



**Item:** Public Hearing - Ordinance 3128, Rezone the property located on the southwest corner of 46<sup>th</sup> Street North and 3<sup>rd</sup> Avenue North from R-3 Single-family high density to R-5 Multi-family medium density

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

**Initiated By:** Casey Cummings, Owner

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

**Action Requested:** City Commission approve Ordinance 3128

---

**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 Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3128.”

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

**Recommendation:**

At the conclusion of a public hearing held November 25, 2014, the Zoning Commission passed a motion recommending the City Commission approve rezoning of the property legally described as Lots 11-13, Block 12, Morningside Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, from R-3 Single-family high density to R-5 Multi-family medium density, subject to the following Conditions of Approval:

1. 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. Provide an amended plat aggregating the lots of the subject property, which shall incorporate corrections of any errors or omissions noted by Staff.
3. The applicant shall pave the alley adjacent to the subject property, in accordance with the design approved by the City Public Works Department.
4. A concrete alley apron shall be installed at 46<sup>th</sup> Street North.

5. The project architect and engineer shall submit reports and site civil plans to the City Public Works Department for review and approval.
6. Dual handicap ramps shall be installed at the southwest corner of the 3rd Avenue North and 46th Street North intersection.
7. Outdoor lighting shall have cutoff fixtures and be situated to prevent off-site light pollution.
8. 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 Zoning Commission Public Hearing was published in the *Great Falls Tribune* on November 9, 2014. One citizen spoke with concerns about site drainage, the remainder of a previously existing tree on the property, and the location of the 3-story building, which if it is located on the east side of the property is acceptable for him. He submitted written comments and photographs. Dave Dobbs, City Engineer, confirmed that a storm drain plan is required and should be forthcoming, as well as a soils report, both of which should address the expressed concerns.

Ordinance 3128, to rezone the subject property, was accepted by the City Commission on first reading on December 16, 2014. Notice of Public Hearing before the City Commission for the rezoning was published in the *Great Falls Tribune* on January 6, 2015.

Staff recommends approval of the proposed Amended Plats and rezoning of the subject property, subject to the aforementioned conditions of approval being fulfilled.

### **Background:**

The subject property has a non-residential land use history as it was previously the location of a neighborhood church and parking lot. There was also a preschool/daycare approved by the State for up to 45 children which operated at the church in 2003 and 2004. City records indicate the church existed from at least the early 1960s through 2009, when it was razed. The property has been vacant since that time.

### **Rezoning Analysis**

A multi-family apartment building with a garage facility is not permitted in the existing R-3 Single-family high density district, and the legal nonconforming use of the church has since expired. The owner is proposing rezoning to R-5 for development of one 12-unit multi-family apartment building, which equates to 19.35 dwelling units per acre (du/ac). The adjacent neighborhood is 4.76 du/ac. Though this project is much more dense than the adjacent neighborhood to the north and west, the size of the property,  $\pm 62$  acres, appears to provide enough area for the development to meet all of the R-5 district development standards for setbacks, height, lot coverage, and landscaped area.

Immediately to the south across the alley is a 12-unit apartment building, also owned by the applicant, that is the same design as what is being proposed on the subject property. There are a few site specific differences, but the proposed concept and density is the exact same. The

location of the subject property seems to lend itself well, in most respects, to multi-family development, and every rezone request must be considered in its full context.

In this instance, the subject property is in the vicinity of numerous existing multi-family apartment and condominium buildings to the northeast, south and southwest. Because similar housing configurations exist in the immediate vicinity, with similar look, function and impact, it would not be inappropriate to establish R-5 zoning for the subject property. In addition, the applicant shall be required to fulfill the development standards, parking, lighting and landscaping requirements when the project goes to the Design Review Board and applies for building permits.

The basis for decision on zoning map amendments is listed in Section 17.16.40.030 of the Land Development Code. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

*1. The amendment is consistent with and furthers the intent of the City's growth policy.*

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

Moreover, the Growth Policy calls for promoting redevelopment and infill as a primary community development mechanism. The Growth Policy states that the City should regulate new development to achieve a high degree of self containment. This Policy is encompassed in the approval process being sought by this applicant as a result of this request.

*2. The amendment is consistent with and furthers adopted neighborhood plans, if any.*

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #4. The applicant presented to the Council on October 23, 2014, and the Council voted

in favor of the proposed project.

*3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.*

The area that this project is located in does not have a set of planning documents beyond the Growth Policy that assess existing conditions and/or provide recommendations for the area. The project will involve filling in gaps, and connecting to, the existing neighborhood sidewalk network. Due to the location of the project, routine vehicle trips are necessary for residents in this area to access work, shopping, and other recreational opportunities.

