

REVISED



City Commission Agenda

for

June 6, 2006

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. We encourage your participation.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION

Spay/Neuter Days 2006

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Ord. 2938, Rezone Lots 4-7, Block 738, Tenth Addition to Great Falls, located at the southwest corner of the intersection of 3rd Avenue South and 15th Street from R-3 Single-family high density district to C-1 Neighborhood Commercial District to allow construction of a new office building. Action: Conduct public hearing and adopt or deny Ord. 2938. **(Presented by: Ben Rangel)**
3. Res. 9569, Conditional Use Permit for Lot 7, Block 467, First Addition to Great Falls, addressed as 600 13th Street South, to allow an existing non-conforming business to expand. **Action: Conduct public hearing and adopt or deny Res.9569. (Presented by: Ben Rangel)**
4. Res. 9567, Conditional Use for Central Plumbing and Heating located at 3701 River Drive North to allow placement of a contractor yard, type II. Action: Conduct public hearing and adopt or deny Res. 9567. **(Presented by: Ben Rangel)**
5. Res. 9573, Zoning Permit/Determination Fees. Establishes an application fee of \$25 for processing of City zoning permits/determinations. Action: Conduct public hearing and adopt or deny Res. 9573. **(Presented by: Ben Rangel)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. Ord. 2939, Rezone 1600 Fox Farm Road, currently occupied by Elmer's Restaurant, from C-1 Neighborhood commercial district to C-2 General commercial district with stipulations. Action: Accept Ord.

2939 on first reading and set public hearing for July 11, 2006.

(Presented by: Ben Rangel)

7. Ord. 2940, Establish City Zoning upon Cottage Grove Addition, Phase I, located along the north side of 7th Avenue North and the northerly extension of 49th Street North. Establishes zoning classification of PUD Planned Unit Development District upon annexation to City. Action: Accept Ord. 2940 on first reading and set public hearing for July 11, 2006. **(Presented by: Ben Rangel)**
8. Ord. 2941, Establish City Zoning Upon Whispering Ridge Addition Phase 5. Establishes zoning classification of R-2 Single-family medium density district upon annexation to the City. Action: Accept Ord. 2941 on first reading and set public hearing for July 11, 2006. **(Presented by: Ben Rangel)**
9. Ord. 2942, Establish City Zoning Upon Minor Plat of Northview Addition, Phase I, located along the east boundary of Countryside Village Mobile Home Park. Assigns zoning classification of PUD Planned Unit Development District upon annexation to the City. Action: Accept Ord. 2942 on first reading and set public hearing for July 11, 2006. **(Presented by: Ben Rangel)**
10. Res. 9576, Resolution relating to Financing of a Certain Proposed Project; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code and approving Interim Funding through Internal Funds. Action: Adopt or deny Res. 9576. **(Presented by: Coleen Balzarini)**

CONSENT AGENDA *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

11. Minutes, May 16, 2006, Commission meeting.
12. Total Expenditures of \$1,262,037 for the period of May 10-23, 2006, to include claims over \$5000, in the amount of \$915,760.
13. Contracts list.
14. Lien Release.
15. Set public hearing for June 20, 2006, on Res. 9582 for Concrete Inspection Fees.
16. Award bid for Asphaltic Concrete Materials to Great Falls Redi-Mix, Inc., of Great Falls in the amount of \$511,200.

Action: Approve Consent Agenda or remove items for further discussion and approve remaining items.

BOARDS & COMMISSIONS

17. Preliminary Amended Plat, Lot 3, Medical Tech Park. Approves Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision consisting of 8 lots. Action: Approve or deny Preliminary Amended Plat.
18. Miscellaneous reports and announcements.

CITY MANAGER

19. Miscellaneous reports and announcements.

CITY COMMISSION

20. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

21. Miscellaneous reports and announcements.

ADJOURN

Spay/Neuter Days 2006

WHEREAS, cats and dogs provide companionship to and share the homes of over 63,000,000 individuals in the United States; and

WHEREAS, two unaltered cats and their offspring can produce 420,000 more cats in seven years and two unaltered dogs and their offspring can produce 67,000 more dogs in six years; and

WHEREAS, humane societies and shelters have to kill approximately four million cats and dogs each year, although many of them are healthy and adoptable, simply because there are not enough good homes; and

WHEREAS, the problem of companion animal overpopulation costs the taxpayers of this country over a billion dollars annually through animal control programs aimed at coping with the millions of homeless cats and dogs; and

WHEREAS, spaying or neutering cats and dogs has been shown to drastically reduce cat and dog overpopulation; and

WHEREAS, veterinarians, the Humane Society of Cascade County and private citizens have joined together to advocate spaying and neutering and through the assistance of Montana Spay Neuter Task Force will host a free spay/neuter clinic June 15 through June 19, 2006 at Westgate Mall.

NOW, THEREFORE, BE IT RESOLVED, that I, **Dona R. Stebbins, Mayor** for the City of Great Falls, Montana, declare June 15 – 19, 2006 as "Spay/Neuter Days" and call upon all the citizens of Great Falls to observe the day by having their own cats or dogs spayed or neutered or by sponsoring the spaying or neutering of another person's cat or dog.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the City of Great Falls to be affixed this 6th day of June, 2006.

Dona R. Stebbins, Mayor

AGENDA REPORT

DATE June 6, 2006ITEM: Public Hearing - Ordinance No. 2938 to Rezone Lots 4-7, Block 738, Tenth Addition to Great FallsINITIATED BY: Dave Dickman, Owner's RepresentativeACTION REQUESTED Commission Adopt Ordinance No. 2938PREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The Zoning Commission has recommended the City Commission approve the request to rezone Lots 4-7, Block 738, Tenth Addition to Great Falls, Cascade County, Montana, from R-3 Single-family high density district to C-1 Neighborhood commercial district, and to amend the official zoning map to reflect the zone change subject to the applicant and property owners consolidating said Lots 4-7 into a single lot through preparation and filing of an appropriate amended plat.

MOTION:

"I move the City Commission adopt Ordinance No. 2938."

SYNOPSIS:

Ordinance No. 2938 rezones subject Lots 4-7, located at the southwest corner of the intersection of 3rd Avenue South and 15th Street South, to C-1 Neighborhood commercial district, to allow construction of a new office building.

BACKGROUND:

Dave Dickman, representative for the owners, Elerine McDonald (deceased) and David Blackwell, has applied to rezone the subject property to allow the construction of a 10,000 square foot office building, on the 22,500 square foot site along 3rd Avenue South and 15th Street South. The applicant intends to lease the office space for professional services and the like. Subject property, legally described as Lots 4-7, Block 738, Tenth Addition to Great Falls, Cascade County, Montana, is presently zoned R-3 Single-family high-density district.

According to the Unified Land Development Code, professional service uses are allowed in districts zoned C-1 Neighborhood commercial district. Other permitted uses in a C-1 Neighborhood commercial district include: restaurants, taverns (no gaming), general sales, financial services, general services and health care facilities.

According to the site plan, the project will include razing four existing structures and constructing a 10,000 square foot office building, paved parking areas and landscaping. The owner has indicated the building will be similar to the Cogswell Insurance Building at 800 9th Street South. The existing structures on the property include a 720 sq. ft. single-family dwelling, a duplex, a secondhand store and a two-story storage building that was once used as part of a lumberyard.

Access to the property will be via driveway approaches on both 3rd Avenue South and 15th Street South and direct access from the abutting public alley. The adjoining streets are paved and the alley is graveled. The owners intend to pave the alley directly abutting their property.

A City water main exists in 3rd Avenue South and a sanitary sewer main is in the public alley to the south.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in

conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy;
- 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.

The attached vicinity map reflects the current zoning. The property directly across the avenue to the north is zoned C-1 Neighborhood commercial district.

A goal of the Growth Policy is to preserve and enhance the character, quality and livability of existing neighborhoods. The Plan also encourages a mixture of residential uses and neighborhood service uses as long as they do not result in adverse impacts upon one another and promote infill development and redevelopment that can take advantage of existing infrastructure. Staff concludes the above-mentioned criteria are substantially met in conjunction with the requested rezoning.

The proposed development would replace several older unkempt buildings with a new professional office building. Considering the projects immediate proximity to 15th Street South, the northbound leg of a one-way couplet, it appears the project can be accomplished without creating additional traffic impacts upon adjoining residential uses. Plans for the project will also be subject to review and approval by the Design Review Board, which will consider such features as building architecture, exterior materials, colors, facade design and elevation, and signage, outdoor lighting and landscaping.

The Zoning Commission held a public hearing on the zone change requested on April 25, 2006 during which Mr. James Cherewatenko, of 1415 4th Avenue South spoke to the project with concerns that the zone change would allow businesses that could increase alley traffic, signage and businesses that would be open after typical business hours. Mr. Brian Shepherd, 1404 3rd Avenue South, was happy to see the current buildings razed, but voiced concerns about increased traffic. Mr. Gary French, 1425 4th Avenue South, stated that he looked forward to the existing structures being removed and would prefer tenants that operated 9 to 5. Mr. Dave Dickman responded to the public comment, that he was not limiting his search for tenants but would acknowledge their concerns. He added that he intended to pave the alley in back of the property.

The Zoning Commission, at the conclusion of the public hearing, recommended the City Commission approve the request to rezone Lots 4-7, Block 738, Tenth Addition to Great Falls, Cascade County, Montana, from R-3 Single-family high density district to C-1 Neighborhood commercial district, and to amend the official zoning map to reflect the zone change, subject to the applicant and property owners consolidating said Lots 4-7 into a single lot through preparation and filing of an appropriate amended plat.

A preliminary site plan for the project and a copy of the minutes for the Zoning Commission hearing are attached. No additional communications were received prior to the preparation of this agenda.

Attachments: Ordinance No. 2938
Vicinity/Zoning Map
Preliminary site plan
Zoning Commission, Public Hearing Minutes from April 25, 2006

cc: David Blackwell, 518 9th St S
Dave Dickman, 130 Gibson Flats Rd

GREAT FALLS ZONING COMMISSION

MINUTES OF THE PUBLIC HEARING ON ZONE CHANGE & MAP AMENDMENT LOTS 4-7, BLOCK 738, TENTH ADDITION TO GREAT FALLS (DICKMAN/BLACKWELL/MCDONALD)

April 25, 2006

The public hearing was called to order at 3:46 p.m. in the Commission Chambers of the Civic Center by Vice Chairman John Harding.

ROLL CALL & ATTENDANCE

Zoning Commission Members present:

Mr. Art Bundtrock
Mr. John Harding
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts

Zoning Commission Members absent:

Mr. Bill Bronson
Mr. Josh DeNully
Mr. Mark Gunderson
Mr. Joe Schaffer

Planning Staff Members present:

Mr. Andrew Finch, Sr. Transportation Planner
Ms. Deb McNeese, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Charlie Sheets, Planner
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Sheets stated this public hearing involves a request for a zone change and map amendment for Lots 4-7, Block 738, Tenth Addition to Great Falls.

After reviewing the staff report and recommendation, Mr. Sheets said he would be glad to respond to any questions from the Board.

PETITIONER'S PRESENTATION

Mr. Dave Dickman, 130 Gibson Flats Road, expressed his intent to create an office complex that would complement the neighborhood, but could not promise what the hours of the operation would be or type of tenant that would eventually occupy the building.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPponents OPPORTUNITY TO SPEAK

Mr. James Cherewatenko, 1415 4th Avenue South, said he was concerned that zone changes, once approved, might be hard to undo. He was concerned about signage, the possibility of a tavern, and a neighborhood business that might be open until 9:00 at night.

Mr. Brian Shepherd, 1404 3rd Avenue South, was undecided as to whether he was an opponent or proponent. Although he is happy to see the current buildings razed, he had concerns about increased traffic and the possibility of a tavern being allowed to locate on the property with the zone change.

PETITIONER'S RESPONSE

Mr. Dickman acknowledged the concerns, but noted there was no other type of zoning available that would allow his office building project. He restated that he could not guarantee the type of tenant or the hours the business would operate. He added that he intended to pave the alley in the back of the property.

OTHER PUBLIC COMMENT

Mr. Gary French, 1425 4th Avenue South, said he would like to see the buildings removed and be able to look out at a structure that fit into the neighborhood, preferably with tenants that operate from 9 to 5. He would like to see the alley paved to offset the additional traffic and dust produced by a business.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the request to rezone Lots 4-7, Block 738, Tenth Addition to Great Falls, Cascade County, Montana, from R-3 Single-family high density district to C-1 Neighborhood commercial district, and to amend the official zoning map to reflect the zone change subject to the applicant and property owners consolidating said Lots 4-7 into a single lot through preparation and filing of an appropriate amended plat.

Made by: Mr. Roberts
Second: Mr. Bundtrock

Vote: The motion carried unanimously.

Mr. Sheets advised Mr. Dickman that he will work with him to get documents finalized in order to be submitted to the City Commission for its public hearing.

ADJOURNMENT

The hearing adjourned at 4:35 p.m.

CHAIRMAN

SECRETARY

ORDINANCE NO. 2938

AN ORDINANCE CHANGING THE ZONING ON LOTS 4-7,
BLOCK 738, TENTH ADDITION TO GREAT FALLS, FROM R-
3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO C-1
NEIGHBORHOOD COMMERCIAL DISTRICT

* * * * *

WHEREAS, on the 6th day of September, 2005, the City Commission of the City of Great Falls, Montana, adopted a certain Ordinance designated as Ordinance No. 2923 entitled: “AN ORDINANCE ADOPTING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, MONTANA, PERTAINING TO LAND DEVELOPMENT CODES AND REPEALING ANY AND ALL PREVIOUS ORDINANCES OR INTERIM ORDINANCES,”; and,

WHEREAS, said Ordinance No. 2923 became effective the 6th day of October, 2005; and,

WHEREAS, said Ordinance No. 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, as defined therein:

Lots 4 through 7, Block 738, Tenth Addition to Great Falls, Cascade County, Montana, addressed as 1414, 1416, 1418 3rd Avenue South and 308 15th Street South, respectively.

WHEREAS, notice of rezoning the above-mentioned property from the existing R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-1 NEIGHBORHOOD COMMERCIAL DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 6TH day of June, 2006, before final passage of said Ordinance herein; and,

WHEREAS, pursuant to said Ordinance No. 2923, a hearing was duly held after notice thereof was first duly given according to said Ordinance No. 2923, for the purpose of considering changing said zoning designation on said property to a C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; and,

WHEREAS, following said public hearing, it was found and recommended that the said zone change be made, provided the applicant for the zone change and the owners of said Lots 4–7 enter into an agreement with the City containing specified terms and conditions, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zone change will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning designation on the property hereinabove described be changed from a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of June, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gilko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2938 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 6th day of June, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 6th day of June, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2938 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



Legend

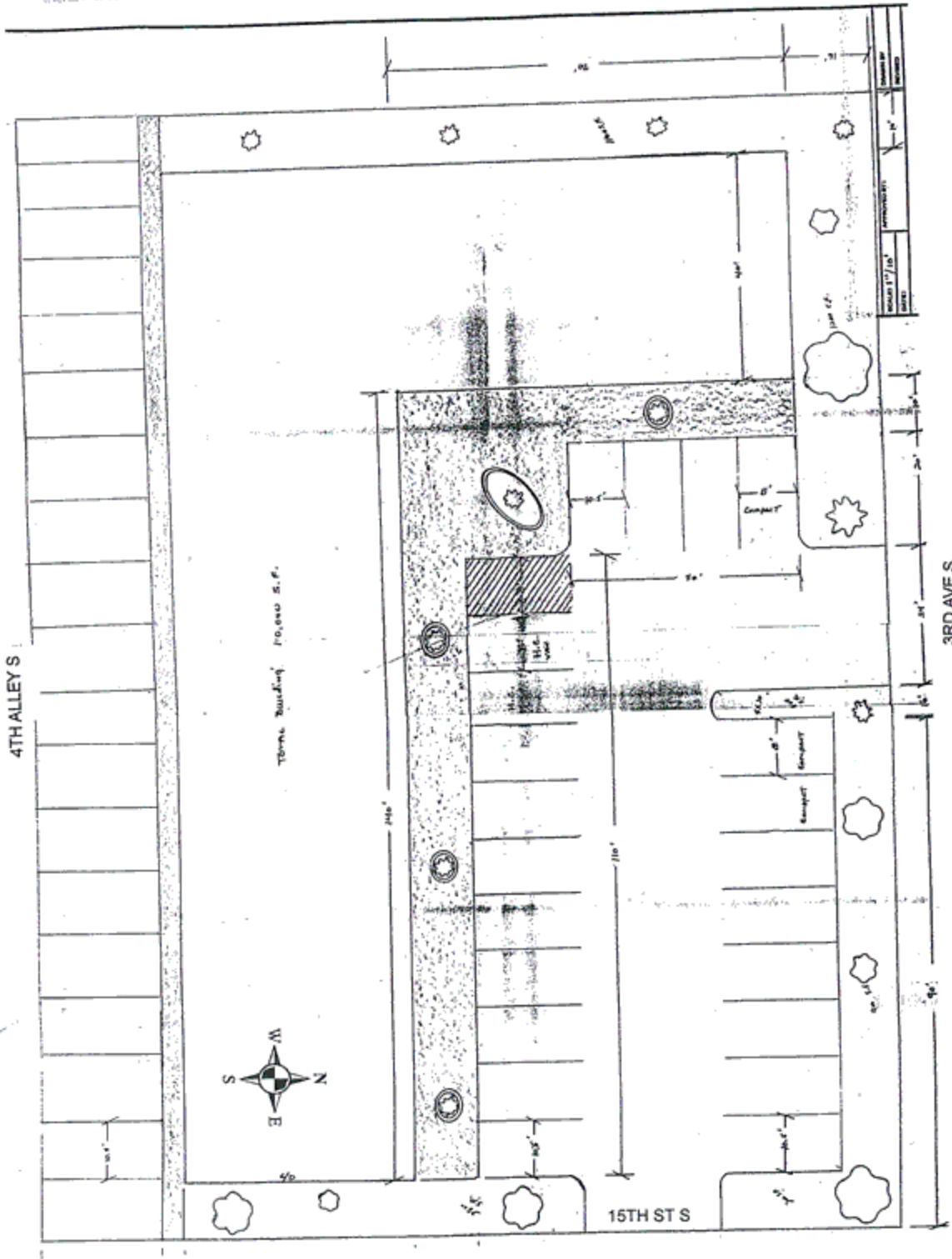
Streets

ZONING

- R-3 Single-family high density
- R-5 Multi-family medium density
- C-1 Neighborhood commercial
- C-5 Central business periphery
- POS Parks and Open Space

Lots 4-7, Block 738, Tenth Addition to Great Falls
 Property proposed to be rezoned from
 R-3 Single-family high density to
 C-1 Neighborhood commercial district





AGENDA REPORT

DATE June 6, 2006ITEM: Public Hearing - Resolution No. 9569 for a Conditional Use Permit for
Lot 7, Block 467, First Addition to Great FallsINITIATED BY: Dave Dickman, OwnerACTION REQUESTED Commission Adopt Resolution 9569PREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The Zoning Commission has recommended that the City Commission grant a conditional use permit to allow the existing nonconforming use on Lot 7, Block 467, First Addition to Great Falls, to be expanded in accordance with the attached preliminary site plan dated April 4, 2006 by Dave Dickman.

MOTION:

"I move the City Commission adoption Resolution No. 9569."

SYNOPSIS:

Resolution No. 9569 grants a conditional use permit to allow an existing legal non-conforming business at 600 13th Street South to expand.

BACKGROUND:

Dave Dickman has applied for a conditional use permit to allow the construction of an addition to an existing non-conforming commercial building currently occupied by a vehicle repair business. The owner leases the property to Cascade Auto Glass.

Attached is a copy of a Vicinity Map and attached to Resolution No. 9569 as Exhibit "A" is a copy of the preliminary site plan.

Subject property is presently zoned R-3 Single-family high density district wherein the existing vehicle repair use is non-conforming and only permitted to expand if a conditional use permit is granted.

