

# PLANNING ADVISORY BOARD ZONING COMMISSION

**MARCH 12, 2013**

*Case Number*

ZON2012-11

*Applicant*

Calumet Montana Refining

*Owners*

Calumet Montana Refining

*Property Location*

South of 3rd Street Northwest,  
north of 17th Avenue Northeast

*Parcel ID Number*

1480900, 1480300, 1476605,  
1481900, and 1477900

*Requested Action*

**Rezone** the property from C-2  
General Commercial to PUD  
Planned Unit Development

*Neighborhood Council*

Neighborhood Council #3

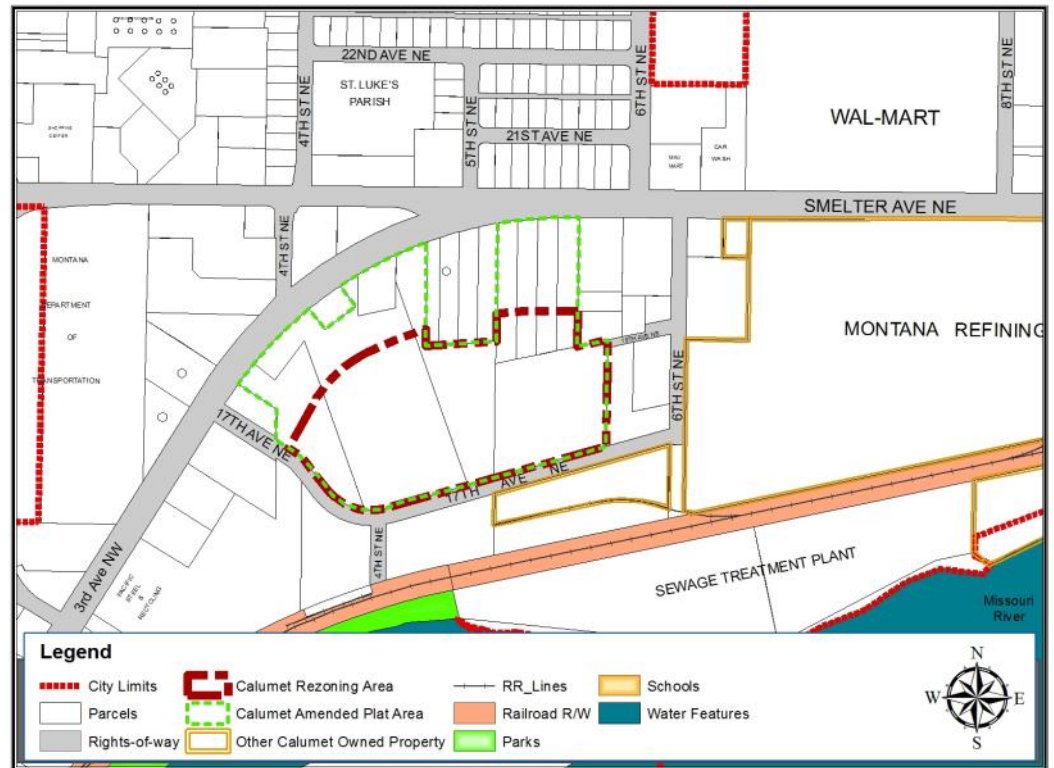
*Recommendation*

Approval of the request with  
Conditions.

*Project Planner*

Jana Cooper, RLA

## CALUMET MONTANA REFINING REZONING



### Summary

#### **Project Description**

In October, 2012 the applicant, Calumet Montana Refining Company (Calumet), applied to rezone multiple properties they own to I-2 Heavy Industrial. This request was taken through the public hearing process with City Commission ultimately voting to approve rezoning of some property to I-2 Heavy Industrial. City Commission remanded the matter of rezoning the remaining property back to the Zoning Commission, with a recommended zoning of PUD—Planned Unit Development with I-2 as the underlying zoning district.

The property remanded back to the Zoning Commission consists of the former Westgate Mall property, as shown above in the location map. In addition to the rezoning request, Calumet is requesting the conditions of approval for a previously approved Amended Plat be modified in order to clarify requirements.

The subject property is generally located south of 3rd Street Northwest/Smelter Avenue Northeast and north of 17th Avenue Northeast.

Agency Comment

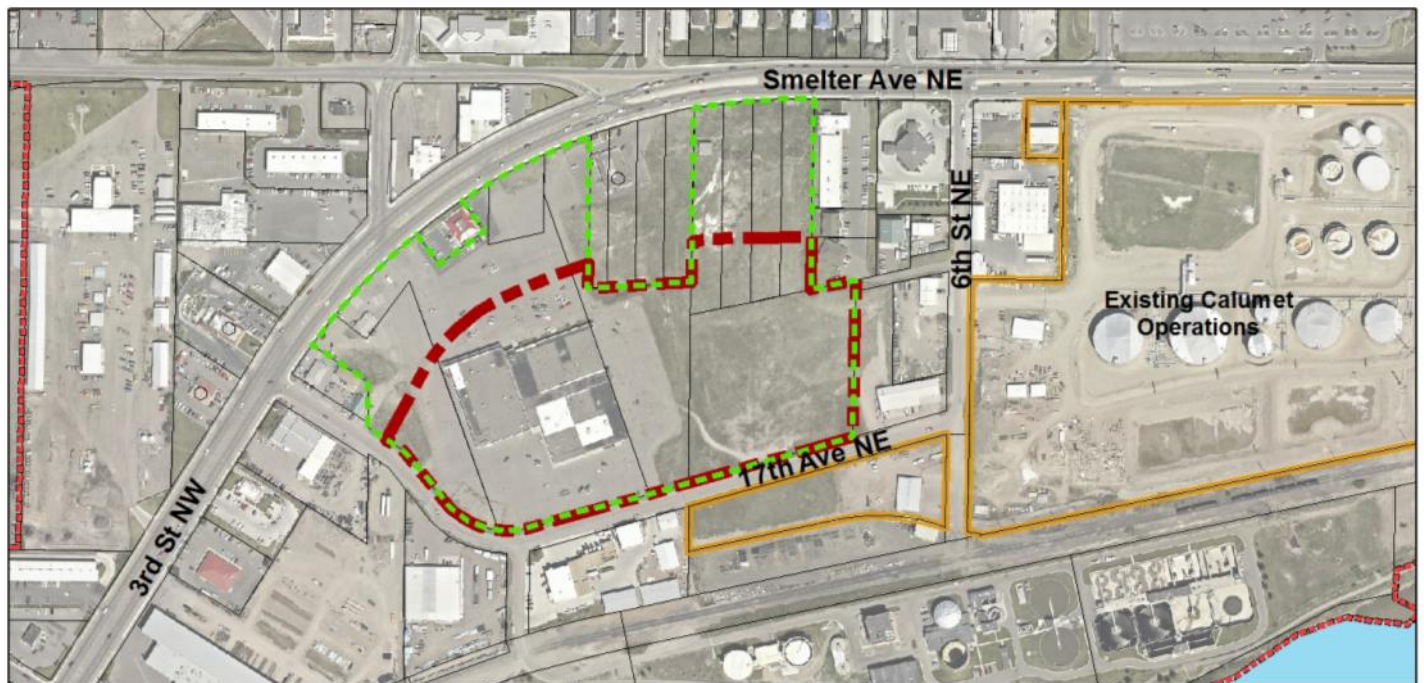
Representatives from the City’s Public Works, Fire/Police Departments, and Parks and Recreation Department have been involved in the review process for this application. Comments made by the above parties are attached or have been addressed by the applicant or in the conditions of the DRAFT PUD Zoning Ordinance attached as Exhibit C.

