



**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

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**Item:** Public Hearing - 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 adopt Ordinance 3015

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:** (Alternative motions for Commission consideration.)

1. Commissioner moves:
    - a) "I move that the City Commission (adopt/deny) Ordinance 3015."  
or
    - b) "I move that the City Commission postpone final action on Ordinance 3015 until October 6, 2008, to give Neighborhood Council 8 opportunity to discuss the proposed zone change."
  2. Mayor calls for a second, discussion, and calls for the vote.
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**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 38<sup>th</sup> 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 38<sup>th</sup> Street North. Vehicular access is currently provided by via 38<sup>th</sup> 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 the review and approval of 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 subject property, either short or long term, it appears to be ideally suited for private development involving both 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 38<sup>th</sup> Street North. The Minutes of the Zoning Commission Hearing held July 22 are attached.

Neighborhood Council 4 considered the rezoning during a meeting held August 28, 2008, and passed a motion recommending the zoning for Parcel Mark No. P1 remain POS Parks and open space district. The Council Chairperson proposes to present the recommendation at the public hearing. Additionally, Parcel Mark No. P1 is actually located in Neighborhood Council 8. As such, the Council Chairperson has requested the Council be given opportunity to discuss the zone change before final consideration.

**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:** If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

**Attachments/Exhibits:**

Ordinance 3015

Vicinity/Zoning Map

Minutes of the Zoning Commission Hearing held July 22, 2008

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Marty Basta, Park and Recreation Director  
Neighborhood Council 8, Karen Grove, Chair, 1816 1<sup>st</sup> Avenue North  
Neighborhood Council 4, Sandra Guynn, Chair, P O Box 7047  
Brett Doney, GF Development Authority