According to the Unified Land Development Code, a nonconforming use may be continued, change or expanded as long as it remains otherwise lawful, subject to the following provisions:

- a. A nonconforming, nonresidential use shall not be changed except in conformance with the zoning district in which it is located.
- b. A nonconforming, nonresidential use may be changed to another nonconforming use, or may be increased or expanded, through a conditional use permit procedure as set forth by the Unified Land Development Code.

According to the site plan from the applicant, the project will include a building face-lift, a 1,080 square foot addition for storage on the south side of the existing two bay garage and office building, striping for the paved parking areas and landscaping. The existing structure is about 1400 square feet in size. The addition amounts to a 76% increase in square footage, which triggers compliance with other Unified Land Development Code requirements involving parking, lighting, landscaping, etc.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a

written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Subject property was initially operated as a neighborhood vehicle service station, but has been occupied by several businesses over the years. The current lease requires additional space to store parts and equipment. Presently, the entire site is occupied by a building, pavement and graveled surface. The owner has submitted a site plan that includes curb, sidewalks and landscaping in the boulevards to help improve the appearance of the property, but will be required to submit his plans for the property to the Design Review Board for review and approval.

Access to the site is readily available; utilities are in place; and the expansion should not impede the development and improvement of already developed properties surrounding the subject site.

Staff concludes no significant negative aspects, associated with the seven above-mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

Subject property has long been operated as a vehicle repair and service station. The granting of the conditional use to allow expansion of the existing non-conforming use for additional storage will create an incentive for the owner to improve the appearance of the dated building and site without causing additional impacts to the surrounding properties. Plans for the project will also be subject to review and approval by the Design Review Board, which will consider such features as building architecture, exterior materials, colors, facade design and elevation, and signage, outdoor lighting and landscaping.

The Zoning Commission, on April 25, 2006, conducted a public hearing to consider the conditional use application and no one came forward to speak as opponents or proponents.

At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use permit to allow the existing nonconforming use on Lot 7, Block 467, First Addition to Great Falls, Cascade County, Montana, to be expanded in accordance with the preliminary site plan dated April 4, 2006 by Dave Dickman.

Attached are the minutes of the April 25, 2006, Zoning Commission hearing.

Attach: Res. No. 9569

Vicinity Map

Draft Copy of Zoning Commission minutes of the Public Hearing held on April 25, 2006.

cc: Dave Dickman, 130 Gibson Flats Rd

RESOLUTION NO. 9569

A RESOLUTION APPROVING A CONDITIONAL
USE PERMIT TO ALLOW THE EXPANSION OF
THE EXISTING NONCONFORMING USE ON LOT
7, BLOCK 467, FIRST ADDITION, TO GREAT
FALLS, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Dave Dickman owns Lot 7, Block 467, First Addition to Great Falls, Cascade County, Montana, addressed as 600 13th Street South; and,

WHEREAS, Owner has prepared plans to expand an existing legal non-conforming use located on subject Lot 7; and,

WHEREAS, subject Lot 7, Block 467, First Addition is presently zoned as R-3 Single-family high density district wherein an auto repair use existed prior to the adoption of the Unified Land Development Code, which states, "A nonconforming, nonresidential use may be changed to another nonconforming use, or may be increased or expanded, through a conditional use permit procedure as set forth in Chapter 16."; and,

WHEREAS, Owner has applied for a conditional use permit to allow the expansion of said non-conforming use, upon subject Lot 7, Block 467, First Addition; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 25, 2006, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow the existing nonconforming use on Lot 7, Block 467, First Addition to be expanded in accordance with the preliminary site plan dated April 4, 2006 by Dave Dickman, attached hereto as Exhibit "A" and by this reference made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That a conditional use permit is hereby granted to allow the existing nonconforming use on Lot 7, Block 467, First Addition to be expanded in accordance with the preliminary site plan attached hereto as Exhibit "A", dated April 4, 2006 by Dave Dickman.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 6th day of June, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9569 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of June, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

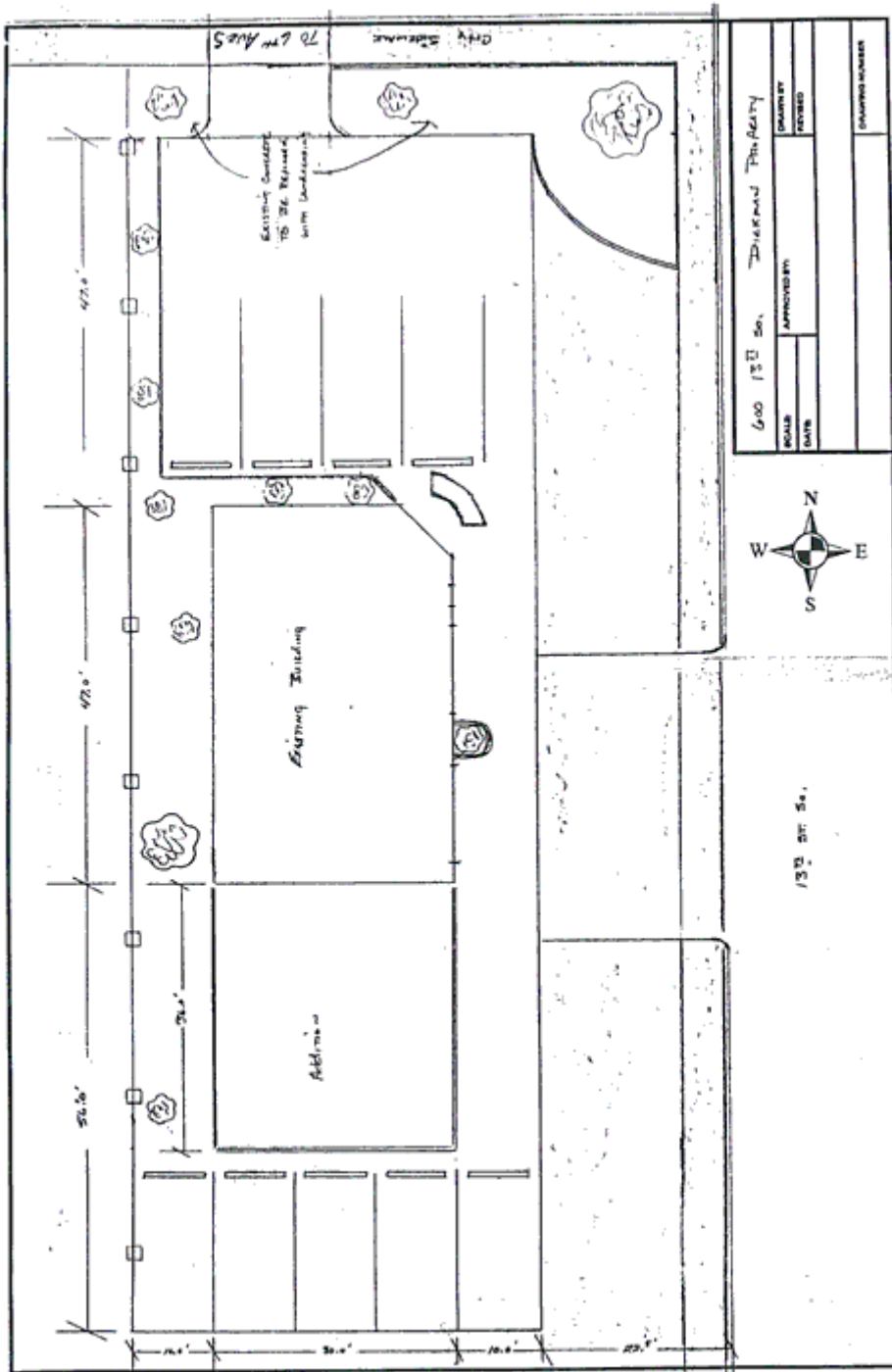


Exhibit "A"


13th St. S. - DISTRICT PROPERTY



Legend

 Streets

ZONING

 R-3 Single-family high density

 PLI Public Lands and Institutional



Lot 7, Block 467, First Addition to Great Falls,
 Property requested to be granted a Conditional Use Permit
 to allow a 1000 sq. ft. addition be constructed on to the existing legal non-conforming use.

200 100 0

200 Feet



GREAT FALLS ZONING COMMISSION
MINUTES OF THE PUBLIC HEARING ON
CONDITIONAL USE PERMIT
LOT 7, BLOCK 467, FIRST ADDITION TO GREAT FALLS
(DICKMAN)

April 25, 2006

The public hearing was called to order at 4:37 p.m. in the Commission Chambers of the Civic Center by Vice Chairman John Harding.

ROLL CALL & ATTENDANCE

Zoning Commission Members present:

Mr. Art Bundtrock
Mr. John Harding
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts

Zoning Commission Members absent:

Mr. Bill Bronson
Mr. Josh DeNully
Mr. Mark Gunderson
Mr. Joe Schaffer

Planning Staff Members present:

Mr. Andrew Finch, Sr. Transportation Planner
Ms. Deb McNeese, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Charlie Sheets, Planner
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Sheets stated this public hearing involves a request for a conditional use permit for Lot 7, Block 467, First Addition to Great Falls.

After reviewing the staff report and recommendation, Mr. Sheets said he would be glad to respond to any questions from the Board.

Mr. Madson questioned zoning in this area and there followed some discussion.

PETITIONER'S PRESENTATION

The petitioner did not provide a presentation.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPponents OPPORTUNITY TO SPEAK

There were no opponents.

PETITIONER'S RESPONSE

Mr. Dave Dickman added that he wanted to improve the sidewalks, curbs, gutters and driveways and enhance the appearance of the property. As this all costs money, an addition would provide additional income to offset the costs.

OTHER PUBLIC COMMENT

There was no other public comment.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend to the City Commission that a conditional use permit be granted to allow the existing nonconforming use on Lot 7, Block 467, First Addition to be expanded in accordance with the attached preliminary site, plan dated April 4, 2006, by Dave Dickman, including any recommendations required by the Design Review Board.

Made by: Mr. Roberts
Second: Dr. Madsen

Vote: The motion carried unanimously.

Mr. Sheets advised that the Planning Department would work with Mr. Dickman to prepare for the Design Review Board and the City Commission hearing.

ADJOURNMENT

The hearing adjourned at 4:47 p.m.

CHAIRMAN

SECRETARY

A G E N D A R E P O R T

DATE June 6, 2006

ITEM Public Hearing - Resolution No. 9567 for a Conditional Use for Central Plumbing & Heating

INITIATED BY Mike and Stacy Waldenberg, Property Owner

ACTION REQUESTED Commission Adopt Resolution No. 9567 & Approve Accompanying Agreement

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission grant a conditional use permit to allow a contractor yard, type II, on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, subject to specified terms and conditions.

MOTION:

“I move the City Commission adopt Resolution No. 9567 and the accompanying Agreement.”

SYNOPSIS:

Resolution No. 9567 grants a conditional use permit to allow a contractor yard, type II, to be placed on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, addressed as 3701 River Drive North. The accompanying Agreement contains terms and conditions pertaining to the conditional use permit.

BACKGROUND:

Mike and Stacy Waldenberg have applied for a conditional use to permit the placement of a contractor yard, type II, on 5 acres of land along the north side of River Drive North at 38th Street North. The applicants, the owners of Central Plumbing and Heating, plan to relocate the business to the involved site.

Subject property, legally described as Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, is presently zoned M-2 Mixed-use transitional district wherein a contractor yard, type II is permitted upon processing and approval of a conditional use application.

Contractor yard means a place and/or building that is used by a contractor/builder for: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space. A “contractor yard, type I” means a contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards and a “contractor yard, type II” means a contractor yard that would be compatible in size and cope with industrial and commercial activities.

Attached is a copy of the Staff Report and Recommendation on the subject accompanied by a Vicinity/Zoning Map and a preliminary site plan.

The Zoning Commission on April 11, 2006, conducted a public hearing to consider the conditional use application. The only citizens who spoke at the Hearing were Mike Waldenberg, the applicant, and Marty Byrnes, the project architect. Neighborhood Council No. 8 submitted a letter expressing support for the

project and the conditional use permit. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use to allow a contractor yard, type II, on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, subject to the applicant and property owner entering into an agreement with the City, wherein, the property owner would agree to:

- 1) develop subject property substantially in accordance with the attached preliminary site plan dated February 3, 2006 by CTA Architects Engineers; and
- 2) submit the plans for the project to and obtain the approval of the City's Design Review Board which will consider such features as building architecture, exterior materials, colors, façade design, and elevation, and signage, outdoor lighting and landscaping.

Attach: Resolution No. 9567
Agreement
Staff Report and Recommendation for April 11, 2006 Hearing
Minutes of April 11, 2006, Zoning Commission Hearing

cc: Jesse Waldenberg, 1520 River Drive North
Marty Byrne, CTA Architects Engineers, 701 2nd Street South

AGREEMENT

THIS AGREEMENT made and entered into on this _____ day of _____, 2006, by and between MICHAEL P. and STACY L. WALDENBERG, husband and wife, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, Michael and Stacy Waldenberg own Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, addressed as 3701 River Drive North; and

WHEREAS, Owner has prepared plans to utilize and construct a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, subject Parcel Mark Nos. P2 and P2A are presently zoned as M-2 Mixed-use transitional district wherein a contractor yard, type II, is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow placement and construction of a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 11, 2006, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a contractor yard, type II, on subject Parcel Mark Nos. P2 and P2A subject to the following terms and conditions.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Adherence to Site Plan
Owner hereby agrees that development upon said Parcel Mark Nos. P2 and P2A shall be substantially in accordance with the Site Plan attached hereto as Exhibit "A" and by this reference made a part hereof and applicable City Codes.
2. Design Review Board
Owner hereby agrees to submit the plans for the project to and obtain the approval of the City's Design Review Board which will consider such features as building architecture, exterior materials, colors, façade design, and elevation, and signage, outdoor lighting and landscaping.
3. City Acceptance
City hereby agrees to approve Resolution No. 9567 granting a conditional use permit to allow a contractor yard, type II, on subject Parcel Mark Nos. P2 and P2A.
4. Unforeseen Potentialities
It is mutually recognized, understood and agreed by City, Owner and Purchaser that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by the hereinabove mentioned parties. In this perspective, it is, therefore, agreed that the parties may by mutual subsequent agreement modify the terms, conditions and covenants of this Agreement.
5. Expiration of Approval
The conditional use permit authorized by Resolution No. 9567 shall expire one year after the date of this Agreement unless substantial work has commenced under the permit and continues in good faith to completion.
6. Binding Effect
The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signatories affixed hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth on page one hereof.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

John W. Lawton, City Manager

STATE OF MONTANA)

County of Cascade) : ss.

On this _____ day of _____, 2006, before me, the undersigned, a Notary Public for the State of Montana, appeared John W. Lawton, known to me to be the City Manager of the City of Great Falls, is the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)

Approved for Legal Content:

David V. Gliko, City Attorney

OWNER

Michael P. Waldenberg

Stacy L. Waldenberg

STATE OF MONTANA)
County of Cascade) : ss.

On this _____ day of _____, 2006, before me, the undersigned, a Notary Public for the State of Montana, appeared Michael P. Waldenberg and Stacy L. Waldenberg, known to me to be the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)

PUBLIC HEARING #1

AGENDA ITEM F.

HRG. DATE April 11, 2006

GREAT FALLS ZONING COMMISSION

STAFF REPORT AND RECOMMENDATION

ITEM: Conditional Use for Central Plumbing & Heating on Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East

INITIATED BY: Mike and Stacy Waldenberg, Owners

PRESENTED BY: Bill Walters, Senior Planner

GENERAL INFORMATION:

Owner & Applicant: Mike and Stacy Waldenberg
4004 17th Avenue South
Great Falls, MT 59405

Address/Location of Subject Property: 3701 River Drive North (on the north side of River Drive North at 38th St No)

Legal Description of Property Affected Parcel Mark Nos. P2 and P2A, Section 5, Township
by Conditional Use: 20 North, Range 4 East, Cascade County, MT

Area of Subject Property: 5.31 acres

Zoning: M-2 Mixed-use Transitional District

Land Use: Vacant

Requested Action and Purpose: Grant conditional use to permit a contractor yard, type II.

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Portion Mk P2A, Sec 5, T20N, R4E	M-2 Mixed-use Trans	Vacant

East	Mks 7E & 7I, Sec 4, T20N, R4E	County Zoning	Western Maintenance, Anderson Steel
South	Public Property	Parks & Open Space	Vacant
West	Portion Mk P2A Sec 5, T20N, R4E	M-2 Mixed-use Trans	Vacant

Attachments:

- Development Review Application for Conditional Use
- Preliminary Site Plan
- Grade Elevation Plan
- Vicinity/Zoning Map
- Memo from City Engineer dated April 3, 2006
- Communication from Neighborhood Council No. 8 dated March 24, 2006

INFORMATION:

1. Mike and Stacy Waldenberg have applied for a conditional use to permit the placement of a contractor yard, type II, on 5 acres of land along the north side of River Drive North at 38th Street North. The applicants, the owners of Central Plumbing and Heating, plan to relocate the business to the involved site.
2. Subject property, legally described as Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, is presently zoned M-2 Mixed-use transitional district wherein a contractor yard, type II is permitted upon processing and approval of a conditional use application.
3. According to the Unified Land Development Code, a contractor yard, type II, means a contractor yard that would be compatible in size and scope with industrial and commercial activities. The special standards applicable to a contractor yard, type II, are:
 - A. Lot size requirements. There are no minimum lot size requirements.
 - B. Limitations on equipment. There are no limitations on the number of trucks, trailers, or other heavy equipment.
 - C. Storage of material. Exterior storage of construction materials, wastes, or other material related to the operation of the contractor yard is permitted.
 - D. Buildings. The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.
4. According to the site plan the project will include a two-story office building, a shop building, paved parking areas and a fenced graveled storage yard.
5. Access to the property will be a single approach to River Drive. Although no access is proposed from 18th Avenue North, a graveled roadway, borders the west and north sides of the site.
6. A City water main parallels the east boundary of the site. The nearest sanitary sewer main is in the northerly portion of 38th Street.

7. The Notice of Public Hearing was mailed to neighboring property owners on March 24, 2006, and was published in the Great Falls Tribune on March 26, 2006. A sign containing copies of the Notice of Public Hearing was placed on the property on April 3, 2006. At the time of writing this report, the only communication received by the Planning Department pertaining to the conditional use request was the attached letter of support from Neighborhood Council No. 8.

CONDITIONAL USE PERMIT:

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Subject property is located in a transition area between industrial uses to the east and publicly owned open space to the west. The long standing vacant parcel is privately owned and subject to development. The site has not been conducive for residential development, in that, several years ago a zone change request to accommodate a planned residential condominium development was

denied primarily because of the close proximity of existing industrial uses and an active railroad line.

Access to the site is readily available; utilities are in close proximity; and the development should not impede improvement of surrounding properties as they are either publicly owned land or are already developed.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

CONCLUSION:

Subject property is in a highly visible location and bordered on one side by a large industrial area and essentially bordered on the other three sides by public land. The site is located a few hundred yards east of the entrance road to Giant Springs State Park and the Lewis and Clark Interpretive Center. Therefore, any development of the property should be sensitive to visual impacts. In preparing the site for development, the applicant recently has significantly recontoured the property. As a result, it appears the area proposed for the shop building and exterior storage yard are not now visible from the west or north.

RECOMMENDATION:

It is recommended that the Zoning Commission recommend to the City Commission that a conditional use be **granted** to allow a contractor yard, type II, on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, subject to the applicant and property owner entering into an agreement with the City agreeing to:

- 1) develop subject property substantially in accordance with the attached preliminary site plan dated February 3, 2006 by CTA Architects Engineers; and
- 2) submit the plans for the project to and obtain the approval of the City's Design Review Board which will consider such features as building architecture, exterior materials, colors, façade design, and elevation, and signage, outdoor lighting and landscaping.