*4. The code with the amendment is internally consistent.*

The proposed zoning map amendment is consistent with the applicable code and is within the city limits. Properties to the northeast, south and southwest have similar uses, so the zoning district would be consistent with existing development.

*5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.*

The subject property is located close to the eastern fringes of the city in between residential and commercial uses and was used for institutional purposes for over forty years as a church and daycare facility, which ultimately served as a complimentary buffer between the two uses. The applicant would like to redevelop the site in order to construct an apartment building that matches his existing apartments adjacent to the subject property across the alley to the south. As stated earlier, because the current zoning district restricts the type of development on the property, rezoning ultimately allows the applicant to address the increased need to provide additional housing options to City residents.

Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review. It is not anticipated that the change in zoning and ultimate use will have any negative impact. The proposed project will be well landscaped, lighted, maintained and managed by the applicant to ensure this is the case.

*6. The City has or will have the financial and staffing capability to administer and enforce the amendment.*

Completion of the full project proposal, contingent on rezoning, will have beneficial financial impact for the City due to the increased property value and resulting tax base. There is adequate staffing to administer and enforce the amendment.

### Transportation

Access to the property will mainly be from the adjacent alley to the south and from a driveway off of 3rd Avenue North. An apartment building generates an estimated 6.65 average trips per unit on a weekday. Using this number, the proposed 12-unit apartment would generate approximately 80 trips during an average weekday, distributed over a 24-hour period. The maximum number of peak-hour trips is expected to be .51 per unit, or about 7 trips during the morning peak (*Source: ITE Trip Generation Manual, 9<sup>th</sup> Edition*).

The low-volume local streets adjoining the proposed site have adequate capacity to accommodate the projected additional traffic. The proximity of a major arterial (2nd Avenue

North) just one block to the south will encourage the majority of the traffic to access the property via 46th Street North, rather than driving through the neighborhood on 3rd Avenue North. In addition, any work that may impact the 3rd Avenue North or 46th Street North public right-of-ways shall be coordinated, reviewed and approved by the Public Works Department.

#### Improvements/Storm Water

There is an existing 8-inch clay sewer in the alley and there are two potential connections for water: 3rd Avenue North has a 6-inch ACP water main and 46th Street North has an 8-inch ACP water main, which can provide services to the subject property.

Public Works has provided the following comments from their preliminary review for the site and storm water:

1. The required site storm drain report and plan shall be completed by a registered engineer.
2. The site drainage should be conveyed to 3rd Avenue North rather than the alley. A sidewalk drain can be installed to convey storm water to the street gutter. There are some concerns about adding more drainage to the alley.
3. The applicant shall pave the alley adjacent to the subject property.
4. The alley design grade should include an inverted crown.
5. An alley apron shall be installed at 46<sup>th</sup> Street North.
6. Sidewalk should be adjacent to the curb.
7. The driveway approach to 3rd Avenue North, and the alley access, shall be in accordance with City standard drawings.
8. Dual handicap ramps shall be installed at the southwest corner of the 3rd Avenue North and 46th Street North intersection.

The project architect and engineer shall submit reports and site civil plans 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 of 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:** Ordinance 3128  
Aerial Photo  
Zoning Map  
Preliminary Site Plan

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Anthony Houtz, AIA, CTA, Inc., Representative, [anthonyh@ctagroup.com](mailto:anthonyh@ctagroup.com)

ORDINANCE 3128

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS LOTS 11-13, BLOCK 12, MORNINGSIDES ADDITION, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY TO R-5 MULTI-FAMILY MEDIUM DENSITY.

\* \* \* \* \*

WHEREAS, as Lots 11-13, Block 12, Morningside Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, is presently zoned R-3 Single-family high density district; and,

WHEREAS, in 2005 the City of Great Falls completed a City-wide rezoning wherein the subject property was zoned R-3 Single-family high density; and,

WHEREAS, the property owner, Casey Cummings, has petitioned the City of Great Falls rezone said property to R-5 Multi-family medium density district; and,

WHEREAS, Casey Cummings intends to develop the subject property into a 12-unit apartment building with garage facility upon approval of the requested rezone; and,

WHEREAS, an apartment building is permitted as a primary use in the R-5 Multi-family medium density 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 November 25, 2014, to consider said rezoning from R-3 Single-family high density district to R-5 Multi-family medium density district. At the conclusion of said hearing the Zoning Commission passed a motion recommending the City Commission rezone the property legally described above.

