



Item: Public Hearing - Resolution 10078 to vacate 26th Avenue Southwest, and Ordinance 3120 to rezone the property legally described as Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, PMM, Cascade County, Montana, from R-5 Multi-family medium density to C-2 General commercial

From: Galen Amy, Planner II, Planning and Community Development

Initiated By: Louis Erck, Erck Hotels

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission adopt Resolution 10078 and adopt Ordinance 3120.

Public Hearing:

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

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10078.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3120.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
-

Recommendation:

At the conclusion of a public hearing held April 22, 2014, the Zoning Commission passed a motion recommending the City Commission approve rezoning of the property legally described above from R-5 Multi-family medium density to C-2 General commercial, and the Planning Advisory Board recommended approval of the request to vacate the 26th Avenue Southwest right-of-way, subject to the following Conditions of Approval:

1. **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.

2. **Amended Plat.** Provide an amended plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff. In addition, the Amended Plat shall include the City retaining the width of 26th Avenue Southwest for existing public utilities, and the public access easement for the existing residential properties currently served by 26th Avenue Southwest. A utility easement shall be established on the west edge of the subject property in order that the parcel located in the county may connect to City services upon possible annexation into the City.
3. **Renaming of 26th Avenue Southwest.** 26th Avenue Southwest shall remain so named unless both property owners served by said street agree to renaming it and obtaining new property addresses.
4. **Utilities.** The final engineering drawings and specifications for project improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
5. **Subsequent modifications and additions.** If after approval 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 development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Public notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on April 6, 2014 and April 13, 2014. At the Public Hearing on April 22, 2014, one citizen spoke for the project, and two citizens had public comments regarding their concerns about the renaming of 26th Avenue Southwest if it is vacated, and the need for robust landscaping and light control along the south property line of the subject property in order to protect abutting property owners from light trespass and any nuisances related to a parking lot being developed.

The applicant is willing to work with property owners regarding those concerns and is still designing that portion of the project, and will comply with the landscaping requirements listed below. The Planning Advisory Board/Zoning Commission amended their motion to include notice be sent to abutting property owners when the project goes before the Design Review Board in order for them to see the final landscaping and lighting proposed and be able to offer their comments at that meeting.

At first reading on May 20, 2014, the City Commission accepted Ordinance 3120 to rezone the subject property and adopted Resolution of Intent 10077 to vacate 26th Avenue Southwest. Notice of Public Hearing before the City Commission for the annexation and establishment of City zoning was published in the *Great Falls Tribune* on June 1, 2014. A correction to the Resolution of Intent 10077 to vacate 26th Avenue Southwest went before the City Commission and was adopted on June 3, 2014.

Background:

In 2008, the existing Hilton Garden Inn was approved, and the site plan included an area to the west of the existing hotel for a convention center to be built at a later date. The Hilton Garden Inn and Erck Hotels are ready to move forward with construction of the convention center, which is permitted and meets the development standards for the selected site; however, the applicant also intends to pursue the addition of an extended Home2 Suites facility beyond the convention

center site to the west (see attached Schematic Master Site Plan).

In order to meet the parking requirements for both new buildings, it is necessary to create a landscape buffered parking lot on the subject property, which is a commercial use, thus the rezone request. 26th Avenue Southwest is primarily used by the applicant, and with the preliminary design of the convention center and resulting boundary line adjustments, it is apparent that the applicant should acquire and maintain this right-of-way, which is the impetus for the request to vacate the subject right-of-way.

Rezoning Analysis

A parking lot as the principal use of a property is not permitted in any of the residential zoning districts, but it is permitted in the C-2 General commercial district. In addition, the Land Development Code Section 17.44.3.030 outlines landscape requirements for vehicle use areas in commercial zoning districts as follows:

B. Vehicle use areas requirements. A portion of the required landscaping, equal to at least ten (10) percent of the vehicular use areas, must be located within the vehicular use areas. The following specific standards apply:

1. Each row of parking spaces in interior parking areas shall be terminated by a landscaped island.
2. There shall be no more than twenty (20) parking spaces in a row without a landscaped island.
3. Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space. (Ord. 2950, 2007)
4. Landscaped areas within a vehicle use area shall be bounded by a continuous concrete curb or other similar barrier approved by the City Engineer.
5. Landscaped islands shall contain canopy shade trees, shrubs and/or turf grass. (Ord. 2950, 2007)
6. Where a vehicular use area abuts a public-use roadway, a minimum of six (6) feet of landscaping shall be provided between the vehicular use area and the sidewalk with at least seventy-five (75) percent of the area in turf grass.