Prepared by: Bill Walters, Senior Planner

Concurrence by: Benjamin Rangel, Planning Director

Attach: As noted hereinabove

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Jesse Waldenberg, 1520 River Drive North
Marty Byrne, CTA Architects Engineers, 701 2nd Street South



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: New Office & Shop, Central Plumbing & Heating

Owner(s): Mike and Stacy Waldenberg

Mailing Address: 4004 17th Avenue South

Phone: 761-2557 E-mail: mike.or.stacy@centralph.com FAX: _____

Agent(s): CTA Architects Engineers

Mailing Address: 701 2nd Street South

Phone: 452-3321 E-mail: martyb@ctagroup.com FAX: 454-1873

Legal Description: IN NENE

Section: 5 Township: 20 Range: 4E

Street Address: 3701 River Drive North

Zoning: Current: _____ Proposed: _____

Land Use: Current: _____ Proposed: _____

Covenants or Deed Restriction on Property: Yes _____ No _____
If yes, please attach to application

Application Type (please check all that apply):

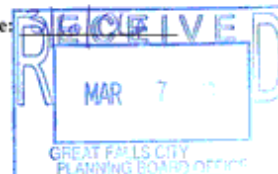
- Subdivision Preliminary Plat
- Subdivision Minor Plat
- Subdivision Mobile Home/RV Park
- Subdivision Final Plat
- Annexation
- Zoning Map Amendment
- Conditional Use Permit
- Establishment of Zoning with Annexation

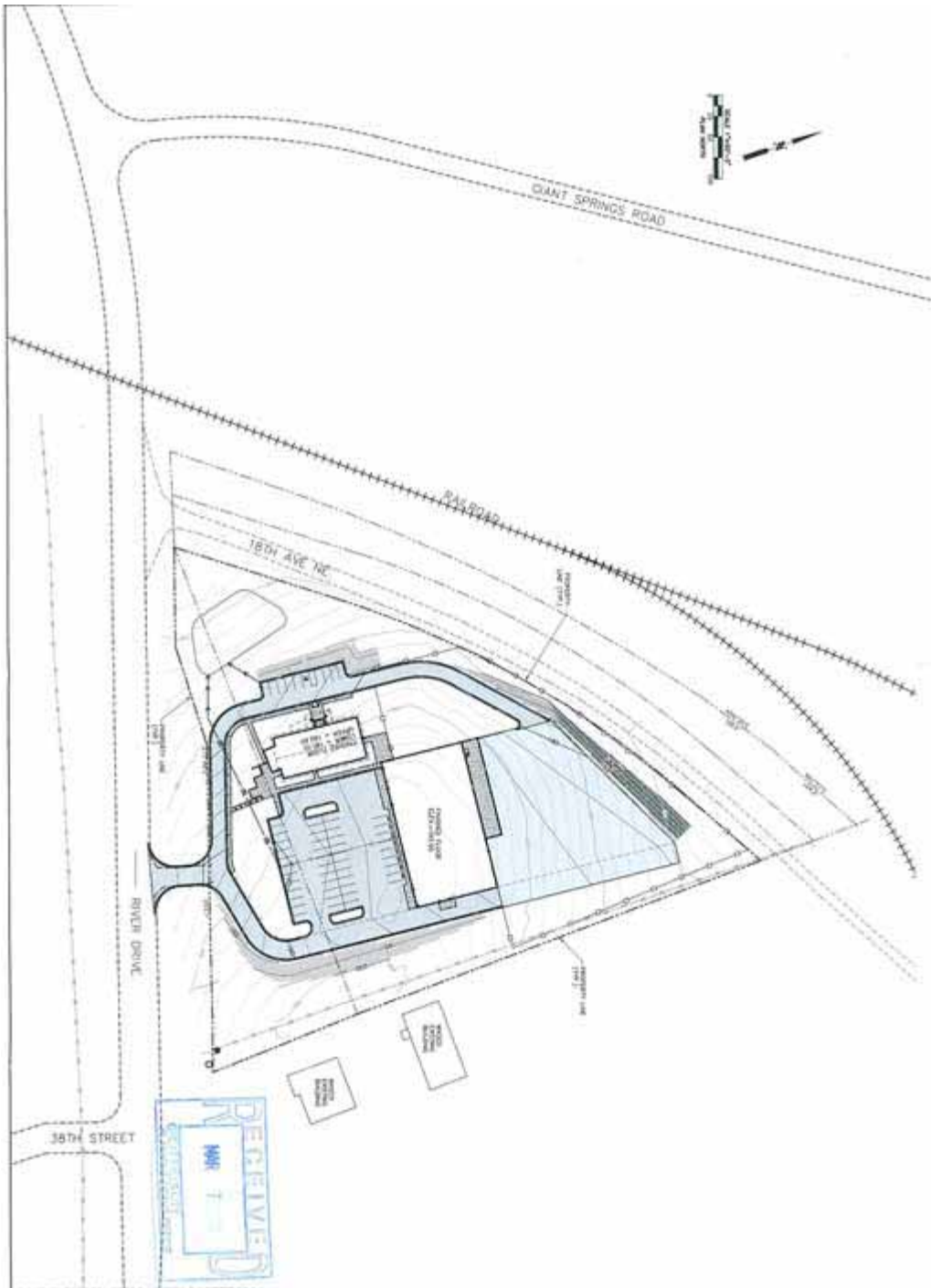
I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: Mike Waldenberg Date: 3/6/06

Property Owner's Signature: Stacy Waldenberg Date: _____





NOT FOR CONSTRUCTION

CLIENT: J.

SHEET

OVERALL SITE PLAN



SE

FOUNDATION PACKAGE

Proposed New Shop / Office for
Central Plumbing and Heating
Great Falls, Montana

REVISIONS

ABBREVIATIONS:

Table with multiple columns of abbreviations and their corresponding symbols used in the plan.

PLAN LEGEND:

Legend defining symbols for site elements such as 'Site Boundary', 'Proposed Building', 'Proposed Driveway', 'Proposed Parking', etc.

SHEET 1, DEX:

- COVER SHEET NOTED & SITE PLAN
PLAN & EXHIBIT LEGEND & DETAILS
ARCHITECTURAL:
- SPACE FLOOR PLAN
- SPACE EXTERIOR ELEVATIONS
- SPACE EXTERIOR ELEVATIONS
MECHANICAL & PLUMBING:
- MECHANICAL PLAN
- PLUMBING PLAN
ELECTRICAL:
- ELECTRICAL PLAN

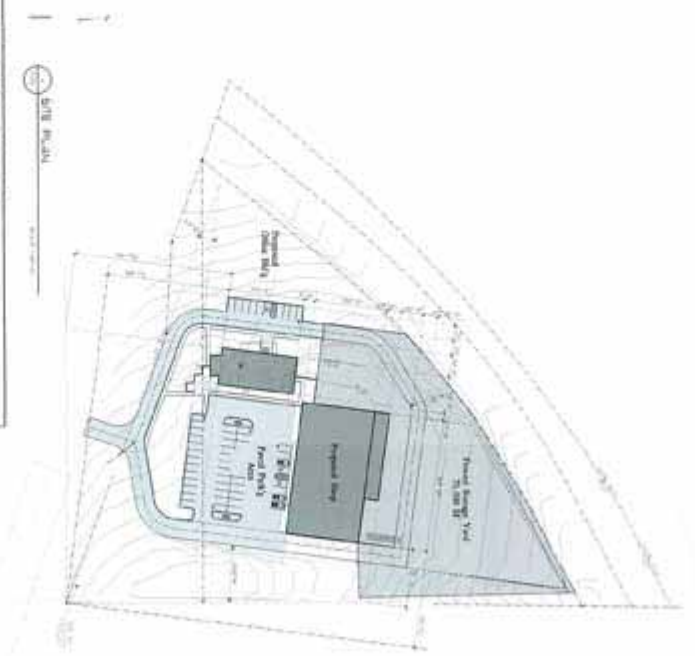


Table with two columns: 'SITE REQUIREMENTS' and 'PROPOSED REQUIREMENTS'. It lists various specifications and standards for the project.



NOT FOR CONSTRUCTION

Project information and branding block including 'PRELIMINARY', 'Proposed New Shop /Office for Central Plumbing and Heating Great Falls, Montana', and the logo for 'CMA CONSULTANTS'.

City of Great Falls
Public Works/Engineering

INTER-OFFICE MEMORANDUM

April 3, 2006

TO: Bill Walters, Senior Planner
FROM: Dave Dobbs, City Engineer *DD*
SUBJECT: Conditional Use, Central Heating & Plumbing – Public Works Comments

conditional use.
Public Works has reviewed the proposed annexation. Due to the intense use proposed for the site and its slope, there are significant concerns that the applicant will have to address. Most of these were included in the technical memo from Jim Young to Stelling Engineers (the applicant's consultant) dated March 29, 2006, which is attached for reference.

The major concerns are summarized as follows:

1. The site has been nearly 100% regraded. Storm drainage must be properly addressed in the report and plan. These have been submitted and returned for revision. Drainage must be properly controlled.
2. All natural vegetation is gone or buried. The potential for erosion is very high. The applicant is required to obtain a MPDES General Permit for Storm Water Discharges Associated with a Construction Activity.
3. Site grading appears to have moved fill into the County right-of-way (18th Avenue North), MDT's right-of-way (Northeast Bypass), and the utility easement along the east side of the property. The toe of fill in 18th Avenue North must be moved back to a point outside of the right-of-way. The applicant needs to work out the details of dirtwork along the Bypass with MDT. My understanding is that the applicant has agreed to move most of the fill out of the easement.

A revised site plans have been received and is under review. We have not yet received a corrected drainage report and plan. These will be closely reviewed for compliance with requirements when they do arrive.

Please feel free to contact me if there are any questions.

File: 1430conduse





March 29, 2006

Josh Sommer, P.E.
Stelling Engineers, Inc.
614 Park Drive South
Great Falls, MT 59405

Re: Storm Drainage other Site Improvements - Central Plumbing and Heating

Dear Josh:

Itemized below for your information and/or design modifications are design review comments for the referenced development plans and drainage report submitted on March 21, 2006:

STORM DRAINAGE REPORT

- 1) It appears that the report assumed that all runoff from the site would be routed through the detention pond. Looking at the finished grading plan it appears some of the site drainage will not be routed through pond. If this is the case, then the peak flow from a 100-year storm in these areas needs to be subtracted from the allowable peak flow from the site.
- 2) The inflow hydrograph Q's need to be adjusted by a frequency adjustment factor (1.25) for a 100-year design storm.

STORM DRAINAGE PLAN

- 3) The Montana Department of Transportation (MDT) must approve storm water point discharge from the pond to the NE Bypass right-of-way. If they defer this decision to the City, then the outlet shall have a RCP flared end terminal section and the roadway back slope shall be protected with riprap, erosion control mat or valley gutter. The flow capacity of the culvert crossing 18th Avenue NE shall be checked.
- 4) The inlet pipe to the pond should have some type of FETS or head wall and apron structure.
- 5) Has the flow capacity of the on-site inlets and pipe been checked against protected flows?
- 6) You may want to look at the drainage conveyance around the perimeter of the shop yard (NE corner of the site). It is possible that the flat slope, shallow cross section, and gravel bottom, combined with a gravel surfaced yard could result in some sedimentation, damming, and ultimately conveyance over the steep slope to the north.
- 7) Landscape amenities such as an irrigation system, shrubbery, sod, and trees are strongly recommended in and around the pond. If the area is to be dry land seeded, a biodegradable erosion control blanket is recommended on the side slopes.

- 8) If the depth of the pond exceeds 3 feet, the side slopes shall be no steeper than a 4:1. The other option would be to install a perimeter fence.
- 9) Please notify the Owner that the on-site storm drainage facilities are privately owned, and as such, will be maintained by the Owner.

UTILITY SERVICES

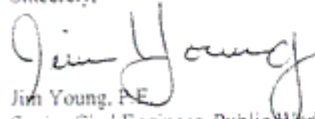
- 10) It is recommended that each building have separate sewer services connections to the public main. This is to head off any problems should there ever be different owners. Sewer service lines shall conform to the Uniform Plumbing Code and City standards.
- 11) You indicated that one fire line will serve both the shop and office buildings, and that the piping configuration would likely include a tee inside the shop building. The City Fire Marshal shall be consulted regarding this. A tee outside the building would be a better configuration (provided a shared fire line is acceptable). Water service and fire lines shall conform to the Uniform Plumbing Code and City standards.
- 12) The owner or owner's representative shall coordinate the installation and permitting of all water and sewer service lines. This includes tapping, connection, inspection, and valve operation. Contact the appropriate City Departments and Divisions. Notify the Public Works Utility Division as soon as possible in regard to water meter requirements.

OTHER

- 13) The revision of the grading plan near the City's existing water main is satisfactory. However, a new fence is shown over a portion of the water main. Can that fence be moved closer to the east property line?
- 14) Access off the NE Bypass shall be coordinated with the Montana Department of Transportation.
- 15) It appears the site does not have any erosion and sedimentation controls. A NPDES General Permit for Storm Water Discharges Associated with a Construction Activity is required.

Please contact me if you have any questions. I may be reached at 771-1258.

Sincerely,



Jim Young, PE
Senior Civil Engineer, Public Works Department

JBW/jby

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mark Frahm, Utilities Distr. Supervisor

Bob Powers, City Engineers Office
Central Plumbing & Heating File

GREAT FALLS ZONING COMMISSION
MINUTES OF THE PUBLIC HEARING ON
CONDITIONAL USE FOR
PARCEL MARKS NOS. P2 AND P2A, SEC 5, T20N, R4E
(CENTRAL PLUMBING & HEATING)

April 11, 2006

The public hearing was called to order at 3:05 p.m. in the Commission Chambers of the Civic Center by Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Zoning Commission Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Mr. Mark Gunderson
Mr. John Harding
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Zoning Commission Members absent:

Mr. Josh DeNully

Planning Staff Members present:

Ms. Deb McNeese, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Bronson advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Bronson asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Bronson's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters stated this public hearing involves a request for a Conditional Use Permit for Central Plumbing and Heating to construct a contractor yard, type II on Parcel Marks Nos. P2 and P2A, Sec 5, T20N, R4E

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

PETITIONER'S PRESENTATION

Mr. Mike Waldenberg, President/Owner of Central Plumbing & Heating wanted to express the fact that Central Plumbing was a 40 year old, family owned company which has planned the development of this property with consideration of it being along the corridor of the entrance to the Lewis and Clark Interpretive Center.

Mr. Marty Byrne, of CTA Architect Engineers, made a presentation of how the facility office, shop buildings and landscaping would screen the fenced-in storage area from the passing traffic.

Mr. Roberts asked where the retention pond for storm runoff would be located.

Mr. Byrne pointed out the location on the design plans exhibit, along with planned elevation changes to the property.

Mr. Waldenberg added that Central Plumbing is a very professional company and that the project would be handled in the same way. He offered to answer any questions.

Mr. Roberts expressed his concern for all the earth being moved and potential for drainage problems with the Montana Department of Transportation right-of-way.

Mr. Waldenberg explained that Central Plumbing has been working with MDT to resolve any concerns.

Mr. Byrne added that the site was currently just rough-cut and that there would be a substantial amount of dirt that would be removed from the site.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPponents OPPORTUNITY TO SPEAK

There were no opponents.

PETITIONER'S RESPONSE

There was no additional response.

OTHER PUBLIC COMMENT

There was no other public comment.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend to the City Commission that a conditional use be granted to allow a contractor yard, type II on Parcel Marks Nos. P2 and P2 in Section 5, T20N, R4E, subject to the applicant and property owner entering into an agreement with the City, agreeing to the two conditions referenced in the Staff Report and Recommendation.

Made by: Mr. Bundtrock
Second: Mr. Roberts

Mr. Bronson asked Mr. Dobbs if the concerns expressed in his and Jim Young's' attached memos were being satisfactorily addressed or resolved.

Mr. Dobbs said that there were still details to be worked out, but things were moving along. He also noted that sewer had been extended to the property a couple years ago, but had not been updated on city maps.

Mr. Schaeffer commented that he was pleased with the preparation and detail put into the site plan for development of the transitional piece of property.

Mr. Harding also thought this was a great project.

Vote: The motion carried unanimously.

Mr. Walters advised Mr. Waldenberg that the Zoning Commission is advisory to the City Commission on conditional uses, and that the agreement referenced in the recommendation would need to be prepared. The agreement and Zoning Commission recommendation could then go to the City Commission in May and would have to go through two consecutive readings and could possibly be concluded by the end of May.

ADJOURNMENT

The hearing adjourned at 3:25 p.m.

CHAIRMAN

SECRETARY

Neighborhood Council #8

March 24, 2006

City Planning Department
P.O. Box 5021
Great Falls, MT
59403

Dear City Planning department,

We are writing as a council in support of the proposed new construction on River Drive North by Central Plumbing & Heating inc. Jesse Waldenberg explained the plans & showed us a draft of the proposed property. We are satisfied that it will blend nicely with existing landscaping & with other commercial property in the area.

Sincerely,

Neighborhood Council #8
Karen Grove-Chair
Tracy Goodness- Rice—Secretary
Carl Donovan- Official Delegate
Susan Agostinelli
Maureen Mc Innis

Submitted by Tracy Goodness-Rice -Secretary



RESOLUTION NO. 9567

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW A CONTRACTOR YARD, TYPE II,
UPON PARCEL MARK NOS. P2 AND P2A,
SECTION 5, TOWNSHIP 20 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Michael and Stacy Waldenberg own Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, addressed as 3701 River Drive North; and

WHEREAS, Owner has prepared plans to utilize and construct a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, subject Parcel Mark Nos. P2 and P2A are presently zoned as M-2 Mixed-use transitional district wherein a contractor yard, type II, is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow placement and construction of a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 11, 2006, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a contractor yard, type II, on subject Parcel Mark Nos. P2 and P2A subject to terms and conditions contained in the Agreement referenced hereinbelow.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That a conditional use permit to allow a contractor yard, type II, to be constructed upon and operated from subject Parcel Mark Nos. P2 and P2A is hereby approved; and,

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the use of subject Parcel Mark Nos. P2 and P2A as a contractor yard, type II, shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2006, between the City of Great Falls and Michael and Stacy Waldenberg; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

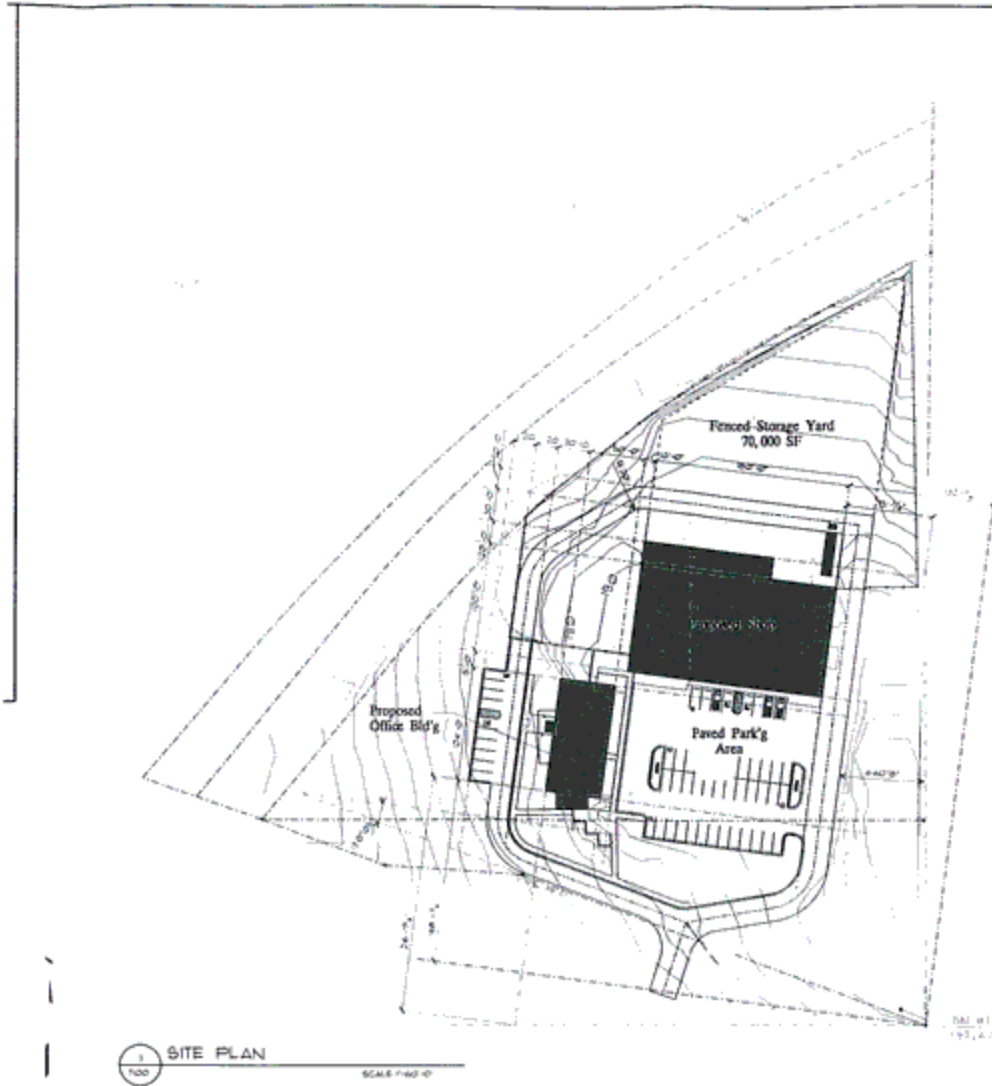
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9567 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of June, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



