preserve* 25% of the view from the street. Merle Parise questioned the staff report where it says a citizen commented on view corridor; Merle asked if the citizen was a true citizen or a Developer. The answer was a Developer. Tim noted does the Citizen living in a particular district; are they looking out for the best interest of the City or have a vested interest in their own neighborhood. Tim discussed with Kyle triggering a Special Use Permit at 500 Average Daily Trips verse his recommendation 1,000 ADT was not good for a community this size and not an effective safe guard. Lou Marchello commented on the Lakeshore set back. Twenty-foot buffer set back is standard. He felt fifty-feet was too much. Joslyn agreed fifty-feet was excessive. Sam Jacobson stated Tribal, Federal and State regulations are all twenty feet. Dave DeGrandpre pointed out



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page 73 and 74 discusses the types of activity permitted in the lakeshore area such as landscaping and boathouses within the fifty-foot setbacks.

6:47 p.m. -Dave DeGrandpre with Land Solutions, LLC then gave an overview of the last 6-7 years review process of the Polson Development Code rewrite workshops. No other questions or comments from the Board.

(45:11 audio) Opened Public Comments Public Hearing on Zoning Regulations and Zoning Map for Draft Polson Development Code 2016:

(45:17) Pat DeVries, 502 6th Avenue West – Owns property in many of the Districts. From a Community standpoint, she is worried and does not understand the Central Business District. Requested clarification whether the standard on Central Business District for Main Street and 1st Street West are the same. Would like to see a residential property that changed to commercial the flexibility to revert back to a residence in the Central Business District. Big concern about vacant empty lots. Believes in providing more density. Likes some of the changes made to MRZD. What should be MRZD and currently is MRZD is proposed to be change to the Old Town District; which takes away all those benefits from the property. Her home is now proposed to be changed to a Resort Zoning District, is not in favor of Resort Zoning there, but absolutely not in favor of it being changed to the Old Town Zoning. MRZD - Townhouses are beautiful and make great affordable housing. Rather be next to a townhouse than a duplex because townhouse would more likely be owner occupied than a duplex. Encourages Townhouses. 7th Ave East proposed to be Old Town /Zoning encourage moving to a more flexible plan. Feels the need to enforce current codes and standards. Cannot convert from Commercial back to Residential.

Tim questioned Central Business – Pat clarified residential home that has changed to a commercial business cannot revert to a residence again in Central Business Zoning District.

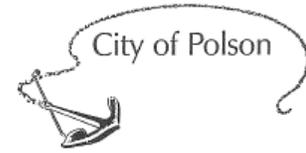
(49:30 audio) Noma Giffin, 710 4th Ave East- signed petition with 34 opposed the Transitional Zone change on 4th Avenue East. Nobody she talked to were for the change to TRZD. About three homes did not want to sign because of their jobs. Some snowbirds were not available as well as a Alaska resident.

(50:27) Carlissa London, property owner of 25 acres west of town - KOA - created the original Recreation Vehicle Zoning District specifically for Polson Motor coach and RV Resort. Concerned the word Condominium has been removed. They are a RV condominium resort you own your spaces. Requested the language condominium go back in the code. Under permitted uses is where it has been changed from Condominium to Vehicle Development. Development is ambiguous and does not want any confusion down the road. Item number four performance standards, land uses, *Recreational bookings* has also been dropped off and feels that also needs to be put back. Landscape buffers and the point system seemed confusing. Chair Shackelford said she felt the development exceeds the buffer requirements. Storage space was discussed and agreed it was a HOA concern. Carlissa commented the Seasonal/Temporary occupancy has been removed in the new Recreational Vehicle and General Campgrounds Zoning District under the current code they are reduced to nine months as a seasonal/temporary District. Page eighty-eight was maybe a typo because it does not add up to one hundred percent.

