

# PLANNING ADVISORY BOARD ZONING COMMISSION

**APRIL 22, 2014**

**Case Number**

ZON2014-3  
ABN2014-1

**Applicant/Owner**

Louis Erck,  
Erck Hotels

**Property Location**

9th Street Northeast and  
41st Avenue Northeast

**Parcel ID Numbers**

972820

**Requested Action**

**Rezone** the subject property from R-5 Multi-family medium density to C-2 General commercial

**Vacate** the 26th Avenue Southwest public right-of-way

**Neighborhood Council**

Neighborhood Council #1

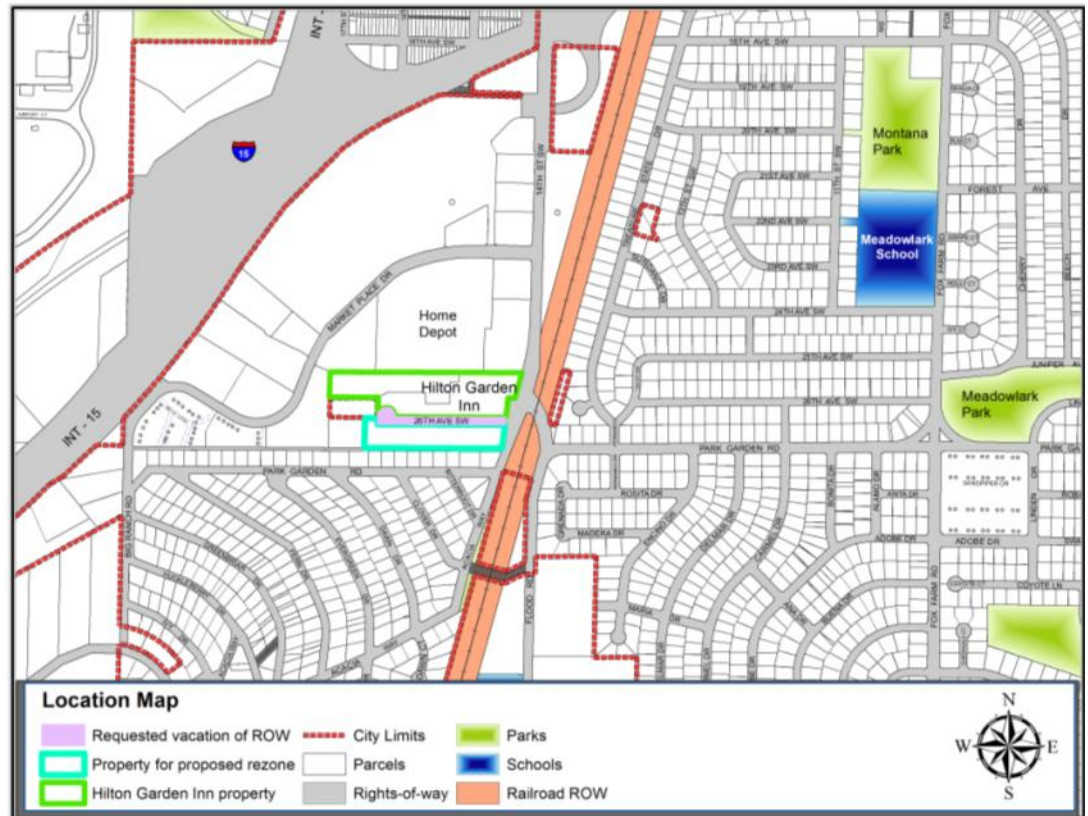
**Recommendation**

Approval of the request with Conditions

**Project Planner**

Galen Amy

## HILTON GARDEN INN: REZONE AND VACATION OF 26TH AVENUE SW



### Summary

The subject property is located on the southwest corner of 14th Street Southwest and 26th Avenue Southwest, immediately south of Hilton Garden Inn and the Marketplace shopping center.

The applicant is concurrently requesting rezoning from R-5 Multi-family medium density to C-2 General commercial, and vacation of 26th Avenue Southwest in order to move forward with construction of a convention center and an extended stay Home2 Suites facility.

