



**Item:** Resolution 10002 - Conditional Use Permit for an Unconcealed Telecommunications Facility at the property addressed as 2100 21<sup>st</sup> Avenue South

**From:** Jana Cooper, RLA, Planner II, Planning and Community Development

**Initiated By:** Bresnan Communications, LLC

**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development

**Action Requested:** City Commission set public hearing for Resolution 10002 for December 18, 2012.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a public hearing for December 18, 2012 to consider adoption of Resolution 10002.”

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

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**Recommendation:** At the conclusion of a public hearing held October 23, 2012, the Zoning Commission passed a motion recommending to the City Commission that a conditional use permit be **granted** to allow an Unconcealed Telecommunications Facility at a maximum height of 50 feet, on the property addressed as 2100 21<sup>st</sup> Avenue South and legally described as Lot 3E, Medical Tech Park, Section 18, Township 20 North, Range 4 East, Cascade County, Montana and subject to the conditions stated within this agenda report.

Staff recommended the Zoning Commission approve the requested Conditional Use Permit. No citizens spoke as proponents or opponents to the project at the public hearing.

**Background:**

The applicant, Bresnan Communications, LLC is requesting a Conditional Use Permit for Lot 3E, Medical Tech Park, herein referred to as the subject property, to allow an Unconcealed Telecommunications Facility on a portion of the property. The subject property is located on 21st Avenue South just west of 23rd Street South. Note that the proposed development for Lot 3E is an Optimum facility. Optimum is a subsidiary of Cablevision Systems Corporation that acquired Bresnan Communications in 2011. The subject property is zoned M-1 Mixed-use district in which an Unconcealed Telecommunications Facility is conditionally allowed. The property is currently owned by the City of Great Falls. City Commission approved the sale of the subject property, subject to the approval of the Conditional Use Permit, at a meeting held on August 7, 2012.

The applicant is proposing to relocate and consolidate their Great Falls operations on the subject property. This will include construction of a single story commercial building which will consist of a customer service center, private office space, telecommunications rooms and a warehouse space to support their operations and services. On average the number of employees in the building will be 24 with a maximum of 47 at certain times of the week.

The proposed building is 12,961 sq. ft. and the overall site area is approximately 57,000 sq. ft. The site plan shows 61 total on-site parking spaces with 24 spaces for visitor parking, including 3 handicap parking spaces. The remaining parking is controlled access for employees and service vehicles only. The parking lot will be illuminated at night by 6 pole lights evenly distributed along the east and west property lines.

The site will be landscaped throughout with planting beds, trees and shrubs per City of Great Falls landscaping requirements. A 6-foot high black vinyl security fence is proposed around the perimeter of the southern half of the site with sliding gates located on the east and west side of the building at the parking drive. The proposed fencing is similar to the existing fence of the adjacent Homeland Security building located east of the site.

A 50-foot high communications tower will be located the southwest corner of the building. Four satellite dishes will be located adjacent to the communications tower south of the building. A 15-foot continuous evergreen landscape buffer shall be provided along the southern property boundary to screen the telecommunications facilities. An emergency diesel generator will be located at the southwest corner adjacent to the communications tower.

An Unconcealed Telecommunications Facility (UTF) is conditionally allowed in the M-1 zoning district. In addition, there are special standards that accompany this land use which are attached as Exhibit G (Sec. 17.20.6.250, City Code). The proposed UTF meets most of the Special Standards provided in the Official Code of the City of Great Falls (OCCGF). The telecommunications tower is proposed to be 50 feet high. The height limit for a telecommunications tower in a mixed-use zoning district is 45 feet according to Exhibit 20-7 Maximum tower/antennae height (OCCGF). As part of the approval process, City Commission has the authority to modify such regulations through the Conditional Use Permit process. Staff recommends allowing the owner to construct a 50-foot high telecommunications tower on the subject property. The proposed tower is located in a generally undeveloped area. The impact of an additional 5 feet on the height of tower will have minimal impact on surrounding properties. In addition, there is a 120-foot tall wind turbine located within  $\pm 500$  feet the subject property.