(1:07:29) Dennis Duty, Hellroaring Rd- Medium Residential Zoning District – multi- family units portion states they must have direct traffic to collector streets and not channel direct traffic on to local residential streets. Dennis feels it is up to discretion because the definition of a Local vs Collector are so similar. He feels there may be instances where multi-family residences might be coming on to a small street considered a local but then quickly going on to a collector street. It should say recommend not must because it may only be a short distance. 500 Average Daily Trips triggering a Special Use Permit. Using Taco Bell as a perfect example. Dennis said the whole SUP process was undue delays on the project. There was not any public input on the project. He questioned what safe guard you could have. If they meet the requirements, you cannot deny a SUP. Dennis has been against the Special Use Permit process all along. Agrees a 20,000 sq. ft. and a 1000 ADT can have a SUP that is a compromise. Do not make it more difficult for projects to come into the Highway Commercial Zone. Requested to reconsider the 1,000 back to 500 ADT. Agrees removing “no strip”. Currently there is not any side yard setbacks in the HCZD. Five foot side yard setback has been added to the zone. Dennis is opposed to the five-foot set back and said you should be



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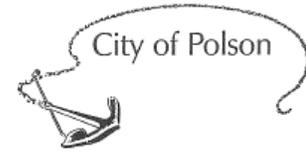
able to have a common wall. It is being done all over the country. Resort Zoning regarding four units vs. eight, Dennis said he feels it is a long process. If you meet the Development Code and the performance standards what does it matter if it is eight units or four, there are so many restrictions you already have to meet why make it more difficult. Dennis is opposed to fifty-foot lakeshore setback in RZD. Resort Zoning is design for density. Regulations are so strict on stormwater with DEQ and EPA. They would have fewer issues with the lake on controlled stormwater systems than fertilizers with the lake. View corridors- again taking away the ability to do a development based on design – well I have to do this where there is twenty-five percent view corridor. City of Polson has parks, huge highway frontage that has views, people who want to ride their bikes can see the lake. You are taking away the property rights by making people, having to make these restrictions, artificial five feet here and five feet there for the Planning department to make the twenty-five percent. It is not doing the lake any good. It is just a restriction trying to make life more difficult at five feet height. Does not make any since. Dennis does not agree with the twenty-five feet view corridor at all. Maximum lot coverage in Resort Zoning District. This is a zoning district set up for density. Single Family can only have thirty-five percent lot coverage, MRZD fifty-five percent, Understands but does not agree with it. When you get into more of a commercial design fifty-five percent is not a fair number. It needs to be at least seventy or seventy-five percent. DEQ and EPA make you deal with storm water. Dennis is opposed to parking spots required per square footage for drive-thru restaurants. A regular restaurant requires one parking spot per 100 sq. ft. A drive-thru needs less sq. ft. per parking spot. A Drive-thru has less need for parking. Should be at least the same as a regular restaurant.

(1:23:01) Lee Manicke 901 5th Ave E – Said it should not matter whether you live in or out of the districts. Property owners living within one hundred and fifty feet of the zoning opinions, comments and concerns should carry the same weight. Please take that into consideration. Lee said he is not a developer and lives more than one hundred and fifty feet of the proposed transition zoning but still wants the board to take some things into consideration. Lee compared the new Low Residential Zoning District to the proposed Transitional Residential Zoning District. LRZD has a minimum lot size of seven thousand square feet and TRZD is five thousand and down to four thousand with a special use permit. LRZD minimum lot width is fifty feet and TRZD lot width is forty feet. Front yard is thirty feet in LRZD and twenty feet in TRZD. Side yard setbacks are both five feet unless multi family. LRZD rear set back is fifteen feet and TRZD rear set back is 15 if not abutting an alley or five feet if abutting an alley. Both maximum height is thirty five. LRZD maximum lot coverage is forty percent, forty five for cluster development and goes to sixty-five percent lot coverage and seventy-five percent for block conversions in TRZD. Lee said the Board needs to take into consideration page one of what the purpose of the Polson Development Code is. He read Lesson congestion on streets; prevent overcrowding of the land; and protect the rights of the property owners. Lee feels the reductions being made do not meet those requirements. He suggested the Board take that into consideration. Lee feels the statement in the staff report stating there are already *many commercial developments* in the area is not correct. Lee counted 41 lots and maybe six are commercial. Permitted uses is a four-plex. For apartments and parking are up to eight parking spots needed for a four-plex. The staff report states the potential for parking impact is minimal, he questions if that is the case because employee and customer parking would be on the street.

