

**ORDINANCE 3182**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO AMEND ORDINANCE 3152 FOR THE PROPERTY LEGALLY DESCRIBED AS: BLOCK 1, LOT 1, AMENDED PLAT 2897 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, TIETJEN TRIANGLE ADDITION, P.M.M. CASCADE COUNTY, MONTANA, TO REMOVE A CONDITION OF BUILDING PERMIT APPROVAL FOR A PLANNED UNIT DEVELOPMENT (PUD)**

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**WHEREAS**, a 5.949 acre aggregation of properties located at the northwest corner and the southeast corner of the intersection of Country Club Boulevard and Fox Farm Road were rezoned to Planned Unit Development (PUD) through adoption of Ordinance 3152 by the City Commission on May 2, 2017; and

**WHEREAS**, one of the property owners within the PUD, Billings Holdings, LLC, has petitioned the City of Great Falls to amend Ordinance 3152 to remove a Condition of Building Permit Approval affecting a 2.6 acre tract of land within the larger PUD. This Condition requires Billings Holdings, LLC to provide the City with proof of an access easement through an adjacent property located south of the 2.6 acre development tract prior to the issuance of a City building permit; and

**WHEREAS**, Billings Holdings, LLC has indicated to the City that it has made a good faith but ultimately unsuccessful effort to secure the easement and wishes to move forward and obtain a building permit without the PUD easement condition contained in Ordinance 3152; and

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on October 24, 2017, to consider said amendment and, at the conclusion of said hearing, passed a motion recommending the City Commission approve the applicant's request; and,

**WHEREAS**, notice of proposed modification to the PUD was published in the *Great Falls Tribune* advising that a public hearing would be held on the 5<sup>th</sup> day of December, 2017, before final passage of said Ordinance herein; and

**WHEREAS**, following said public hearing, it was found and decided that the modification to the PUD on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the modification be made.

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

Section 1. It is determined that herein requested PUD modification will meet the criteria and guidelines cited in Mont. Code Ann. §76-1-605, §76-2-304, and Section 17.16.29.050 of the Land Development Code of the City of Great Falls.

Section 2. That the owner of the property legally described as Block 1, Lot 1, Amended Plat 2897 of Section 14, Township 20 North, Range 3 East, Tietjen Triangle Addition, P.M.M. Cascade County, Montana, be authorized, through Ordinance 3182, to not be required to provide the access easement specified in Ordinance 3152.

Section 3. 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 November 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 5, 2017.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Joseph Cik, Assistant 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 Commission, Ordinance 3182 on the Great Falls Civic Center posting board and the Great Falls City website.

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Darcy Dea, Deputy City Clerk

(CITY SEAL)