Legal Description

Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, herein referred to as subject property.

Rezoning Area (Proposed Lot 5 of Amended Plat): ±15.050 acres

Amended Plat Area: ±22.627 acres



-  City Limits
-  Calumet Amended Plat Area
-  Parcels
-  Existing Calumet Operations Area
-  Calumet Rezoning Area



Existing Conditions

The existing site information for the said property includes:

**Existing Use/Zoning:**

The western portion of this property is occupied by a large building—the former Westgate Mall property—surrounded by paved parking. It is currently being used by Calumet for offices and warehousing. The eastern portion of the site is vacant undeveloped land. The northern portion of the subject property is paved and was previously used for parking for the mall. The whole area is zoned C-2 General Commercial.

**Adjacent Land Use:** North of the subject property across 3rd Street Northwest are commercial businesses and some multi-family residential. East of the subject property are the existing Calumet oil refining operations which are zoned I-2 Heavy Industrial. South is General Distributing Company property and additional property owned by Calumet. West of the subject property is zoned C-2 General Commercial and M-2 Mixed-use Transitional and consists of commercial and industrial businesses. See Exhibit A - Aerial Photo and Exhibit B - Vicinity/Zoning Map for the zoning of the surrounding properties.



View from 17th Avenue Northeast toward Westgate Shopping Center and vacant land to the east.



View from 3rd Street Northwest toward Westgate Shopping Center and vacant land to the east.



View north across the Missouri River toward subject property.



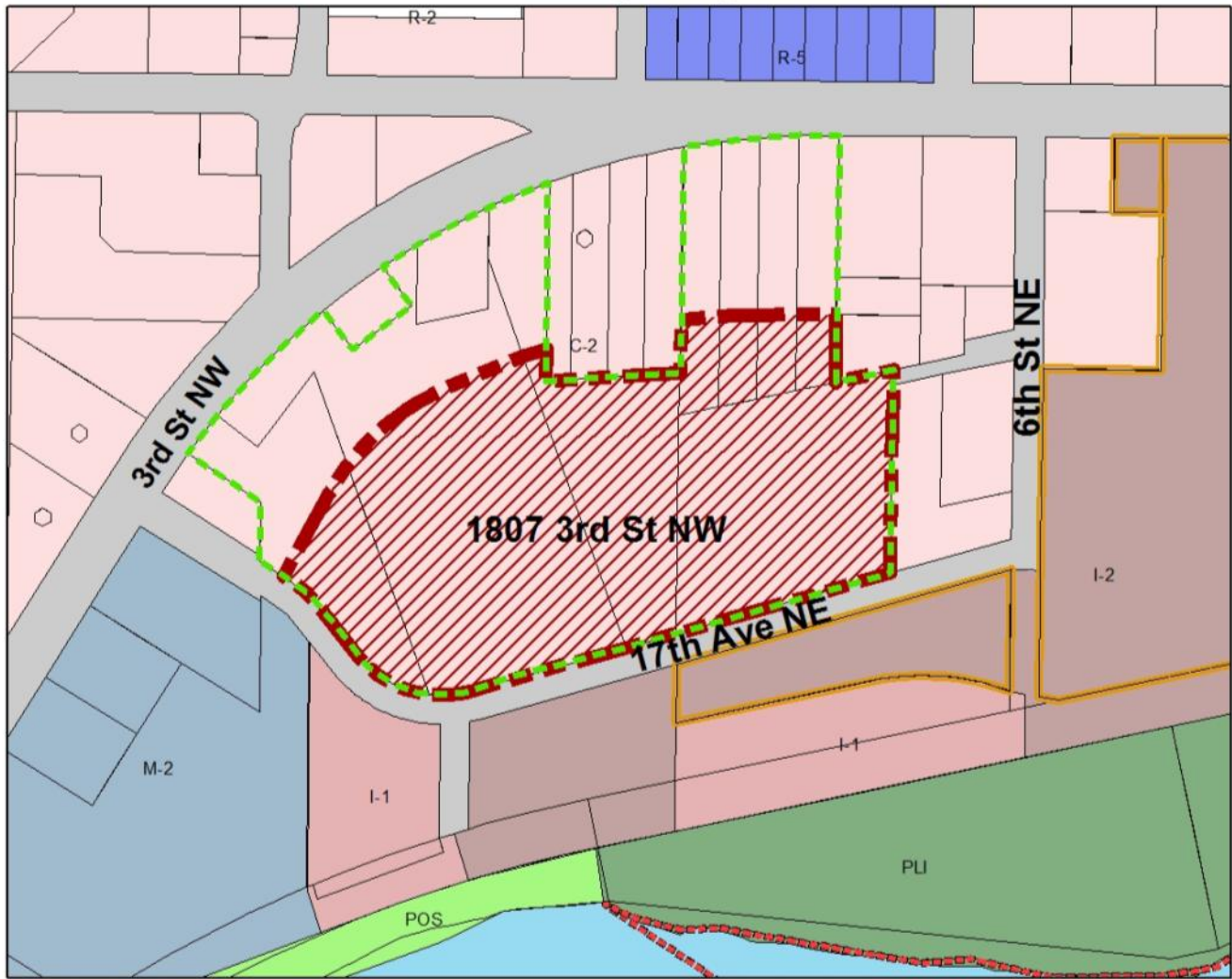
View north across the Missouri River toward the subject property.



View southeast from 3rd Street Northwest toward subject property and existing Calumet Operations.



# EXHIBIT B - ZONING MAP



## Legend

- City Limits
- Tracts of Land
- Right-of-Way
- Calumet Rezoning Area
- Calumet Amended Plat Area
- Existing Calumet Operations Area
- C-2 General commercial
- I-1 Light industrial
- I-2 Heavy industrial
- M-2 Mixed-use transitional
- PLI Public lands institutional
- POS Park Open Space
- R-5 Multi-family medium density
- Rivers

Calumet - Rezoning

## Rezoning Request

Calumet Montana Refining (Calumet) is requesting rezoning of ±15.05 acres from C-2 General Commercial to PUD - Planned Unit Development in order to utilize and potentially expand their existing operations located to the east of the subject property (See Exhibit E - Calumet Montana Refining Application and Exhibit F - Calumet Rezoning Letter).

### **Calumet Rezoning Request**

Calumet applied to rezone the subject property to I-2 Heavy Industrial. City Commission voted to remand the rezoning request back to the Zoning Commission with a recommendation to rezone the property PUD—Planned Unit Development with I-2 as the underlying zoning district in order to allow reasonable use of the property with conditions limiting future development.

The subject property was previously the Westgate Mall, which was established in the late 1960's but declined for many years before being purchased by MRC in November 2011. Calumet acquired MRC in the fall of 2012.

Calumet is currently using a portion of the former shopping center building for temporary office space and storage. Calumet is requesting the rezoning in order to fully utilize the building for bulk dry material warehousing which is not permitted in C-2.

