



Item: Ordinance 3015 to rezone Parcel Mark No. P1, Section 5, T20N, R4E
(City-owned parcel previously used as compost site)

From: Bill Walters, Senior Planner

Initiated By: City Administration

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3015 on first reading and set a public hearing for September 2, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3015 on first reading and set a public hearing for September 2, 2008.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held July 22, 2008, passed a motion on a 4 to 2 vote recommending the City Commission rezone Parcel Mark No. P1, Section 5, T20N, R4E, from POS Parks and open space district to M-2 Mixed-use transitional district.

Background: The City is the owner of a 10.64 acre tract of land legally described as Parcel Mark No. P1, Section 5, Township 20 North, Range 4 East, Cascade County, Montana. Subject parcel is located at the southwest corner of the intersection of 38th Street North and River Drive. Interest has been expressed in having the parcel rezoned from POS Parks and open space district to M-2 Mixed-use transitional district to make the property more marketable for development. The M-2 Mixed-use transitional district allows commercial, residential, and institutional uses and public spaces. The zoning district does not permit light or heavy industrial uses.

Please refer to the attached Vicinity/Zoning Map.

The City purchased the parcel from a subsidiary of Montana Power Company in 1992. The Park and Recreation Department used it for several years as a compost site until the operation was relocated a few years ago. The Department is not aware of any provision requiring the parcel to be retained or maintained for park or recreational uses. Additionally, the parcel was purchased

using economic revolving funds with the purpose of land banking it for future possible economic development, provided any future use would be compatible with the adjoining golf course and other recreational uses in the area. No City Department has indicated a need for the parcel, either short or long term.

City water and sanitary sewer mains exist in the abutting portion of 38th Street North. Vehicular access is currently provided via 38th Street North.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with municipal zoning regulations:

- a) is designed in accordance with the comprehensive plan;
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Parcel Mark No. P1 is bordered on the north and east sides by industrial related facilities and on the south and west sides by outdoor recreational facilities (golf course and baseballs fields).

Two primary goals of the Economic Development Element of the City of Great Falls, *Growth Policy* are:

- ◆Attract new businesses.
- ◆Encourage businesses and industries that will utilize existing infrastructure.

Two primary goals of the Land Use Element of the *Growth Policy* are:

- ◆Support and encourage efficient, sustainable development and redevelopment throughout the community.
- ◆Support and encourage a compatible mix of land uses in newly developing areas.

The *Growth Policy* also encourages compatible infill and redevelopment which offer the community the highest degrees of efficiency and sustainability. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

In addition, development upon Parcel Mark No. P1 will be subject to review and approval by the City's Design Review Board, which considers such features as building architecture, exterior materials, colors, façade design and elevations, outdoor lighting and landscaping.

Considering the remaining procedural steps to insure quality of the built environment, staff concludes all of the above cited criteria are or can substantially be met.

As no City Department has indicated a need for the subject property, either short or long term, it appears to be ideally suited for private development involving commercial or light manufacturing and assembly use(s). Rezoning the property to M-2 Mixed-use transitional district is a step towards accommodating and facilitating the above stated goals, as well as the purpose for which the parcel was initially purchased.

Two citizens spoke during the Public Hearing before the Zoning Commission on July 22, 2008. They were Mr. Brett Doney of the Great Falls Development Authority who spoke in favor of the rezoning and Ms. Mary Gettel, 3419 Fairway Drive, who spoke in opposition to the rezoning. Ms. Gettel thought the rezoning would be an encroachment allowing industrial type uses closer to the recreational and residential uses west of 38th Street North. The Minutes of the Zoning Commission Hearing held July 22nd will be provided to the City Commission prior to the hearing being scheduled for September 2nd.

Concurrences: Other City Departments including Public Works, Community Development, Park and Recreation and Fire have been consulted regarding the rezoning.

Fiscal Impact: Approval of the rezoning could eventually result in private development of the property which will enhance the tax base.

Alternatives: The City Commission could deny acceptance of Ordinance 3015 on first reading and not set the public hearing. However, such action would preclude due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

Ordinance 3015
Vicinity/Zoning Map

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Marty Basta, Park and Recreation Director
Brett Doney, GF Development Authority