48174-010

Proposed New Shop / Office for
Central Plumbing and Heating
Great Falls, Montana

PRELIMINARY

COPYRIGHT 2006
CTA
ARCHITECTS
ENGINEERS
PLANNERS & INTERIORS
P.C. A DIVISION OF
ALL RIGHTS RESERVED

DESIGN BY _____
CHECKED BY _____
DATE _____
STA # _____
CADD FILE _____
SHEET _____

SITE REQUIREMENTS	
LEGAL DESCRIPTION SECTION 5, TOWNSHIP 20, RANGE 4A, 3 RD RIVER DRIVE NORTH	
LANDSCAPING - REQUIREMENTS	PARKING - REQUIREMENTS
GROSS LOT AREA 23,303 SF = 0.53 ACRES LANDSCAPING REQUIRED 10% OF GROSS PROPERTY AREA 10% OF PARKING AREA MUST BE PROVIDED LANDSCAPING WITHIN THE PARKING AREA LANDSCAPE REQUIRED 2,330 SF PARKING AREA LANDSCAPE REQUIREMENT 10% LANDSCAPE REQUIRED WITHIN PARKING AREA TOTAL VEHICLE USE AREA 12,664 SF 10% = 1,266 SF WOODY VEGETATION REQUIREMENTS TREES 1" DBH @ 4.0' SF OF REQUIRED LANDSCAPE TREES REQUIRED 3485 SF 200 = 17 TREES 1" TREES REQUIRED PER TREE 17 TREES (1" DBH) = 405 SQUARE FEET SEE LANDSCAPE PLAN FOR CITY PROVIDED TREES AND PLANTING	REQUIRED PARKING OFFICE STALLS PER 250 SF OF GROSS FLOOR AREA OR 1 PER EMPLOYEE SHOP PER EMPLOYEE PER SHIFT BLDG 1 OFFICE 3 STORY 10 TO 24 BLDG 2 SHOP 10 EMPLOYEE PER SHIFT REQUIRED PARKING STALLS OFFICE 10 TO 24 = 4284 43 STALLS SHOP 10 EMPLOYEE 6-0 STALLS TOTAL STALL REQUIREMENT 56 STALLS MIN STALLS REQUIRED 43 TO 24 STALLS 43 MIN REQUIRED 1 PER STALL PROVIDED - VAN ACCESSIBLE STALL



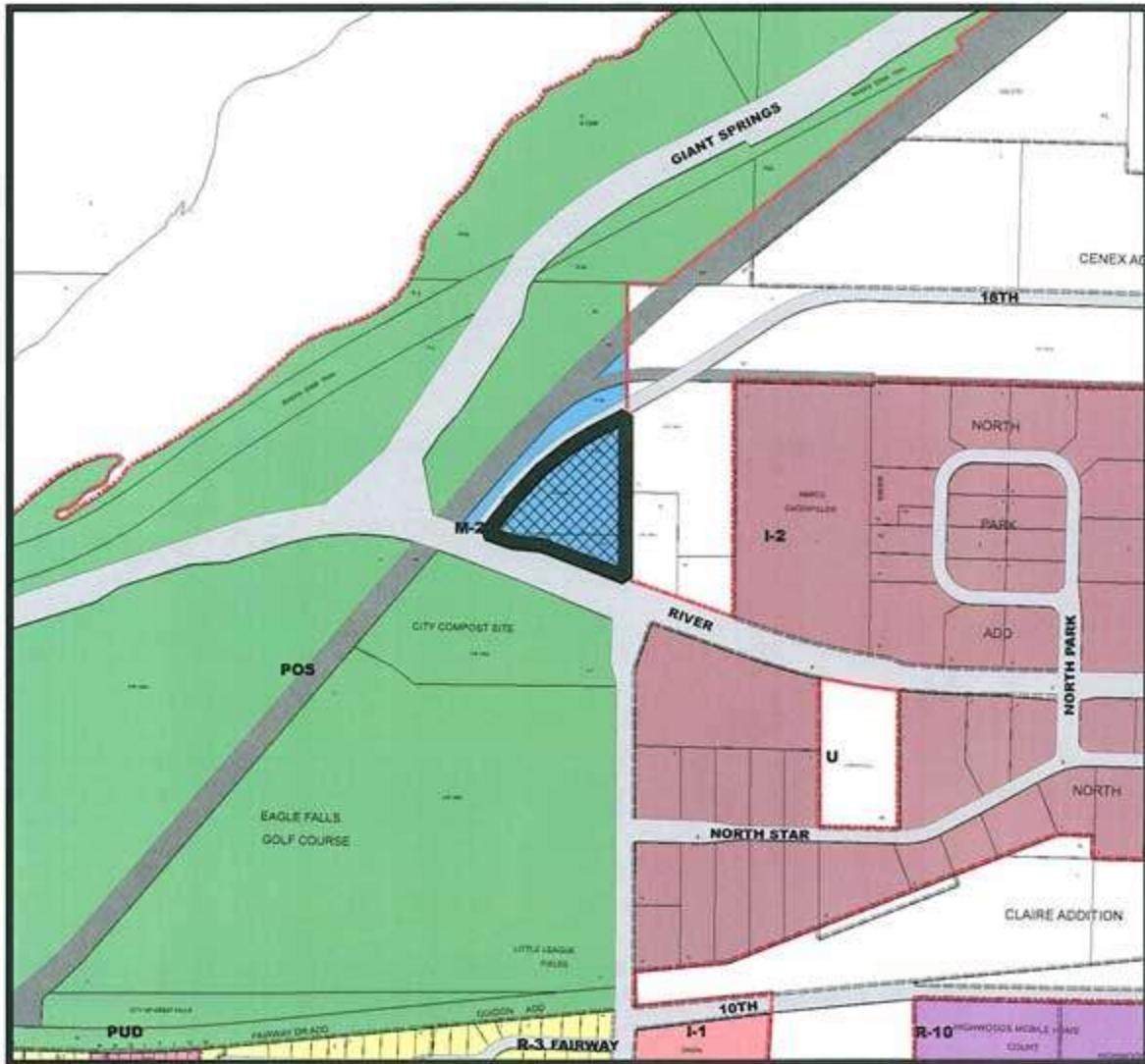
NOT FOR CONSTRUCTION



COVER SHEET & SITE PLAN

SHEET
T100 OF

VICINITY / ZONING MAP



Legend

- City Limits
- STREETS
- RAIL ROAD ROW
- PARCELS OUT OF CITY LIMITS
- Zoning**
- Base Zoning Districts**
- R-3 Single-family high density
- R-10 Mobile home park
- M-2 Mixed-use transitional
- POS Parks and Open Space
- PUD Planned unit development
- I-1 Light industrial
- I-2 Heavy industrial
- U Unincorporated



PROPERTY BEING CONSIDERED FOR A
CONDITIONAL USE TO PERMIT A
CONTRACTOR YARD, TYPE II



A G E N D A R E P O R T

DATE June 6, 2006

ITEM Public Hearing - Resolution No. 9573, Zoning Permit/Determination Fee

INITIATED BY Planning Department

ACTION REQUESTED Adopt Resolution No. 9573

PREPARED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution No. 9573.

MOTION:

“I move the City Commission adopt Resolution No. 9573.”

SYNOPSIS:

Resolution No. 9573 would establish an application fee of \$25 for the processing of City zoning permits/determinations.

BACKGROUND:

The City Land Development Code, as adopted by the City Commission on September 6, 2005, includes provisions and procedures for the processing of zoning permits/determinations. The code also provides for the establishment of application fees by the City Commission for the processing of zoning permits/determinations.

Regarding the requirement for a zoning permit/determination, Section 17.16.8.030 of the Code states, “No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit.” Additionally, “A change in use to an existing non-residential building or structure, and occupancy thereof, shall not occur without a zoning permit.” A Zoning Permit is required to assure to all parties involved that the proposed construction and/or use are allowed in the zoning district in which it is located. Specifically, this requirement applies at the time application is made for a building permit or a Safety Inspection Certificate. Applications for a building permit or Safety Inspection Certificate will not be accepted without an accompanying Zoning Permit. Applications for a zoning permit/determination are made at the City Planning Office.

Staff conducted a web search of application fees charged in other Montana communities for similar zoning permits. The fees were as follow: Billings (\$25/all uses); Missoula (\$22.50/single family & \$65/multi-family, commercial & industrial uses); and, Whitefish (\$50/all new residential & commercial uses, \$25/additions, garages, barns, etc. uses).

Since October, 2005, the Planning Office has processed about 275 zoning permit/determination applications.

Attachment: Resolution No. 9573

RESOLUTION No. 9573

A RESOLUTION ESTABLISHING A FEE
FOR PROCESSING ZONING PERMITS/DETERMINATIONS
Effective Date: July 1, 2006

WHEREAS, the City Land Development Code, as adopted by the Great Falls City Commission on September 6, 2005, includes provisions and procedures for the processing of zoning permits/determinations; and,

WHEREAS, the City of Great Falls processes numerous applications pertaining to zoning permits/determination; and,

WHEREAS, the City Land Development Code further includes provisions for the establishment of application fees by the City Commission for the processing of zoning permits/determinations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA AS FOLLOWS:

1. That Resolution No. 9573 is hereby adopted.
2. That the fee for processing of zoning permits/determinations shall be established at the rate of \$25 per application.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana on this 6th day of June, 2006.

Dona Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9573 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of June, 2006, and approved by the Mayor of said City, on the 6th day of June, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

A G E N D A R E P O R T

DATE June 6, 2006

ITEM Ordinance No. 2939 to Rezone Lot 1, Block 1, Montana Addition (Elmer’s Restaurant)

INITIATED BY John Toenyas, Property Owner

ACTION REQUESTED Commission Accept Ordinance No. 2939 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission, which consists of the same membership as the Planning Board, has recommended the City Commission approve the request to rezone Lot 1, Block 1, Montana Addition, from C-1 Neighborhood commercial district to C-2 General commercial district with stipulations.

MOTION:

“I move the City Commission accept Ordinance No. 2939 on first reading and set a public hearing for July 11, 2006, to consider Ordinance No. 2939.”

SYNOPSIS:

Ordinance No. 2939 rezones Lot 1, Block 1, Montana Addition, from C-1 Neighborhood commercial district, to C-2 General commercial district with stipulations. Subject Lot 1 is currently occupied by Elmer’s Restaurant addressed as 1600 Fox Farm Road and the purpose of the rezoning is to allow gaming on the premises.

BACKGROUND:

Property owner John Toenyas has applied to rezone subject Lot 1 from C-1 Neighborhood commercial district to C-2 General commercial district. The applicant is attempting to sell subject property, currently occupied by Elmer’s Restaurant, but potential purchasers are interested in utilizing a liquor license with gaming machines in conjunction with a proposed restaurant business operation on the site. The current C-1 Neighborhood commercial zoning classification permits alcohol sales and consumption but prohibits gaming operations. The requested C-2 General commercial zoning classification permits two kinds of gaming operations: 1) casino, type I and 2) accessory gaming.

Attached is a vicinity/zoning map.

On May 9, 2006, the City Zoning Commission, which consists of the same membership as the Planning Board, conducted a public hearing to consider the rezoning for Lot 1, Block 1, Montana Addition. The applicant, Mr. John Toenyas, provided background information on the property including its previous zoning and explained why it was essential the existing zoning be modified to accommodate gaming. Speaking in opposition to the rezoning were Mr. Ben Forsyth, 900 9th Street South, who spoke of the adverse consequences of gambling on individuals and society in general and Kendra Owen, El Paso Drive, who did not think three existing casinos in the vicinity justified another and that approval of the rezoning would set a precedent encouraging other property owners to seek a similar zoning classification. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve

the request to rezone Lot 1, Block 1, Montana Addition, from C-1 Neighborhood commercial district, to C-2 General-commercial district with the following stipulations:

- 1) Casino, type I would not be allowed;
- 2) Accessory gaming, as defined and provided for in the Land Development Code, would be allowed;
- 3) Exterior signage indicating any form of gaming would not be allowed;
- 4) Only uses permitted in a C-1 Neighborhood commercial district other than 2 above, would be allowed; and
- 5) Access to subject Lot 1 from Fox Farm Road shall be modified to incorporate a joint use driveway with the adjoining property to the south.

It is anticipated a copy of the Staff Report and Recommendation on the rezoning, copies of communications received to date, and minutes of the May 9, 2006, Zoning Commission Hearing, will be provided to the Commission prior to the July 11, 2006 hearing.

Attach: Ordinance No. 2939
Vicinity Zoning Map

cc w/attach: John Toenyas, 1600 Fox Farm Road

ORDINANCE NO. 2939

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION ON LOT 1, BLOCK 1, MONTANA ADDITION TO GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 1600 FOX FARM ROAD, FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT WITH RESTRICTIONS

* * * * *

WHEREAS, on the 6th day of September, 2005, the City Commission of the City of Great Falls, Montana, adopted a certain Ordinance designated as Ordinance No. 2923 entitled: "AN ORDINANCE ADOPTING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, MONTANA, PERTAINING TO LAND DEVELOPMENT CODES AND REPEALING ANY AND ALL PREVIOUS ORDINANCES OR INTERIM ORDINANCES,"; and,

WHEREAS, said Ordinance No. 2923 became effective the 6th day of October, 2005; and,

WHEREAS, said Ordinance No. 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, as defined therein:

Lot 1, Block 1, Montana Addition to Great Falls, Cascade County, Montana, addressed as 1600 Fox Farm Road.

WHEREAS, notice of rezoning the above-mentioned property from the existing C-1 NEIGHBORHOOD COMMERCIAL DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 11th day of July, 2006, before final consideration of said Ordinance herein; and,

WHEREAS, pursuant to said Ordinance No. 2923, a hearing was duly held after notice thereof was first duly given according to said Ordinance No. 2923, for the purpose of considering changing said zoning designation on said property to a C-2 GENERAL COMMERCIAL DISTRICT; and,

WHEREAS, following said public hearing, it was found and recommended that the said zone change be made subject to the specified terms and conditions, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zone change will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls, provided the terms and conditions referenced in the following Section 2 are adhered to and fulfilled.

Section 2. That the zoning designation on the property hereinabove described be changed from a C-1 NEIGHBORHOOD COMMERCIAL DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT with the following stipulations:

- a) Casino, type I is prohibited;
- b) Accessory gaming, as defined and provided for in the Land Development Code, is permitted;
- c) Exterior signage indicating any form of gaming is prohibited;
- d) Only uses permitted in a C-1 Neighborhood commercial district and accessory gaming as referenced in b. above, are allowed; and
- e) Access to subject Lot 1 from Fox Farm Road shall be modified to incorporate a joint use driveway with the adjoining property to the south.

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 11th day of July, 2006.

Dona R. Stebbins, Mayor

ATTEST:

City Clerk, Peggy J. Bourne

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT: City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2939 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 11th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 11th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 11th day of July, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2939 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



- City Limits
- Water_Features
- PARCELS OUT OF CITY LIMITS
- C-1 Neighborhood commercial
- C-2 General commercial
- R-1 Single-family suburban
- PLI Public lands institutional
- POS Park Open Space
- PUD Planned unit development
- R-10 Mobile home park
- R-2 Single-family medium density
- R-6 Multi-family high density
- Unincorporated



PROPERTY REQUESTED TO BE REZONED FROM THE CURRENT "C-1" NEIGHBORHOOD COMMERCIAL TO "C-2" GENERAL COMMERCIAL ZONING CLASSIFICATION



AGENDA REPORT

DATE June 6, 2006ITEM Ordinance No. 2940 to Establish City Zoning Upon Cottage Grove Addition Phase 1INITIATED BY Discovery Meadows Inc., Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2940 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The City Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development district, to Cottage Grove Addition Phase 1, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2940 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance No. 2940."

SYNOPSIS:

Ordinance No. 2940 assigns a zoning classification of PUD Planned unit development district, to Cottage Grove Addition Phase 1, upon annexation of same to City. The proposed development consists of 22 single-family residential lots located along the north side of 7th Avenue North and the northerly extension of 49th Street North.

BACKGROUND:

In 2001, the City and County Commissions conditionally approved the preliminary plat of Discovery Meadows Addition, located immediately north of Portage Meadows Addition and west of 52nd Street North, consisting of 62 single-family residential lots to be brought into the City in phases.

Discovery Meadows Addition Phase 1, consisting of 10 residential lots along 48th Street North, was final platted and annexed to the City in 2001. The Planning Board/Zoning Commission on March 14, 2006, conditionally approved the final plat, annexation and conditional use allowing duplexes for Phase 2 consisting of 10 more lots located immediately north of Phase 1. The applicant now wants to proceed with the next phase of development which would have been referred to as Discovery Meadows Addition Phase 3, but now is being retitled Cottage Grove Addition Phase 1 consisting of 22 lots along the north side of 7th Avenue North and the northerly extension of 49th Street North. The applicant also desires to have Cottage Grove Addition Phase 1 zoned PUD Planned unit development district upon annexation to the City to accommodate smaller residential lots ranging in size from 3,779 to 6,106 sq ft.

Please refer to the attached Vicinity/Zoning Map and Exhibit "A" attached to Ordinance No. 2940 illustrating building envelopes, setbacks, and public infrastructure

City water and sanitary sewer mains and paving, curb and gutter are proposed to be installed to City standards in the extension of 49th Street North. Curb and gutter will be added to the portion of 7th Avenue North abutting the south boundary of the subdivision and the pavement section will be reconstructed.

Surface drainage from the subdivision will flow southerly to 7th Avenue North to the existing storm sewer drains.

The final engineering documents relative to the final plat of Cottage Grove Addition Phase 1 have been prepared by the project engineer and are in the process of being submitted to the City Engineer. Staff

concludes that the basic conditions set forth in the conditional approval of the preliminary plat of Discovery Meadows Addition are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Cottage Grove Addition Phase 1.

The City-County Planning Board had previously recommended the subdivision be assigned a zoning classification of "A" Residence Use, "B" Area District on the preliminary plat. With the adoption of the Unified Land Development Code approved by the City Commission September 6, 2005, the classification of the area would be "R-3" Single-family high density. The applicant has now requested the next phase of development, Cottage Grove Addition Phase 1, be assigned a PUD Planned unit development district.

Section 76-2-304 Montana Code Annotated lists the following criteria and guidelines, which must be considered in conjunction with establishing municipal zoning on land:

- 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.

The primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to allow more flexibility in lot sizes in order to accommodate more affordable housing. The proposed lot sizes range from about 3800 to 6100 sq ft and the minimum setbacks are: front – 20ft; side – 5ft; and rear – 10ft. For comparison, the R-3 Single-family high density district has a minimum lot size of 7500 sq ft with minimum setbacks of: front – 20ft; side – 5ft; and rear – 10ft. Assuming equal building sizes, the main difference between the proposed PUD lots in Cottage Grove Addition Phase 1 and a conventional R-3 zoning district is less yard space. Also, for comparison purposes, the lots in the Portage Meadows PUD, located directly to the south of Cottage Grove, range in size from 3,000 to 6,000 sq ft.

Considering the proposed PUD zoning designation is similar to an abutting existing large PUD zoning district, it is not out of character for the neighborhood. Staff concludes all of the above mentioned zoning criteria are substantially met.

The Zoning Commission conducted a public hearing on April 25, 2006, to consider the request to assign a PUD Planned unit development zoning classification to subject subdivision upon annexation to the City. Mr. Russell McDaniel, 602 Pineridge Court, spoke in opposition to the zoning request expressing concerns that the smaller lots would be detrimental to existing property owners and the community as a whole. Developer Spencer Woith responded he was attempting to keep housing affordable, and cutting lot size would not reduce the quality and size of the home. The Zoning Commission, at the conclusion of the public hearing, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district to Cottage Grove Addition Phase 1, at such time the City approves the final plat of the Addition and the annexation of the area contained therein.

It is anticipated the City Commission, following the public hearing on July 11, will consider an annexation resolution, annexation agreement and final plat for Cottage Grove Addition Phase 1, simultaneously with Ordinance No. 2940.

Attach: Ord. No. 2940
Vicinity/Zoning Map

cc: Discovery Meadows, Inc., 1725 41st St S

ORDINANCE NO. 2940

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO COTTAGE GROVE ADDITION PHASE 1, IN THE NE1/4 SE1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Discovery Meadows Inc., has petitioned the City of Great Falls to annex Cottage Grove Addition Phase 1, located in the NE1/4SE1/4 of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Discovery Meadows Inc., has petitioned said Cottage Grove Addition Phase 1, be assigned a City zoning classification of PUD Planned unit development district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district, to said Cottage Grove Addition Phase 1, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 11th day of July, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Cottage Grove Addition Phase 1, be designated as PUD Planned unit development district classification subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part of hereof.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Cottage Grove Addition Phase 1, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 11th day of July, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2940 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 11th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 11th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss.
City of Great Falls)

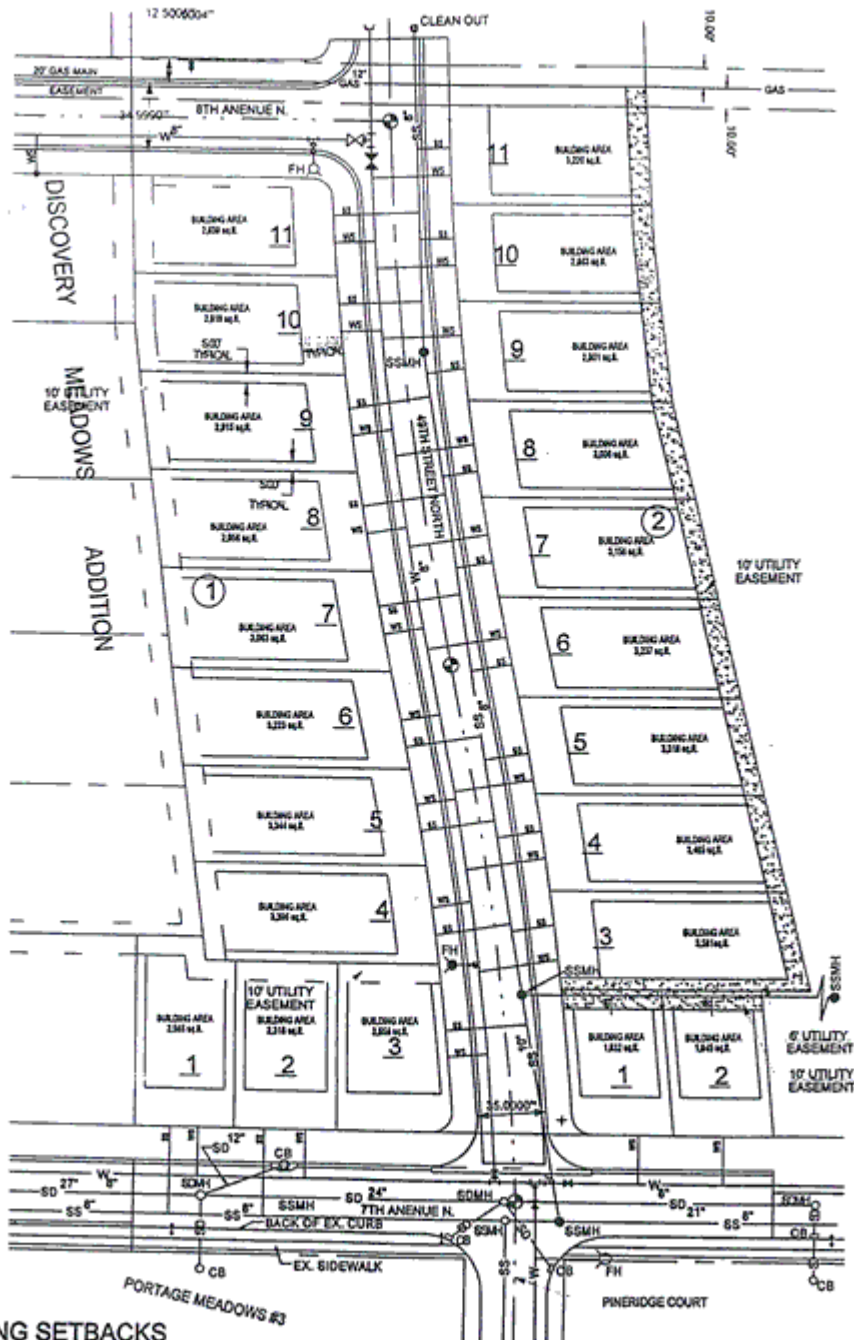
Peggy J. Bourne, being first duly sworn, deposes and says: That on the 11th day of July, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2940 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

COTTAGE GROVE - PHASE 1



BUILDING SETBACKS
 20' FROM FRONT PROPERTY LINE
 5' FROM SIDE PROPERTY LINE
 10' FROM BACK PROPERTY LINE

EXHIBIT "A"



Legend

City Limits	POS Parks and Open Space	RAIL ROAD ROW
STREETS	PUD Planned unit development	PARCELS OUT OF CITY LIMITS
R-3 Single-family high density	I-2 Heavy industrial	
R-5 Multi-family medium density	U Unincorporated	

Proposed 3.55 acres to be annexed to the City as Cottage Grove Addition Phase 1 and zoned "PUD" Planned Unit Development

AGENDA REPORT

DATE June 6, 2006ITEM Ordinance No. 2941 to Establish City Zoning Upon Whispering Ridge Addition Phase 5INITIATED BY LAMMS Corporation, Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2941 on First Reading and Set HearingPREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of R-2 Single-family medium density district to Whispering Ridge Addition Phase 5, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2941 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance No. 2941."

SYNOPSIS:

Ordinance No. 2941 assigns a zoning classification of R-2 Single-family medium density district, to Whispering Ridge Addition Phase 5, upon annexation of same to City. The proposed development consists of 32 residential lots along a segment of Whispering Ridge Drive located immediately east of Mountain View Terrace Addition.

BACKGROUND:

In February, 2004, the City and County Commissions conditionally approved the preliminary plat of Whispering Ridge Addition, Phases 4-6, consisting of 43 proposed single-family residential lots located on the upper portions of the coulee immediately east of Mountain View Terrace Addition.

The final plat and annexation of Phase 4 consisting of 11 residential lots was completed in April/May 2005. The project engineer has prepared and submitted for review and approval the final plat of Phases 5 and 6 of the subdivision (copy attached) consisting of 32 residential lots along a segment of Whispering Ridge Drive. (As both phases are being consolidated on one final plat, the title will be changed to just Phase 5.) Also attached is a vicinity map showing the location of Phases 5 and 6 inconjunction with surrounding development.

The segment of Whispering Ridge Drive being dedicated within the subdivision will contain a water main, sanitary sewer main and paving, curb and gutter to City standards. A sanitary sewer main will also be installed along the southeasterly boundary of the subdivision. The subdivision will be served by a sewer lift station recently installed immediately north of the existing City Storm Water Detention Facility.

Surface drainage from the subdivision will be directed to the City Storm Water Detention Facility located at the northeast corner of the development.

The final engineering documents relative to the final plat are being prepared by the project engineer. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Phases 5 and 6.

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

- a) is designed in accordance with the growth policy (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.

Subject property is located on the fringe of the City, which has been attracting high quality development. The subdivision is a natural projection of urban growth.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

The Planning Board at the conclusion of a public hearing held November 25, 2003, recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to Whispering Ridge Addition, upon annexation to the City. As all lots in the subdivision exceed 11,000 sq ft, the 32 lots in Phase 5 will be zoned R-2 Single-family medium density in accordance with the new Land Development Code, at such time the City approves the final plat of the Addition and the annexation of the area contained therein.

It is anticipated the City Commission, following the public hearing on July 11, will consider an annexation resolution, annexation agreement and final plat for Whispering Ridge Addition Phase 5, simultaneously with Ordinance No. 2941

Attach: Ord. No. 2941
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

cc: LAMMS Corp., P O Box 6512 G F 59406
Woith Engineering, 1725 41st St S G F 59406
Sharon Kiffe, 2005 Mountain View Drive
Dwight Smith, 2040 32nd St S

ORDINANCE NO. 2941

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT, TO WHISPERING RIDGE ADDITION PHASE 5, IN SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, LAMMS Corporation, has petitioned the City of Great Falls to annex Whispering Ridge Addition Phase 5, located in the SE¼ of Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, LAMMS Corporation has petitioned said Whispering Ridge Addition Phase 5, be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district on the lots within said Whispering Ridge Addition Phase 5, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 11th day of July, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Whispering Ridge Addition Phase 5, be designated as R-2 Single-family medium density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Whispering Ridge Addition Phase 5 into the corporate limits of the City of Great Falls, Montana whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
this 11th day of July, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2941 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 11th day of July, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 11th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

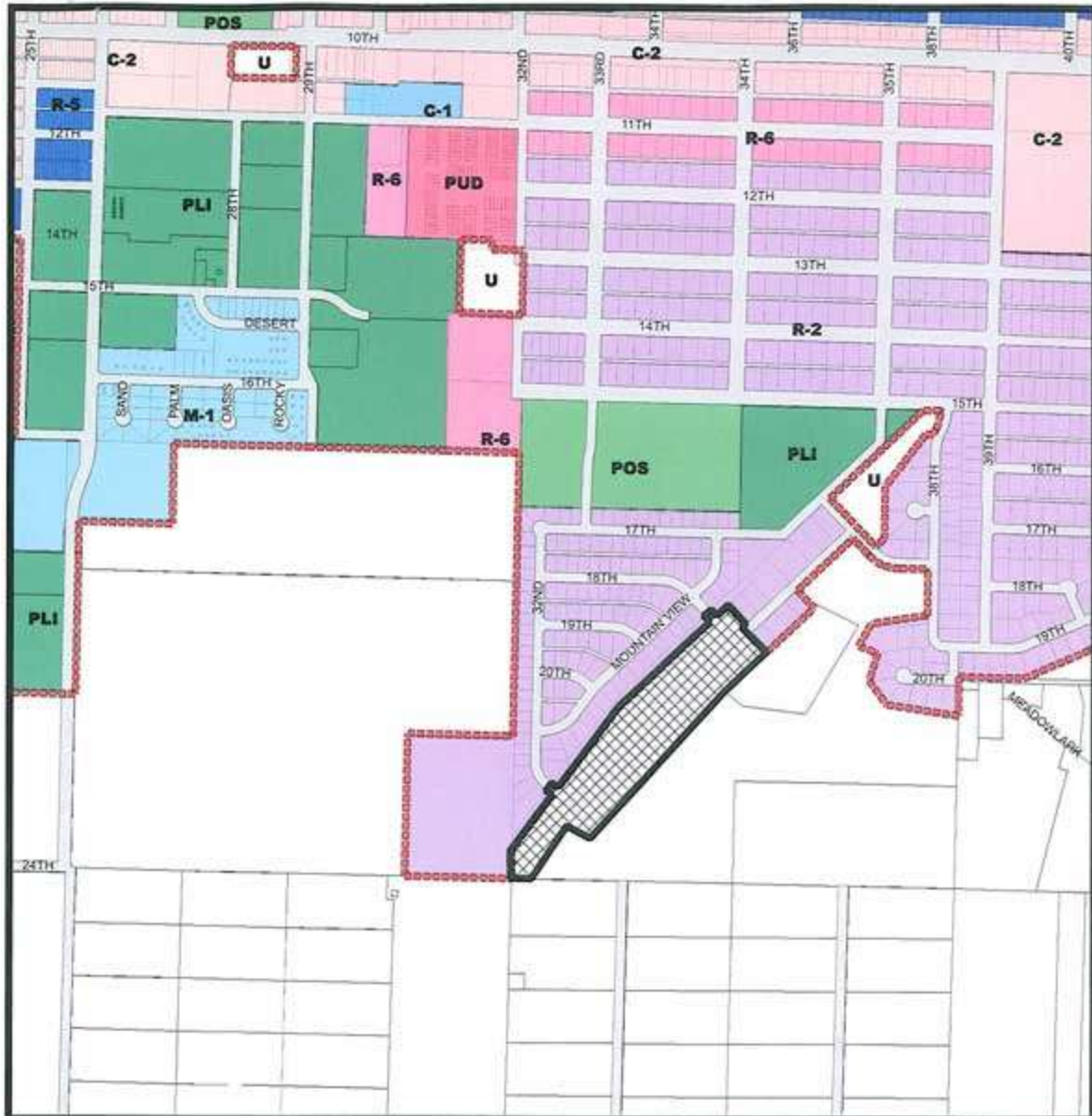
State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 11th day of July, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2941 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

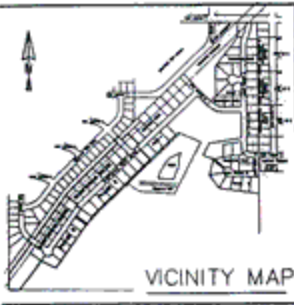


ZONING

- CITY LIMITS
- STREETS
- R-2 Single-family medium density
- R-5 Multi-family medium density
- R-6 Multi-family high density
- C-1 Neighborhood commercial
- C-2 General commercial
- M-1 Mixed-use district
- PLI Public Lands and Institutional
- POS Parks and Open Space
- PUD Planned unit development
- U Unincorporated
- TRACTS OF LAND IN THE COUNTY
- PROPOSED FINAL PLAT OF WHISPERING RIDGE ADDITION PHASE 5



PLAT OF
WHISPERING RIDGE ADDITION
PHASE 5
 TO THE CITY OF GREAT FALLS
 A SUBDIVISION IN SE 1/4, SECTION 17,
 20N, R4E, P.M., MT, CASCADE COUNTY, MONTANA

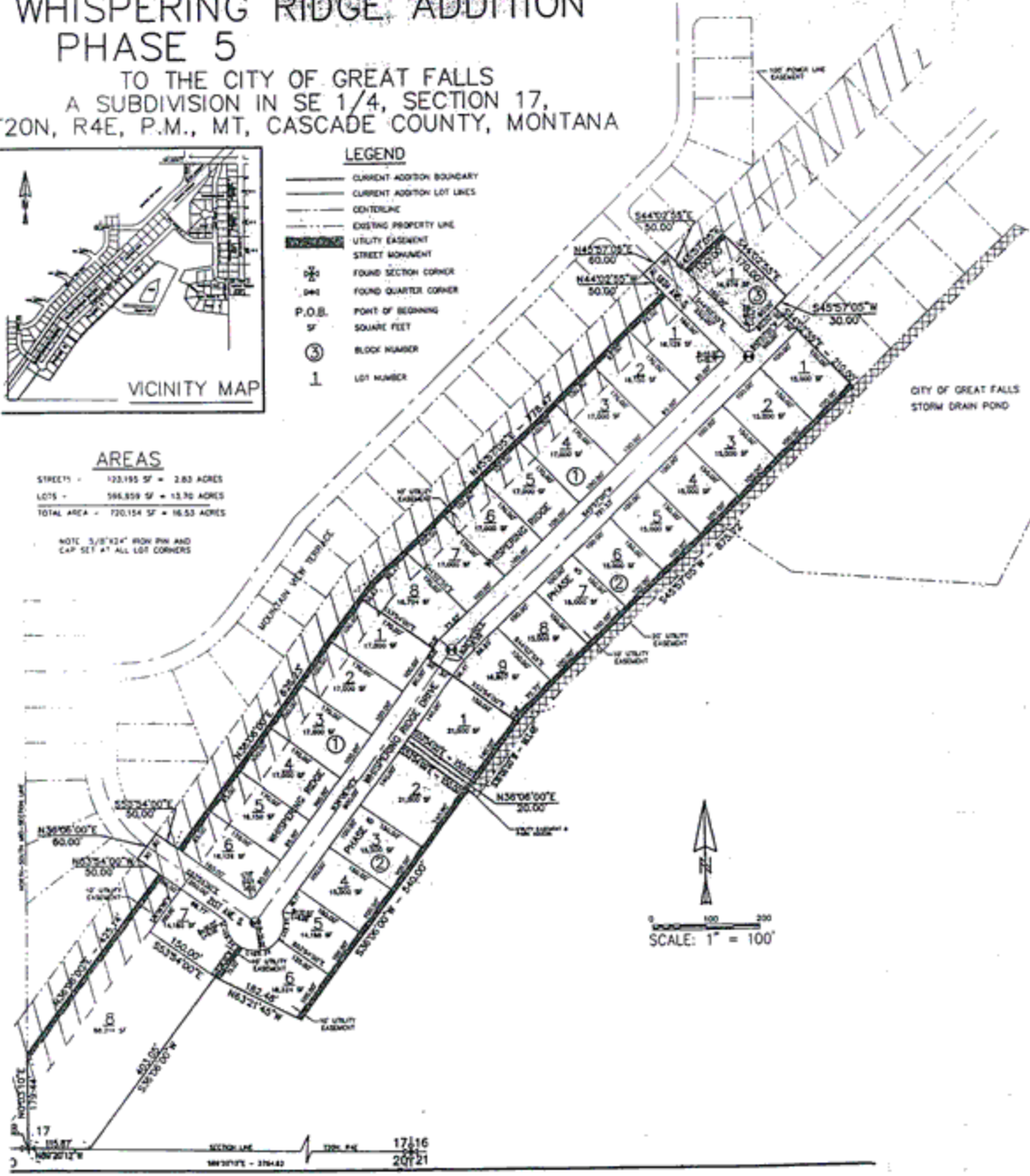


- LEGEND**
- CURRENT ADDITION BOUNDARY
 - CURRENT ADDITION LOT LINES
 - CENTERLINE
 - EXISTING PROPERTY LINE
 - UTILITY EASEMENT
 - STREET MONUMENT
 - ⊕ FOUND SECTION CORNER
 - ⊕ FOUND QUARTER CORNER
 - P.O.B. POINT OF BEGINNING
 - SF SQUARE FEET
 - ① BLOCK NUMBER
 - 1 LOT NUMBER

AREAS

STREETS	123,195 SF = 2.83 ACRES
LOTS	588,859 SF = 13.30 ACRES
TOTAL AREA	720,154 SF = 16.53 ACRES

NOTE: 3/8" x 3/4" IRON PIN AND CAP SET AT ALL LOT CORNERS



SECTION LINE
 17.16
 20721
 20721

AGENDA REPORT

DATE June 6, 2006ITEM Ordinance No. 2942 to Establish City Zoning Upon Minor Plat of Northview Addition
Phase 1INITIATED BY Jim Workman Construction Co., Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2942 on First Reading and Set HearingPREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of PUD Planned unit development district, to Northview Addition Phase 1, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2942 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance No. 2942."