The rezoning request is related to the southern portion of the former Westgate Shopping Center site (proposed Lot 5 of the Amended Plat). The northerly ±300-500 feet of the site adjacent to 3rd Street Northwest and Smelter Avenue Northeast will retain C-2 zoning. Calumet does not have immediate plans for the northerly portion of the site, but they are reviewing options and costs for future commercial development that would accommodate retail, restaurants and/or other commercial uses commonly found along C-2-zoned corridors such as 10th Avenue South (see Exhibit I - Calumet Conceptual Site Plan).

In addition, Calumet has committed to constructing a minimum 8-foot high wall with a minimum 15-foot wide planted landscape buffer where industrial uses abut non-industrial uses, at such time as development occurs, to help mitigate some of the impacts of future industrial development. This will serve to screen industrial areas from 3rd Street Northwest resulting in a more attractive and active commercial corridor (see Ex-

hibit H - Calumet Conceptual Wall Detail & Perspective).

Staff has developed a DRAFT PUD Zoning Ordinance, which will limit the uses on the subject property (Exhibit C - DRAFT PUD Zoning Ordinance). Key items of the Ordinance include:

The uses on the subject property shall be those accessory to the production and manufacturing of petroleum fuels or petrochemicals. Development on the subject property shall conform to the Development Standards prescribed in Title 17, City Code, for I-2 Heavy industrial zoning, except that the height of buildings/structures or accessory buildings/structures shall be limited to 60 feet. Stacks necessary for venting combustion products shall be permitted at DEQ required heights.

Processing units for the manufacturing of petroleum fuels or petrochemicals are not permitted. The following associated uses are permitted:

- The storage of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals with a maximum structure height of 60 feet above grade.
- The storage or warehousing of materials or equipment required in the processes or manufacturing of petroleum products, asphalts or petrochemicals with a maximum structure height of 35 feet above grade.
- The equipment or activities required for the receiving, shipping, blending or compounding of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
- The equipment or activities required to maintain the quality or temperature for the receiving or shipping of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
- Any equipment or activities required for the maintenance or the improvement of air or water quality

Conditions of the PUD zoning include:

- Calumet shall provide a continuous decorative wall where an industrial use on the subject property abuts a non-industrial use, excluding necessary access points, to mitigate any negative impacts to neighboring properties. The wall shall be 8-12 feet

tall and be 100% opaque. The wall separating non-industrial uses from adjacent industrial uses shall be installed at such time as any new development occurs on the subject property.

- The subject property shall conform to the Land Development Code 17.44.4 Design Standards for Industrial Buildings, including buffer and screening between uses. Where an industrial use abuts a non-industrial use, a minimum 15-foot landscape buffer shall be provided along the shared property line. In addition, Calumet shall install and maintain at least one canopy or evergreen tree for each thirty-five (35) lineal feet of frontage in the 15-foot buffer adjacent to non-industrial uses. The landscaping/buffer separating non-industrial uses from adjacent industrial uses shall be installed at such time as any new development occurs on the subject property.
- Calumet shall submit all proposed development plans to the City for applicable code review (including, but not limited to zoning and landscaping) at such time as development occurs on within the subject property.
- Calumet shall provide a 20-foot wide bicycle and pedestrian easement from Smelter Avenue Northeast to 4th Street Northeast. Calumet shall construct an 8-10-foot trail and provide landscaping on the remaining 10-12 feet of this easement at such time that development occurs within the subject property.
- Calumet shall be responsible for any damage caused to 6th Street Northeast and 17th Avenue Northeast due to the movement of heavy equipment across these roadways at no cost to the City.
- City's Public Works Department shall grant, subject to review, an easement across 17<sup>th</sup> Avenue Northeast as may be necessary or convenient for rail and other private utilities. City shall be provided with copies of all plans for installed rail and utilities.

### Zoning Analysis

The basis for decision on zoning map amendments is listed in the Land Development Code 17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria. A full zoning analysis is attached as Exhibit L.

- The amendment is consistent with and furthers the intent of the City's growth policy.
- The amendment is consistent with and furthers adopted neighborhood plans, if any.
- 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 code with the amendment is internally consistent.
- The amendment is the least restrictive approach to address issues of public health, safety, and welfare.
- The City has or will have the financial and staffing capability to administer and enforce the amendment.

### Amended Plat Conditions

As a part of the initial I-2 rezoning request, Calumet requested approval of an Amended Plat that relocated and consolidated nine lots into seven lots (See Exhibit J - Draft Amended Plat). The area of the Amended Plat is ±22.627 acres and establishes the rezoning boundary for the project.

The Amended Plat was approved by City Commission, subject to conditions of approval, on January 15, 2013. In light of the action taken by City Commission at that public hearing and their direction to consider PUD zoning, some of the conditions of approval would be more relevant to PUD than the Amended Plat.

With the rezoning remanded back to the Zoning Commission for their consideration, staff and the applicant have agreed it would be appropriate to incorporate some of the conditions of approval originally placed on the Amended Plat into the PUD Zoning Ordinance. Ultimately, by making this adjustment the conditions associated with the Amended Plat are more relevant to the Plat and the terms of the PUD Ordinance more clearly define the conditions of the PUD zoning.

### Improvements

#### **Calumet Improvement Requirements**

The subject property is generally located adjacent to 3rd Street Northwest and 17th Avenue Northeast. These streets are built to City standard with paving curb and gutter and sidewalk on 3rd Street Northwest. There are sanitary sewer mains, water mains and storm sewer mains located in both of these roadways which serve

the subject property. No improvements to these facilities will be required a part of this request. Calumet has committed to providing the City a storm drain easement through the property in order to accommodate a new storm sewer main. The proposed easement and main will serve to relieve a greater stormwater problem in the surrounding area.

The roadways within the previously approved Amended Plat shall be private roadways, maintained by the property owner. Internal, private roadways shall be approved by the Public Works Department prior to installation. Calumet shall create a property owners association, before any lot is sold within the Amended Plat, which is responsible for installation and maintenance of all private roadways, shared pedestrian facilities, shared landscaping, shared stormwater management improvements and related traffic control within the area of the Amended Plat.

### **Stormwater Management:**

There are no development plans at this time for the subject property. At such time as development occurs on the site, the owner shall provide plans to the City's Public Works Department to determine if a stormwater management plan is necessary. The applicant shall provide a plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to development of the site.

### **River's Edge Trail Connection**

Calumet has committed to providing a public easement and construction of a bike/pedestrian path through the subject property that will connect to 4th Street Northeast (see Exhibit K - Proposed River's Edge Trail Alignment). The construction of a connection to River's Edge Trail would be of benefit to the bike and pedestrian network.

### **Traffic Analysis**

The property proposed for rezoning and the properties to be included in the amended plat are currently served by public roadways. 17th Avenue Northeast currently carries little traffic, and has sufficient capacity to accommodate the traffic anticipated to be generated by industrial uses that may be developed on the property proposed for PUD rezoning. In addition, an overall reduction in traffic can be expected, since the change in use would go from a high-traffic retail shopping complex to a low-traffic industrial site.

The development of additional commercial/retail sites along 3rd Street Northwest would attract additional traffic, but can be adequately served by the major arterial roadway. Internal private roadways will provide access to the commercial developments, and any new or modified accesses from 3rd Street Northwest will require approval from the Montana Department of Transportation.

### **Building Safety**

It should be noted that non-public buildings or structures built within the existing and proposed Calumet site are not subject to permits or review by the City.

