



**Item:** Public Hearing - Ordinance 3129 to rezone Lots 1, 2A, 6, and 7, Block 414, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, addressed as 400 and 408 2<sup>nd</sup> Avenue South, and 206 5<sup>th</sup> Street South.

**From:** Garrett Norman, Planner I, Planning and Community Development

**Initiated By:** City of Great Falls, Planning and Community Development

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

**Action Requested:** City Commission adopt Ordinance 3129.

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**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 3129.”

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

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**Recommendation:** At the conclusion of a public hearing held on December 9, 2014, the Zoning Commission recommended the City Commission approve the zoning map amendment of the subject properties legally described above, from C-5 Central business periphery to C-4 Central business core.

The City Commission accepted Ordinance 3129 at first reading on January 6, 2015 and set the public hearing for February 3, 2015. Notice of Public Hearing before the City Commission was published in the *Great Falls Tribune* on January 18, 2015.

**Background:** The City Planning and Community Development Department is pursuing a zoning map amendment on 2nd Avenue South in order to encourage investment in the area and facilitate future development of the vacant property. After an analysis of the C-5 zoning district in the vicinity, it became apparent that the majority of the existing structures are nonconforming based on their dimensional standards. After a more thorough analysis, City staff determined it would be best to narrow the scope of the zoning map amendment to the south facing half block on 2nd Avenue South, between 4th Street South and 5th Street South. The two existing structures in this

proposed rezoned area are classified as nonconforming because they do not meet current setback requirements. The proposed amendment will make the existing structures conforming, making it easier for their owners to undertake improvements. Additionally, the amendment would allow for a proposed development on the vacant lot to construct a building that is compatible with the two existing buildings, creating the opportunity for a uniform streetscape. Ultimately, the amendment would help facilitate investment in the area, as it is an asset to downtown.

#### Findings for the Basis of Decision

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

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

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports Physical and Social goals and policies.

#### Social

*Soc 1.7 — Bolster the capacity of non-profits in the City.*

This zoning map amendment was partially initiated by a local non-profit in the City. The City undertaking the amendment process helps facilitate development for the non-profit, as well as the other property owners.

#### Physical

*Phy 4.1.3 — Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.*

This zoning map amendment incentivizes infill development on the vacant lot, ultimately allowing a development to be built with the scale and character of the surrounding area.

*Phy 4.2.3 — Support actions that bring properties into conformance with the City's Land Development Code requirements over time.*

This zoning map amendment brings the two existing properties into conformance with the City's development standards described in the Land Development Code.

*Phy 4.1.8 — Support the implementation of the Downtown Master Plan.*

This zoning map amendment helps implement portions of the Downtown Master Plan, which is discussed in section 3 below.

#### **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 #7. City staff presented the zoning map amendment to the Council on December 8, 2014. Two of the members voted to support the project and one voted against.

#### **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 subject properties are within the Downtown Master Plan, designated in the Transition Sub-area. This sub-area is a vital part of Downtown Great Falls, where land uses gradually shift from the primarily non-residential buildings to the primarily residential buildings. The unique aesthetics of downtown are an asset that should be preserved, enhanced, and celebrated to propel downtown toward a vibrant and sustainable future. One way of doing this is by supporting existing and attracting new commercial and retail business downtown, while ensuring streetscape improvements are designed to enhance pedestrian safety and pleasure by providing sufficient space for pedestrian needs and uses.

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

The proposed zoning map amendment is consistent with the applicable code and is within City limits. Properties to the north are within the C-4 zoning district. The zoning map amendment would also bring two nonconforming structures into conformity.

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

Any development within the City limits requires City review, including review of how a development will impact the public health, safety, and welfare. It is not anticipated that any future development associated with this zoning map amendment will have negative impacts.

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

Completion of the zoning map amendment will have no financial impact on the City.

**Improvements:** There are no infrastructure improvements associated with this zoning map amendment.

**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:** No fiscal impact.

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

**Attachments/Exhibits:** Ordinance 3129  
Aerial Map  
Zoning Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer

ORDINANCE 3129

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS LOTS 1, 2A, 6, AND 7, BLOCK 414, GREAT FALLS ORIGINAL TOWNSITE, SECTION 12, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA FROM C-5 CENTRAL BUSINESS PERIPHERY TO C-4 CENTRAL BUSINESS CORE

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WHEREAS, Lots 1, 2A, 6, and 7, Block 414, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, are presently zoned C-5 Central business periphery; and,

WHEREAS, the City of Great Falls has petitioned to rezone the subject properties to C-4 Central business core; and,

WHEREAS, notice of assigning C-4 Central business core zoning classification to the subject properties was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 3<sup>rd</sup> day of February, 2015, before final passage of said Ordinance herein; and,

WHEREAS, following the public hearing, it was found and decided that the C-4 Central business periphery rezoning designation be made; and,

WHEREAS, the zoning map amendment on the subject 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 December 9, 2014, to consider rezoning the subject properties from C-5 Central business periphery to C-4 Central business core, and at the conclusion of the hearing passed a motion recommending the City Commission rezone the properties legally described as Lots 1, 2A, 6, and 7, Block 414, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, P.M.M., 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 Land Development Code of the City of Great Falls.