C. Mounding requirements adjacent to vehicular use areas. Landscaping shall be mounded a minimum of six (6) inches above the height of adjacent vehicular use areas, but not exceeding 3:1 slope, and shall be protected from vehicular traffic with curbing or other similar barrier approved by the City Engineer.

G. Buffer and screening between uses. Where a commercial or non-residential use abuts a residential use, a minimum fifteen-foot (15) landscape buffer shall be provided along the shared along the shared property line. Where vehicular use areas abut adjacent residential property, the lot shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

The applicant shall be required to fulfill these requirements and has prepared a preliminary plan, including a 4-foot soil berm with hedge along the southern property line of the subject property, adjacent to the single-family residential neighborhood to the south. The final landscaping plan will be reviewed at such time that the convention center and Home2 Suites goes before the Design Review Board.

The basis for decision on zoning map amendments is listed in the Land Development Code 17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider criteria outlined for Findings for the Basis of Decision. The City Commission was provided the full findings in the first reading agenda report on May 20, 2014, which is accessible online at: <http://www.greatfallsmt.net/>

Request to Vacate 26th Avenue Southwest

Concurrent to the rezoning request, the applicant is also processing a request to vacate the 26th Avenue Southwest public right-of-way (ROW). The subject ROW is approximately 1.078 acres. Vacation of said right-of-way would provide that the applicant become responsible for any

improvements and/or maintenance. The City will retain the width of 26th Avenue Southwest for use as a public utility easement for an existing water main and storm drain. In addition, public access will need to be maintained to all properties currently served by 26th Avenue Southwest, so the amended plat shall maintain a public access easement. Staff is working on fulfilling the requirements for Section 7-3-4448 MCA.

City's Right to Sell Right-of-Way

Generally land in the right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner. The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed, and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of right-of-way.

Transportation

The City's Public Works Department does not have a need to retain the subject right-of-way to maintain adequate public traffic flows in the area. The requested vacation will have no effect on transportation circulation as there is adequate access to the subject property from other developed roadways. All current and future development planned for the Hilton Garden Inn site (see attached Schematic Master Site Plan) will be reviewed by the City Public Works Department and City Fire Department for internal site traffic flow and fire truck turn radii and accessibility. In addition, any maintenance work that may impact the 14th Street Southwest public ROW shall be coordinated, reviewed and approved by the Public Works Department.

Improvements/Storm Water

For the first entrance to the Hilton Garden Inn site, coming south off of 14th Street Southwest, staff would like to see that driveway widened and the addition of a small pork chop median in order to make that access point a truly functional right-in/right-out driveway. The proposed parking lot on the subject property will have impervious surfaces of more than 15,000 square feet; therefore, the developer is required to provide a storm water management plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to the issuance of building permits for the development.

In addition, Public Works has provided the following comments from their preliminary review for utilities and stormwater:

1. The parcel in the County will need sanitary sewer if and when annexed. An easement should be provided along the west edge of the subject property to extend either a main or service line to the existing main in the alley to the south.
2. The original development accounted for ± 8 acres of drainage area. The drainage for the proposed parking area south of 26th Avenue Southwest will need to be addressed with a new drainage report and plan.
3. Additional public fire hydrants may be required to serve new buildings. Easements may be necessary for fire hydrant leads.
4. A water service line will likely need to be extended to serve landscaping of the parking lot

area south of 26th Avenue Southwest.

5. Ground water was encountered at the time Hilton Garden Inn was constructed and some on-site under drains were installed. Additional ground water mitigation, geotechnical, and structural provisions and measures will likely be necessary.

The final engineering drawings and specifications for project improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

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 to vacate the subject right-of-way will result in the applicant becoming responsible for any future maintenance costs and rezoning will allow the applicant to redevelop a large vacant lot. The improvements will increase the tax base of the City.