### **Recommendations**

The Planning Advisory Board has the responsibility to review and make recommendations on subdivisions. The Zoning Commission has the responsibility to review and make recommendations on zoning requests. As such, each of the three recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

#### **Recommendation I:**

The Planning Advisory Board recommends the City Commission amend the conditions of approval for the previously approved Amended Plat legally described and listed in this report, subject to said conditions being fulfilled



by the applicant and the Zoning Commission adopting Recommendation II (below).

**Recommendation II:**

The Zoning Commission recommends the City Commission approve rezoning the property owned by Calumet Montana Refining as described in this staff report from C-2 General Commercial to PUD - Planned Unit Development as described in the attached DRAFT PUD Zoning Ordinance.

**Amended Plat Conditions of Approval**

1. The Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview tracts Addition, a Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls Cascade County Montana, herein referred to as Amended Plat, shall incorporate corrections of any errors or omissions noted by staff.
2. Calumet shall submit all proposed development plans to the City for applicable code review (including, but not limited to zoning and landscaping) at such time as development occurs on within the Amended Plat area.
3. Calumet shall provide a storm drain easement across the Amended Plat from Smelter Avenue Northeast to 17th Avenue Northeast. The size and location of said easement shall be approved by Public Works prior to final approval of the Amended Plat. At such time as development occurs on the site, the owner shall provide plans to the City's Public Works department to determine if a stormwater management plan is necessary. If necessary the applicant shall provide a plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to development of the site.
4. All roadways within the Amended Plat shall be private roadways, maintained by the property owner. Internal, private roadways and associated sidewalks and traffic control shall be approved by the Public Works Department prior to installation and shall include sidewalks where appropriate. Calumet shall create a property owners association, before any lot is sold within the Amended Plat, which is responsible for installation and maintenance of all private roadways, sidewalks and traffic control devices within the area of the Amended Plat.
5. Calumet shall work with Montana Department of Transportation on the number and location of private access driveways from 3rd Street Northwest.

**Review/Approval Process**

**Next Steps**

1. The Planning Advisory Board/Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Rezoning and Amended Plat.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood & Youth Council Coordinator  
Dexter Busby, Calumet Montana Refining, [dbusby@montanarefining.com](mailto:dbusby@montanarefining.com)  
Anthony Houtz, CTA, [anthonyh@ctagroup.com](mailto:anthonyh@ctagroup.com)

EXHIBIT C - DRAFT PUD ZONING ORDINANCE

DRAFT

ORDINANCE 3104

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO PROPOSED LOT 5 OF THE AMENDED PLAT OF LOTS 1-3 OF THE AMENDED PLAT OF LOT 1, BLOCK 1, THIRD SUPPLEMENT TO RIVERVIEW TRACTS AND TRACTS 1-A AND 2 OF THE AMENDED PLAT OF TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS AND TRACT 5-A OF THE AMENDED PLAT OF TRACTS 5, 6, 7, 8, AND 9, RIVERVIEW TRACTS, AND TRACT 3 OF THE AMENDED PLAT OF THE TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS, AND LOT 1 BLOCK 1, OF THE AMENDED PLAT OF LOT 1, BLOCK 1, OF THE AMENDED PLAT OF BLOCK 1, FOURTH SUPPLEMENT TO RIVERVIEW TRACTS, AND TRACTS 10-13 OF THE RIVERVIEW TRACTS ADDITION. A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 3 & 4 OF SECTION 1, AND GOVERNMENT LOT 1 OF SECTION 2, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA. (ADDRESSED AS 1807 3<sup>rd</sup> St NW)

\* \* \* \* \*

WHEREAS, the subject property is legally described as proposed Lot 5 of the Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana and additionally described as a portion of 1807 3<sup>rd</sup> St NW, herein referred to as "Subject Property" and owned by Calumet Montana Refining (Calumet); and,

WHEREAS, in 2005 the City of Great Falls completed a City-wide rezoning wherein the Subject Property was zoned C-2 General commercial; and,

WHEREAS, Calumet, has petitioned the City of Great Falls to rezone the subject property to I-2 Heavy Industrial district; and,

WHEREAS, The Great Falls City Commission took action to rezone other properties owned by Calumet to I-2 Heavy industrial, at a Public Hearing held on February 5, 2013; and,

WHEREAS, the Great Falls City Commission at said meeting requested that the Subject Property be assigned a zoning classification of PUD-Planned unit development; and,

WHEREAS, the owner, Calumet, has agreed to petition the City of Great Falls to rezone said property, to PUD-Planned unit development district classification; and,

WHEREAS, the Zoning Commission recommended the City Commission approve the rezoning of the Subject Property from C-2 General commercial to I-2 Heavy industrial at a Public Hearing held on March 12, 2013; and,

WHEREAS, notice of assigning said zoning classification to said property, was published in the *Great Falls*

## EXHIBIT C - DRAFT PUD ZONING ORDINANCE

*Tribune* advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of May, 2013, before final passage of said Ordinance herein; and,

WHEREAS, the approval of said zoning classification is subject to the owner, Calumet Montana Refining, fulfilling the conditions of approval listed in the Planning Advisory Board / Zoning Commission agenda report dated March 12, 2013; and,

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

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of proposed Lot 5 of the Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, be designated as PUD-Planned unit development district, as defined:

The uses on the Subject Property shall be those accessory to the production and manufacturing of petroleum fuels or petrochemicals. Development on the subject property shall conform to the Development Standards prescribed in Title 17, City Code, for I-2 Heavy industrial zoning, except that the height of buildings/structures or accessory buildings/structures shall be limited to 60 feet. Stacks necessary for venting combustion products shall be permitted at DEQ required heights.

Processing units for the manufacturing of petroleum fuels or petrochemicals are not permitted. The following associated uses are permitted:

1. The storage of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals with a maximum structure height of 60 feet above grade.
2. The storage or warehousing of materials or equipment required in the processes or manufacturing of petroleum products, asphalts or petrochemicals with a maximum structure height of 35 feet above grade.
3. The equipment or activities required for the receiving, shipping, blending or compounding of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
4. The equipment or activities required to maintain the quality or temperature for the receiving or shipping of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
5. Any equipment or activities required for the maintenance or the improvement of air or water quality.

Additionally, as a part of the PUD the following Conditions of Approval must be fulfilled by the owner:

1. Calumet shall provide a continuous decorative wall where an industrial use on the Subject Property abuts a non-industrial use as shown on Exhibit A – Continuous Decorative Wall Location, excluding necessary access points, to mitigate any negative impacts to neighboring properties. The wall shall be 8-12 feet tall and be 100% opaque. The wall separating non-industrial uses from adjacent industrial uses shall be installed at

## EXHIBIT C - DRAFT PUD ZONING ORDINANCE

such time as any new development occurs on the Subject Property.