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 Lots 11-13, Block 12, Morningside Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be rezoned to R-5 Multi-family medium density 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 December 16, 2014.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading January 20, 2015.

---

Michael J. Winters, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

Sara R. Saxe, 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 3128 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 Courthouse;  
On the Bulletin Board, Great Falls Public Library

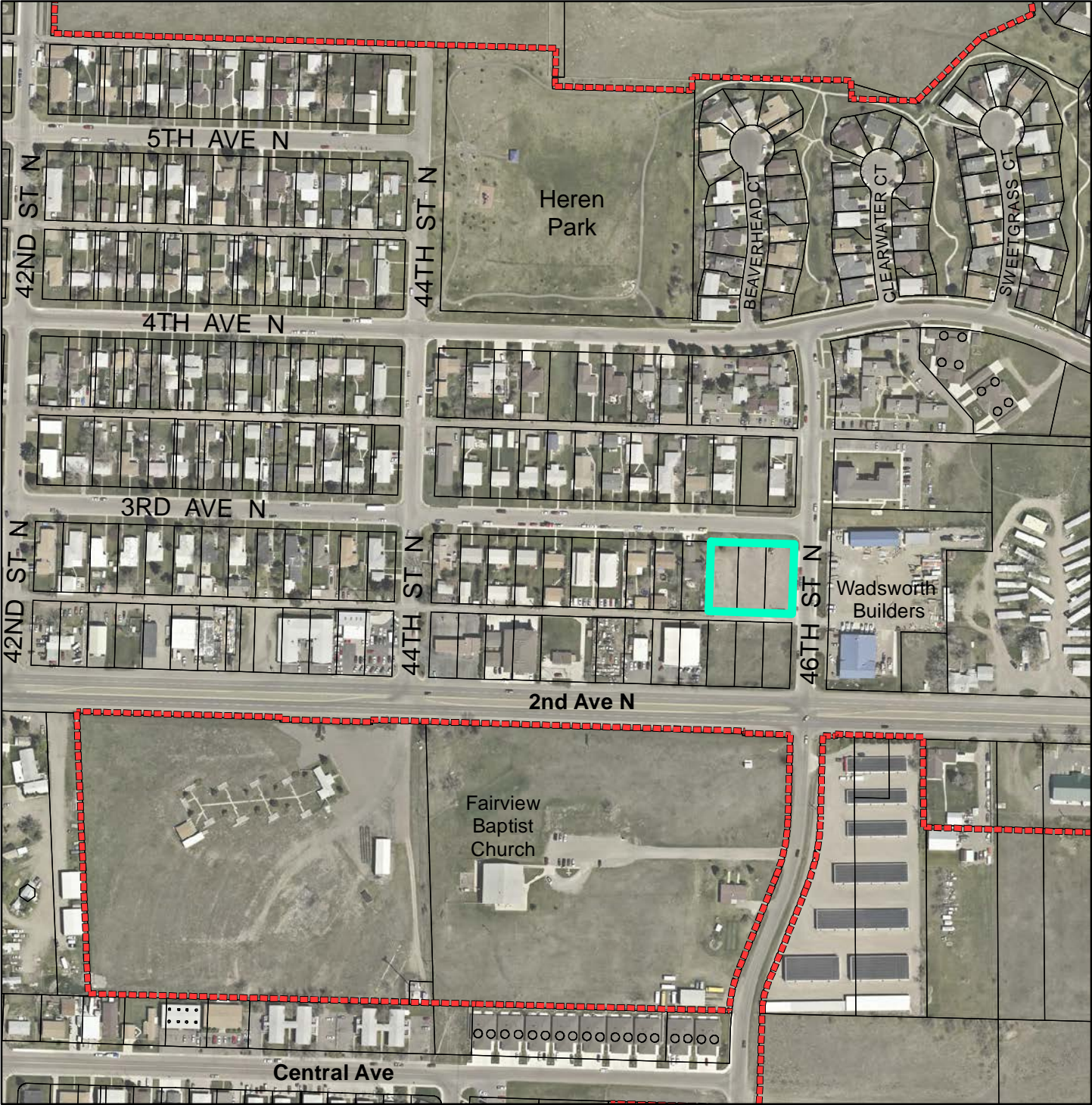
(CITY SEAL)