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 10078 with Attachment A
- Ordinance 3120
- Aerial Map
- Zoning Map
- Petition to Vacate 26th Avenue SW with Map
- Neighborhood Council Letter
- Schematic Master Site Plan
- Enlarged Site Lot
- Aerial Isometric

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Laurie Price, Erck Hotels Representative, laurie@erckhotels.com
Jana Cooper, PLA | TD&H Engineering, Jana.Cooper@tdhengineering.com

RESOLUTION 10078

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 26TH AVENUE SOUTHWEST, IN THE VICINITY OF 14TH STREET SOUTHWEST AND PARK GARDEN ROAD, AS SHOWN IN ATTACHMENT A, AND BY THIS REFERENCE MADE A PART HEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED

* * * * *

WHEREAS, the subdivision plat of Hilton Garden Inn Addition dedicated the right-of-way of 26th Avenue Southwest, located west of 14th Street Southwest and north of Park Garden Road; and

WHEREAS, Russell Country Investors, LLC and Bleskin Peter Revocable Trust have petitioned in writing to the City of Great Falls to have the 26th Avenue Southwest right-of-way vacated; and,

WHEREAS, the City of Great Falls owns the adjoining 14th Street Southwest right-of-way to the east of 26th Avenue Southwest, and does not object to the vacation of said right-of-way; and,

WHEREAS, it is determined retention of 26th Avenue Southwest is not necessary to maintain adequate public traffic flows or circulation in the area; and,

WHEREAS, it is determined that the width of 26th Avenue Southwest will be retained as a utility easement for existing public utilities; and

WHEREAS, it is determined that the width of 26th Avenue Southwest will be retained as a public access easement for existing residential properties currently served by 26th Avenue Southwest; and

WHEREAS, the City Commission of the City of Great Falls, Montana, adopted Resolution No. 10077 on May 20, 2014, and Corrected Resolution No. 10077 on June 3, 2014 titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 26TH AVENUE SOUTHWEST, IN THE VICINITY OF 14TH STREET SOUTHWEST AND PARK GARDEN ROAD, AS SHOWN IN ATTACHMENT A, AND BY THIS REFERENCE MADE A PART HEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City caused notice of said Resolution No. 10077 to be:

(1) published in the *Great Falls Tribune* providing notice of the time and place at which the proposed vacation will be heard; and

(2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation; and

(3) personally served the owners of property abutting the street with Notice of Intent to Vacate and those owners have not objected to the vacation; and

WHEREAS, a hearing was held by the City Commission of the City of Great Falls, Montana, on the 17th day of June, 2014, at 7:00 o'clock p.m. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of 26th Avenue Southwest, located in the vicinity of 14th Street Southwest and Park Garden Road, beginning at the junction with 14th Street Southwest and continuing west and terminating at the cul-de-sac. Said right-of-way extends ± 899.25 feet and comprises ± 1.078 acres, the entirety of this right-of-way is requested to be vacated.

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

The right-of-way extending ± 899.25 feet and comprising ± 1.078 acres, located on 26th Avenue Southwest in the vicinity of 14th Street Southwest and Park Garden Road, beginning at the junction with 14th Street Southwest and continuing west and terminating at the cul-de-sac is vacated, retaining an easement for public utilities and public access for existing residential properties for the width of 26th Avenue Southwest.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
June 17, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)


APPROVED FOR LEGAL CONTENT


Sara R. Sexe, City Attorney

Resolution 10078


Attachment A



 Requested vacation of ROW

 Tracts of Land

150 75 0 150 Feet



ORDINANCE 3120

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 2, HILTON GARDEN INN ADDITION, SW¼ OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA, FROM R-5 MULTI-FAMILY MEDIUM DENSITY TO C-2 GENERAL COMMERCIAL.

* * * * *

WHEREAS, Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, PMM, Cascade County, Montana is presently zoned R-5 Multi-family medium density district; and,

WHEREAS, in 2005 the City of Great Falls completed a City-wide rezoning wherein the subject property was zoned R-5 Multi-family medium density; and,

WHEREAS, the property owner's, Bleskin Peter D Revocable Living Trust, representative, Erck Hotels, has petitioned the City of Great Falls rezone said property to C-2 General Commercial district; and,

WHEREAS, Erck Hotels intends to develop the subject property into a parking lot upon approval of the requested rezone; and,

WHEREAS, a parking lot is a permitted as a primary use in the C-2 General commercial zoning district; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 22, 2014, to consider said Rezoning from R-5 Multi-family medium density to C-2 General commercial and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, PMM, Cascade County, Montana.

