

## **ZONING AND PLANNING BOARD MEETING MINUTES**

**February 20, 2025**, Zoning & Planning Board meeting was called to order at 6:36PM in the “Montana Room” of the Library at 607 S. Main Street, Three Forks, MT.

Members Kelly Smith, Reagan Hooton, Jacob Sebens, Matt Jones, and Amy Laban were present. Niki Griffis and Racheal were excused. Lee Nellis (consultant for Impact Fees and Zoning/Subdivision Regulation rewrite) attended via Zoom. City Planner Randy Carpenter was excused. (Zoom is a virtual meeting tool allowing people to attend remotely, which started as an option during the COVID-19 pandemic and the City has continued to offer for meetings.) There was a quorum with the attendance of five members, and the meeting was held. The minutes were completed by City Treasurer Kelly Smith.

Chairman Matt Jones called the meeting to order. He reminded all that the meeting was being recorded.

Public Present: Mike Stenberg, Andy Willet, Sheri Brown and Kathleen McCord.

**PUBLIC COMMENT** (items not on the agenda): There was none.

### **CONSENT AGENDA**

There was no Consent Agenda.

### **PUBLIC HEARINGS**

Public Hearing and Recommendation for a Conditional Use Application for a Cycle Studio by Kathleen McCord on Lot 4, Block 38 of Milwaukee Land Company's 2<sup>nd</sup> Addition. Commonly Known as 616 4<sup>th</sup> Avenue East.

Matt Jones read the staff report into the record. City Planner recommended approval of this application with 6 conditions. Matt then asked for applicant testimony. Kathleen McCord addressed the board. She provided a brief history of herself. She stated she is the current trainer at the V42 gym and how her and her husband purchased the home in September. She has asked around the community and a spin class would be well received. She would only offer 2 classes per day for ½ hour to 1 hour in length. She also would instruct students via social media to park at Stevenson Park and walk down the alley and that would alleviate the concerns over parking. This is a residential area, and she wants to be respectful of her neighbors. She would make it forbidden to park on neighboring private property. She does not think noise would be an issue as her husband works all hours and she would not want to disturb him or the neighbors. The garage and garage door are both insulated so this would reduce noise.

Board discussion was called for: Reagan asked if anyone knew why the staff report was requiring the spaces to be paved, and why 4 spaces are required if there are only 3 students? Amy echoed the paving question. Kelly stated she knows why 4 spaces are required. In the City ordinances, it requires 2 off street parking spaces for a single-family residence and the garage does not count as it will be the studio, and then the ordinance gives calculations for business spaces based on square footage. Randy Carpenter calculated the business spaces as 2. So, with the residence parking of 2 that is a total of 4. Kelly speculated the paving was due to a previous CUP we required paved parking, but it was in CBD.

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Kelly nor Amy remembers ever requiring paved parking for a home business. Amy questioned whether the classes would always be held or if people could come and go and cycle (Petaton virtual classes)? Kathleen said no. Matt questions if the garage had air conditioning? Kathleen said it did not, but there are 2 windows and the garage door that can be opened, and fans could be put in the windows. She stated she choose the hours of operation to match the city's noise ordinance (there is not a city noise ordinance). Amy asked to meet 4 parking spaces the existing fence would need to be moved back. Kathleen said moving the fence could be accommodated but she was going to instruct all clients to park at Stevenson Park. Initially she had thought about moving the fence to parking, but she now does not want to make her yard smaller by moving the fence. She would have no parking behind the garage as she would have everyone walk or park at the Park. Kelly pointed out that the City ordinance requires off street parking, and parking at the public park is not off street parking. Amy added off street parking is across the board for all home businesses.

Matt moved onto public comment and asked Amy to read the 3 letters into the record. (see packet) . Gordon Lane and Janice Cochrane 610 4<sup>th</sup> Ave E, opposed due to parking concerns.

Darryl Prokop and Kris Peyer 608 4<sup>th</sup> Ave E, opposed due to parking concerns

Crystal Turner 705 4<sup>th</sup> Ave E, support of the business

Then Sheri Brown, 440 Milligan Canyon Rd, read a letter she had written in support of the business. Public comment was closed.