(1:29:02) Lita Fonda, 606 2nd St W –lives in current MRZD, hoping will become OTZD. She has given the board written submission on concerns and comments. Fourth Avenue may have other options with another zone that may be more acceptable than TRZD. Lita said the 2006 Growth Policy talks about more affordable housing and mentions the areas which she is hoping to become OTZD already provides a source of affordable housing. Regarding Average Daily Trips, Lita stated she is fine with 500. The lakeshore regulations are currently 50 feet. Ten page comments submitted by Lita was highlighted starting with page 2 regarding parking needing clarification in the parking off alleys for older single-family residences, the described driveways do not make sense. Check that Sec 3 FF.4 and 5 existing accessory dwelling units that are nonconforming cannot be expanded in size, III.FF.7, Temporary nonconforming uses, surfaces or structures. Giving example as having a gravel yard (being temporary -stuff will grow in it) you cannot go and pave it. Definitions all together at the back was suggested. OTZD 5th Avenue West historically known as Silk Stocking Avenue The new MRZD tends to be better for the new developing neighborhoods and



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those with a different style of layout. OTZD is for the well established neighborhoods with the access in the alleys. Note - OTZD does not intend for the area to go on the historical register. Helps preserve protect and prevent harm. OTZD would be a tool to do so. Concerns with infrastructure, roads and parking. Changes on parking coming in are two parking spaces for main residence and less for assessor dwellings. Already problems with current Code not being enforced. One hundred and thirty lots in the entire district and eight to ten lots with main dwelling with accessory units. Discussion on the long time vacant lot located on the South West corner of first street West and fourth Avenue West. Others said will never be used for a single-family residence and better use for business. Lita feels first Street West is a good divider for Zones. Cars drive fairly fast and feels the zoning is doing its job by keeping single family residence separate from Central Business.

(1:45:03) Monte Garnett, 502 fifth Avenue West, Proponent for OTZD- concern with second dwellings on a seven thousand sq. ft. lot. Both dwellings are rentals. There is a lot of change over, many dogs, more people in the space than it should hold, a lot of parking in the alley and blocking of the alley. It is a big problem with fire access for trucks and cars blocking the alleys. Monte's opinion is the more space for people to have yards, gardens, and living space the quality of life to be maintained is a good thing. On busier streets he is not opposed to businesses.

Beth Smith 902 13th Ave E- Property owner at 605 5th Street West- Stated special use permits coming into residential neighborhoods affect homeowner's quality of life. She asked the Board to think about using more transitional zonings as buffers.

(1:48:17) Cort Potter, builder and partner in land ownership in Polson, Area adjacent to softballs fields. Use to be Trailer Park. Would like to build townhomes in MRZD which is currently not allowed. Already duplexes and eight-plexes. Buildinging something people can get into at a reasonable/affordable price. Cort is pushing for townhomes/ownership in MRZD.

(1:50:38) Close public hearing on Zoning Regulations and Zoning map Draft PDC 2016

(1:50:51) Open Public Hearing on Subdivision Regulations Draft PDC 2016

City Planner, Kyle Roberts commented on the staff report and how it outlines the Development Code and how the Subdivision Regulations and Platting Act are in complies with the subdivision state statues. Land Solutions, David DeGrandpre, wanted the Board to be aware of a court case out of Ravalli County. The Legacy Ranch case. It was only District Court so it is not law in essence, but Polson will be well advised to be aware of. Subdivision approvals are only valid for up to three years. The governing body can extend those approvals for quite a bit longer but there are two sections in the draft subdivision regulations where this is pertinent. They are the phased subdivisions on page 167 and over development plans pages 167-171- for larger scale projects. Thinks these do not comply with the legacy ranch case and so if the Board is going to make a recommendation to the City Commission the - time periods for approvals in a phased subdivision and overall development sections should be looked at prior to the City Commission. No Questions from the Board.