- Legal description of subject property: Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana
- Total area of rezone: ±3.281 acres
- Total area of ROW: ±1.078 acres

### Agency Comment

Representatives from the City's Public Works, Park and Recreation, and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or in the conditions of this report.

Subject Property Conditions

**Existing Use:** Vacant undeveloped land

**Proposed Use:** Landscape buffered parking lot

**Existing Zoning:** R-5 Multi-family medium density

**Proposed Zoning:** C-2 General commercial

**Adjacent Land Use:** The property is located between an R-2 Single-family medium density district neighborhood to the south and east with C-2 General commercial development to the north and R-5 Multi-family medium density development to the west, beyond to single-family properties that abut the property on the west property line.

Project Overview and Background

In 2008, the existing Hilton Garden Inn was approved, and the site plan included an area to the west of the existing hotel for a convention center to be built at a later date. The Hilton Garden Inn and Erck Hotels are ready to move forward with construction of the convention center, which is permitted and meets the development standards for the selected site; however, the applicant also intends to pursue the addition of an extended Home2 Suites facility beyond the convention center site to the west (see Exhibit G – master site plan).

In order to meet the parking requirements for both new buildings, it is necessary to create a landscape buffered parking lot on the subject property, which is a commercial use, thus the rezone request. 26th Avenue Southwest is primarily used by the applicant, and with the preliminary design of the convention center and resulting boundary line adjustments, it is apparent that the applicant should acquire and maintain this right-of-way, which is the impetus for the request to vacate the subject right-of-way.



View west from 14th Street SW at the intersection where the subject property begins.



View west down 26th Avenue SW, with the subject vacant lot on the left and the Hilton Garden Inn on the right.