SYNOPSIS:

Ordinance No. 2942 assigns a zoning classification of PUD Planned unit development district, to Northview Addition Phase 1, upon annexation to the City.

BACKGROUND:

Subject minor plat is located along the east boundary of Countryside Village Mobile Home Park and includes the northerly extension of 9th Street Northeast. The minor plat is a single lot that is the first phase of the development of 36.53 acres owned by the developer.

The owner plans in this first phase to build 9 two-unit residential structures to be sold separately as part of a condominium association. The developer will install standard City paving, curb and gutter to extend 9th Street NE to the northern boundary of his property. The final plat provides for street approaches for the future connection of 37th, 38th, 39th, 40th and 41st Avenues Northeast.

City water and sanitary sewer mains are proposed to be installed to City standards. The owner's representative has been working with the City Engineer's Office concerning water mains, sanitary sewer and future connections. (See attached Memo from the City Engineer) The final plat continues an existing 20-foot Qwest easement on the south boundary, an utility easement on the north boundary and a 10' utility easement abutting the mobile home park to the west.

Surface drainage from the subdivision will flow northwest to existing private retention ponds. The owner will be required to obtain signed agreements with the pond owners to utilize the retention ponds.

The final engineering documents relative to Northview Addition Phase 1 have been prepared by the project engineer and are in the process of being submitted to the City Engineer.

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

- a) is designed in accordance with the growth policy (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.

Subject property is located on the fringe of the City, which has been attracting development. The subdivision is a natural projection of urban growth.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

The Zoning Commission, at the conclusion of a public hearing held May 9, 2006, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district upon Northview Addition Phase 1 upon the annexation of the area contained therein.

It is anticipated the City Commission, following the public hearing on July 11, will consider an annexation resolution, annexation agreement and minor plat for Northview Addition Phase 1, simultaneously with Ordinance No. 2942

Attach: Ord. No. 2942
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

cc: Jim Workman Construction 1024 36th Ave NE
Woith Engineering, 1725 41st St S

ORDINANCE NO. 2942

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO NORTHVIEW ADDITION PHASE 1, IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Jim Workman Construction Co., has petitioned the City of Great Falls to annex Northview Addition Phase 1, located in the SE1/4 of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Jim Workman Construction Co., has petitioned said Northview Addition Phase 1, be assigned a City zoning classification of PUD Planned unit development district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district, to said Northview Addition Phase 1, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 11th day of July, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Northview Addition Phase 1, be designated as PUD Planned unit development district classification subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part of hereof.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Northview Addition Phase 1, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 11th day of July, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2942 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 11th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 11th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

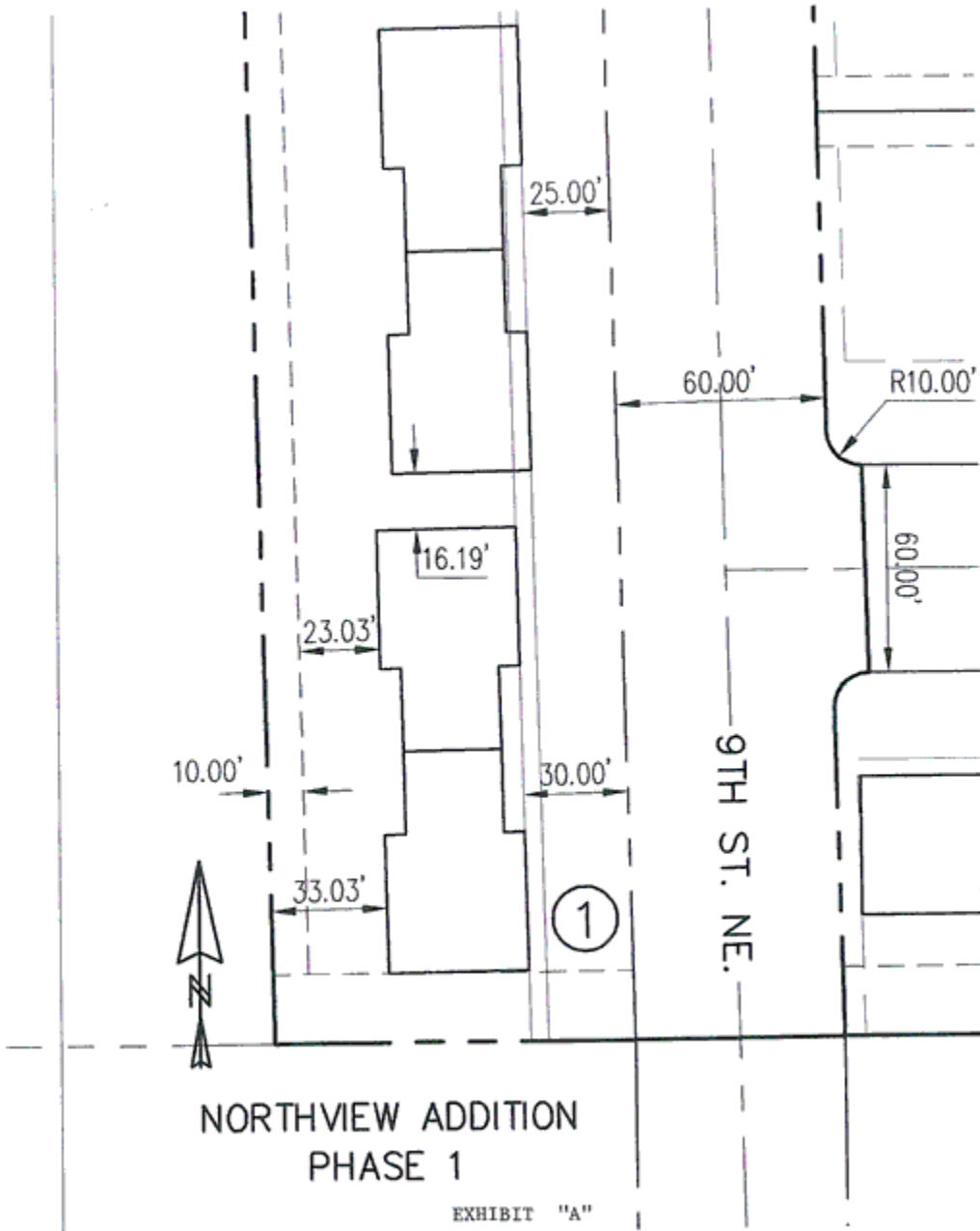
State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 11th day of July, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2942 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

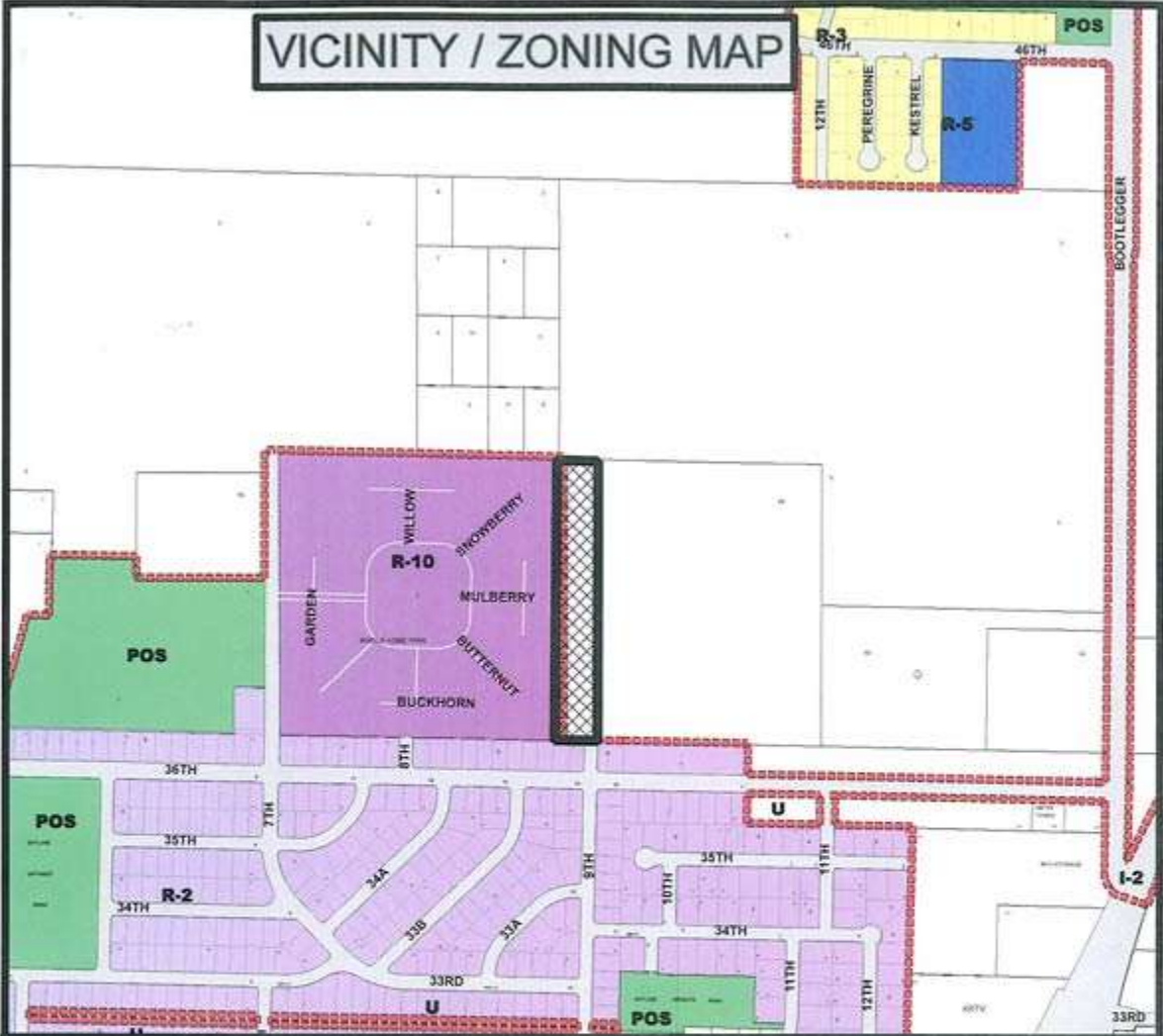
(SEAL OF CITY)



NORTHVIEW ADDITION
PHASE 1

EXHIBIT "A"

VICINITY / ZONING MAP



Legend

----- CITY LIMITS

□ STREETS

ZONING DISTRICTS

□ R-2 Single-family medium density

□ R-3 Single-family high density

□ R-5 Multi-family medium density

□ R-10 Mobile home park

□ PLI Public Lands and Institutional

□ POS Parks and Open Space

□ I-2 Heavy industrial

□ U Unincorporated

□ Tracts of land outside of city

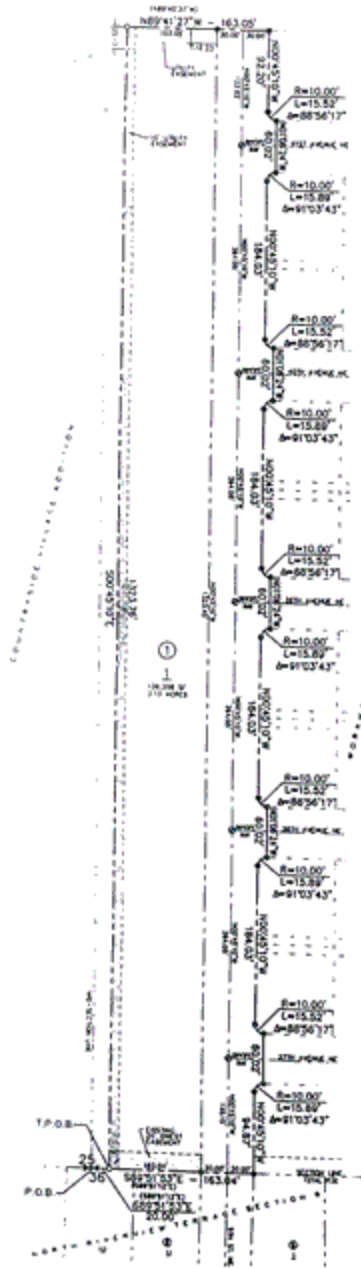


PROPOSED MINOR PLAT OF NORTHVIEW ADDITION PHASE 1 TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT



















0 125 250 500 750 1,000 1,250 1,500 Feet

MINOR PLAT OF
NORTHVIEW ADDITION – PHASE 1
 TO THE CITY OF GREAT FALLS
 A SUBDIVISION IN THE SE 1/4, SECTION 25, T21N, R3E.,
 P.M. MT, CASCADE COUNTY, MONTANA



LEGEND

-  FOUND QUARTER CORNER
-  SET 5/8" x 24" IRON PIN AND CAP
-  FOUND IRON PIN AND CAP
-  STREET MONUMENT
-  BLOCK NUMBER
-  LOT NUMBER
-  P.O.B. POINT OF BEGINNING
-  T.P.O.B. TRUE POINT OF BEGINNING
-  SF SQUARE FEET
-  (0°00'00") RECORD BEARING
-  ADDITION BOUNDARY
-  NEW PROPERTY LINES
-  EXISTING PROPERTY LINES
-  STREET CENTER LINES
-  FUTURE DEVELOPMENT
-  UTILITY EASEMENTS



CITY OF GREAT FALLS
PLANNING BOARD

TO WHOM IT MAY CONCERN:

WE ARE STRONGLY OPPOSED TO THE PROPOSED ANNEXATION OF THE AREA NORTH OF 36TH AVE NE AND EAST OF 9TH ST NE. THE TRAFFIC ON 36TH AVE NE ALREADY MAKES IT VERY HARD TO GET OUT OF OUR DRIVEWAY. THE INCREASED TRAFFIC, CAUSED BY THIS SUBDIVISION, WILL MAKE 9TH ST NE EVEN MORE HAZARDOUS FOR THE CHILDREN WHO ATTEND NORTH MIDDLE SCHOOL AND SACAJAWEA ELEMENTARY SCHOOL.

IF THIS PLAN IS APPROVED, THE ADDITIONAL TRAFFIC SHOULD NOT BE CHANNLED ON TO 9TH STREET NE. THERE SHOULD BE AN ALTERNATIVE ROUTE.

Tim Mullin 5-8-06
TIM MULLIN
ALICE MULLIN

Alice Mullin 5-8-06
841 36TH AVE NE
GREAT FALLS MT 59404



AGENDA REPORT

DATE June 6, 2006

ITEM: RESOLUTION 9576 - RESOLUTION RELATING TO FINANCING OF A CERTAIN PROPOSED PROJECT; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE AND APPROVING INTERIM FUNDING THROUGH INTERNAL FUNDS

INITIATED BY: FISCAL SERVICES AND THE INTERNAL REVENUE SERVICE

ACTION REQUESTED: ADOPT RESOLUTION

PREPARED BY: MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

__ F _ I _ N _ A _ L __

RECOMMENDATION:

Staff recommends Resolution 9576 be adopted approving interim funding of Infrastructure Improvements to the Great Falls Medical Technology Park through internal loans, and then repaid from future tax increment receipts.

MOTION:

"I move the City Commission adopt Resolution 9576 approving interfund loans totaling \$1,242,600 as follows:

- A loan from the Water Fund in the amount of \$105,000
- A loan from the Sewer Fund in the amount of \$182,500
- A loan from the Storm Drain Fund in the amount \$286,250
- A loan from the Central Garage Fund on behalf of the Street Fund in the amount of \$668,950

for interim financing of infrastructure improvements to the Great Falls Technology Park."

SYNOPSIS:

The City is developing a site on the southeast side of Great Falls to establish a Technology Park. The Tax Increment District creation will be initiated in a separate process. The loan proceeds will be used for interim financing of infrastructure improvements and repaid with future tax increment receipts created from the development. The loans shall be repaid at an interest rate of 5% and become effective 8/1/2006 for a term varying from 2 to 10 years, as the increment proceeds become available.

BACKGROUND:

Staff has been working with several parties interested in locating their business to a portion of City land which was purchased in conjunction with the Centene project. The ten (10) acres will be subdivided into eight (8) parcels, ranging in size 1.057 acres to 1.310 acres

along 21st Avenue South. The City has been contacted by developers expressing an interest in the area.

The public improvements for water, sewer, storm drainage and roadway are at a preliminary cost of \$1,242,600 which includes engineering, inspection, and contingency costs. This interim financing is necessary to meet the City's development commitments on a timely basis. These loans will be fully repaid from tax increments as they become available. The detailed project listing with costs is included as Exhibit A to Resolution 9576.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO FINANCING OF A CERTAIN PROPOSED PROJECT; COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), is on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on June 6, 2006, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meetings given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution, the following Commissioners voted in favor thereof:

_____ ;
voted against the same: _____ ;
abstained from voting thereon: _____ ;
or were absent: _____ .

WITNESS my hand officially this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL)

RESOLUTION NO. 9576

RESOLUTION RELATING TO FINANCING OF A CERTAIN PROPOSED PROJECT; COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Commission of the City of Great Falls, Montana (the "City"), as follows:

1. Recitals.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) The City desires to comply with requirements of the Regulations with respect to the certain project hereinafter identified.

2. Official Intent Declaration.

(a) The City proposes to undertake a certain project, which project and the estimated costs thereof are generally described on Exhibit A hereto, which is hereby incorporated herein and made a part hereof (the "Project").

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

(c) The City reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of future tax increment receipts or debt in an estimated maximum aggregate principal amount of \$1,242,600 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

3. Budgetary Matters. As of the date hereof there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

4. Reimbursement Allocations. The City Controller shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

PASSED by the City Commission of the City of Great Falls, Montana, on June 6, 2006.

Dona R. Stebbins, Mayor

Attest:

Peggy J. Bourne, City Clerk

Approved as to Form and Content

City Attorney

EXHIBIT A

<u>Description of Project</u>	<u>Estimated Cost</u>
Construction of water, sewer, storm drain, and street infrastructure improvements in an area to be developed as the Great Falls Medical Technology Park.	\$1,242,600
Water Fund	\$105,000
Sewer Fund	182,500
Storm Drain Fund	286,250
Central Garage Fund on behalf of Street Fund	<u>668,850</u>
	\$1,242,600

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Beecher, Sandy Hinz, Diane Jovick-Kuntz and John Rosenbaum. Also present were the City Manager, City Attorney, Directors of Community Development, Planning, Library, Fiscal Services, Acting Police Chief, Fire Chief, Public Works, Interim Park and Recreation Director and the City Clerk.

PROCLAMATIONS: National Public Works Week and Montana Click It or Ticket Campaign

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

School Zone Safety project.

George Littlefield, Neighborhood Council 4, updated the Commission on his project relating to school zone safety.

PUBLIC HEARINGS

Res. 9562 and Ordinance 2936, annexation, zoning and the final plat for Discovery Meadows Addition Phase 2. Adopted.

2A. RESOLUTION 9562, ANNEXATION OF DISCOVERY MEADOWS ADDITION PHASE 2.

2B. ORDINANCE 2936, ZONING FOR DISCOVERY MEADOWS ADDITION PHASE 2.

Planning Director Ben Rangel reported that Resolution 9562 annexes Discovery Meadows Addition Phase 2 which is located along 48th Street North.

The City–County Planning Board had previously recommended the subdivision be assigned a zoning classification of “A” Residence Use, “B” Area District on the preliminary plat. With the adoption of the Unified Land Development Code the classification of the area would be “R-3” single-family high density. The applicant also requested that Block 2, consisting of eight lots, be granted a conditional use permit to allow duplexes to be constructed.

At the conclusion of a combined public hearing held March 14, 2006, the Planning Board/Zoning Commission unanimously recommended the City Commission approve the final plat and the annexation of Discovery Meadows Phase 2, subject to the applicant signing an Annexation Agreement; paying relevant fees; correcting any errors or omissions on the final plat noted by staff; and receiving final approval of the engineering documents.

