

**ORDINANCE 3184**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE EAST APPROXIMATELY 12 FEET BY 132.5 FEET OF LOT 8, BLOCK 49, BLACK EAGLE FALLS ADDITION: AS SHOWN ON THE PROPOSED AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION TO GREAT FALLS FROM POS PARK AND OPEN SPACE TO C-2 GENERAL COMMERCIAL DISTRICT**

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**WHEREAS**, the subject property located in the southeast corner of Lions Park and directly adjoining the commercial property of 2815 10<sup>th</sup> Avenue South is presently zoned POS Park and Open Space; and

**WHEREAS**, the property owner of 2815 10<sup>th</sup> Avenue South proposes to purchase the east approximately 12 feet by 132.5 feet of Lot 8, Block 49, Black Eagle Falls Addition and combine it with his property of Lot 7, Block 49, Black Eagle Falls Addition, in order to construct a elevator to the second story of his property and has petitioned the City of Great Falls to rezone subject 12 feet by 132.5 feet portion of unused park to match the zoning upon the commercial property of C-2 General Commercial; and

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on November 14, 2017, to consider said rezoning from POS Park and Open Space to C-2 General Commercial district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the east 12 feet by 132.5 feet of Lot 8, Block 49, Black Eagle Falls Addition; and,

**WHEREAS**, notice of assigning said zoning classification to and sale of the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 16<sup>th</sup> day of January, 2018, before final passage of said Ordinance herein; and

**WHEREAS**, following said public hearing, it was found and decided that the zoning map amendment 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 said rezoning designation be made.

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

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.29.050 of the OCCGF.

Section 2. That the east approximately 12 feet by 132.5 feet of Lot 8, Block 49, Black Eagle Falls Addition, be rezoned to C-2 General Commercial district, subject to the setbacks, and all other applicable regulatory codes and ordinances.

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 December 5, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading January 16, 2018.

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Bob Kelly, 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 Commission, Ordinance 3184 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)

**ZONING MAP AMENDMENT –  
BASIS OF DECISION**

**PORTION OF LOT 8, BLOCK 49 BLACK EAGLE FALLS ADDITION:**

The basis for decisions on zoning map amendments is listed in the Official Code of the City of Great Falls § 17.16.40.030 of the Land Development Code. The recommendation of the 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 project is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The project specifically supports the following policies:

Physical - Land Use

- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.
- Phy4.2.1 Development density and intensity should be oriented toward areas of the City most capable of supporting it....[such as] Locations with adequate community facilities and areas with adequate or excess infrastructure capacity.
- Phy4.7.6 Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for. This type of growth is preferred in order to avoid the long-term cost to taxpayers off providing costly services in an inefficient way.

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

- No neighborhood plans have been adopted by City Commission at this time.

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 property does not lie within land area associated with any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan, which does not have specific goals or objectives that address infill redevelopment.
- Given the limited area of the rezoning (adjacent portion of unused park land), the change to traffic patterns will be unnoticeable and therefore would have no impact upon any provisions in the Long Range Transportation Plan.

4. The code with the amendment is internally consistent.

- The rezoning of property is actually required to ensure code consistency because otherwise the property proposed for acquisition would have separate zoning than the insurance office parcel. Rezoning the property will unify the zoning for the property and allow the proposed elevator addition to comply with code.

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

- The existing insurance office building has no other viable option for second floor ADA access other than through the proposed elevator to be located on the west side of the structure. Allowing the unused portion of neighboring park land to be developed for accessibility to the commercial structure is addressing public safety and welfare.

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

- Approval of the rezoning proposal will allow for increased use of the Subject Property.
- The City has the financial and staffing capability to enforce the zoning map amendment if it is approved, and has the staffing available to address any subsequent development of the property.