2. The Subject Property shall conform to the Land Development Code 17.44.4 Design Standards for Industrial Buildings, including buffer and screening between uses. Where an industrial use abuts a non-industrial use, a minimum 15-foot landscape buffer shall be provided along the shared property line. In addition, Calumet shall install and maintain at least one canopy or evergreen tree for each thirty-five (35) lineal feet of frontage in the 15-foot buffer adjacent to non-industrial uses. The landscaping/buffer separating non-industrial uses from adjacent industrial uses shall be installed at such time as any new development occurs on the Subject Property.
3. Calumet shall submit all proposed development plans to the City for applicable code review (including, but not limited to zoning and landscaping) at such time as development occurs on within the Subject Property.
4. Calumet shall provide a 20-foot wide bicycle and pedestrian easement from Smelter Ave NE to 4th St NE. Calumet shall construct an 8-10-foot trail and provide landscaping on the remaining 10-12 feet of this easement at such time that development occurs within the Subject Property
5. Calumet shall be responsible for any damage caused to 6th St NE and 17th Ave NE due to the movement of heavy equipment across these roadways at no cost to the City.
6. City's Public Works Department shall grant, subject to review, an easement across 17<sup>th</sup> Avenue Northeast as may be necessary or convenient for rail and other private utilities. City shall be provided with copies of all plans for installed rail and utilities.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, whichever event shall occur later.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading April 2, 2013.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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David L. Nielsen, Interim City Attorney



## EXHIBIT D - FIRE MEMO



### GREAT FALLS FIRE RESCUE

105 9th Street South  
Great Falls, MT 59401

Phone: 406-727-8070  
Fax: 406-454-2454

Date: October 4, 2012

TO: Jana Cooper, Planning and Community Development

FR: Stephen A. Hester, Assistant Fire Chief

RE: *Comments; Rezoning of Montana Refining Company Westgate property – Lots 1-3 and a portion of Tracts 10-13 Riverview Tracts and Lot 1, Block 1, Fourth Supplement to Riverview Tracts, Section 1, T20N, R3E.*

Jana;

The following comments are based in information provided in the rezoning proposal for the property owned by the Montana Refinery Company (MRC) and for consideration in any future development of this property once re-zoned.

The request states this area would be rezoned for heavy industrial for the purpose of commercial storage in the old Westgate Mall building. This change in occupancy will require a safety inspection. Additionally, if hazardous materials were to be stored in the existing building or if motor carriers transporting hazardous materials were to be stored in the outside area there may be a greater hazard to adjoining properties if a spill, release or fire were to occur.

Additionally, the Cascade County Local Emergency Planning Committee (LEPC) under the Community Right to Know and Emergency Response requirements should receive a Tier II report from MRC that would be forwarded to the fire department. Also if hazardous materials were to be stored in this area, the city would require compliance with all International Fire Code requirements for the storage, use and dispensing of hazardous chemicals. (reference IFC Chapter 50, 53, & 57)

I am not sure if any of this pertains to the re-zoning request but I thought it important that future development will lead to greater community risk and was made a part of the record.

Signed;

Stephen A. Hester

# EXHIBIT E - CALUMET MONTANA REFINING APPLICATION

CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. Box 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8415 • WWW.GREATFALLSMT.NET

**DEVELOPMENT APPLICATION**

Submittal Date: 9.28.12  
 Application Number: \_\_\_\_\_  
 Paid (Official Use ONLY):   
 Annexation: \$400  
 Establish City Zoning: \$700  
 Zoning Map Amendment: \$700  
 Conditional Use Permit: \$700  
 Planned Unit Development: \$700  
 Subdivision Preliminary Plat: \$800  
 Subdivision Minor Plat: \$600  
 Subdivision Final Plat: \$300  
 Amended Plat (6 or more lots): \$600  
 Vacate Public Right of Way: \$200

Westgate Development  
 Name of Project / Development:  
Montana Refining Company  
 Owner Name:

1900 10th St NE; Great Falls, MT  
 Mailing Address:  
406.761.4100 dbusby@montanarefining.com  
 Phone: Email:

Dexter Busby  
 Representative Name:  
1900 10th St NE; Great Falls, MT  
 Mailing Address:  
406.761.4100 dbusby@montanarefining.com  
 Phone: Email:

PROPERTY DESCRIPTION / LOCATION:  

<u>Lots 1-4</u>	<u>1 &amp; 2</u>	<u>T20N</u>	<u>3E - Riverview Tracts</u>
Mark/Lot:	Section:	Township/Block:	Range/Addition:

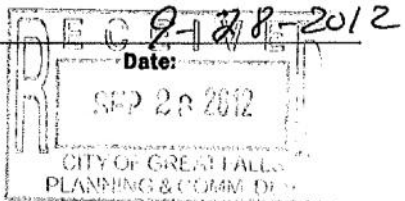
multiple - see attached documentation for full legal description  
 Street Address:

ZONING: LAND USE:  

<u>C-2</u>	<u>C-2/1-2</u>	<u>Vacant/Mall</u>	<u>Commercial/Storage</u>
Current:	Proposed:	Current:	Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.  
 I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Montana Refining Company 9-28-2012  
 Property Owner's Signature: Date:  
Dexter Busby  
 Representative's Signature:



# EXHIBIT F - CALUMET REZONING LETTER



Montana Refining, LLC

1900 10th Street NE Great Falls, MT 59404

Main Phone: 406-761-4100 Administration/Marketing/Main Office Fax: 406-761-0174 Refinery Office Fax: 406-761-0777

[www.calumetspecialty.com](http://www.calumetspecialty.com)

October 31, 2012

Jana Cooper  
City of Great Falls  
Planning & Community Dev. Dept.  
P.O. Box 5021  
Great Falls, MT 50403

Jana:

Per our application to rezone portions of the Westgate properties and two other smaller properties from general commercial or light industrial to I-2 heavy industrial.

Calumet Montana Refining is a full production petroleum refinery, producing approximately 10,000 barrels per day of various petroleum products. The refinery is a complex refinery able to process heavy crude oil that is received via pipeline and railcar. We produce a wide range of high quality products ranging from multiple grades of gasoline (including ethanol blended gasoline) to ultra-low sulfur diesel, jet fuels, LPG's and polymer modified/emulsified asphalt products. The finished gasoline and distillate products are distributed through Calumet Montana Refining's terminal in Great Falls and the asphalt products are marketed over racks at the refinery.

Calumet Montana Refining Company, with ninety years in the Great Falls community as a petroleum refiner with stringent quality control standards has earned a reputation as a dependable supplier of high-quality fuel and road paving products.

Virtually all the activities conducted by a petroleum refinery such as the manufacture of petroleum products, the shipping and receiving of fuels, chemicals, asphalts or crude oil by truck, rail or pipeline and the storage or bulk quantities of fuel and asphalts meets the definition of "heavy industrial" and require an I-2 zoning.

While Calumet Montana Refining has not made any long term plans for the properties the intent is to integrate the properties in to existing refining property, using the property at 610 Smelter as the refinery maintenance warehouse, the property 430 17<sup>th</sup> ave NE as miscellaneous heavy industrial equipment storage and the westgate mall building as bulk dry material warehousing in the near term. The land will be available for other future activities as required for petroleum refining activities most likely but not limited to bulk fuel or crude oil storage. All of these activities are heavy industrial in nature and require an I-2 zoning.

As for the property not being rezoned, we are reviewing costs and options but do not have a plan in place for any redevelopment at this time.

