

MINUTES

ADLC Planning Board

ADLC Courthouse, 3rd Floor Courtroom



Monday, June 12th, 2023, at 6:00 pm | Meeting called to order at 6:00 pm by Rose Nyman, Vice -Chairperson

Attendance

Members Present: Rose Nyman, Vice-Chairperson; Lacie Grosvold; Dan Reardon; Colleen Riley; Annette Smith; Art Villasenor; Bob Wren

Members Absent: Frank Fitzpatrick, excused; Christine Klanecky, excused

Staff Present: Carl Hamming, Planning Director; Gayla Hess, Planner II; Carlye Hansen Planning Department Secretary

Guests Present: Please see sign-in sheet. **Please see attachment**

Approval of Minutes - Monday, May 1st, 2023

Motion was made by Art Villasenor to approve the minutes of Monday, May 1st, 2023, with changes as; noted; seconded by Annette Smith. Motion passes 7-0.

Rescind Previous Nomination and Vote of Bob Wren as Planning Board Chairperson for 2023

Motion made by Colleen Riley to rescind the previous nomination and vote of Bob Wren as Planning Board Chairperson for 2023; seconded by Dan Reardon. Motion passes 7-0.

Currently, per Article VI, Part 3 of the Planning Board Bylaws, the Vice-Chairperson automatically and immediately fills the vacancy of the Chairperson, thus deeming our current Vice-Chairperson, Rose Nyman, the Chairperson of the ADLC Planning Board for the remainder of the 2023 calendar year.

Nomination and Vote for 2023 Vice-Chairperson of the Planning Board

At this time, Carl Hamming, Planning Director, read a letter from Christine Klanecky, who was unable to be present this evening due to illness and this was read into the record.

Motion made by Colleen Riley to nominate Christine Klanecky as the 2023 Vice-Chairperson of the Planning Board; seconded by Art Villasenor. Motion passes 7-0.

Public Hearings

At this time, Ms. Nyman reviewed the procedure of running Public Hearings for those who are not familiar with the process.

Subsequent Minor Subdivision - John Atkerson - A&A Technical

PUBLIC HEARING on a subsequent minor subdivision application submitted by John Atkerson of A&A Technical. The preliminary plat proposes the creation of a 2-lot subdivision in the Light Industrial Development District. Subdivision would create separate lots for 312 Van Buren St (A&A Technical) and 314 Van Buren St (car wash). Property is legally described as:

EAST FOURTH ST MINOR SUB, S02, T04 N, R11 W, Lot 1, 200A

Pursuant to [Sec. 16-165](#) of the Code of Ordinances of ADLC, a public hearing is required before the Planning Board for consideration of the subdivision application

Staff Report

Gayla Hess, Planner II, reviewed and presented the staff report put together by her and her office. All content can be located on the ADLC website. She discussed the nature of the request as the applicants have submitted a subdivision application to create separate lots surrounding the car wash from the office and garage. There was a letter received by Montana Fish, Wildlife and Parks - Region 2. **Please see attachment**

The Planning Department does recommend conditional approval of the A&A Technical Subsequent Minor Subdivision and they ask for four (4) proposed recommendations and conditions of approval as stated in the staff report.

Questions from the Board

Dan Reardon asked about item #3 on the proposed conditions regarding the fencing. He wants to know if that fencing would be around the entire triangle, or the portion for just the shop and the repair facility. Ms. Hess stated that yes, this would just be around the shop and the repair facility, and not involving the car wash.

Rose Nyman states that FWP does mention that fencing should adapted to animals, and she wanted to confirm that this fence would, indeed, be 6 ft. Ms. Hess indicated that this is correct and that she did leave a message for FWP talking about alternatives, but with the way it appears from the street, there really needs to be higher fencing for this project. Ms. Nyman also wanted to know about a time limit for the conditions and Ms. Hess stated that this would all be before final plat approval. Ms. Nyman asked if the applicant got to choose between wood and vinyl and if there is a maintenance agreement in play if this were to be wooden. Mr. Hamming stated that the County cannot really determine what they use, but that it is put up in a correct manner and in the proper spot and that we cannot push for a maintenance agreement and that all of this would be on the property owner to maintain the fence. Mrs. Nyman feels that this should be a nice and neat-appearing piece of property with the ongoing growth in the East Yards.

Mr. Reardon asked about how much FWP plays in determining how high a fence can be. Mr. Hamming stated that FWP can only make suggestions and recommendations, but they don't have the right to require these things, but they will consult and answer questions. He also pointed out that privacy fencing is not wildlife fencing and that this is what is needed in this area.

Colleen Riley asked if they would be able to put up a chain link fence with slats. Ms. Hess stated that this is permissible. Ms. Riley stated that this would not look pleasing at this corner and wonders if they could make a stronger recommendation? Ms. Nyman stated that the Planning Board can add to the conditions that the Planning Department has brought forth. Mr. Hamming stated that they could make any recommendation to the Commission, but this is up to the Commission to decide if these are viable options.

Mr. Reardon wanted to know if the Board can make the change so that the fencing cannot be chain link with vinyl slats in this. At this time, Art Villasenor stated that he believes the Board needs to be cautious about what they are doing. He states that if they start to set a precedence by stating what and what not someone can do, and would we be able to then not do the same thing if someone else came before them with a similar option on another piece of property.