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

Section 1. It is determined that the herein requested rezoning 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 Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, PMM, Cascade County, Montana be rezoned to C-2 General Commercial district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading May 20, 2014.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading June 17, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3120 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

Lisa Kunz, City Clerk

(CITY SEAL)

Aerial Map

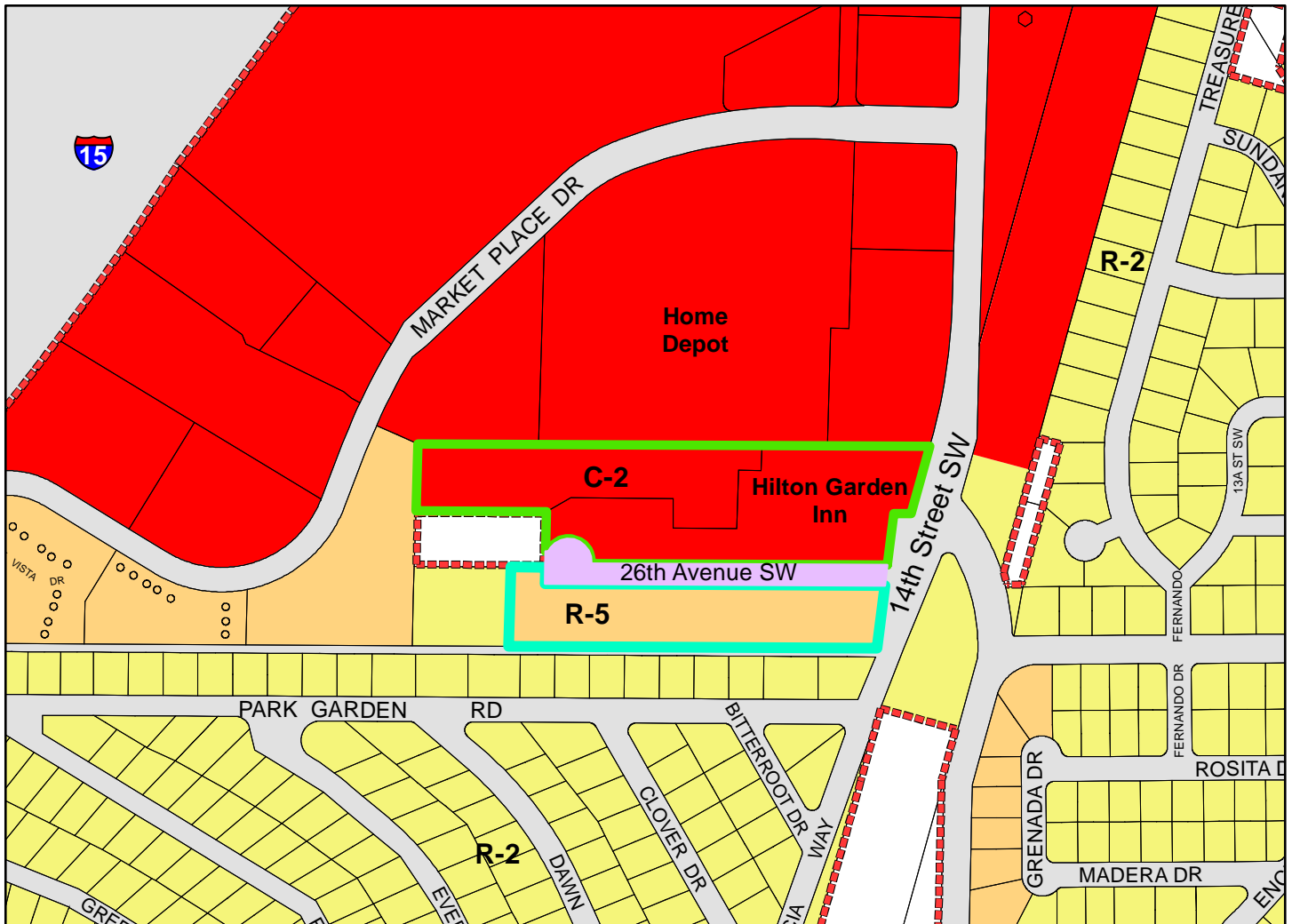





























-  Requested vacation of ROW
-  City Limits
-  Hilton Garden Inn property
-  Tracts of Land
-  Property for proposed rezone