Sincerely,

Dexter Busby  
Director of Government and Regulatory Affairs  
[dbusby@montanarefining.com](mailto:dbusby@montanarefining.com)



# EXHIBIT G - CALUMET CONCEPTUAL SITE PLAN



# EXHIBIT H - CALUMET CONCEPTUAL WALL DETAIL & PERSPECTIVE

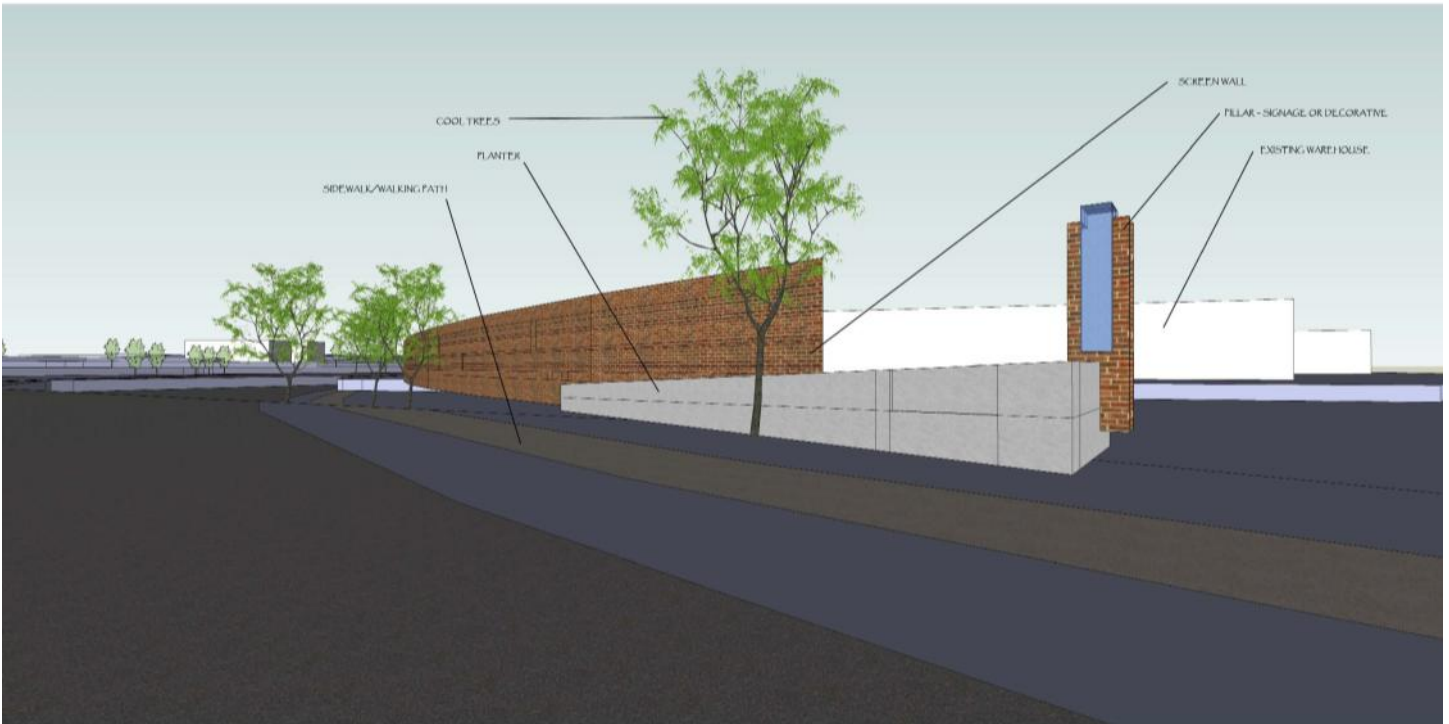
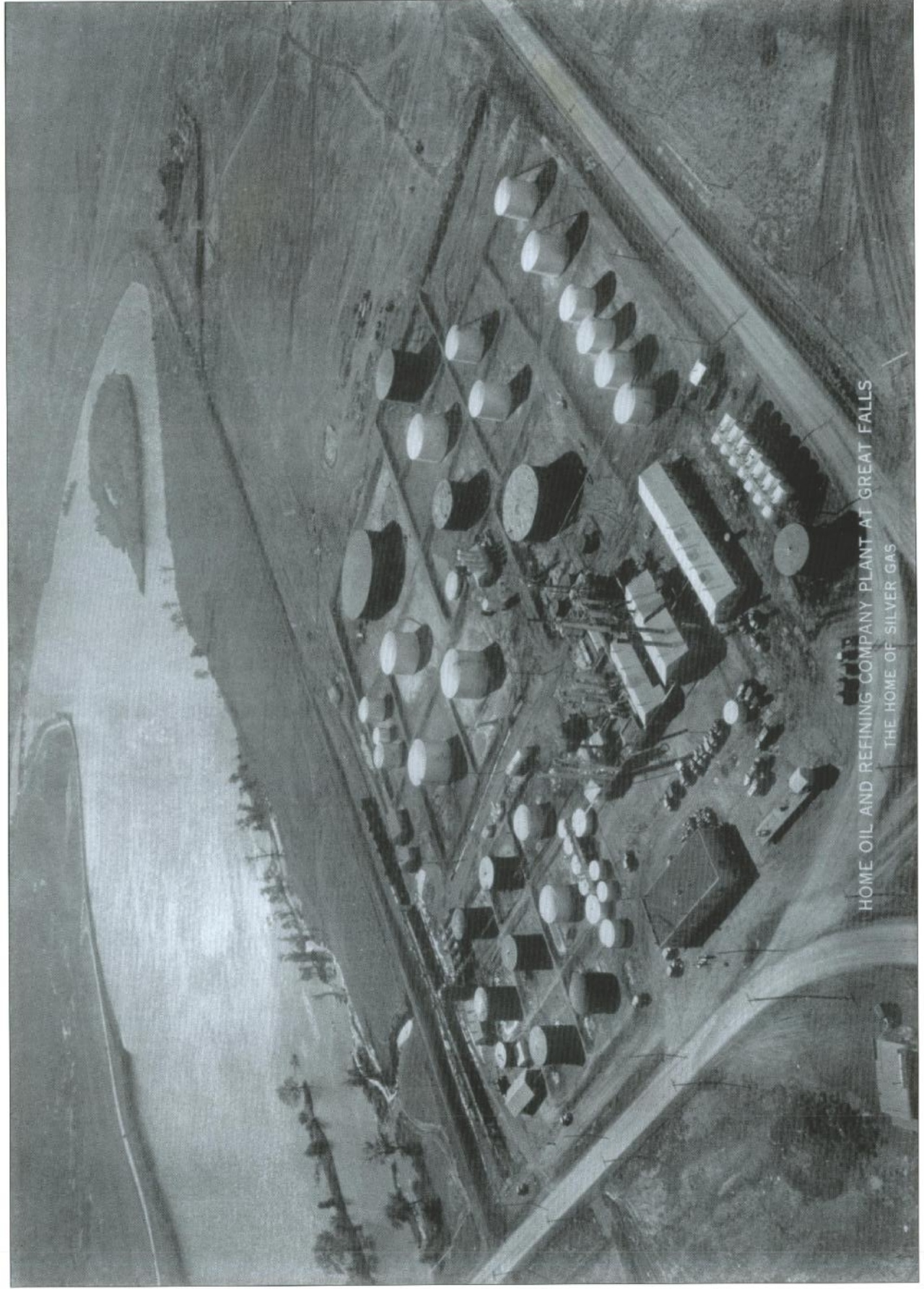


EXHIBIT I- CALUMET HISTORIC AERIAL PHOTO



HOME OIL AND REFINING COMPANY PLANT AT GREAT FALLS  
THE HOME OF SILVER GAS

# EXHIBIT J - DRAFT AMENDED PLAT 1 OF 2

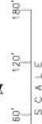
AN AMENDED PLAT OF LOTS 1-3 OF THE AMENDED PLAT OF LOT 1, BLOCK 1, THIRD SUPPLEMENT TO RIVERVIEW TRACTS AND TRACTS 1-A AND 2 OF THE AMENDED PLAT OF TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS AND TRACT 5-A OF THE AMENDED PLAT OF TRACTS 5, 6, 7, 8 AND 9, RIVERVIEW TRACTS, AND TRACT 3 OF THE AMENDED PLAT OF TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS, AND LOT 1, BLOCK 1, OF THE AMENDED PLAT OF BLOCK 1, FOURTH SUPPLEMENT TO RIVERVIEW TRACTS, AND TRACTS 10-13 OF THE RIVERVIEW TRACTS ADDITION.