---

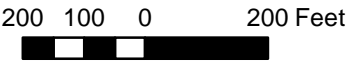
Lisa Kunz, City Clerk



# Aerial Map

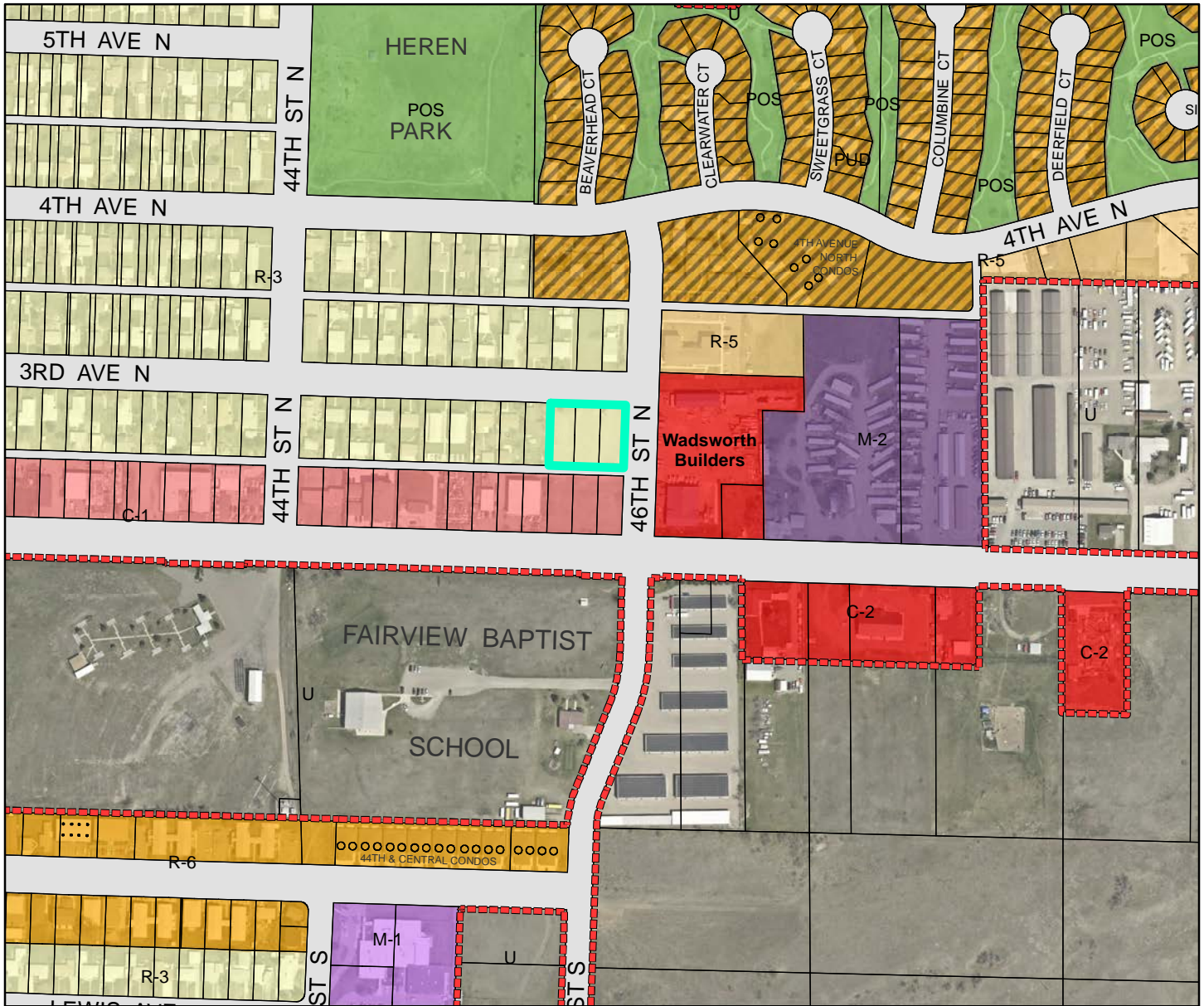


-  Subject Property
-  City Limits
-  Tracts of Land





# Zoning Map



- |                  |                                 |                            |
|------------------|---------------------------------|----------------------------|
| Subject Property | R-3 Single-family High Density  | C-2 General Commercial     |
| City Limits      | R-5 Multi-family Medium Density | M-1 Mixed-use District     |
| Tracts of Land   | R-6 Multi-family High Density   | M-2 Mixed-use Transitional |
| right-of-way     | PUD Planned Unit Development    | POS Parks and Open Space   |
|                  | C-1 Neighborhood Commercial     | U Unincorporated Enclave   |