Hilton Garden Inn/Rezone & Vacate ROW

Zoning Map



- | | | | | | |
|--|----------------------------------|---|---------------------------------|---|------------------------------------|
|  | Requested vacation of ROW |  | R-5 Multi-family Medium Density |  | C-5 Central Business Periphery |
|  | Property for proposed rezone |  | R-6 Multi-family High Density |  | M-1 Mixed-use District |
|  | Hilton Garden Inn property |  | R-9 Mixed Residential |  | M-2 Mixed-use Transitional |
|  | City Limits |  | R-10 Mobile Home Park |  | I-1 Light Industrial |
|  | Tracts of Land |  | PUD Planned Unit Development |  | I-2 Heavy Industrial |
| ZONING | | | | | |
|  | R-1 Single-family Suburban |  | C-1 Neighborhood Commercial |  | PLI Public Lands and Institutional |
|  | R-2 Single-family Medium Density |  | C-2 General Commercial |  | POS Parks and Open Space |
|  | R-3 Single-family High Density |  | C-3 Highway Commercial |  | AI Airport Industrial |
| | |  | C-4 Central Business Core |  | U Unincorporated Enclave |
| | | | |  | right-of-way |



March 19, 2014

Mayor Michael Winters & City Commissioners
City of Great Falls
PO Box 5021
Great Falls, MT 59403

RE: Abandon a portion of 26th Ave SW

We, the undersigned, are asking the City Commission of the City of Great Falls to vacate a portion of 26th Ave SW, from 14th Street SW to the western terminus of 26th Ave SW. The procedure to discontinue streets is outlined in the Montana Code Annotated 7-14-4114 and requires a petition in writing of more than 50% of the owners of the lots on the street or alley; and approval by a majority vote of the council. The undersigned represent more than 50% of the owners, see attached map. We appreciate your consideration in this matter.

Owners:

Signature:

Date:

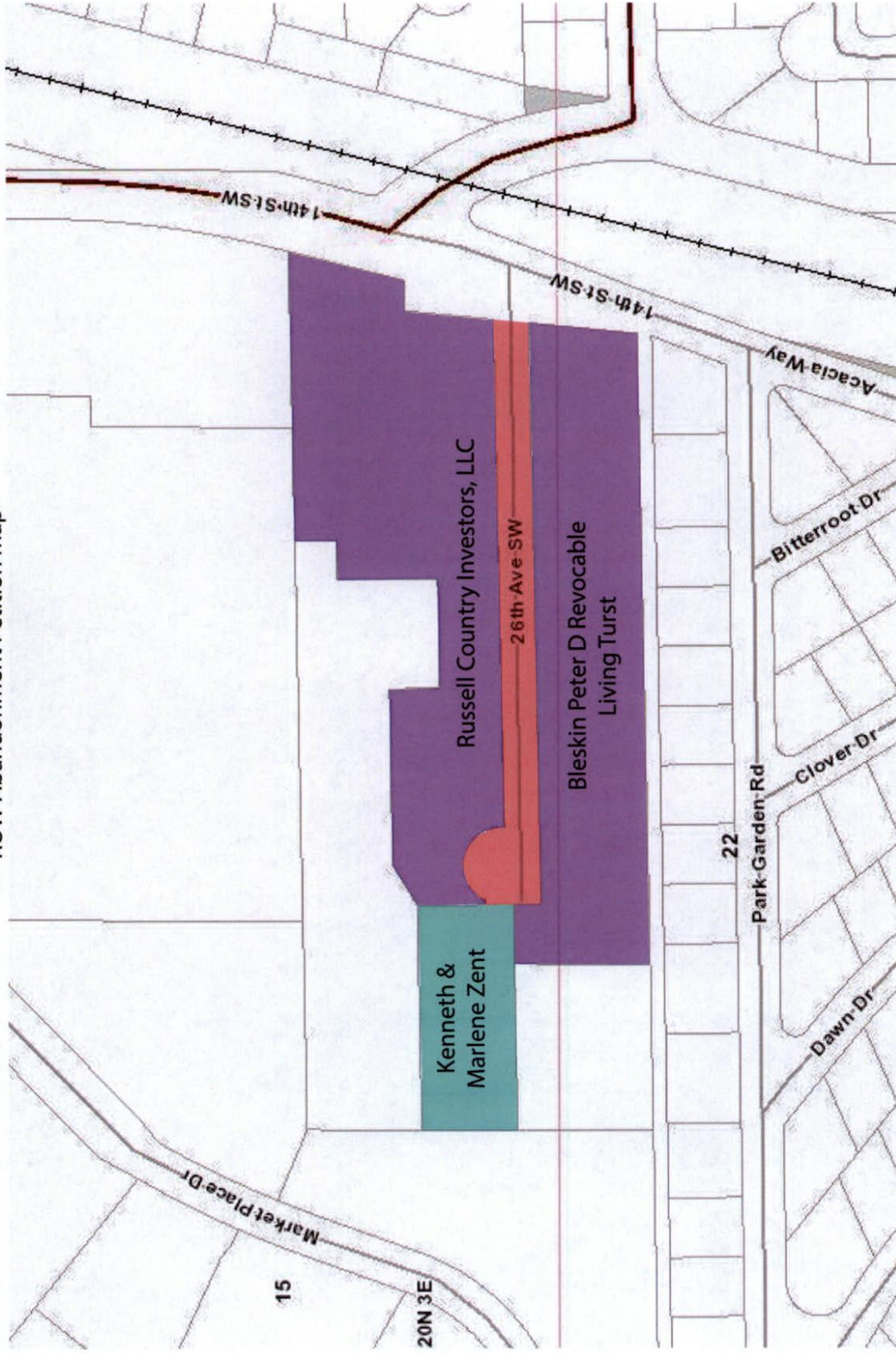
Russell Country Investors, LLC

Peter D Bleskin March 21, 2014

Peter D Bleskin Revocable Living Trust

Peter D Bleskin March 21, 2014

26th Ave SW
ROW Abandonment Petition Map



- 26th Ave SW Area Requested for Abandonment
- Property Owners Requesting Abandonment
- Other Property Owners with Adjacent Property

April 13th 2014

RE: Hilton Garden Inn Convention Center

Dear Members of the Great Falls City Planning Commission,

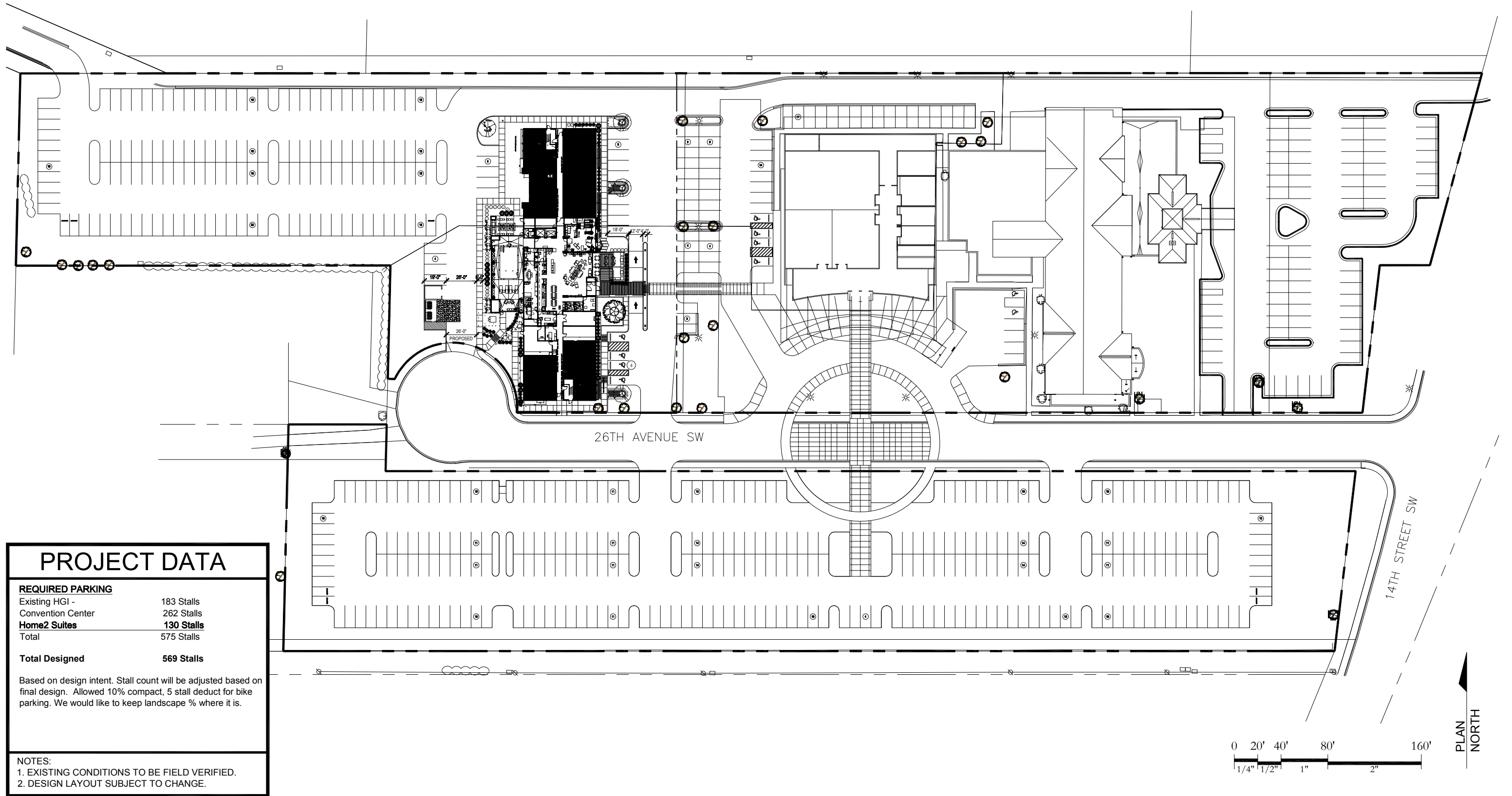
Neighborhood Council #1 has reviewed extensively the Erck Family Hotels request for a letter of endorsement concerning the rezoning of property and the planned expansion of the Hilton Garden Inn. Council members considered the motion during March's meeting. The vote was tabled in order to allow more time for neighborhood residents to address questions and concerns to the council and Erck Hotel representatives. The issue was revisited during April's council meeting and with no further concerns raised, council members of Neighborhood Council #1 voted unanimously to endorse all aspects of the planned project. Please strongly consider rezoning the lot currently south of the Hilton Garden Inn to the appropriate designation in support of Erck Family Hotels. Neighborhood Council #1 feels strongly that this is an extremely positive initiative for our neighborhood, the City of Great Falls, and the surrounding communities.