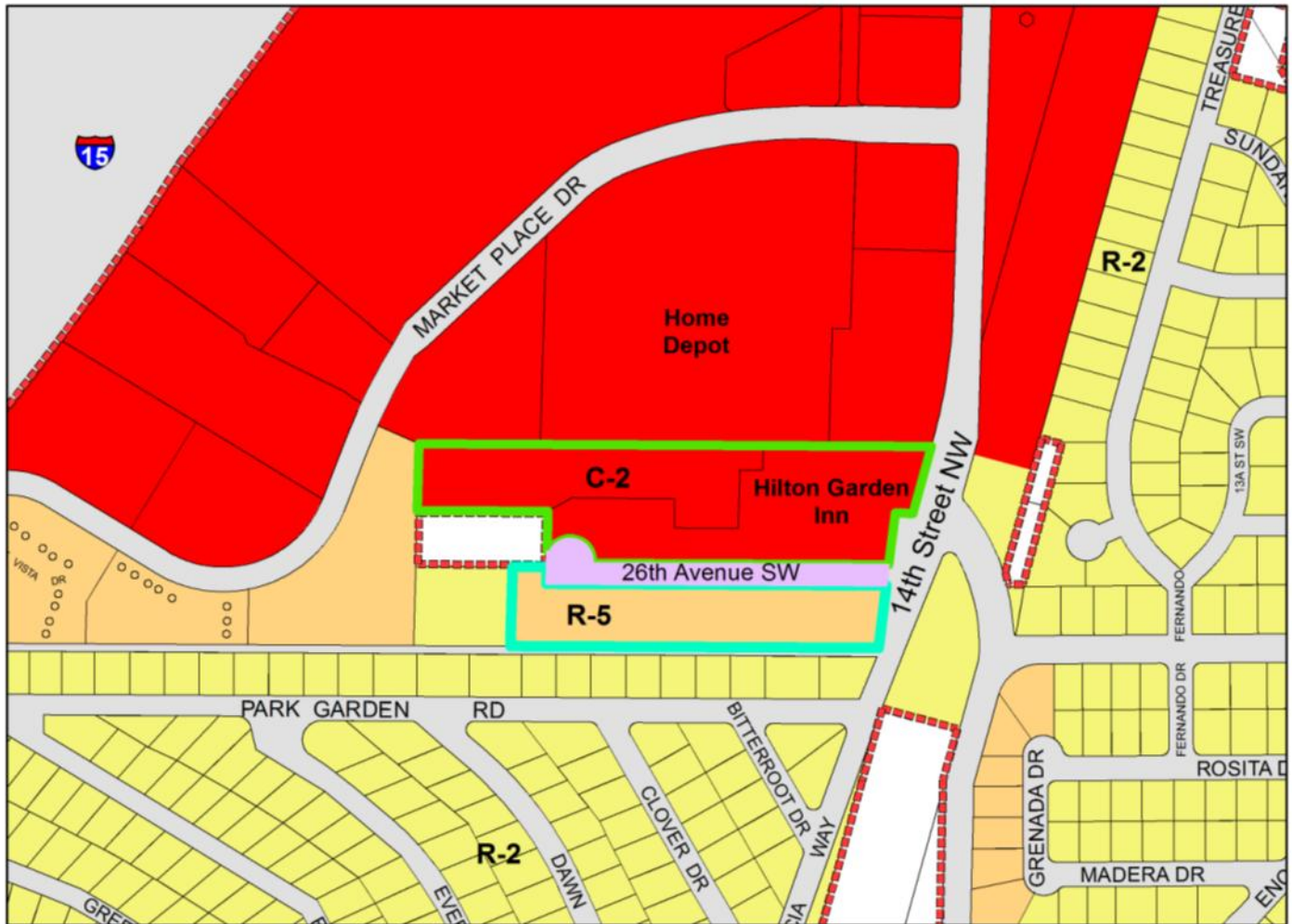


View west at the cul-de-sac located at the end of 26th Avenue SW and the two residences that use the ROW for access to their property.



View east from the 26th Avenue SW cul-de-sac. The area for the convention center will be located on the left, this side of the Hilton Garden Inn, with the parking area on the right.

# EXHIBIT A - ZONING MAP








- |                                  |                                 |                                    |
|----------------------------------|---------------------------------|------------------------------------|
| Requested vacation of ROW        | R-5 Multi-family Medium Density | C-5 Central Business Periphery     |
| Property for proposed rezone     | R-6 Multi-family High Density   | M-1 Mixed-use District             |
| Hilton Garden Inn property       | R-9 Mixed Residential           | M-2 Mixed-use Transitional         |
| City Limits                      | R-10 Mobile Home Park           | I-1 Light Industrial               |
| Tracts of Land                   | PUD Planned Unit Development    | I-2 Heavy Industrial               |
| <b>ZONING</b>                    | C-1 Neighborhood Commercial     | PLI Public Lands and Institutional |
| R-1 Single-family Suburban       | C-2 General Commercial          | POS Parks and Open Space           |
| R-2 Single-family Medium Density | C-3 Highway Commercial          | AI Airport Industrial              |
| R-3 Single-family High Density   | C-4 Central Business Core       | U Unincorporated Enclave           |
|                                  |                                 | right-of-way                       |





# EXHIBIT B - AERIAL MAP



-  Requested vacation of ROW
-  City Limits
-  Hilton Garden Inn property
-  Tracts of Land
-  Property for proposed rezone



Hilton Garden Inn/Rezone & Vacate ROW

## Rezoning Analysis

A parking lot as the principal use of a property is not permitted in any of the residential zoning districts, but it is permitted in the C-2 General commercial district. In addition, the Land Development Code Section 17.44.3.030 outlines landscape requirements for vehicle use areas in commercial zoning districts as follows:

**B. Vehicle use areas requirements.** A portion of the required landscaping, equal to at least ten (10) percent of the vehicular use areas, must be located within the vehicular use areas. The following specific standards apply:

1. Each row of parking spaces in interior parking areas shall be terminated by a landscaped island.
2. There shall be no more than twenty (20) parking spaces in a row without a landscaped island.
3. Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space. (Ord. 2950, 2007)
4. Landscaped areas within a vehicle use area shall be bounded by a continuous concrete curb or other similar barrier approved by the City Engineer.
5. Landscaped islands shall contain canopy shade trees, shrubs and/or turf grass. (Ord. 2950, 2007)
6. Where a vehicular use area abuts a public-use roadway, a minimum of six (6) feet of landscaping shall be provided between the vehicular use area and the sidewalk with at least seventy-five (75) percent of the area in turf grass.