The subject property is located in a developing area. The adjacent roadways have sufficient capacity to accommodate the increased traffic from the proposed development.

The subject property abuts 21st Avenue South which is improved to a City standard. The applicant will not be required to improve any streets as a part of this application.

There is a 12-inch water main and 8-inch sanitary sewer main located in 21st Avenue South with existing taps that have been stubbed to the property line for the developers use. There are no reimbursements owed for these utilities. The costs the city incurred installing the Med-Tech Park utilities are reimbursed from the proceeds of the sale of each lot.

The applicant will be required to provide a storm drain plan/report for the site. There is a 15-inch storm sewer main located in 21st Avenue South, but there is no stub from this main onto the subject property. The applicant shall be in compliance with the City of Great Falls Storm Design Manual and City Standards related to stormwater management for the site.

#### Primary Review Criteria

City Code Section 17.16.36.040, Basis of Decision, requires that the Zoning Commission's recommendation and the City Commission's decision shall be based on whether the following criteria are satisfied in their review of Conditional Use Permit applications:

*The conditional use is consistent with City's Growth Policy and applicable neighborhood plans, if any.*

The project is consistent with the City's Growth Policy as stated in this report. In addition, the City's Growth Policy notes there is no overall strategic plan for upgrading telecommunications technologies and access. No neighborhood plans have been adopted for this area that address telecommunication uses.

*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.*

The proposed facility is located on a private lot that will be owned and maintained by Optimum. The facility will not generate significant off-site nuisances.

*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 diminish and impair property values within the neighborhood.*

The proposed communications facility will be a passive use, which will not be injurious to the use and enjoyment of property in the immediate vicinity. The proposed facility meets the required setbacks of the OCCGF and the Staff is recommending installation of a 15-foot evergreen landscape buffer on the southern portion of the site in order to minimize its visual impact from surrounding properties and roads.

*The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The proposed facility is a passive use which will not impede the normal and ordinary development and improvement of the surrounding property. The properties to the north are undeveloped land located in the City and zoned M-1. The proposed tower is located on the southern portion of the site and will have minimal impact to the development of these properties. The property to the east is the existing Homeland Security Building. The owners have been notified of the proposed tower and the City has not received any comment from this property owner. The property located to the south and west is unincorporated vacant property. Again, the owner has been notified of the proposed development and the City has not received any comments from this owner. The proposed location of the facility meets the setback requirements for telecommunications towers per the OCCGF.

*Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*

Adequate services and infrastructure exists to operate the proposed telecommunications facility.

*Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

The proposed telecommunications facility will be located within a larger development which consolidates Optimum's operations in Great Falls. The adjacent roadways have sufficient capacity to accommodate the increased traffic from the proposed development. Two ingress/egress roads have been designated to access the site. It is not anticipated that the proposed development will increase traffic congestion in the public street.

*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.*

The proposed facility will conform to the applicable regulations of the M-1 zoning district and most of the Special Standards set forth in the OCCGF. The telecommunications tower is proposed to be 50 feet high in lieu of the maximum height of 45 feet typically allowed in the M-1 zoning district. Staff supports allowing the owner to construct a 50-foot tall telecommunications tower on the subject property because the additional 5 foot in height will be of minimal impact to surrounding property owners. In addition, there is an existing 120-foot tall wind turbine located within  $\pm 500$  feet the subject property.

Staff concludes no significant negative impacts, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, provided the applicant is otherwise conducting business in compliance with City Code. The approval of the conditional use permit will allow relocation and consolidation of an existing business within Great Falls.

The project is consistent with the Growth Policy goals and objectives that foster economic development, enhanced communication and telecommunications and appropriate community facilities.

