

MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
April 9, 2024

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:00 p.m. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, April 9, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

Planning Board Members present:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Julie Essex

Lindsey Gray

Pat Green

Samantha Kaupish

Planning Board Members absent:

Jake Schneiderhan

Planning Staff Members present:

Brock Cherry, Director Planning and Community Development

Lonnie Hill, Deputy Director Planning and Community Development

Rachel Campbell, Permit Technician

Andrew Finch, Sr. Transportation Planner

Jamie Nygard, Sr. Administrative Assistant

Other Staff present:

Rachel Taylor, Deputy City Attorney

Mr. Cherry affirmed a quorum of the Board was present.

MINUTES

Chair Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on March 26, 2024. Seeing none, the minutes were approved.

COMMISSION ACTIONS REQUIRING A PUBLIC HEARING

A Zoning Map Amendment to change the zoning for the property addressed as 1525 3rd St NW and legally described as Lot 21 of Riverview Tracts 5th Supplement Section 2, T20N, R3E, P.M.M., Cascade County, Montana, from M-2 Mixed-Use Transitional to C-2 General Commercial

Lonnie Hill, Deputy Director, presented to the Commission. He stated that the applicant, Town Pump, was requesting a rezone from M-2 Mixed-use Transitional to C-2 General Commercial on the 0.87 acres addressed as 1525 3rd St NW. They are proposing a remodel of the existing building into a lounge, casino, and off site alcohol sales. The land uses are not permitted within the M-2 Zoning District but are allowed in the C-2 Zoning District.

Mr. Hill presented an Aerial Map, Zoning Map, and Site Photos.

Mr. Hill stated that the property was most recently “Best Wok”, which was established in 2016. It was previously “New Peking” which included a lounge, casino, and liquor sales. The uses were legal nonconforming but the nonconforming uses were vacated in 2016 when it changed to “Best Wok”. Mr. Hill stated that per OCCGF, if the nonconforming use ceases to exist for 24 months, subsequent uses must conform to current codes, which requires a rezone.

Mr. Hill stated that the property to the north, east, and south of the requested rezone are all zoned M-2 and the properties to the west are all zoned C-2.

Mr. Hill stated that the M-2 District is intended to promote a transition over time to a predominately mixed-use land use pattern. He stated that because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. The subject property doesn't fit into the plan, as it is fully developed as a restaurant site.

Mr. Hill stated that the proposed C-2 District primarily intends to accommodate high-traffic businesses that focus on vehicle traffic. Staff finds that the request to rezone to C-2 is appropriate because of the existing conditions of the commercial site and its location upon a principal arterial, 3rd Street NW, that can accommodate high-traffic business activity, which is a defining characteristic of the C-2 District.

Mr. Hill stated the project is located within Neighborhood Council #3, which met on March 7, 2024 to review the requested rezoning. They voted 2-1 to support the request.

Mr. Hill presented the Basis of Decision – Zoning Map Amendment

1. The amendment is consistent with and furthers the intent of the City's Growth Policy.
 - Staff finds the City's Growth Policy supports the proposed zoning map amendment to facilitate redevelopment upon an infill lot so as to maximize the City's existing infrastructure and services.
 - The Zoning Map Amendment is consistent with several sections and polices of the Growth Policy including:
 - Physical Goals and Principles (page 88)
 - Key Implementation Strategies (page 117)
 - Environmental Policies – Urban Form (page 144) policy 2.3.1
 - Economic Policies – Attract and retain New Business (page 155) policy 3.4
 - Physical Policies – Land Use (page 162) policies 4.11 and 4.1.5
2. The amendment is consistent with and furthers adopted neighborhood plans, if any.
 - No adopted neighborhood plans
 - The project was presented to Neighborhood Council #3 and they voted 2-1 to support the request.
3. The amendment is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