**C. Mounding requirements adjacent to vehicular use areas.** Landscaping shall be mounded a minimum of six (6) inches above the height of adjacent vehicular use areas, but not exceeding 3:1 slope, and shall be protected from vehicular traffic with curbing or other similar barrier approved by the City Engineer.

**G. Buffer and screening between uses.** Where a commercial or non-residential use abuts a residential use, a minimum fifteen-foot (15) landscape buffer shall be provided along the shared along the shared property line. Where vehicular use areas abut adjacent residential property, the lot shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

The applicant shall be required to fulfill these requirements and has prepared a preliminary plan, including a 3-foot soil berm with hedge along the southern property line of the subject property, adjacent to the single-family residential neighborhood to the south. The final landscaping plan will be reviewed at such time that the convention center and Home2 Suites goes before the Design Review Board.

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 Findings for the Basis of Decision:

The basis for decision on zoning map amendments is listed in Section 17.16.40.030 of the Land Development Code. The recommendation of the Planning Advisory Board/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 rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Environmental and Physical portions of the Growth Policy, specifically the goals and principles to: 1) enhance the urban built environment by promoting infill and redevelopment in the City; and 2) encourage a balanced mix of land uses throughout the City.

The project is an infill opportunity for a long, relatively narrow, tract of land located in between commercial and single-family residential development. By utilizing the vacant property as landscaped buffered parking for the planned convention center, the project promotes maximizing existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

The project is also consistent with the Growth Policy goals related to Economic Development. The Growth Policy's Economic goals call for diversifying the base economy, enhancing, strengthening and expanding the existing economic base and encouraging businesses and industries that will utilize existing infrastructure. This project is an integral piece for the phased Hilton Garden Inn site to be built out with a convention center and an extended stay Home2 Suites facility.



Moreover, the Growth Policy calls for promoting redevelopment and infill as a primary community development mechanism. The Growth Policy states that the City should regulate new development to achieve a high degree of self containment. This Policy is encompassed in the approval process being sought by this applicant as a result of this request.

**2. 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 #1. The applicant presented to the Council on March 11, 2013, and again on April 8, 2014 to answer any additional questions. The Council is in support of the project and provided a letter of recommendation, which is attached as Exhibit F.

**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 area that this project is located in does not have a set of planning documents beyond the Growth Policy that assess existing conditions and/or provide recommendations for the area. However, the 2009 Transportation Plan established the following policy for infill development:

The pattern of land use and development in the Great Falls area should continue to be consolidated and focused to control sprawl, encourage compatible infill and redevelopment, preserve open space, and promote the most cost-effective use of area services and infrastructure. It should reflect a mix of interdependent, compatible, and mutually supportive land uses. The land use pattern should be self-contained, promote compact pedestrian-oriented development, address transportation system needs, and enhance opportunities for walking, bicycling, and efficient transit service while increasing connectivity and smooth flow of all transportation modes throughout the community.

To that end, the applicant has proposed a project that is explicitly consistent with this policy, as it is located in an area where pedestrians and bicyclists can easily move between the Marketplace shopping area and adjacent residential neighborhood. The proposed project will also include sidewalk connectivity throughout the site.

There are no other plans or sub-area plans relevant to this project.

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

The proposed zoning map amendment is consistent with the applicable code and is within the city limits. Adjacent properties to the north have similar uses, so the zoning district would be consistent with existing development.

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

The subject property is located close to the western fringes of the city in between residential and commercial uses and was originally zoned for multi-family residential development as a buffer between the two uses. After consideration of that option and working with the Neighborhood Council, which is in support of the application (Exhibit F), the applicant and property owner would like to amend their original development plans so the property can become part of the expansion of their current facility. As stated earlier, because the current zoning district restricts the type of development on the property, rezoning ultimately allows the applicant to address the increased need to provide parking that results from site expansion.

Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review. It is not anticipated that the change in zoning and ultimate use will have any negative impact. The proposed parking lot will be well landscaped, lighted, maintained and managed by the applicant to ensure this is the case.

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

Completion of the full project proposal and associated development, contingent on rezoning, will have beneficial financial impact for the City due to the increased property value and resulting tax base. There is adequate staffing to administer and enforce the amendment.

