

ZONING AND PLANNING BOARD MEETING MINUTES

April 21, 2022, Zoning & Planning Board meeting was called to order at 7:05PM at City Hall at 206 Main Street, Three Forks, MT 59752, and via Zoom (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.)

Members Kelly Smith, Niki Griffis and Amy Laban, Vice-Chairman Matt Jones were present at City Hall. City Planner Randy Carpenter attended via Zoom. Mike McDonnell was absent. George Chancellor was excused.

Paul and Sharon Finlayson, Meghan Hay were present.

Vice-Chairman Jones reminded everyone the meeting was being recorded.

PUBLIC COMMENT (items not on the agenda): There were no public comments on items not on the agenda.

CONSENT AGENDA

Minutes from the meetings held on 2/17/2022

Amy Laban moved to approve the minutes. Niki Griffis seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

There was no new business.

PUBLIC HEARINGS

Public Hearing and Recommendation on a Request by Nathan and Meghan Hay for the property located at Block 37, Lots 7 & 8 of the Milwaukee Land Company 1st Addition, commonly known as 1 N. 4th Ave East. Said application is to operate a home business of spa facials, retail and massage in the existing structure in the Residential District designation.

Randy Carpenter introduced the application and read the staff report into the record. The staff report said the application states the existing garage would be converted to use as a business. There is a parking space still in the garage which will remain, and there are also two parking spaces between the garage and the alley, with access to pull through into the alley, as well as one parking space parallel to the garage for a total of four parking spaces.

The application says it will not have any employees besides the proprietor, the hours would be by appointment only. He added the application noted that massages could take place 1-2 times per week by a massage therapist, and Randy reminded the Board that home occupations are allowed only for the persons residing in the dwelling unit.

Applicant Presentation: Meghan Hay understands that having another employee, or 3rd party, provide services; this will not be allowed since they do not live within the home.

Board Questions/Comments: Amy Laban asked if there would be any storefront, or boutique for gifts generating more foot traffic into the area. Meghan said no. Niki Griffis asked how many appointments would be seen roughly. Meghan replied up to four clients a day, typically 2-4 days per week. Niki asked if she would

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be open on weekends and Meghan said yes. Amy asked what Meghan foresaw as the latest she would leave the business for the day, and Meghan said latest she anticipated would be 7:00PM. Kelly Smith asked of Randy Carpenter if the applicant could have employees at all based on his comment that home occupations should be for those residing in the dwelling unit? Randy Carpenter said the code does not address that, but he interprets the definition that it should be for those living in the dwelling unit. Kelly asked about this being a remodel, it would require impact fees for water/sewer to be added to the building. Randy said yes.

Public Comment: Paul Finlayson said he owns property at 24 N. 5th Ave. E. and his concern about known residential areas being set as precedent that businesses are allowed. For this type of business, what criteria is allowed. (He continued into deeper examples that are unnecessary for these minutes.) The Board replied that conditions are placed on such applications and when in violation can be revoked completely. Kelly Smith said that ordinances on the rules are available online or at City Hall for his review.

Applicant Rebuttal: There was no applicant rebuttal.

Board Discussion: Kelly Smith said she printed copies of the minutes from last meeting, which have the conditions placed on a similar application to refresh the Board's memory which were customers to access the business via the alley, and a limit of 2x1-foot signage. Kelly asked Randy if the application states details do hold the applicants to it; Randy replied if the Board wishes to impose something they should put it in their conditions of approval. Matt Jones and Meghan Hay discussed possible hours of operations based on her existing schedule of customers in her Bozeman location.

Kelly Smith made a motion to approve the Conditional Use Permit for Nathan and Meghan Hay with a maximum 2-foot square sign on the building, no appointments after 6pm, and parking in the designated parking spots. Amy Laban seconded the motion. Niki Griffis asked if the Board needs to make a recommendation that the applicant is the only one that can provide services? Randy Carpenter suggested yes. Kelly Smith amended her motion to include only residents of the dwelling unit can operate the business. Amy Laban agreed to amend her second to the motion.

Motion Passed Unanimously.

Kelly Smith informed Mrs. Hay this application will go before the City Council for final decision at their meeting on May 10, 2022.

Public Hearing, Discussion and Recommendation to Accept the Updated Draft of the Three Forks Growth Policy Rewrite

Kelly Smith asked if the Zoning Board would like the Steering Committee to meet prior to the Board's first review of the final rough draft. The Board would like the Committee to hold an in-person meeting, if possible, to review the existing draft prior to sending it on to the Zoning Board and City Council. Kelly said Crystal Turner had emailed out a request to the Steering Committee but only 2 of the 11 have replied. Amy Laban said, "In my experience an in-person meeting would be more beneficial as people tend to listen more when someone is face-to-face and provide input into the conversation, rather than just watching someone speak on their monitor." Matt Jones agreed and would prefer an in-person meeting of the Steering Committee. He said, "However, if we cannot get enough people together in one room and it will be scheduled via Zoom I would rather not have one." Randy Carpenter agreed, and he said obviously Logan Simpson will not be

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attending in person, so he would be willing to host the meeting. Kelly and Randy added some administrative input that still needs included in the draft. Both stressed we need more public comment and it has been very difficult to gather that with an online platform only. Kelly will work with Crystal Turner to try and get something scheduled.

Kelly informed the Board there is also already one conditional use permit application, possibly one more conditional use permit, and then the preliminary subdivision plat application of the RCREI travel trailer park for a May hearing. The board members discussed availability on the 3rd Thursday of the month and most could not attend, so it was agreed to move the meeting to May 26, 2022.

OLD BUSINESS

There was no old business.

Matt Jones motioned to adjourn. Niki Griffis seconded the motion.

Motion Passed Unanimously.

Meeting was adjourned at 7:36PM.