For any questions or concerns, please feel free to contact any of the Council members.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis D. Mora". The signature is written in a cursive style with a large initial "D" and "M".

Dennis D. Mora
Secretary
Neighborhood Council #1



PROJECT DATA

REQUIRED PARKING	
Existing HGI -	183 Stalls
Convention Center	262 Stalls
Home2 Suites	130 Stalls
Total	575 Stalls

Total Designed **569 Stalls**

Based on design intent. Stall count will be adjusted based on final design. Allowed 10% compact, 5 stall deduct for bike parking. We would like to keep landscape % where it is.

- NOTES:
1. EXISTING CONDITIONS TO BE FIELD VERIFIED.
 2. DESIGN LAYOUT SUBJECT TO CHANGE.



GREAT FALLS CONVENTION CENTER
GREAT FALLS, MONTANA

SCHEMATIC MASTER SITE PLAN

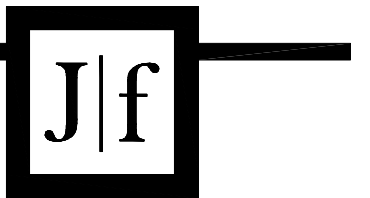
SCALE: 1" = 80'

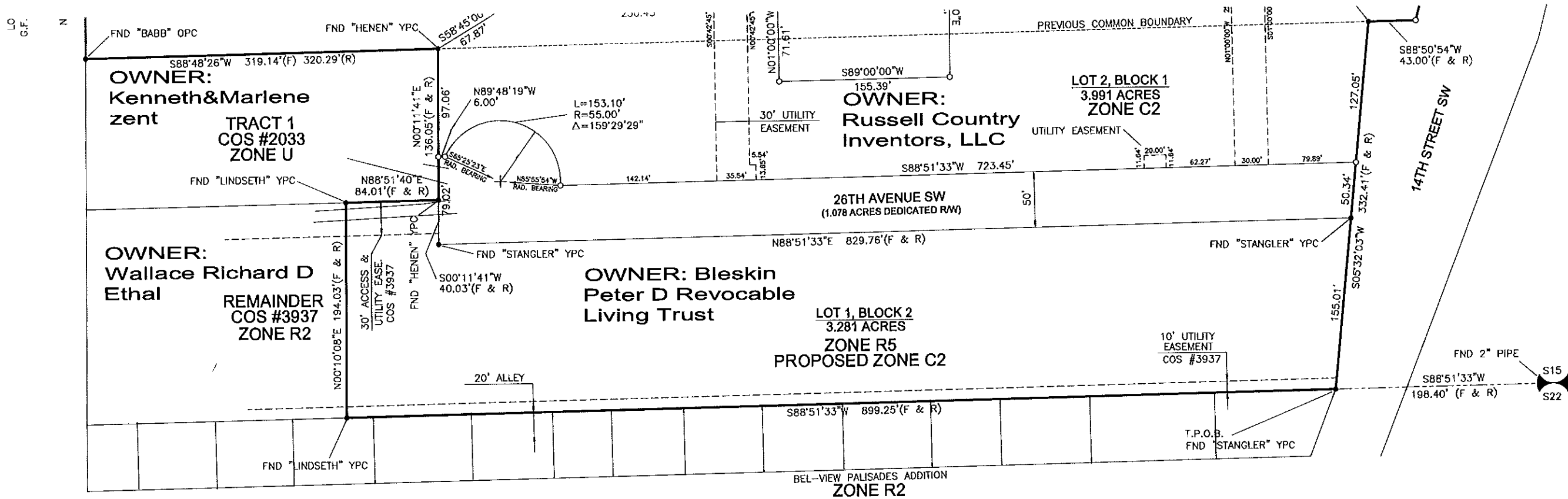
DATE: 01.31.14

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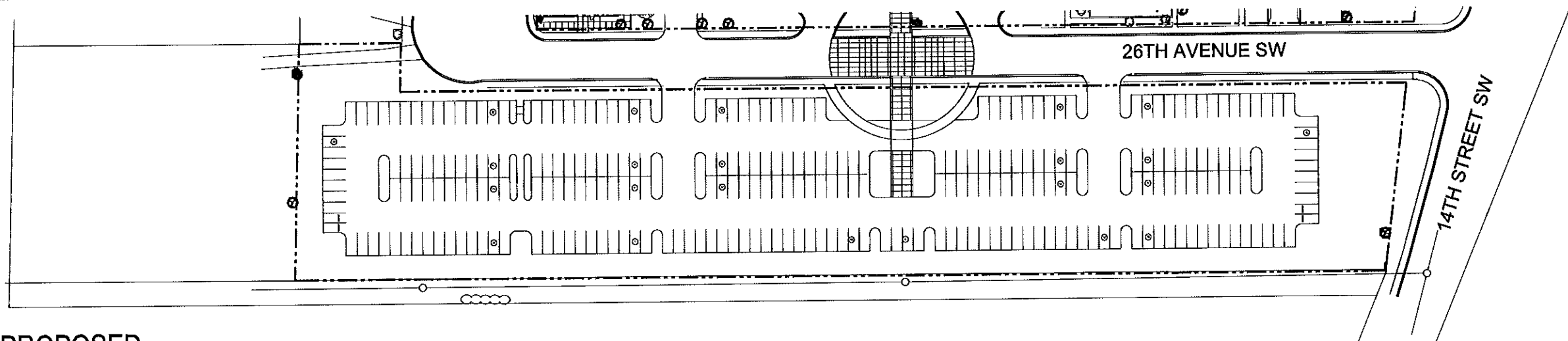
JENSEN | FEY
Architecture | Interiors | Planning

7730 LEARY WAY NE | REDMOND, WA 98052
TEL: 425.216.0318 FAX: 425.216.0329
www.JensenFey.com





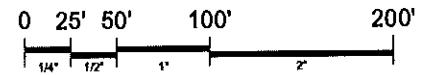
EXISTING



PROPOSED

Legal Description:

Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, SW1/4 Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana.



GREAT FALLS CONVENTION CENTER
GREAT FALLS, MONTANA

ENLARGED SITE LOT

SCALE: 1" = 100' DATE: 03.21.2014

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Architecture|Interiors|Planning
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TEL: 425.216.0318 FAX: 425.216.0329
www.JensenFey.com





ERCK HOTELS

GREAT FALLS CONVENTION CENTER
GREAT FALLS, MONTANA

AERIAL ISOMETRIC

SCALE: NTS

DATE: 01.31.14

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