## Request to Vacate 26th Avenue Southwest

Concurrent to the rezoning request, the applicant is also processing a request to vacate the 26th Avenue Southwest public right-of-way (ROW). The subject ROW is approximately 1.078 acres. Vacation of said right-of-way would provide that the applicant become responsible for any improvements and/or maintenance. The City will retain the width of 26th Avenue Southwest for use as a public utility easement for an existing water main and storm drain. In addition, public access will need to be maintained to all properties currently served by 26th Avenue Southwest, so the amended plat shall maintain a public access easement.

## City's Right to Sell Right-of-Way

Generally land in the right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner.

The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed, and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of right-of-way.

## Transportation:

The City's Public Works Department does not have a need to retain the subject right-of-way to maintain adequate public traffic flows in the area. The requested vacation will have no effect on transportation circulation as there is adequate access to the subject property from other developed roadways. All current and future development planned for the Hilton Garden Inn site (see Exhibit G - master site plan) will be reviewed by the City Public Works Department and City Fire Department for internal site traffic flow and fire truck turn radii and accessibility. In addition, any maintenance work that may impact the 14th Street Southwest public ROW shall be coordinated, reviewed and approved by the Public Works Department.

## Improvements/Storm Water

For the first entrance to the Hilton Garden Inn site, coming south off of 14th Street Southwest, staff would like to see that driveway widened and the addition of a small pork chop median in order to make that access point a truly functional right-in/right-out driveway.

The proposed parking lot on the subject property will have impervious surfaces of more than 15,000 square feet; therefore, the developer is required to provide a storm water management 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 the issuance of building permits for the development.

In addition, Public Works has provided the following comments from their preliminary review for utilities and stormwater:

1. The parcel in the County will need sanitary sewer if and when annexed. An easement should be provided along the west edge of the subject property to extend either a main or service line to the existing main in the alley to the south.
2. The original development accounted for  $\pm 8$  acres of drainage area. The drainage for the proposed parking area south of 26th Avenue Southwest will need to be addressed with a new drainage report and plan.
3. Additional public fire hydrants may be required to serve new buildings. Easements may be necessary for fire hydrant leads.
4. A water service line will likely need to be extended to serve landscaping of the parking lot area south of 26th Avenue Southwest.
5. Ground water was encountered at the time Hilton Garden Inn was constructed and some on-site under drains were installed. Additional ground water mitigation, geotechnical, and structural provisions and measures will likely be necessary.

The final engineering drawings and specifications for project improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

## Recommendations

The Planning Board has the responsibility to review and make recommendations on subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the recommendations presented below are to be considered and acted upon separately by the Commission and Board:

### Recommendation I:

The Zoning Commission, based on the Findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described as Lot 1, Block 2, Hilton Garden Inn Addition, SW¼ of Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, from the existing R-5 Multi-family medium density to C-2 General commercial, subject to the Conditions of Approval being fulfilled by the applicant.

### Recommendation II:

The Planning Advisory Board recommends the City Commission approve the request to vacate the 26th Avenue Southwest right-of-way, consisting of ±1.078 acres, as shown in Exhibit H of the staff report, subject to the Zoning Commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

## 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. **Amended Plat.** Provide an amended plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff. In addition, the Amended Plat shall include the City retaining the width of 26th Avenue Southwest for existing public utilities, and the public access easement for the existing residential properties currently served by 26th Avenue Southwest. A utility easement shall be established on the west edge of the subject property in order that the parcel located in the county may connect to City services upon possible annexation into the City.
3. **Renaming of 26th Avenue Southwest.** 26th Avenue Southwest shall remain so named unless both property owners served by said street agree to renaming it and obtaining new property addresses.
4. **Utilities.** The final engineering drawings and specifications for project improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
5. **Subsequent modifications and additions.** If after approval the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

## Review/Approval Process

### **Next Steps**

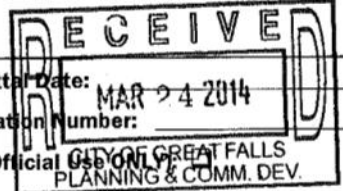
1. The Planning Advisory Board/Zoning Commission recommendation will be presented to City Commission.
2. City Commission will approve or deny the rezoning and vacation of right-of-way request.
3. If approved, the applicant will submit any required documents for review and then file the required documents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