The Zoning Commission unanimously recommended the City Commission approve R-3 single-family high density district zoning and approve a conditional use permit to allow two-family residences to be constructed on the lots.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9562 or Ordinance 2936. Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9562 and approve the final plat and Annexation Agreement all related to Discovery Meadows Addition Phase 2.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Ordinance 2936.

Motion carried 5-0.

Res. 9563 and Ordinance 2937, annexation and zoning Beebe Tracts 22 and 23 and the western portion of Tract 21. Adopted.

3A. RESOLUTION 9563, ANNEXATION OF BEEBE TRACTS 22 AND 23 AND THE WESTERN PORTION OF TRACT 21.

3B. ORDINANCE 2937, ZONING FOR BEEBE TRACTS 22 & 23 AND THE WESTERN PORTION OF TRACT 21.

Planning Director Ben Rangel reported that Resolution 9563 annexes Beebe Tracts 22 and 23 and the western portion of Tract 21. The property is located along the north side of 3rd Avenue South between 44th and 46th Streets. The applicant intends to construct a church and accompanying parking lots on the property.

The Planning Board conducted a public hearing on the annexation and rezoning on January 11, 2005. At the conclusion of the hearing, the Planning Board passed a motion recommending the City Commission annex the land and rezone it to "B" Residence Use, "B" Area District (now R-3 single-family high density district with a conditional use permit allowing a worship facility), subject to the applicant paying applicable fees; signing an annexation agreement that requires: 1) the installation of a sidewalk around the property, 2) preparation of a detailed drainage plan; and 3) approval for the location of the approaches to the parking lots; paying applicable public roadway lighting facilities and street maintenance assessments; and participating in the installation of, and paying the proportionate share of future storm drainage facilities.

Mayor Stebbins declared the public hearing open.

Chuck Paul, administrator for the Church, thanked staff for their work on this project. No one appeared to speak in opposition to Resolution 9563 or Ordinance 2937. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9563 and approve the Annexation Agreement related to Beebe Tracts 22 and 23 and the westerly portion of Tract 21.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2937.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 2938, rezone GF 10th Add., B738, L4-7. Set public hearing for June 6, 2006.

4. ORDINANCE 2938, REZONE GF 10TH ADDITION, BLOCK 738, LOTS 4-7.

Planning Director Ben Rangel reported that Dave Dickman, representative for owners, Elerine McDonald and David Blackwell, applied to rezone property located along 3rd Avenue South and 15th Street South in order to construct a 10,000 square foot office building.

On April 25, 2006, the Zoning Commission held a public hearing on the requested zone change during which several people voiced concerns about increased traffic and their preference for businesses located in the new office building to operate from 9 am to 5 pm.

The Zoning Commission recommended the City Commission approve the request to rezone from R-3 single-family high density district to C-1 neighborhood commercial district, and to amend the official zoning map to reflect the zone change, subject to the applicant and property owners consolidating the lots into a single lot through an amended plat.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2938 on first reading and set a public hearing for June 6, 2006, to consider adoption of Ordinance 2938.

Motion carried 5-0.

Res. 9568, Relating to Electric City Power, Inc., establishing a financial assurance reserve fund. Adopted.

5. RESOLUTION 9568, A RESOLUTION RELATING TO ELECTRIC CITY POWER, INC., ESTABLISHING A FINANCIAL ASSURANCE RESERVE FUND AND DETERMINING USE OF SUCH FUNDS.

Fiscal Services Director Coleen Balzarini reported that Electric City Power, Inc., (ECPI) submitted a small customer pilot program license application to the Montana Public Service Commission (PSC). The Administrative Rules of the PSC require ECPI to demonstrate its financial integrity. Since ECPI has not existed long enough to provide an investment grade bond rating or two years of audited financial statements, it was determined to provide a cash deposit of \$100,000 to act as a performance bond. Resolution 9568 authorizes the transfer of \$100,000 from General Fund Reserves into this fund.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Hinz, that the City Commission adopt Resolution 9568 authorizing the establishment of a financial assurance reserve fund as security for residential and small commercial electric supply customers for ECPI in the amount of \$100,000.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

6. Minutes, May 2, 2006, Commission meeting.
7. Total expenditures of \$1,128,156 for the period of April 25-May 9, 2006, to include claims over \$5,000 in the amount of \$626,658.
8. Contracts list.
9. Set public hearing for June 6, 2006, on Resolution 9569, Conditional Use Permit for GF 1st Addition, Block 467, Lot 7.
10. Set public hearing for June 6, 2006, on Resolution 9573, which would establish a zoning permit determination fee.
11. Change Order 1 in the amount of \$1,946 and Final Payment in the amount of \$2,642 to McLees Incorporated and the State Miscellaneous Tax Division for the Community Recreation Center Roof project (OF 1443.1)
12. Construction Contract with Ed Boland Construction in the amount of \$824,100 for the 1st and 2nd Avenues North Water Main Replacement project (OF 1450).
13. Construction Contract with Dave Kuglin Construction in the amount of \$428,780 for the Sludge Basin Rehabilitation Project Phases 2 and 3 (OF 1332.5).
14. Construction Contract with Birkenbuel Construction for the construction of sand bunkers and mounds on four holes at Eagle Falls Golf Club in the amount of \$20,900.
15. Reject bid for the Interactive Firearm Training System.
16. Labor agreement with the Montana Public Employees Association.

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission approve the Consent Agenda as printed.

Motion carried 5-0.

BOARDS AND COMMISSIONS

Golf Advisory Board. Appointed Baker.

17. APPOINTMENT, GOLF ADVISORY BOARD.

John VanHorn was appointed to the Golf Advisory Board as an At-Large Representative on April 5, 2005, to fill the remainder of a three-year term through March 31, 2007. Mr. VanHorn resigned from his position on the Board; therefore, it was necessary to appoint one member to fill the remainder of his term.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Philip D. Baker as an At-large representative to the Golf Advisory Board to fill the remainder of a three-year term expiring March 31, 2007.

Motion carried 5-0.

Advisory Commission on International Relationships. Appoint Smith.

18. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Bill Wilson and Marilyn Swenson have both resigned their position on the Advisory Commission on International Relationships. Mr. Wilson and Ms. Swenson were both appointed on August 3, 2004, for three-year terms through March 31, 2008. Only one application was available for consideration at this time. It is recommended the City Commission consider this application while we continuing to seek other citizens interested in applying.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Jamie Smith to the Advisory Commission on International Relationships to fill the remainder of a three-year term through March 31, 2008.

Motion carried 5-0.

CITY COMMISSION

Special Olympics

21A. Commissioner Hinz welcomed all the Special Olympic athletes to Great Falls.

Lethbridge AB Centennial

21B. Mayor Stebbins reported that she attended the Lethbridge, Alberta, Centennial Celebration. She added that the hospitality was excellent and all Great Falls residents should welcome our friends

from the north whenever they see them in town.

PETITIONS AND COMMUNICATIONS

**Click It or Ticket
Campaign and
Weissman property
fire.**

22. **John Hubbard**, disagreed with the “Click It Or Ticket” campaign stating that there were cases when people were killed because they wore a seat belt. He also expressed concern about the owners of the Weissman property burning toxic waste. Chief McCamley stated he would look into it although he was aware they did have a permit from the State to smelt aluminum.

ADJOURNMENT

Adjourn

There being no further business to come before the Commission, the regular meeting of May 16, 2006, adjourned at 7:40 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk

ITEM: \$5000 Report
Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: _____

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR MAY 10, 2006	298,558.38
MASTER ACCOUNT CHECK RUN FOR MAY 17, 2006	291,408.59
MASTER ACCOUNT CHECK RUN FOR MAY 24, 2006	423,937.89
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 12, 2006	2,120.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 19, 2006	80,684.16
WIRE TRANSFERS FROM MAY 10, 2006 THROUGH MAY 23, 2006	<u>165,328.45</u>
	TOTAL: \$ <u>1,262,037.47</u>

GENERAL FUND

LEGAL

WESTERN OFFICE EQUIPMENT	OFFICE FURNITURE	6,336.00
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POLICE

ENERGY WEST RESOURCES	APRIL '06 CHARGES	1,451.23
FALLS COMMUNICATIONS INC	HT7j40/UHF/16F RADIOS	5,992.00

FIRE

ENERGY WEST RESOURCES	APRIL '06 CHARGES	2,798.16
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PARK & RECREATION

ENERGY WEST RESOURCES	APRIL '06 CHARGES	1,143.05
NORTHWESTERN ENERGY	APRIL '06 CHARGES	1,379.50

SPECIAL REVENUE FUND

PLANNING

GREAT FALLS TRANSIT DISTRICT FEDERAL TRANSIT ALLOTMENT 17,426.54

STREET DISTRICT

COLUMBIA PAINT & COATINGS CO PAVEMENT MARKING SUPPLIES 8,041.95
GF INTERNATIONAL AIRPORT AUTHORITY 2ND HALF ASSESSMENTS 12,860.27
NORTHWESTERN ENERGY APRIL '06 CHARGES 660.71

LIBRARY

ENERGY WEST RESOURCES APRIL '06 CHARGES 2,614.42
EBSCO SUBSCRIPTION RENEWALS 6,782.71
NORTHWESTERN ENERGY APRIL '06 CHARGES 38.52

PARK & RECREATION SPECIAL

DAKOTA FENCE COMPANY LIONS PARK PLAY STRUCTURE 37,900.00

NATURAL RESOURCES

NORTHWESTERN ENERGY APRIL '06 CHARGES 11.72

FEDERAL BLOCK GRANTS

H J GILCHRIST COMPANY FINAL - WILLIAMS RESIDENCE 6,500.00

ECONOMIC REVOLVING

CAPITOL DECISIONS INC MAY 2006 RETAINER 8,800.00
ENERGY WEST RESOURCES APRIL '06 CHARGES 112.86

CAPITAL PROJECTS

GENERAL CAPITAL

McLEES, INC PAYMENT #2 REC CENTER ROOF 16,778.52
M & D CONSTRUCTION REC CENTER STAIRWAY 14,850.00

ENTERPRISE FUNDS

WATER

CASCADE ELECTRIC CO INC	INSTALL PIPE RUNS	7,970.00
HEWLETT PACKARD	HPM DC US SERVER	8,818.00
PHILLIPS CONSTRUCTION	PAYMENT #3 SOUTHWEST SIDE WMR	106,371.96
ENERGY WEST RESOURCES	APRIL '06 CHARGES	5,883.36
THATCHER CO	CHEMICALS	7,765.07
DANA KEPNER CO - BILLINGS	WATER METERS	55,681.88
NORTHWESTERN ENERGY	APRIL '06 CHARGES	114.43

SEWER

APPLE VALLEY BACKHOE SERVICE	REPLACEMENT OF SEWER SERVICES	5,300.00
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SANITATION

ENERGY WEST RESOURCES	APRIL '06 CHARGES	655.74
MONTANA WASTE SYSTEMS INC	APRIL '06 CHARGES	65,574.18
NORTHWESTERN ENERGY	APRIL '06 CHARGES	13.18

SAFETY SERVICES

ENERGY WEST RESOURCES	APRIL '06 CHARGES	362.81
QWEST	APRIL '06 CHARGES	1,482.82

PARKING

QWEST	APRIL '06 CHARGES	80.67
APCOA/STANDARD PARKING	JUNE '06 COMPENSATION	21,824.99
NORTHWESTERN ENERGY	APRIL '06 CHARGES	90.18

GOLF COURSES

STRAY MOOSE PRODUCTIONS	GOLF CARS	34,160.00
ENERGY WEST RESOURCES	APRIL '06 CHARGES	400.92
NORTHWESTERN ENERGY	APRIL '06 CHARGES	2,103.49

SWIM POOLS

ENERGY WEST RESOURCES	APRIL '06 CHARGES	3,723.99
NORTHWESTERN ENERGY	APRIL '06 CHARGES	118.27

RECREATION

ENERGY WEST RESOURCES	APRIL '06 CHARGES	1,174.96
NORTHWESTERN ENERGY	APRIL '06 CHARGES	3.38

CIVIC CENTER

GOD'S COUNTRY MINISTRIES, INC	TICKET PROCEEDS LESS EXPENSES	7,304.50
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INTERNAL SERVICES FUND

CENTRAL COMMUNICATIONS

QWEST APRIL '06 CHARGES 682.06

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD OF MT ADMIN & REINS FEES FOR MAY 2006 36,282.40
 BLUE CROSS/BLUE SHIELD OF MT GROUP & HMO CLAIMS - 5/03/06 - 5/9/06 94,065.73
 BLUE CROSS/BLUE SHIELD OF MT GROUP & HMO CLAIMS - 5/10/06 - 5/17/06 54,284.23

CENTRAL INSURANCE

MONTANA MUNICIPAL INS AUTH GEN LIAB DEDUCTIBLES 8,131.97

FISCAL SERVICES

US POSTAL SERVICE PERMIT POSTAGE 13,029.18
 VERMONT SYSTEMS INC GOLF POS SYSTEM 20,983.88

INFORMATION TECHNOLOGY

DOUBLE E SYSTEMS 15 KVA UPS 19,060.70
 QWEST INTERPRISE NETWORKING 2801 ROUTER 10,695.10
 QWEST APRIL '06 CHARGES 4,325.49
 VERMONT SYSTEMS INC GOLF POS SYSTEM 17,412.89

CENTRAL GARAGE

WHALEN TIRE (WESTSIDE) 32 TIRES 8,923.20
 K & E EQUIPMENT INC BRUSH BANDIT 28,408.75
 MOUNTAIN VIEW CO-OP FUEL 48,664.00

ENGINEERS

QWEST APRIL '06 CHARGES 822.27

PUBLIC WORKS

ENERGY WEST RESOURCES APRIL '06 CHARGES 2,790.85

PARK & RECREATION ADMINISTRATION

ENERGY WEST RESOURCES APRIL '06 CHARGES 1,485.35
 NORTHWESTERN ENERGY APRIL '06 CHARGES 21.45

FACILITY SERVICES

ENERGY WEST RESOURCES APRIL '06 CHARGES 3,594.53
 NORTHWESTERN ENERGY APRIL '06 CHARGES 95.10

MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES TRANSFER TO 52,544.00
 MASTER ACCOUNT

CLAIMS OVER \$5000 TOTAL: \$ 915,760.07

CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION

FINAL

AGENDA 12
DATE: 06/06/06

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 13
DATE: June 6, 2006**

ITEM: CONTRACT LIST
Itemizing contracts not otherwise approved or ratified by City Commission Action
(Listed contracts are available for inspection in the City Clerks Office.)

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Great Falls International Airport Authority			\$30.00 per hour for an Estimated 20 Hours	Addendum to Airport Website Maintenance Contract
B	Park and Recreation/ RiverFest	LiveTour Artists/ The Polyjesters	July 15, 2006	261 Project #640603	\$3,500	Performing Artist for RiverFest

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 14
DATE: June 6, 2006**

ITEM: LIEN RELEASE LIST
Itemizing liens not otherwise approved or ratified by City Commission Action
(Listed liens are available for inspection in the City Clerks Office.)

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Melanie McCain, Boston and Great Falls Addition B20, L9.			\$300	Resolution 9358, for assessing the cost of removal and disposal of nuisance weeds at 3321 3 rd Avenue North in violation for calendar year 2003.
B	Fiscal Services	Cook, Kevin & Miechelle L. (formerly Northwest Seminars Inc.),GF1, B259 L1 W2' of Lot 2			\$600	Resolution 9543, for assessing the cost of removal and disposal of nuisance weeds in violation for calendar year 2005.
C	Fiscal Services	Compton, Mike (formerly Citifinancial Inc.) GF1, B489, L4			\$500	Resolution 9543, for assessing the cost of removal and disposal of nuisance weeds in violation for calendar year 2005.
D	Fiscal Services	Corderio Construction Inc. (formeraly Secretary of HUD) WHS, B3, L2			\$600	Resolution 9543, for assessing the cost of removal and disposal of nuisance weeds in violation for calendar year 2005.

AGENDA REPORT

DATE June 6, 2006

ITEM: RESOLUTION 9582: CONCRETE INSPECTION REVISED FEES

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: SET PUBLIC HEARING FOR JUNE 20, 2006

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Staff recommends that the City Commission set a public hearing on Resolution 9582 for Concrete Inspection Revised Fees.

MOTION: "I move the City Commission set a public hearing on Resolution 9582 for Concrete Inspection Revised Fees for 7:00 p.m., June 20, 2006."

SYNOPSIS: The most recent revision of concrete inspection fees for work being done in the public rights-of-way was in 1993. The cost of performing these inspections has gradually increased over the years. This action will bring these fees more in line with the actual costs associated with performing the inspections.

BACKGROUND: One of the duties of the Engineering Division is to inspect the construction of curb and gutter, driveways, and sidewalks in the public rights-of-way to ensure that the construction meets required specifications and does not pose a safety hazard to the public. The majority of these inspections take place in new subdivisions as a part of the building of new homes. Other inspections are related to modifications being done to existing properties or for replacement of deteriorated facilities.

In a typical inspection, the inspector visits the site when the site preparation is done and just before the concrete arrives. Among other things, the gravel base is checked for thickness and compaction, and forms are checked for cross slope, depth and proper location. If necessary, a second or third inspection will be done if problems are discovered. A follow-up inspection also occurs at a later date to ensure that the concrete was properly installed.

In addition to the time spent on site during the inspections and traveling to and from the sites, a significant part of the overall cost of providing these inspections is the internal service charge that we are billed for the issuance of the permits. This expense also increased gradually over the years but will increase more significantly in the upcoming fiscal year.

Fees for these types of inspections vary widely. In Billings, sidewalk inspections cost \$45 for up to 75 linear feet plus \$10 for each additional 25 feet. In Missoula, sidewalk inspections cost \$122 for up to 30 linear feet plus \$187 for the next 70 linear feet. This compares to Great Falls proposed inspection fees of \$30 for the first 100 linear feet plus \$5 for each additional 100 linear feet or part thereof. On the other end of the scale, Bozeman requires a permit, at no cost, and seldom performs inspections at all.

The revised fee schedule includes several new categories of inspections that are now being done due to recent innovations in technology. These include saw cutting of curb to install new driveways, and mudjacking to adjust concrete slabs that have settled. A reinspection fee is also included.

File: concfeesAR

RESOLUTION 9582
A RESOLUTION REVISING THE FEE SCHEDULE FOR
CONCRETE INSPECTION FEES AND
SUPERCEDING RESOLUTION 8528

BE IT RESOLVED by the City Commission of the City of Great Falls, Cascade County, Montana:

That the Concrete Inspection Fee Schedule be revised as follows:

	<u>Current</u>	<u>Revised</u>
Curb Cut:	\$15.00	\$30.00
Driveway (including saw cutting)	\$15.00	\$30.00
Sidewalk (first 100 linear feet)(LF)	\$10.00	\$30.00
Sidewalk (each additional 100 LF or part thereof)	\$ 5.00 to \$10.00	\$ 5.00
Sidewalk Replacement (up to 75 square feet; otherwise use above schedule)	\$10.00	\$25.00
Curb & Gutter	\$35.00	\$35.00
Reinspection of the above (each reinspection)	\$0	\$20.00
Mudjacking (Curbing, driveway, or sidewalk)	\$10.00	\$15.00

PASSED by the City Commission of the City of Great Falls, Montana this 20th day of June, 2006.

Dona R. Stebbins , Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9582 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 20th day of June, 2006, and approved by the Mayor of said City on the 20th day of June, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 20th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE June 6, 2006ITEM: ASPHALTIC CONCRETE MATERIALSINITIATED BY: PUBLIC WORKS DEPARTMENTACTION REQUESTED: AWARD BIDPRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR**RECOMMENDATION:**

Staff recommends that the City Commission award the bid to supply asphaltic concrete materials to Great Falls Redi-Mix Inc. of Great Falls for \$511,200.

MOTION:

I move that the City Commission award the bid to supply asphaltic concrete materials to Great Falls Redi-Mix Inc. of Great Falls for \$511,200.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to three prospective bidders. The bids were opened on May 17, 2006 with two bidders responding.

