

ORDINANCE 3152

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: MARKS 2, 3, 5, 11, BLOCK 3, COUNTRY CLUB ADDITION, LOCATED IN SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA; AND, LOTS 1B, 1, 1A-1, BLOCK 1, TIETJEN TRIANGLE ADDITION, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA; AND, LOT 1, BLOCK 1, MONTANA ADDITION, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM C-1 NEIGHBORHOOD COMMERCIAL TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.

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WHEREAS, the subject properties, located on the south side of the Country Club Boulevard and Fox Farm Road intersection, are presently zoned C-1 Neighborhood Commercial district; and,

WHEREAS, the property owners, Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments Inc., have petitioned the City of Great Falls to rezone said properties to C-2 General Commercial district; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on January 10, 2017, to consider said rezoning from C-1 Neighborhood Commercial district to C-2 General Commercial district and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M.

Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and,

WHEREAS, after having considered this matter at its February 7 and March 7, 2017, meetings, the City Commission remanded Ordinance 3152 back to the Planning and Community Development Department with further instructions, including but not limited to, reviewing the appropriateness of using the designation of Planned Unit Development (PUD) as opposed to C-2 in order to mitigate the impacts of certain permitted uses allowed in the C-2 zoning district and to mitigate traffic safety concerns accompanying additional development; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on the PUD zoning designation would be held on the 2nd day of May, 2017, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said rezoning designation be made; 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.

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

Section 1. It is determined that herein requested rezoning will meet the criteria and guidelines cited in Mont. Code Ann. §76-1-605, §76-2-304, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That the properties legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana., as shown attached hereto as Attachment "A", be rezoned to PUD Planned Unit Development district.

Section 3. Where the Official Code of the City of Great Falls regulations apply to a specific zoning district, the C-2 General Commercial district regulations shall apply to the properties within the PUD.

Section 4. All uses listed in Article 17.20.3, Exhibits 20-1, 20-2, and 20-3 of the Official Code of the City of Great Falls (OCCGF) as permitted or conditionally permitted in the C-2 zoning district are allowable uses within the PUD, with the exception of the following uses which are prohibited:

- Campground
- Casino, type I
- Commercial Kennel
- Construction Materials Sales
- Contractor Yard, type I
- Large equipment rental
- Light manufacturing and assembly
- Vehicle repair
- Vehicle sales and rental
- Veterinary Clinic, large animal

Section 5. Prior to new building construction on the vacant 2.6 acre tract within the PUD, the applicant shall address traffic safety issues through the following measures:

- The applicant is required to obtain an access easement through the property legally described as Country Club Addition, Section 14, Township 20 North, Range 3 East, Block 003, Mark 6. This will allow motorists accessing properties in the PUD to legally utilize an already established vehicle circulation point from Alder Drive. Proof of easement, future design of this access, and associated directional signage on Alder Drive and Fox Farm Road must all be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.
- The applicant is required to mitigate “cut-through” access through the Lucky Lil’s Casino property (legally described as Lot 1B, Block 1, Tietjen Triangle Addition) and the Holiday Gas Station property (legally described as Lot 1, Block 1, Tietjen Triangle Addition). This is designed to direct future development traffic for the vacant 2.6 acre parcel to safer access from Alder Drive. Design of these cut-through mitigation measures shall be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.
- The applicant shall submit a proposal to the Montana Department of Transportation (MDT) and the City of Great Falls to increase left-turn vehicle stacking at the Fox Farm Road access into the Lucky Lil’s Casino property. If this proposal is approved by MDT, it shall be implemented prior to the issuance of a future occupancy permit associated with development of the vacant 2.6 acre parcel.

Section 6. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading February 7, 2017.

ADOPTED as amended by the City Commission of the City of Great Falls, Montana on second reading May 2, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, Darcy Dea, Deputy 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 3152 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

Darcy Dea, Deputy City Clerk


(CITY SEAL)

Ordinance 3152 Attachment A



 Properties included in rezone to C-2 General commercial

 City Limits

 Tracts of Land

