



**Item:** Public Hearing - Resolution 9857, to Vacate 4<sup>th</sup> Alley South within Block 419, Great Falls Original Townsite

**From:** Charles Sheets, Planner I

**Initiated By:** Southern Foods Group, L.P., Owner of Abutting Private Property

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission conduct Public Hearing, adopt Resolution 9857, and approve the Amended Plat and Findings of Fact.

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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:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9857 and (approve/deny) the Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite and Vacated 4<sup>th</sup> Alley South and the accompanying Findings of Fact subject to fulfillment of the conditions stipulated by the Planning Board.”

2. Mayor calls for a second, discussion, and calls for the vote.
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**Planning Board Recommendations:** During a meeting held July 14, 2009, the Planning Board passed a motion recommending the City Commission approve the vacation of 4<sup>th</sup> Alley South between 3<sup>rd</sup> and 4<sup>th</sup> Streets, the Amended Plat of Block 419, Great Falls Original Townsite and Findings of Fact, subject to the Amended Plat including: a) incorporation of correction of any errors or omissions noted by staff; b) provision of a notification clause regarding soil conditions; and c) provision of easements as recommended by the City Engineer.

**Background:** The Planning Office is in receipt of applications from Southern Foods Group, L.P., regarding the following:

- 1) Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite and vacated 4<sup>th</sup> Alley South, all in Section 12, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Vacate 4<sup>th</sup> Alley South between 3<sup>rd</sup> & 4<sup>th</sup> Streets South.

The Meadow Gold Dairies facility occupies the entire block bordered by 3<sup>rd</sup> & 4<sup>th</sup> Avenues South and 3<sup>rd</sup> & 4<sup>th</sup> Streets. The Dairy has loading docks that open up on the alley which is periodically blocked with truck trailers which are being loaded and unloaded. To stream-line a part of the operation, the Dairy would like to construct a concrete pad that would be elevated about 12 inches and level to place a trash compactor and trash receiver container across a portion of the existing dedicated 4<sup>th</sup> Alley South.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Amended Plat.

The applicant and City staff discussed the vacation of the alley at a pre-application meeting held on June 3, 2009. Staff concurred that discontinuation of said right-of-way would not be detrimental to the public interest provided a utility easement is retained for the existing sanitary sewer and other utilities currently located within the alley.

The dairy operation has been conducted on portions of Block 419 since 1916. Block 419 is zoned M-2 Mixed-use transitional district and the current industrial operation conducted upon said block is considered a legal conforming use. As such, the existing industrial use is allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met. The applicant presented the proposed Amended Plat and alley vacation to Neighborhood Council 7 during a meeting held June 8, 2009. The Council tabled the matter and reconsidered the request on July 13, 2009. At the time of writing this Agenda Report, no comments had been received from Council 7.

**Concurrences:** Representatives from the City's Public Works, Community Development, and Fire Departments have been involved throughout the review and approval process for this project.

**Fiscal Impact:** Action on this item will not involve any additional services on the part of the City. Eliminating a one block length of the alley will reduce the City's maintenance responsibility ever so slightly.

**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:** Vicinity/Zoning Map, Resolution 9857, Preliminary draft of the amended plat and Findings of Fact

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Doug Bennyhoff, City Fire Marshal  
Meadow Gold Dairies, Jerry Moldenhauer, Plant Manager, 312 3<sup>rd</sup> Ave S, Great Falls, MT, 59405