Section 2. That Lots 1, 2A, 6, and 7, Block 414, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana be rezoned to C-4 Central Business Periphery.

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 of the City of Great Falls, Montana on first reading January 6, 2015.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading February 3, 2015.

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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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Sara 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 3129 in three conspicuous places within the limits of said City to-wit:

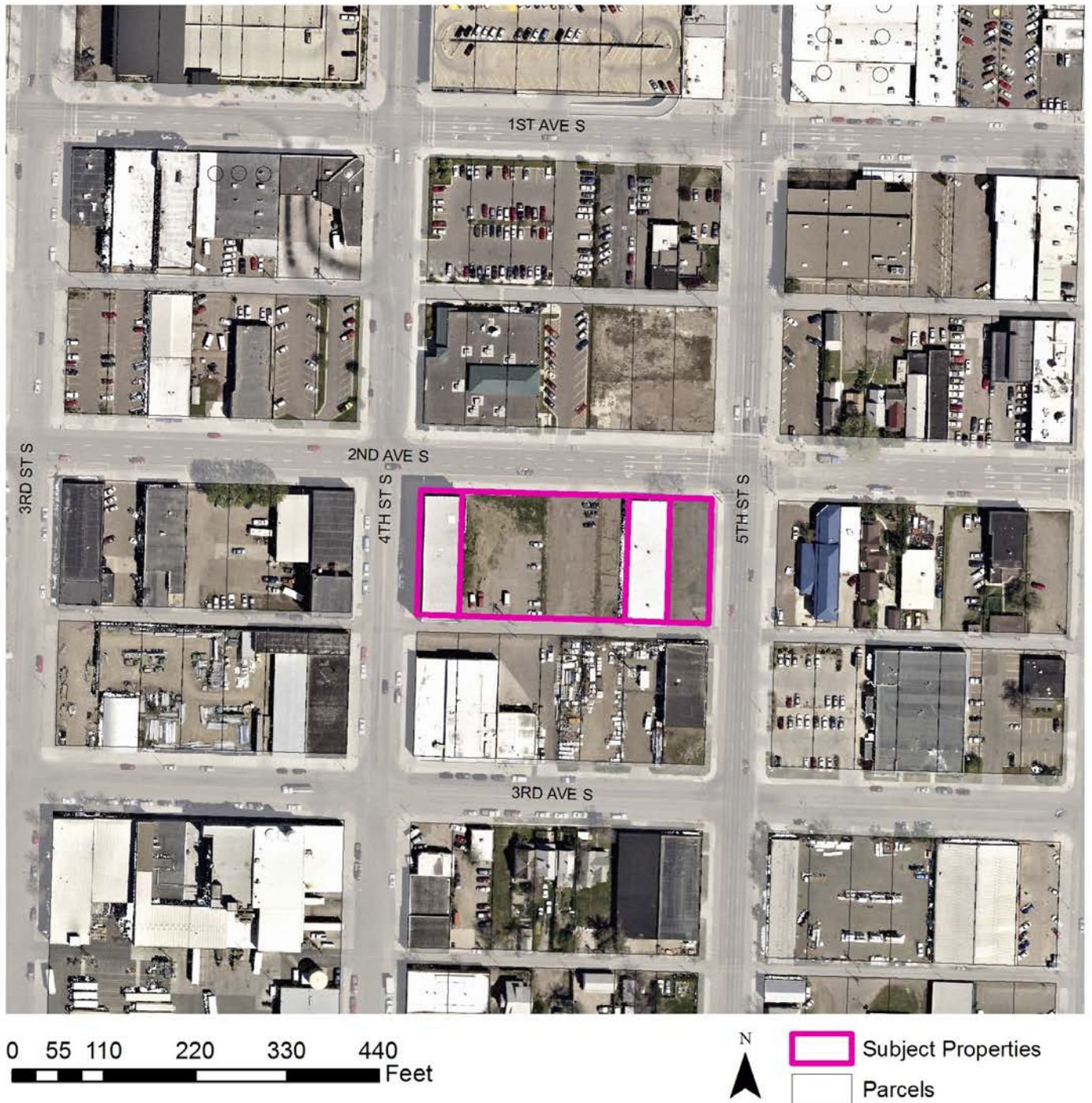
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Courthouse;  
On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

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Lisa Kunz, City Clerk

# Aerial Map





# Zoning Map