Applicant Report

The applicant, John Atkerson, is not present this evening.

Public Hearing

Proponents

None

Opponents

Mr. Kevin Hart, District Commissioner, 1110 Heather Drive

Mr. Hart started out by stating that while traveling this part of town on a regular basis, that this property has become an extremely bad eyesore being right there by Benny Goodman Park, and now with the development in the East Yards, he thinks that the County deserves better. When A&A originally moved from Park Street, he believes that the County was assured that they were going to keep this property in good repair, that this wouldn't be filled up with junk vehicles, and then this happened. Once it happened, then the offer was taken up on two pieces of property down Smelter Road that the Commission approved for them to have to be able to store a lot of the junk vehicles, and from what he knows, there is nothing on those two pieces of property right now. Some of those vehicles that are there have been there for years. Some, he thinks, have been there since they first constructed the buildings there on East 4th Street. These have never

moved. He is also frustrated that they have done nothing to landscape, nothing to fence. They said they did try and do some landscaping, but the deer would eat anything that they put in there. Mr. Hart, himself, does not recall any landscaping ever being done. There may have been done, but he feels that it was not a particularly good attempt at it and as he stated to Carl, he has not seen a deer eating a fence. He feels that until they can see the progress of what they can do to make this better, he is not in favor of giving them any consideration of any kind, and he does not know how to make this clear to them and he feels that they need to step up and do something to clean up that property, the property on Park Street. He thinks that if this is cleaned up, then it won't matter what is on the other side of the fence, and he states that a few vehicles would be fine as it is an automotive repair shop and there will be some vehicles around the place, but with the extent it is now and with no attempts whatsoever to make this look better or presentable at that particular place in Anaconda.

Board Discussion

Bob Wren asked Mr. Hamming that if they choose not to put up a fence or split the property, what recourse would the county have at that point in terms of landscaping and cleaning up the property. Mr. Hamming states that it would be hard to have black and white language stating that you must do something now. Code Enforcement could be brought in, but with this being a business on privately owned property and that mandating a six-foot fence could be difficult to do.

Ms. Riley states that this is an example of having something very unappealing in an area that is remarkably busy and not having the County be able to do much. She states that by not approving this may be the leverage to have them do something, then again, it may not.

Annette Smith's thought is that if they do approve this, then he may feel that he must do nothing. Mr. Wren then stated that he cannot do anything with the property such as sell the carwash. Mr. Hamming stated that he has the owner has no immediate plans to split the businesses at this time but wanted this option open for later in the future. If they approve this, Mr. Wren reiterated that it will not go to the final plat until the fencing is completed. If they do not approve it, then they more than likely will do nothing with the property. Mr. Hamming stated this is correct and that this will be leverage for the County to get action done out there regarding the fencing and the landscaping. Mr. Wren asked how long they would have to do all this work and Mr. Hamming stated that between preliminary plat and final plat would be three years.

Ms. Smith knows that folks from out-of-town comment on how awful it looks, and she feels that they need different rules that would apply to him and then he can come back for approval. Mr. Hamming stated that unless they go through the entire legal process from preliminary to final plat, then it will be something that will never change.

There was significant discussion amongst the board members regarding all the issues, including fencing, landscaping, etc., that will need to go before the Commission, and then this will need to go before the Commission for both preliminary approval as well as final approval. Without final plat approval, Mr. Atkerson will not be able to sell off the carwash.

Motion

Motion is made by Bob Wren to approve the subsequent minor subdivision application submitted by John Atkerson of A&A Technical which proposes the creation of a 2-lot subdivision with the four (4) proposed conditions as laid out by the ADLC Planning Department; seconded by Art Villasenor.

Due to the controversial nature of this motion, Ms. Nyman asked Carlye Hansen, Planning Secretary, to take a poll of the members present.

Colleen Riley - yes; Bob Wren - yes; Lacie Grosvold - yes; Art Villasenor - yes; Rose Nyman - no; Dan Reardon - yes; Annette Smith - no

Motion does pass 5/2.

Old Business

None

New Business

None

Board Questions and Comments

Bob Wren would like to just say thank you for the nomination of Chairperson and apologized for not being able to accept. He states that he already knows of three meetings which he would not be able to attend and did not feel it fair to put the Board in that situation with him not being able to make the planned meetings.

Rose Nyman stated that if a board member is unable to make a board meeting, they notify the Board Chairperson and Secretary 24 hours in advance, and she does recognize that there are emergencies that will need to be allowed for. She is okay if folks contact the secretary as she is the one who determines whether there is a quorum.

Staff Questions and Comments

Ms. Hess just wanted to point out that it is getting near to semi-annual reporting time for Boards to the Commission, so she has prepared a summary of the items the Board has had this year and the results.

Public Comment

None

Next Meeting

TBD

Adjournment

Motion was made to adjourn by Art Villasenor; seconded by Dan Reardon.; Motion passes 7-0.

Finals Minutes Approved

Respectfully Submitted,
Carlye Hansen, ADLC Planning Department Secretary

Attachments: Guest Sign in Sheet
Comment Letters
Letter from Mr. Bob Wren