There was quite a bit of discussion regarding paving was a good condition, and Jacob stated alternatives to paving for better drainage. Reagan, Amy and Kelly all stated they did not see a reason for paving. Amy stated she wished Randy was available to explain the condition. Amy then questions condition #5 saying in the past had we not approve signs that were 2X2? Kelly noted that the applicant stated there would be no signage in her application. The applicant now stated she planned on a sign on the garage. Amy stated there has been discussion of the hours of operation makes sense for working people to take the classes and the noise level and she feels the applicant has addressed those. Matt stressed he thinks we have to require 4 parking spot, as it is in the ordinance. Amy agreed especially with the neighbors' concerns. Matt said we could leave the paved parking up to the council and maybe Randy could attend or write a memo to explain the reason to require it. Everyone on the Board agreed gravel parking would be fine with them.

Kelly Smith moved to approve the Conditional Use Permit for Kathleen McCord with the following conditions:

- 1) All statements and explanations of use presented in the application for Kat McCord are made conditions of the approval
- 2) The applicant shall provide four parking spaces on the property with gravel
- 3) The existing fence and chicken coop shall be moved to allow a minimum of 36 linear feet of parking space to the west of the garage so that four spaces can be accommodated. Parking spaces shall be at least 9' by 18' in size.
- 4) The use shall be limited to three customers at a time
- 5) The cycling studio's operating hours shall be limited to six days a week, 7:00 AM to 8:00 PM
- 6) Signage shall be limited to a 2-foot by 2 foot sign
- 7) No Employees
- 8) Only 2 classes per day

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### 9) Doors of garage cannot be open from 7-9 AM

Amy Laban seconded. All voted in favor 5-0

Kelly then stated it will go to the City Council on March 11, 2025

## OLD BUSINESS

### A. Discussion on Landscaping Chapter

Matt turned the meeting over to Lee. He said he had made the small changes that had been discussed at the last meeting. Rather than going over them again he would like to know if there is any confusion or changes the Board would like to discuss. He also wondered if the Board thought this chapter was ready to go to the public for review?

The main change is that Lee has added that sand point wells would be required where feasible. Kelly stated she would prefer it say they would be recommended not required. Amy said or even encouraged. Lee said with it saying feasible the Board could decide when looking at an application if it was feasible or not. Kelly pointed out not all applications would come to the Board some would only go through staff. With that Amy would prefer to have it say sand points are encouraged or recommended and not required. Kelly agreed. Lee pointed out that currently Three Forks does not have any requirements for landscaping, so this would be a policy change. Kelly asked what the time frame is for doing the landscaping. Lee said there is no time frame, but a Certificate of Occupancy would not be issued until it is done. If winter a Temporary Certificate of Occupancy could be issued and then revisited once warmer weather arrives.

Mike Stenberg would like Lee to give some examples to explain buffers. The property that creates the need for the buffer is responsible for providing the buffer. It could also be which property develops 2<sup>nd</sup> is what determines the buffers that are listed in the tables. Staff will not be burdened with approving landscaping plans for subdivision as those would come through the Board. Possible scenario: If a buffer is determined to be 12 feet and same person owns both properties, the owner could put 6 feet on one property and 6 feet of the buffer on the other, as it totals 12 feet. Usually in new subdivisions the HOA would be responsible for maintaining the buffers. There was discussion about what goes into a "open" buffer. Kelly pointed out 11-?-8 states those requirements.

Matt asked if there was anything else on landscaping. Amy and Reagan both feel good about it. There is plenty of time to mull it over, but I think it is time to take it to public hearing to see what they think about it and the concept.

### B. Discussion on Southeast District vs. 6 (Formerly Kyd Road District)

Lee has made the changes discussed at the last meeting and they are highlighted in the copy for this meeting. Lee added better description of low impact commercial using Fire Code Occupancy definitions. He added additional standards for this district. The main changes are there needs to be areas for off street storage and adding setbacks and lot coverages. There

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was discussion regarding whether steps into a home or onto a deck would need to be within the setbacks or not. It was decided steps could be within the setback in the front or rear setback. With small side setbacks, it would cause problems to allow stairs on the sides. Matt said 40 inches is almost 4 feet. If set back is 5 feet, do we want structures within a foot of the property line? Jacob discussed requirements for ramps and lengths/slope needed to meet code.

Mike Stenberg wanted clarification on the references to RV and boat parking. Amy asked if this would go to the public next month? Lee suggested this is ready to go to public hearing and then get moved onto the City Council for approval.

### NEW BUSINESS

**A. Discussion on Off-Street Parking, Review Current Ordinance 11-13**

Lee posed a few questions to the Board that were in the memo he provided to the Board. There was little discussion regarding the parking questions

**B. Discussion on Chapter 7 on Zoning Permits**

Tabled until the next meeting

Amy Laban moved to adjourn. Jacob Sebens seconded the motion. Motion passed unanimously. Meeting was adjourned at 8:20 PM.