Specifically the project is consistent with:

- Goals 1- 5, Economic Development: Diversify the base economy, enhance, strengthen, and expand the existing economic base, support expansion of existing businesses that tend to raise the median income level, attract businesses that preserve the quality of life, and encourage businesses and industries that will utilize existing infrastructure.
- Policy 2, Community facilities: Facilities should make the most efficient use of land, should be designed and managed to provide for the convenience, health, safety and accessibility of intended users and should represent positive examples of design, energy use, and concern for the public and the environment.

Approval of the Conditional Use Permit on the subject property will enhance health, safety and welfare through application of City Codes and the required conditions of approval.

The subject property is located in Neighborhood Council #5. The Patty Cadwell, Neighborhood Council Coordinator, provided information to Council #5 on October 15, 2012. There were general questions about the project, but no objections.

The Notice of Public Hearing was mailed to the neighboring property owners on October 8, 2012 and was published in the *Great Falls Tribune* on October 7, 2012. A sign was placed on the property on November 2, 2012. Planning Staff has received several general inquiries related to the project.

At the conclusion of the public hearing held October 23, 2012, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow an Unconcealed Telecommunications Facility at a maximum height of 50 feet on the subject property addressed as 2100 21<sup>st</sup> Avenue South subject to the following conditions:

1. **Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
2. **Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 09/28/2012.
3. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-1 Mixed-use district designation.
4. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Subsequent modifications and additions.** If after establishment of a conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. **Landscape Screening.** Applicant shall provide a 15-foot continuous evergreen landscape buffer including trees and shrubs along the southern portion of the property.

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

**Fiscal Impact:** Approval the conditional use permit will allow the applicant to close on the city-owned property for the bid price of \$265,000. In addition to the sale proceeds, the city will benefit from getting the property into private ownership and on the property tax-rolls. The city will also be released from maintenance responsibilities for the property and benefit from development of the site.

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

**Attachments/Exhibits:**

Resolution 10002  
Zoning Map  
Aerial Photo  
Site Plan  
Landscape Plan

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood & Youth Council Coordinator  
Chris Fulton, Bresnan Communications, LLC 1860 Monad Road, Billings, MT 59102

## RESOLUTION 10002

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AT THE PROPERTY ADDRESSED AS 2100 21<sup>ST</sup> AVENUE SOUTH AND LEGALLY DESCRIBED AS LOT 3E, MEDICAL TECH PARK, SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA, TO ALLOW AN UNCONCEALED TELECOMMUNICATIONS FACILITY ON THE PROPERTY.

\* \* \* \* \*

WHEREAS, Bresnan Communications, LLC has an option to purchase Lot 3E, Medical Tech Park, Section 18, Township 20 North, Range 4 East, Cascade County, Montana, from the City of Great Falls, upon approval of a Conditional Use Permit for an Unconcealed Telecommunications Facility; and,

WHEREAS, said Lot 3E, Medical Tech Park is presently zoned M-1 Mixed-use district wherein an Unconcealed Telecommunications Facility is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the Bresnan Communications, LLC has applied for a Conditional Use Permit to allow an Unconcealed Telecommunications Facility to be established on a portion of said property; and,

WHEREAS, the proposed Conditional Use Permit for an Unconcealed Telecommunications Facility on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 23, 2012, to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be

granted for the property addressed as 2100 21<sup>st</sup> Avenue South and legally described as Lot 3E, Medical Tech Park, Section 18, Township 20 North, Range 4 East, Cascade County, Montana, to allow an Unconcealed Telecommunications Facility on a portion of the site, subject to the following conditions:

1. **Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
2. **Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 09/28/2012.
3. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-1 Mixed-use district designation.
4. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Subsequent modifications and additions.** If after establishment of a conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. **Landscape Screening.** Applicant shall provide a 15-foot continuous evergreen landscape buffer including trees and shrubs along the southern portion of the property.