- Located within the “Primary Impact Area” of The Missouri River Urban Corridor Plan.
 - Staff notes the subject property is not immediately fronting the Missouri River, and is located upon a principal arterial street frontage, 3rd Street NW.
 - The area, including the subject property, was an existing commercial site at the time of the Plan’s adoption.
 - The plan acknowledges existing commercial properties and states a goal to incorporate existing commercial developments into the new community.
 - The plan states commercial development capitalizes on primary street frontage and acts as a buffer, sheltering residential development behind.
 - The plan states the lack of growth is the single biggest barrier to success for the community and the river and as a result, Staff finds consistency between the applicants request to rezone the property C-2 to allow for the utilization of an existing vacant commercial site and the Missouri River Urban Corridor Plan.
4. The code with the amendment is internally consistent.
 - The proposed amendment to establish C-2 General Commercial Zoning will not be in conflict with any portion of the existing City Code and will be internally consistent.
 - The proposed uses of a lounge, casino, and liquor store, fits within the context of the existing commercial corridor based on the surrounding uses surrounding the subject property.
 5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.
 - There are no existing public health, safety, or welfare issues that have been identified for the property. The zoning assignment have no impact.
 6. The City has or will have the financial staffing capability to administer and enforce the amendment.
 - The City has the financial and staffing capability to administer and enforce the amendment if approved. The use of the subject property conforms to the proposed zoning.
 - There is no new public infrastructure needs to be provided. If any is needed, it will be at the cost of the developer.

Mr. Hill presented the Conditions of Approval.

1. General Code Compliance.
 - 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. Land Use and Zoning.

- The proposed plan shall conform to the C-2 General Commercial Zoning district development standards contained within the Official Code of the City of Great Falls.
3. Engineering Review.
- The final engineering drawings and specification for improvements to the subject property shall be submitted to the City Public Works Department for review and approval.

APPLICANTS PRESENTATION

Joe Murphy, Big Sky Civil and Environmental, 1324 13th Ave SW, thanked Mr. Hill for his assistance through the rezoning process and stated he was available for any questions. He also stated that Dan Sampson, with Town Pump, was in attendance.

PUBLIC QUESTIONS

None

BOARD QUESTIONS TO APPLICANT/STAFF

Mr. Bertelsen asked if transitional meant until another use can be determined for the subject property. Mr. Hill responded that the M-2 District's intent is to transition from historically industrial uses over to mixed uses, not "transitional" that the zoning designation is meant to be a "interim" designation or temporary.

Mr. Mills asked if Pacific Steel and Recycling is in an M-2 district, would they have a right to turn the entire property into an I-1, if they bought the property next door that was in I-1 zoning, without needing any kind of review. Mr. Hill responded that per the current code, the M-2 Mixed-use zoning standards, they have a right to continue without any sort of land use entitlement such as a rezone.

Mr. Bertelsen asked if the property at Pacific Steel and Recycling sat vacant for 24 months, would they have to go through the rezone process. Mr. Hill responded that in the M-2 district existing industrial uses are conforming, so they would not need to go through the process.

Mr. Bertelsen asked for clarification that Pacific Steel scenario of a conforming use was different than the subject property previously having nonconforming rights of a casino. Mr. Hill responded that was correct.

PROPONENTS

None.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the zoning map amendment for the subject property as legally described in the Staff Report to rezone the property from M-2 Mixed-use Transitional to C-2 General Commercial, based on the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Mills

Second by: Mr. Green

Vote: All in favor, the motion passed 6-0

BOARD ACTIONS NOT REQUIRING A PUBLIC HEARING

Section 5303 Federal Transit Administration Funding Contracts with the Montana Department of Transportation and the Great Falls Transit District

Andrew Finch, Senior Transportation Planner, presented to the Board. He stated that "5303" funds are used by the Great Falls Transit District to perform transit planning functions, including a new Transit Development Plan. He went over the amounts for fiscal year 2025. He stated that the contracts allow the Montana Department of Transportation to pass the funds to the Planning and Community Development department, who then passes them on to the

Transit District.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board approve the Section 5303 Contracts with the Montana Department of Transportation and the Great Falls Transit District.

Made by: Ms. Kaupish

Second by: Mr. Green

Vote: All in favor, the motion passed 6-0

COMMUNICATIONS

Mr. Cherry stated that staff was working with the City Attorney's office and there will be some joint upcoming trainings with the Planning Advisory Board/Zoning Commission, City Staff and the City Commission.

Mr. Hill stated that there will not be a Planning Advisory Board/Zoning Commission meeting on April 23, 2024. He said there will hopefully be a residential annexation on the Agenda in May.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 3:33 p.m.

CHAIRMAN DAVE BERTELSEN

SECRETARY BROCK CHERRY