The materials bid by Great Falls Redi-Mix Inc. meet specifications for the asphaltic concrete materials. Twenty-one cents per ton-mile was applied to all bids to determine the lowest cost to the City. The mileage factor made Great Falls Redi Mix Inc. the lowest cost supplier.

BIDDER	MATERIAL	PRICE PER TON	ESTIMATED TONS	TOTAL COST
G.F. Redi Mix Inc	MPWSS Type B	\$35.55	8,000	\$284,400
	MPWSS Type S-2	\$37.55	3,000	\$112,650
	MSS Grade D	\$38.05	3,000	\$114,150
			TOTAL BID PRICE	\$511,200

BACKGROUND:

The asphaltic concrete materials requested will be used by the Street Division to conduct street repair projects. The contracted price for asphaltic concrete in FY 05/06 was \$32.78 per ton for MPWSS Type B, \$34.78 per ton for MPWSS Type S-2, and \$35.28 per ton for MSS Grade D. The total estimated tons of Type B has been increased by 1000 tons and the Type S-2 has been reduced by 1000 tons from the FY 05/06 purchase to coincide with actual usage. The total bid price difference from last year is an increase of \$36,780 or 7.8%. Funding for this year's purchase of asphaltic concrete is in the proposed FY 06/07 Street Maintenance Budget.

CITY OF GREAT FALLS
 PO BOX 5021
 GREAT FALLS MT 59403

ASPHALTIC CONCRETE MATERIALS

Project Number
 Bids Taken at Civic Center
 Date: May 17, 2006
 Tabulated By: Kelly Audet
 Page 1 of 1

NAME & ADDRESS OF BIDDER	Bid Security	Affidavit of Non- Collusion	MPWSS Type B cost per ton	MPWSS Type S-2 cost per ton	MSS Grade D cost per ton	Site of Manufacturer's Source	Miles to City Shop
			Total for 8,000 tons	Total for 3,000 tons	Total for 3,000 tons		
Great Falls Redi Mix	BB 10%	√	\$35.55 \$284,400	\$37.55 \$112,650	\$38.05 \$114,150	G.F. Redi Mix Hot Plant	3.3
United Materials	BB 10%	√	\$35.75 \$286,000	\$36.75 \$110,250	\$38.75 \$116,250	Ranch Pit	7.3
Cost Per Mile Factor: \$0.21							

ASPHALTIC CONCRETE MATERIAL BID LIST

1. GREAT FALLS REDI-MIX
P.O. BOX 1989
GREAT FALLS, MT 59403

2. UNITED MATERIALS
P.O. BOX 1690
GREAT FALLS, MT 59403

3. VOLK SAND & GRAVEL INC
1505 14TH STREET SW
GREAT FALLS, MT 59404

CITY OF GREAT FALLS, MONTANA

AGENDA # 17

AGENDA REPORT

DATE June 6, 2006

ITEM Preliminary Amended Plat of Lot 3, Medical Tech Park

INITIATED BY City of Great Falls, Property Owner and Developer

ACTION REQUESTED Approve Preliminary Amended Plat and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

The Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision, located south of the MSU College of Technology, consists of 8 lots, each approximately one acre in size, and a dedicated segment of 21st Avenue South to be connected to 23rd Street South.

BACKGROUND:

The City of Great Falls has generated an application to subdivide Lot 3, Medical Tech Park Subdivision, located in the SE1/4 of Section 18, Township 20 North, Range 4 East, Cascade County, Montana.

For additional information, please refer to the attached material:

- Vicinity Map with zoning
- Reduced Copy of Preliminary Amended Plat

The City acquired subject Lot 3 a couple of years ago when the Minor Plat of the Medical Tech Park Subdivision was created with the intention of attracting businesses that would complement abutting development activity in the vicinity.

Access to the lots in the subdivision will initially be provided through the improvement of 23rd Street South from 16th Avenue South and the improvement of that portion of 21st Avenue South within the subdivision. It is likely the subdivision will eventually be connected to 20th Street South to the west, 26th Street South to the east and 24th Avenue South to the south.

A City water main exists in 23rd Street South at the east boundary of the subdivision which will be stubbed to the south terminus of the Street and through the subdivision in 21st Avenue South to its west boundary. A City sanitary sewer main will be extended approximately 1950 feet from 20th Alley South near 20th Street through the subdivision to the intersection of 21st Avenue South and 23rd Street South. The portion of 23rd Street South between 16th and 21st Avenues South and the portion of 21st Avenue South within the subdivision will be

improved to City standards with paving, curb and gutter. Sidewalk installation is the responsibility of the abutting property owner at such time the property is developed.

Approximately 2,825 feet of storm sewer main is proposed to be installed from the intersection of 18th Avenue South and 19th Street South to the middle of the subdivision.

The Planning Board conducted a public hearing on the preliminary amended plat on May 9, 2006. The subdivision has generated limited public comment. During the Planning Board public hearing, Mr. Sonny Heninger, 1917 20th Avenue South, asked for and was provided clarification on the location and type of project proposed. Ms. Daphne Hankins, 1902 25th Avenue South, expressed concerns about the original intent to assign a C-2 General commercial zoning classification to the subdivision upon annexation to the City. (The proposed zoning classification has been changed to M-1 Mixed-use district which is more restrictive than the C-2 classification.) At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

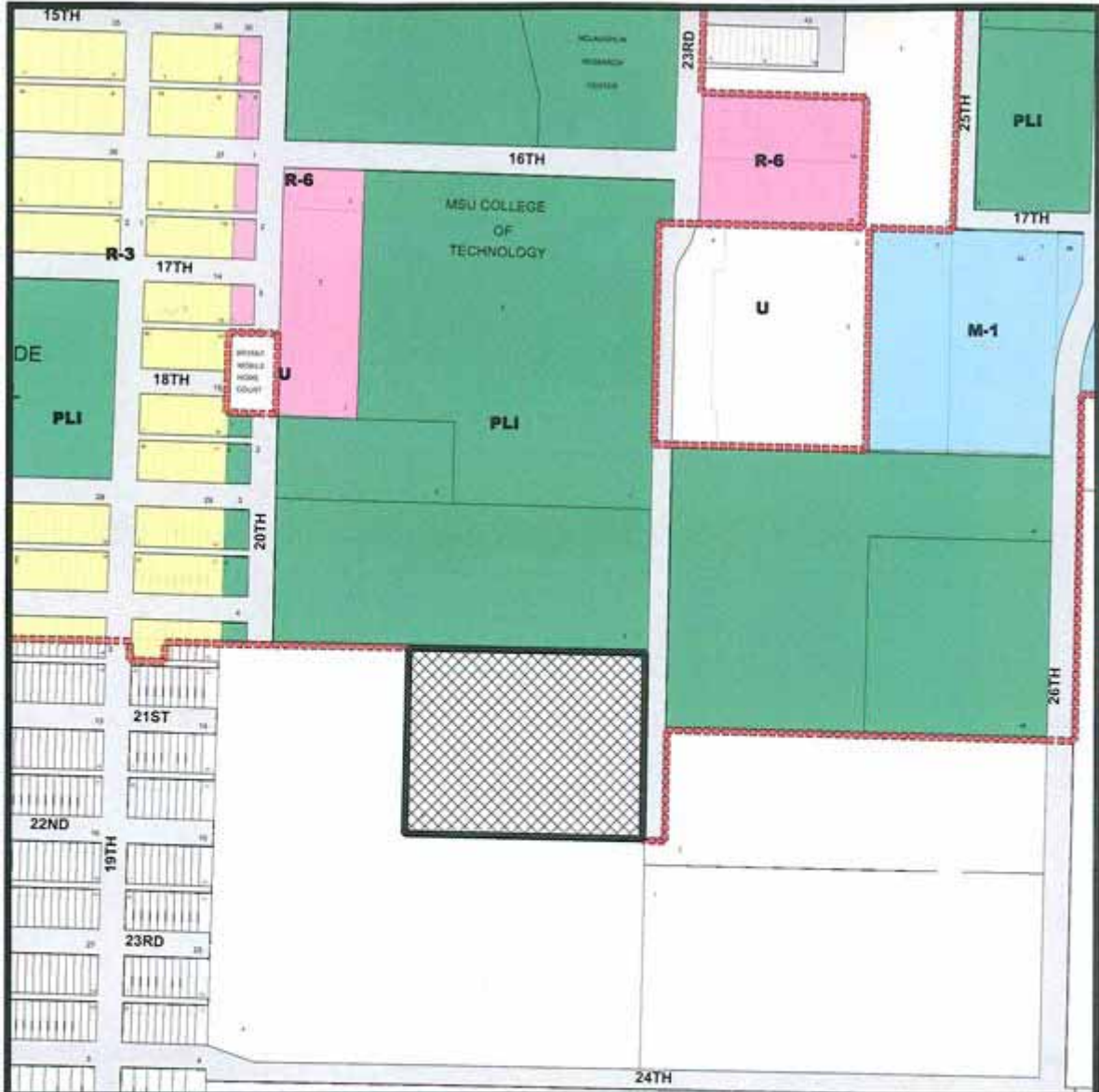
- 1) The final Amended Plat of Lot 3, Medical Tech Park Subdivision, shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve the Amended Plat of Lot 3, Medical Tech Park Subdivision, shall be prepared by the Public Works Department.
- 3) The appropriate off-site easements to accommodate utilities and the vehicle turnarounds at the termini of 21st Avenue South and 23rd Street South shall be secured.

Attach: Vicinity Map with zoning

Reduced Copy of Preliminary Amended Plat

Findings of Fact

Minutes of May 9, 2006, Planning Board & Zoning Commission Combined Public Hearing



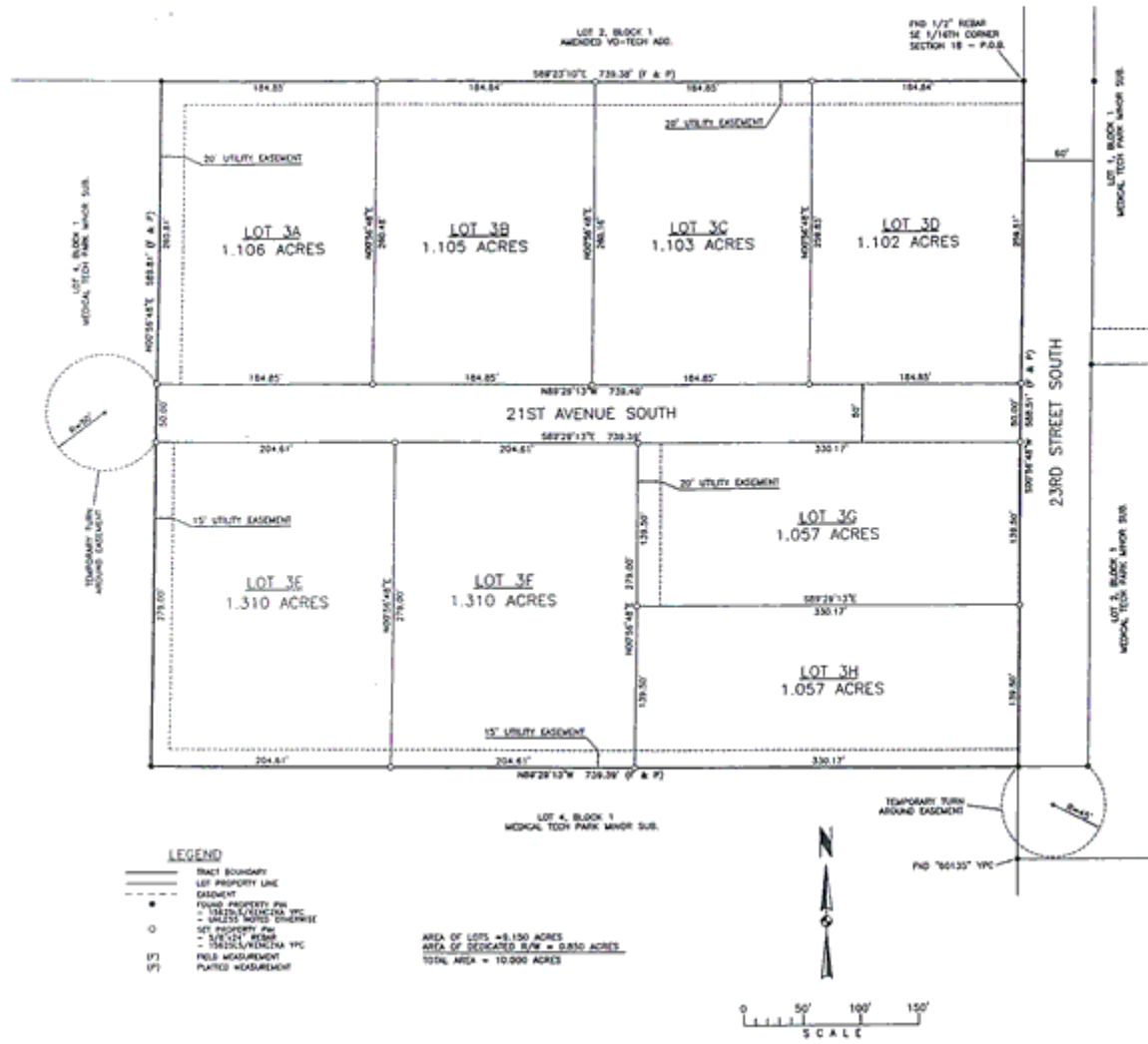
Legend

- City Limits Boundary
- R-3 Single-family high density
- R-6 Multi-family high density
- M-1 Mixed-use district
- PLI Public Lands and Institutional
- U Unincorporated
- Platted tracts of land outside city limits

Lot 3, Medical Tech Park Addition, proposed to be subdivided, annexed and zoned "M-1" Mixed-use district.



AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION
 LOCATED IN THE SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA
 LAND OWNER: CITY OF GREAT FALLS



BASIS OF BEARING: WEST RIGHT-OF-WAY LINE OF 23RD STREET SOUTH AS SHOWN ON THE MEDICAL TECH PARK MINOR SUBDIVISION PLAT, BEING 500756-487W
 PURPOSE OF SURVEY: TO CREATE A MAJOR SUBDIVISION

**FINDINGS OF FACT
FOR
AMENDED PLAT OF LOT 3,
MEDICAL TECH PARK
MINOR SUBDIVISION
SECTION 18, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tract of land being resubdivided is not currently being utilized for agricultural purposes. Portions of the property had previously been used for livestock pasture. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that do exist in the vicinity include high density multi-family apartments, campuses for higher education facilities, an office building, single family residences, golf driving range and miniature putting course and a cemetery.

Effect on Local Services

As the area within the Amended Plat is in the process of being annexed to the City of Great Falls, it will be served by City water and sewer systems. The cost of extending the utility systems will be paid by the City of Great Falls. The City should not experience an appreciable increase in maintenance and operating costs. The eventual occupants of developed lots within the subdivision will pay regular water and sewer charges.

The subdivision, with annexation to the City of Great Falls, will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is two miles from the subdivision site. Providing these services to eventual occupants of the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Access to the lots in the subdivision will initially be provided through the improvement of 23rd Street South from 16th Avenue South and the improvement of that portion of 21st Avenue South within the subdivision. It is likely the subdivision will eventually be connected to 20th Street South to the west, 26th Street South to the east and 24th Avenue South to the south. Once subject roadways are improved to City standards they are not expected to be a maintenance burden or liability.

Lot 3 proposed to be subdivided is presently owned by the City of Great Falls and is exempt from property taxes. Eventual taxes on new development within the subdivision which is expected to be primarily general businesses and offices is expected to be a substantial benefit for the County, City, State, School District

and other taxing entities.

Effect on the Natural Environment

The subdivision, which consists of eight lots, each slightly larger than 1 acre, is not expected to adversely affect soils or the quality or quantity of ground water.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The subdivider, which is an entity of local government, has complied with the subdivision review and approval procedures set forth in the local subdivisions regulations.

III. EASEMENT FOR UTILITIES

Utility easements will be necessary from an adjoining property owner to the west to accommodate extension of sanitary and storm sewers to serve lots in the Amended Plat. Within the subdivision, utility easements will be provided to allow adequate service to all lots and adjoining properties.

IV. LEGAL AND PHYSICAL ACCESS

Access to the lots in the subdivision will initially be provided through the improvement of 23rd Street South from 16th Avenue South and the improvement of that portion of 21st Avenue South within the subdivision. It is likely the subdivision will eventually be connected to 20th Street South to the west, 26th Street South to the east and 24th Avenue South to the south.

GREAT FALLS PLANNING BOARD & ZONING COMMISSION

MINUTES OF THE COMBINED PUBLIC HEARING ON PRELIMINARY AMENDED PLAT & ESTABLISH CITY ZONING LOT 3, MEDICAL TECH PARK ADDITION

May 9, 2006

The public hearing was called to order at 4:45 p.m. in the Commission Chambers of the Civic Center by Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Planning Board/Zoning Commission Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Mr. Mark Gunderson
Mr. Ron Kinder
Mr. Bill Roberts
Mr. Joe Schaffer

Planning Board/Zoning Commission Members absent:

Mr. Josh DeNully
Mr. John Harding
Dr. Greg Madson

Planning Staff Members present:

Ms. Deb McNeese, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Charlie Sheets, Planner 1
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Bronson advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Bronson asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Bronson's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters stated this public hearing involves a request from the City of Great Falls to approve the preliminary amended plat and annexation to the City of Great Falls of Lot 3, Medical Tech Park Subdivision, together with a zoning assignment of M-1 Mixed-use district.

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

Mr. Roberts asked how tall the telecommunications tower would be.

Mr. Rangel said any type property zoned Mixed or Commercial use has a 45' maximum, as allowed by code.

Mr. Schaffer asked if 20th Street South would be extended to 21st Avenue South, and who would bear the cost of the extension of 23rd.

Mr. Walters said that 21st Avenue South would be extended to the west boundary of the subdivision, and initially the City would bear the cost of the 23rd Avenue extension, with abutting property owners reimbursing in the future.

PETITIONER'S PRESENTATION

Mr. Dobbs said he did not have a formal presentation. He said that Public Works and Community Development will be heavily involved in this project, and offered to answer any questions

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Sonny Heninger, 1917 20th Avenue South asked for more information on the location and type of project proposed. He did not want a street running in front of his property.

Mr. Walters went to the map and pointed out the location of the project. The placement of the sign for the public hearing had caused some confusion. Mr. Walters went over the type of construction that would take place near Mr. Heninger's property.

Ms. Daphne Hankins, 1902 25th Avenue South asked who owned the subject property and about the C-2 commercial zoning as printed on the public hearing notice.

Mr. Bronson responded that the City of Great Falls owned the property and the zoning request had been changed to M-1 Mixed-use, instead of the initially requested C-2.

PETITIONER'S RESPONSE

The petitioner did not provide any response.

OTHER PUBLIC COMMENT

There was no other public comment.

PLANNING BOARD DISCUSSION & ACTION

MOTION: That the Planning Board recommend the City Commission approve the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II and fulfillment of the following conditions:

- 1) The final Amended Plat of Lot 3, Medical Tech Park Subdivision shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve the Amended Plat of Lot 3, Medical Tech Park Subdivision, shall be prepared by the City Public Works Department.
- 3) The appropriate off-site easements to accommodate utilities and the vehicle turnarounds at the termini of 21st Avenue South and 23rd Street South shall be secured.

Made by: Mr. Roberts
Second: Mr. Kinder

Vote: The motion carried unanimously.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend the City Commission approve establishing a City zoning classification of M-1 Mixed-use district on the above described area, upon its annexation to the City, and grant a conditional use permit to allow telecommunication facilities on proposed Lot 3H of the subdivision, subject to the Planning Board adopting Recommendation I (above).

Made by: Mr. Gunderson

Second: Mr. Roberts

Vote: The motion carried unanimously.

ADJOURNMENT

The hearing adjourned at 5:07 p.m.

CHAIRMAN

SECRETARY