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

That a Conditional Use Permit be granted at the property addressed as 2100 21<sup>st</sup> Avenue South to allow an Unconcealed Telecommunications Facility, conditioned upon the owner complying with the said conditions; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
on December 18, 2012.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

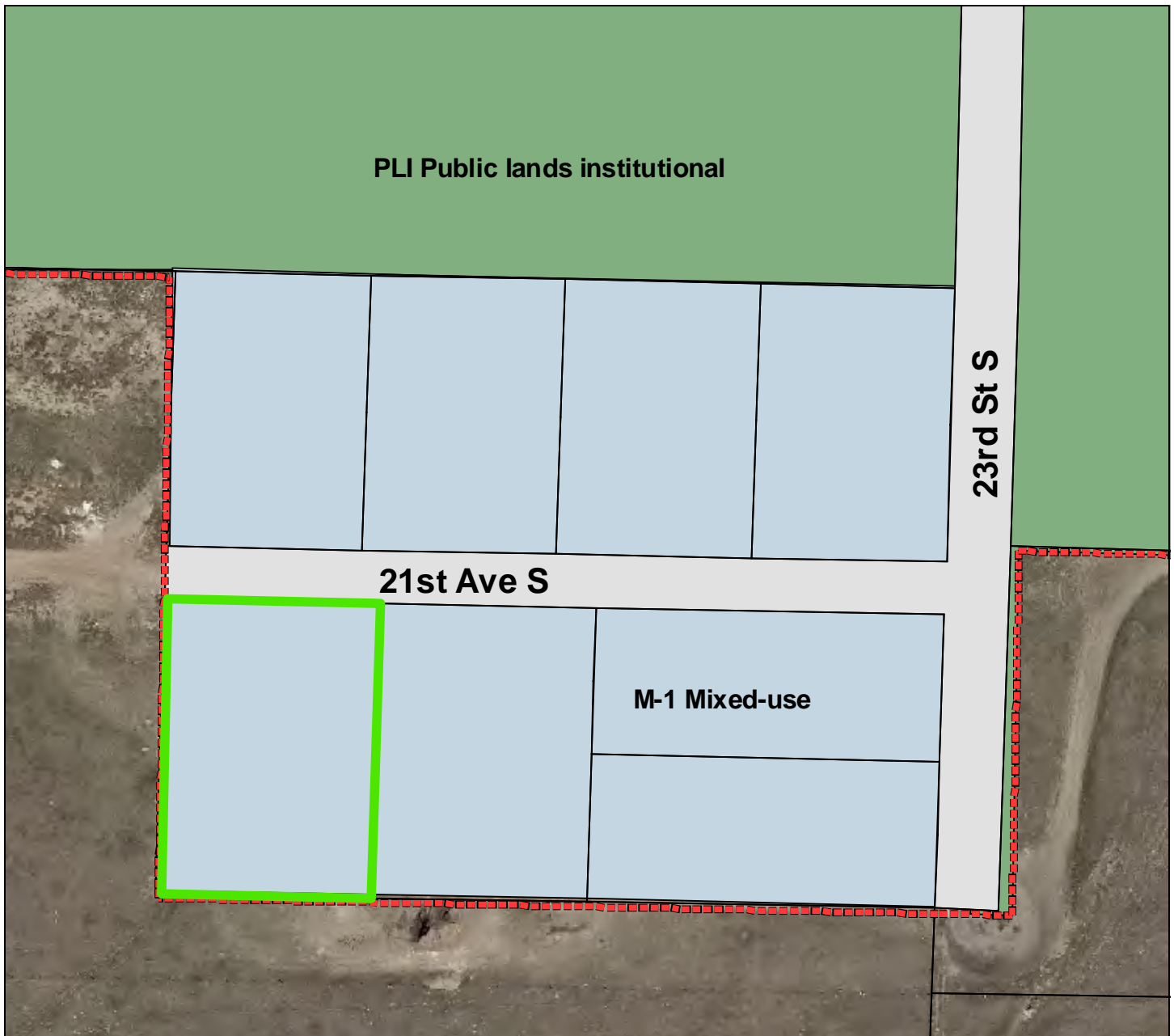
APPROVED FOR LEGAL CONTENT:

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David L. Nielsen, Interim City Attorney