A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 3 & 4 OF SECTION 1, AND GOVERNMENT LOT 1 OF SECTION 2, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

AREA OF LOTS = 27,627 ACRES  
 TOTAL AREA = 27,627 ACRES

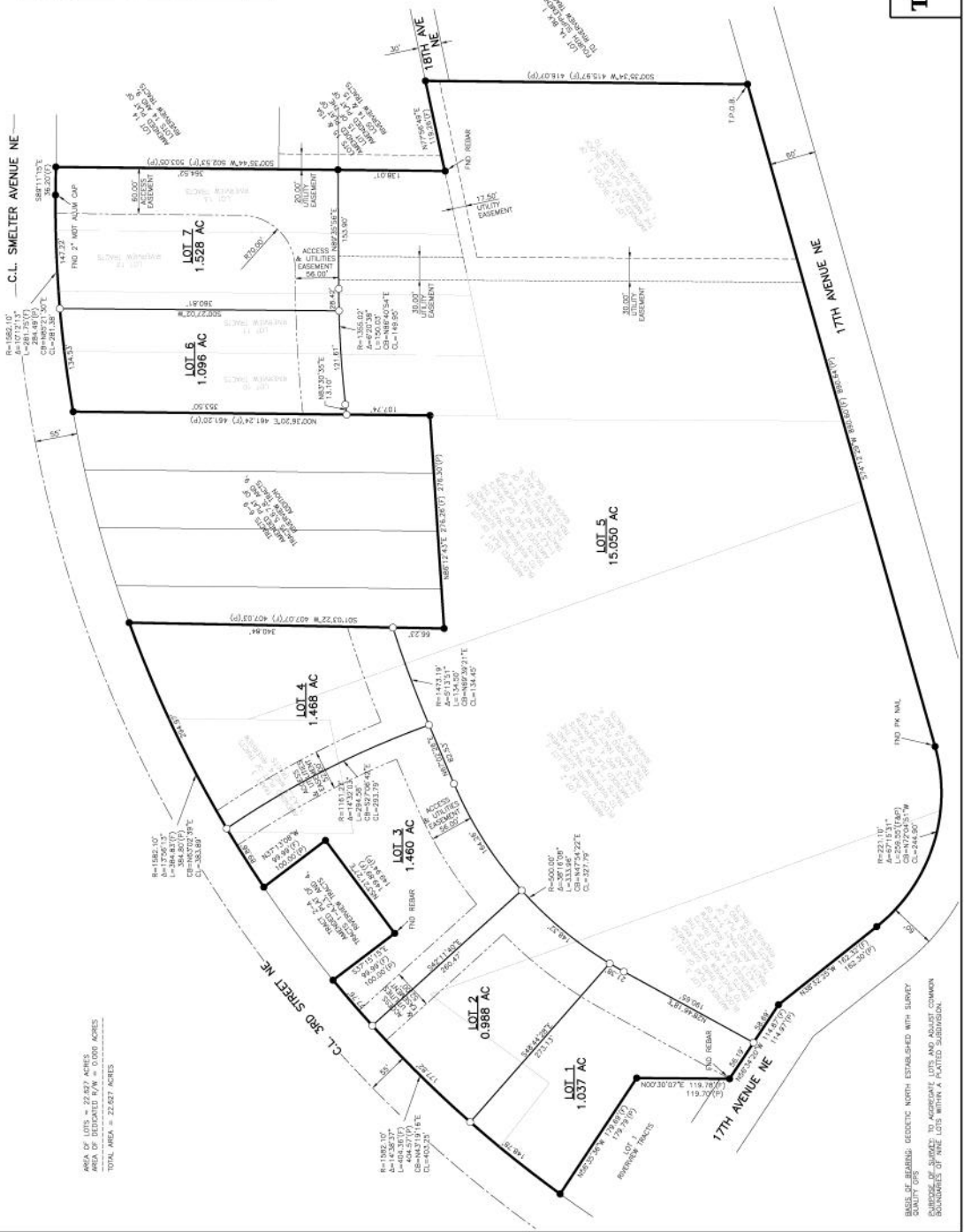


VICINITY MAP



LEGEND

- SUBDIVISION BOUNDARY
- FOUND PROPERTY MONUMENT
- ADJACENT PROPERTY MONUMENT
- 5'-0" EASEMENT
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- PREVIOUS LOT LINE
- NEW LOT LINE
- FIELD MEASUREMENT
- PLATTED MEASUREMENT