Open Public Comments. None

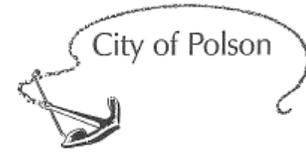
Closed Public Hearing on Subdivision Regulations Draft PDC 2016

Public Comments on

(1:56:) Mike Lies commented on the signed petition from the residents in the proposed Transitional Residential Zoning District on and around fourth Ave East. Mike suggested the Board takes a close look at changing the zoning back to LRZD. Sam Jacobson suggested when Fourth Avenue is rebuilt the zoning can be readdressed. There are six non-conforming business in the area. Dr. Bulls office and Mann Mortgage should be moved into Highway Commercial. They both have highway frontage. The Chiropractor is in noncompliance with their permit, there is the Wellness nature path, a Daycare and a couple multifamily rentals that do not comply with LRZD. These would all be complaint driven to get something done with them. Sam feels Fourth Avenue should not have on street parking.



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(2:01:52) City Manager, Mark Shrives asked the Board to make some initial decisions on the fourteen hot topic items from the staff report. He is not aware of any new items or comments. The goal is to refine the list and get a good product to the next City-County Planning Board.

(2:04:01) Cort Potter, Builder- noted some of these areas such as the Old Town District, the housing is not that great. There are some great old structures that may be worth keeping forever but there are others that will need torn down in ten or so years and you are limiting what can be done with them in the future. Are there going to be people who will want to rebuild a single-family residence in that area.

Lita stated the name Old Town Zoning District is deceptive. The name and the purpose. The old town is refereeing to the layout with the garage access in the alley. Lita questioned if a townhome was built and then needed torn down how does that lot get split

David Simons Jr City Building Official commented on communal property with Townhomes. In the Code, it says the property can be communal. David clarified accessory dwelling (living space) or accessory unit (shop/garage). It sounds like the secondary dwelling some are not wanting.

(2:10:04) The Board discussed the fourteen issues/comments from the staff report based off the previous public hearing January 26, 2016 and written comments. They made recommendations on the items they felt comfortable with. For number one they chose option b. To remove the TRZD on fourth Ave E and propose to keep the area's current LRZD and MRZD designations. 2. Change Average Daily Trips per day back to 1,000 to trigger a Special Use Permit. Dave DeGrandpre noted - Large-scale developments on page 85 needs to be consistent. The numbers need to match. 3. 'No Strip language option b; eliminate the heading *no strip and bold the first sentence*. The Board skipped number four because of the road language on street titles. Number 5. Condominium ownership was just clarification, 6. They agreed with the staff recommendation; that shared off-street parking be permitted in the RZD and HCZD districts. The Board skipped making a recommendation on seven for more public comments. Dave DeGrandpre commented on options discussed for different districts for residential housing. Looser or more flexible options for more housing, different types of housing, multifamily, originally proposed looser standards than the Old Town. Do you want to try to encourage different types of housing or keep it the way it is? Joslyn questioned Pat DeVries comments on the Central Business District, the Old Town Zoning District and seventh Avenue East and why the zones are split a by lot and not a street or alley. OTZD was skipped for next meeting. Number eight - Performance Standard – Circulation in Off –Street Parking Areas- the Board agreed with the staff recommendation. The Board skipped number 9 as well as number ten, eleven, twelve and thirteen. Number fourteen the Board chose staff recommendation B to allow townhouses in MRZD.

The Board agreed to table eight of the fourteen concerns for more public input and made resolution on the other six concerns for the next public hearing March 8.

(2:55:55) Meeting Adjourned 9:08 p.m.

Chair Joslyn Shackelford

ATTEST: Beth Smith, Planning Technician