# Zoning Map






Optimum Site	C-5 Central business periphery	R-1 Single-family suburban
City Limits	I-1 Light industrial	R-2 Single-family medium density
Tracts of Land	I-2 Heavy industrial	R-3 Single-family high density
AI Airport Industrial	M-1 Mixed-use district	R-5 Multi-family medium density
C-1 Neighborhood commercial	M-2 Mixed-use transitional	R-6 Multi-family high density
C-2 General commercial	PLI Public lands institutional	R-9 Mixed residential
C-3 Highway commercial	POS Park Open Space	R-10 Mobile home park
C-4 Central business core	PUD Planned unit development	Unincorporated Enclave

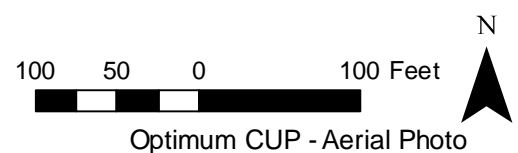
125 62.5 0 125 Feet



# Aerial Photo



-  Optimum Site
-  City Limits
-  Tracts of Land





2100 21ST AVENUE SOUTH  
GREAT FALLS, MONTANA

TOTAL PARKING SPACES	64
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DATE \_\_\_\_\_

COPYRIGHT: KDMS

ARCHITESHEET NUMBER

SCALE:




21ST AVENUE STREET  
S 89°29'13" E 739.39'  
204.61'





REQUIREMENT FOR INTERIOR LANDSCAPING			
GROSS PROPERTY AREA MINIMUM INTERIOR LANDSCAPING REQUIRED (15%) INTERIOR LANDSCAPING PROVIDED		57,100 S.F. 8,563 S.F. 8,800 S.F.	
VEHICLE USE AREA REQUIREMENT			
GROSS PROPERTY AREA LESS BUILDING FOOT PRINT		57,100 S.F. 11,123 S.F. 45,963 S.F.	
LESS INTERIOR LANDSCAPING NET VEHICLE USE AREA		8,800 S.F. 37,163 S.F.	
MIN 10% LANDSCAPING IN VEHICLE USE AREA VEHICLE USE AREA LANDSCAPING PROVIDED		3,716 S.F. 7,432 S.F.	
RATE OF PLANTING			
INTERIOR LANDSCAPING PROVIDED		8,800 S.F.	
1 TREE/400 S.F.      8,800S.F./400S.F.		REQUIRED PROVIDED	22 EA 22 EA
7 SHRUBS/400 S.F. (8,800/400)X 7		REQUIRED PROVIDED	154 EA 179 EA
FOUNDATION PLANTING REQUIREMENTS			
BUILDING FACE FRONTAGE REQUIREMENTS		50%	
BUILDING FACE FRONTAGE PROVIDED		100%	
BUILDING SIDE FRONTAGE REQUIREMENTS		20%	
BUILDING SIDE FRONTAGE PROVIDED		34%	
BOULEVARD IN NON-RESIDENTIAL AREA			
TOTAL STREET FRONTAGE		205 L.F.	
1 CANOPY TREE/ 35 L.F.		205L.F./35L.F.	5.86 EA
		REQUIRED PROVIDED	6 EA

<div><b>KDWSALASO'BRIEN</b> 10202 Fifth Avenue NE, Suite 102 Seattle, WA 98125 p. 206.547.1940   f. 206.547.8212 <a href="http://www.kdw.net">www.kdw.net</a></div>		
<div><div>OPTIMUM</div><div>OFFICE / TELECOMMUNICATIONS BUILDING</div><div>2100 21ST AVENUE SOUTH GREAT FALLS, MONTANA</div></div>		
△ REV	DESCRIPTION	DATE
NETWORK COMPLIANCE SUBMITTALS		DATE
PROJECT NO.: 12-01214		STAMP
CAD DWG FILE: 1201214_1100.dwg		
DESIGNED BY: MR		
DRAWN BY: CLJK		
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LANDSCAPING SITE PLAN		
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