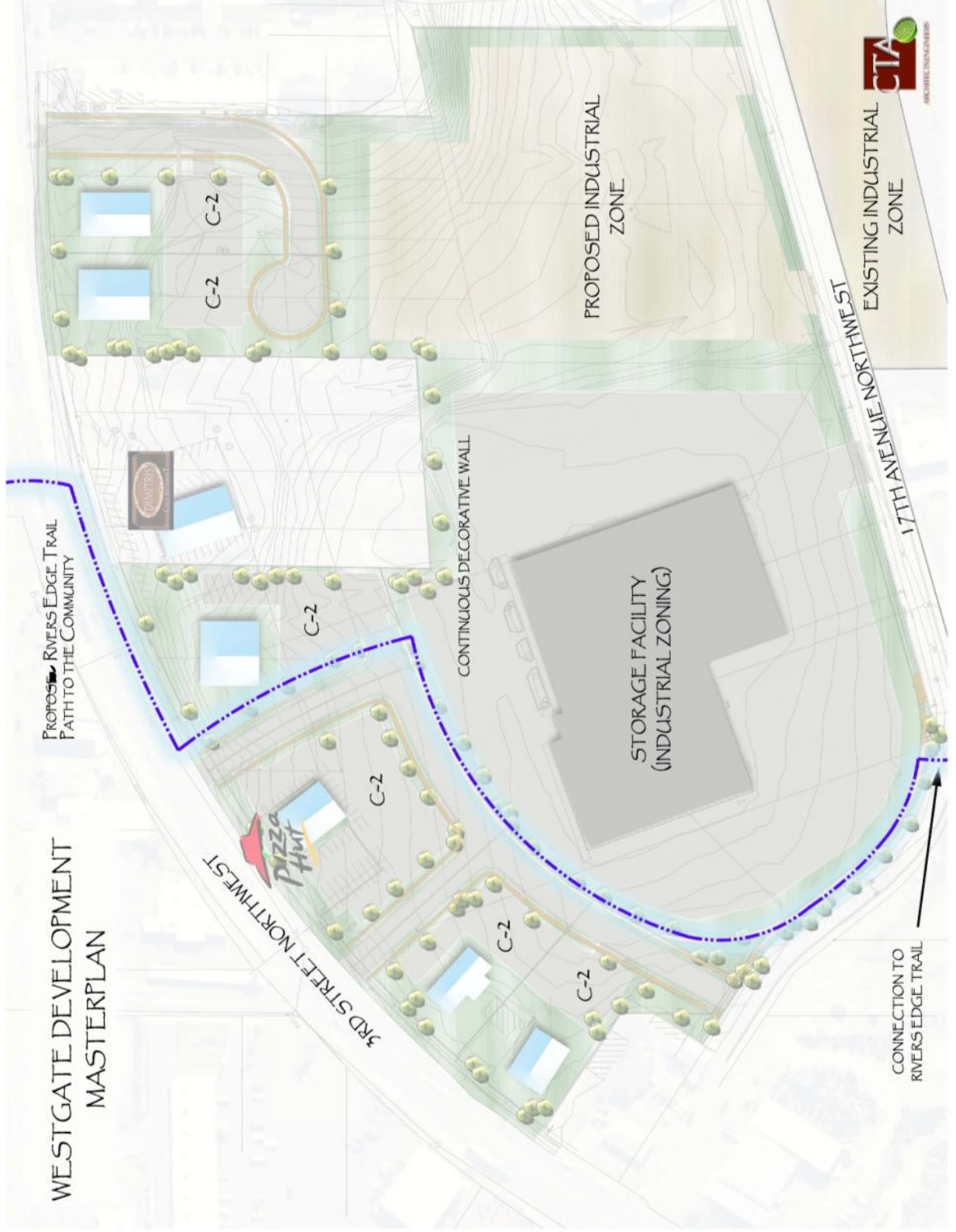


THOMAS, DEAN & HOSKINS, INC.  
 ENGINEERING CONSULTANTS  
 200 EAST RAILROAD AVENUE, SUITE 100  
 GREAT FALLS, MONTANA 59403  
 PHONE: (406) 763-1111  
 FAX: (406) 763-1112  
 WWW.TDANDH.COM

BASES OF BEARINGS: GEODETIC NORTH ESTABLISHED WITH SLAVY COUNTY GPS. BEARINGS TO ADJACENT LOTS ARE SHOWN COMMON BOUNDARIES OF ADJACENT LOTS WITHIN A PLATTED SUBDIVISION.



# EXHIBIT K - PROPOSED RIVER'S EDGE RAIL ALIGNMENT



## EXHIBIT L - ZONING ANALYSIS (1 OF 2)

The basis for decision on zoning map amendments is listed in the Land Development Code 17.16.40.030. The recommendation of the Planning Advisory Board/ Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

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

The proposed rezoning is compatible with some portions of the 2005 Growth Policy. Plan Elements related to the proposed rezoning include:

Economic Development Goals:

- Attract new businesses and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Land Use Policy:

- Infill Development - The pattern of land use and development in the Great Falls area should be consolidated and focused to prevent sprawl, encourage compatible infill and redevelopment, preserve valuable open space, and promote the most cost-effective utilization of City services and infrastructure. It should be a mix of interdependent, compatible, and mutually supportive land uses. The land use pattern should contribute to self-containment, promote compact pedestrian-oriented development, and reduce the dependence on private automobile.

The proposed rezoning meets the above stated goals and policies of the Growth Policy. The oil refinery has been located in Great Falls for 90 years. The refinery was developed in the early 1920s in an otherwise undeveloped area outside the city (see Exhibit I - Calumet Historical Aerial Photo). Over time the city expanded and grew to surround the refinery.

**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 3. Calumet presented the rezoning request to the Neighborhood Council on October 4, 2012. Comments from the Council included concerns about expanding refining operations related to air quality, visual impacts and lack of a development plan for the subject property. The Council did not vote for or against being in support of the project.

**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 amendment is generally consistent with other planning documents adopted by the City Commission given the existing development pattern and historic uses in the area.

The Transportation Plan established the following policy: "Pedestrian and bicycle facilities should be linked when... reviewing land development proposals. Developers should be required to install paths that connect to the bikeway system recommended in the Bikeway Facilities Plan." To that end, Calumet has committed to providing a public easement and constructing a bike and pedestrian connection to River's Edge Trail through the subject property that will connect to 4th St NE. The construction of a segment of a bike/ped path and key connections made to the trail system would be of major benefit to the bike and pedestrian network. This connection will be in lieu of the required sidewalk on one side of the proposed private roadways.

The Missouri River Urban Corridor Plan (MRUCP) adopted in 2004 focuses on protecting water quality and the natural shoreline of the Missouri River as well as promoting recreational use of the river and land uses that are sensitive to the riverfront. Creating more industrial land in the vicinity of the river is not what is envisioned in the MRUCP, but as previously mentioned, the refinery has operated in its current location for 90 years and has no plans to relocate or discontinue operations in this location.

## EXHIBIT L - ZONING ANALYSIS (2 OF 2)

The MRUCP lists the refinery site as a medium priority superfund site and concludes that such sites will be deterrents to future development and redevelopment until they are remediated. The MRUCP also states that industrial uses tend to discourage major investment in other, more sustainable and economically beneficial land uses like commercial, residential, and office that would otherwise be attracted to the riverfront. In addition, the MRUCP envisions a transition of the river corridor from a center of heavy industry to a mix of land uses more relevant to the Great Falls of today and more sustainable for the future.

While the expansion of industrial uses to include the former Westgate Mall may be seen as inconsistent with the MRUCP, the proposal to redevelop the northern portion of the former Westgate Mall site along 3rd Street Northwest with commercial/retail uses does meet the purpose and intent of the MRUCP in that it will improve the view corridor from the 3rd Street Northwest and Smelter Avenue rights-of-way and promote a mix of land uses more relevant to the Great Falls of today and more sustainable for the future. As viewed from across the river, the former Westgate Mall site lies behind other buildings that are closer to the riverfront and is at a lower elevation than the surrounding properties. The site also lies behind Sacajawea Island as viewed from many perspectives, including downtown. However, if storage tanks or any other tall structures were built on the site, that development would be visible from some areas across the river as well as from higher elevations north of the site. The proposed PUD Zoning Ordinance limits the height of storage tanks to 60 feet above grade.

While the MRUCP envisions different development patterns in the future for the Missouri River corridor, Calumet is an existing industrial business that has been in operation at its current location for many years and has no plans to relocate. The property proposed for rezoning is not technically riverfront, but, should redevelopment occur in the future, an expansion of heavy industrial uses could have significant impacts.

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

The proposed rezoning is a map amendment which is consistent with the applicable code.

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

The previous use of the subject property as a shopping center was a legal conforming use, but the building and site have deteriorated over time and contain a variety of nuisances. Calumet has begun cleanup on the site including removing asbestos, securing the buildings electrical distribution and installing lighting, correcting the deficiencies in the fire protection system, removing walls and converting about 40% of the building into useful warehouse space and removing a derelict building on the site. Calumet has also done routine weed removal and removed several truck loads of junk from the site. The derelict building was infested with vermin and the basement had approximately 4 feet of stagnant water that has been remediated. All of these improvements have been to the benefit of the public health, safety and welfare.

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

The rezoning will not have a financial impact and there is adequate staffing to administer and enforce the amendment.