Cc: Jim Rearden, Public Works Director  
 Dave Dobbs, City Engineer  
 Patty Cadwell, Neighborhood Council Coordinator  
 Laurie Price, Representative, laurie@erckhotels.com



# EXHIBIT C - APPLICATION

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



- Submitted Date: MAR 24 2014  
 Application Number:  
 Paid (Official Use ONLY): CITY OF GREAT FALLS PLANNING & COMM. DEV.
- 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

## DEVELOPMENT APPLICATION

Great Falls Convention Center  
 Name of Project / Development:

Louis Erck / Laurie Price  
 Owner Name: 1 Representative Name

2520 14th St SW Great Falls MT 59404  
 Mailing Address:

406.868.9844 dustan@erckhotels.com  
 Phone: Email: laurie@erckhotels.com

Laurie L Price  
 Representative Name:

2520 14th St. SW Great Falls, MT. 59404  
 Mailing Address:

406.868.9844 / 452.1000 laurie@erckhotels.com  
 Phone: Email:

### PROPERTY DESCRIPTION / LOCATION:

Lot 1	15	T20N	R3E/Hilton Garden Inn
Mark/Lot:	Section:	Township/Block:	Range/Addition:
N/A - Vacant Land			
Street Address:			

### ZONING:

### LAND USE:

R-5	C-2	Vacant	Parking Lot
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.

Peter D Blum  
 Property Owner's Signature:

March 18, 2014  
 Date:

Laurie L Price  
 Representative's Signature:

March 18, 2014  
 Date:

EXHIBIT D - PETITION TO VACATE 26TH AVENUE SW

March 19, 2014

Mayor Michael Winters & City Commissioners  
City of Great Falls  
PO Box 5021  
Great Falls, MT 59403

RE: Abandon a portion of 26<sup>th</sup> Ave SW

We, the undersigned, are asking the City Commission of the City of Great Falls to vacate a portion of 26<sup>th</sup> Ave SW, from 14<sup>th</sup> Street SW to the western terminus of 26<sup>th</sup> Ave SW. The procedure to discontinue streets is outlined in the Montana Code Annotated 7-14-4114 and requires a petition in writing of more than 50% of the owners of the lots on the street or alley; and approval by a majority vote of the council. The undersigned represent more than 50% of the owners, see attached map. We appreciate your consideration in this matter.

Owners:

Signature:

Date:

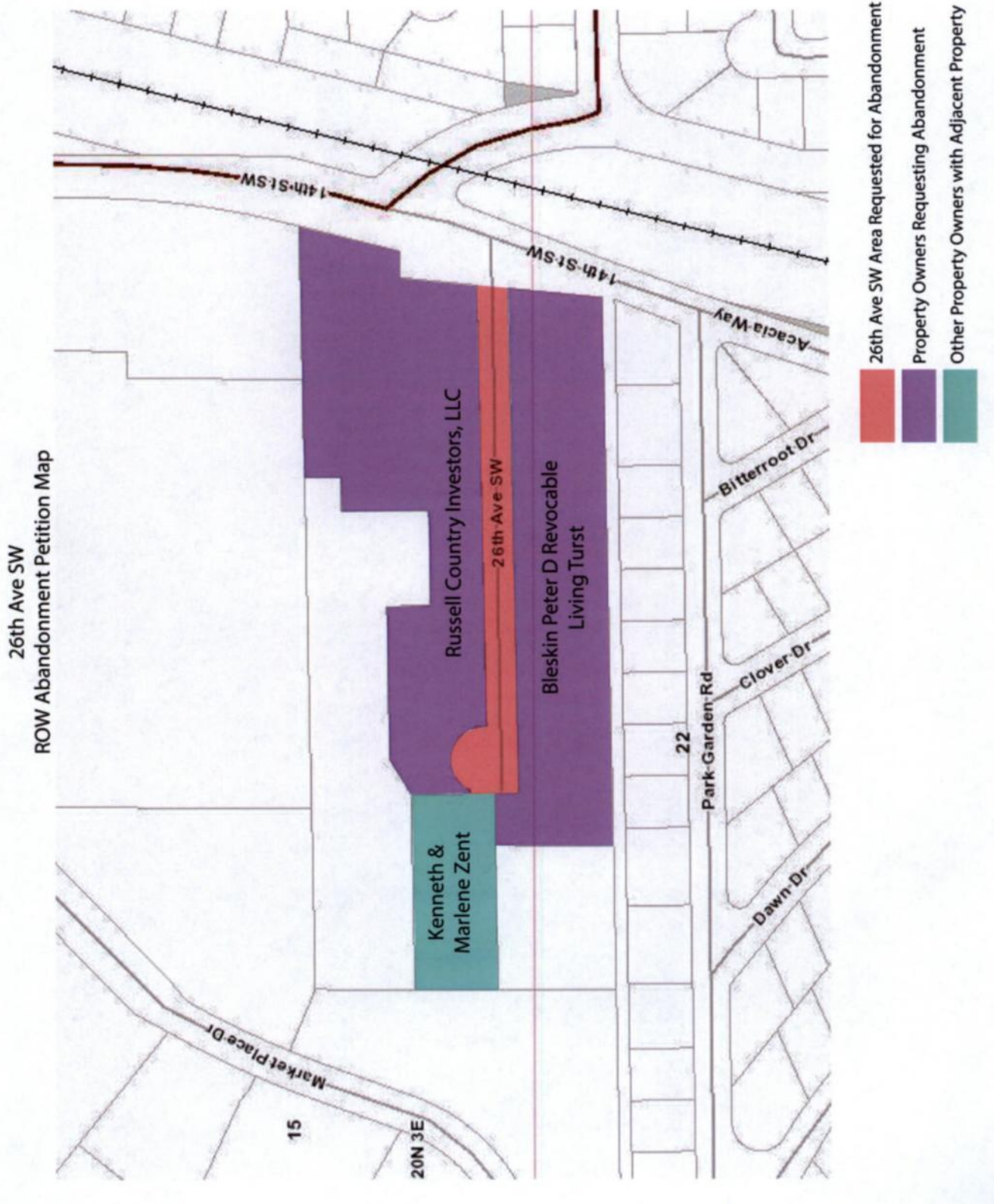
Russell Country Investors, LLC

Paul P. P. March 21, 2014

Peter D Bleskin Revocable Living Trust

Peter D Bleskin March 21, 2014

# EXHIBIT E - APPLICANT MAP FOR VACATION





## EXHIBIT F - NIEGHBORHOOD COUNCIL LETTER

April 13<sup>th</sup> 2014

RE: Hilton Garden Inn Convention Center

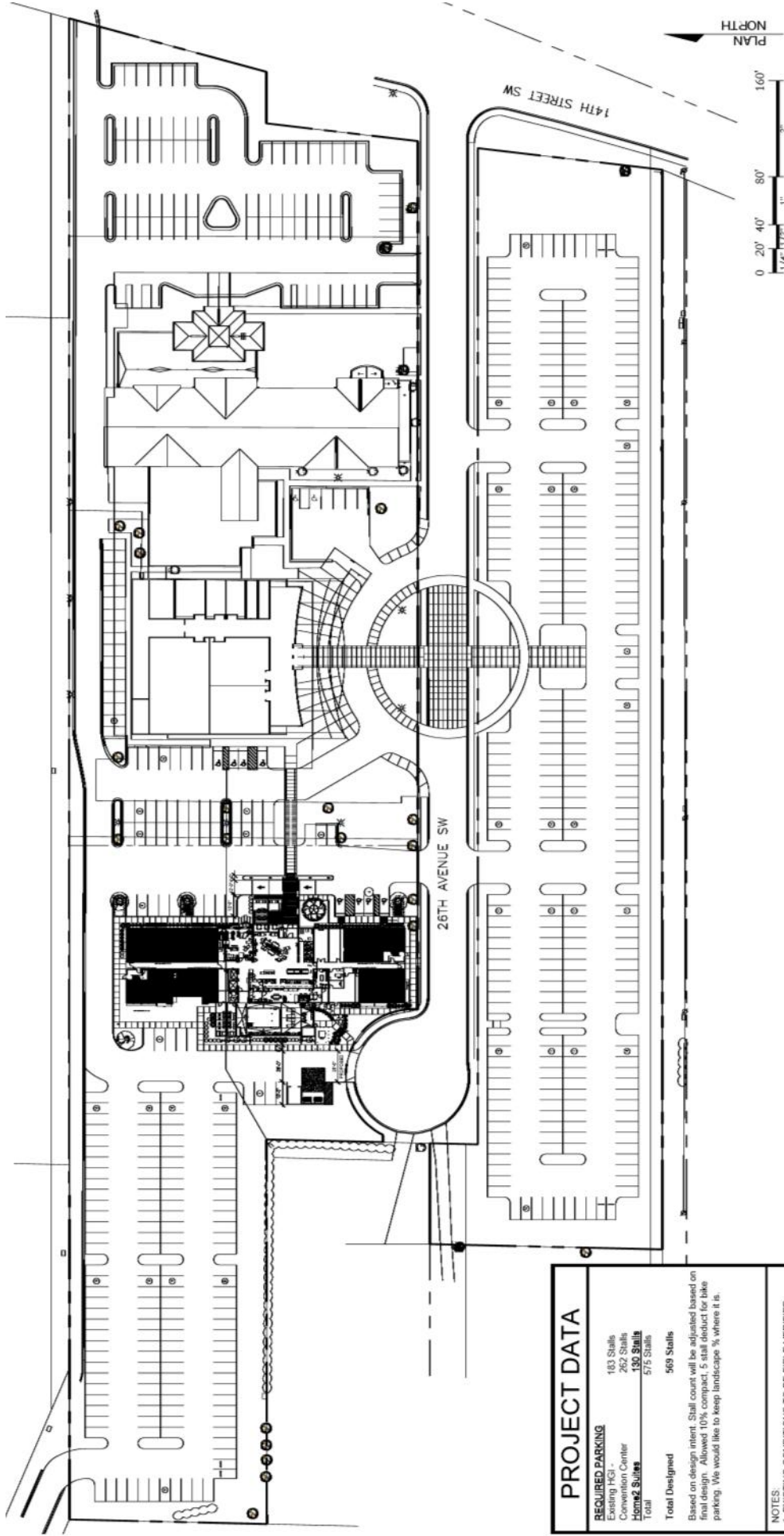
Dear Members of the Great Falls City Planning Commission,

Neighborhood Council #1 has reviewed extensively the Erck Family Hotels request for a letter of endorsement concerning the rezoning of property and the planned expansion of the Hilton Garden Inn. Council members considered the motion during March's meeting. The vote was tabled in order to allow more time for neighborhood residents to address questions and concerns to the council and Erck Hotel representatives. The issue was revisited during April's council meeting and with no further concerns raised, council members of Neighborhood Council #1 voted unanimously to endorse all aspects of the planned project. Please strongly consider rezoning the lot currently south of the Hilton Garden Inn to the appropriate designation in support of Erck Family Hotels. Neighborhood Council #1 feels strongly that this is an extremely positive initiative for our neighborhood, the City of Great Falls, and the surrounding communities.

For any questions or concerns, please feel free to contact any of the Council members.

Respectfully,

Dennis D. Mora  
Secretary  
Neighborhood Council #1



PROJECT DATA	
<b>REQUIRED PARKING</b>	183 Stalls
Existing HGI - Convention Center	262 Stalls
<b>Home2 Suites</b>	<b>130 Stalls</b>
<b>Total</b>	<b>575 Stalls</b>
<b>Total Designed</b>	<b>569 Stalls</b>

Based on design intent. Stall count will be adjusted based on final design. Allowed 10% compact, 5 stall deduct for bike parking. We would like to keep landscape % where it is.

NOTES:  
 1. EXISTING CONDITIONS TO BE FIELD VERIFIED.  
 2. DESIGN LAYOUT SUBJECT TO CHANGE.

**EH**  
 ERCK HOTELS

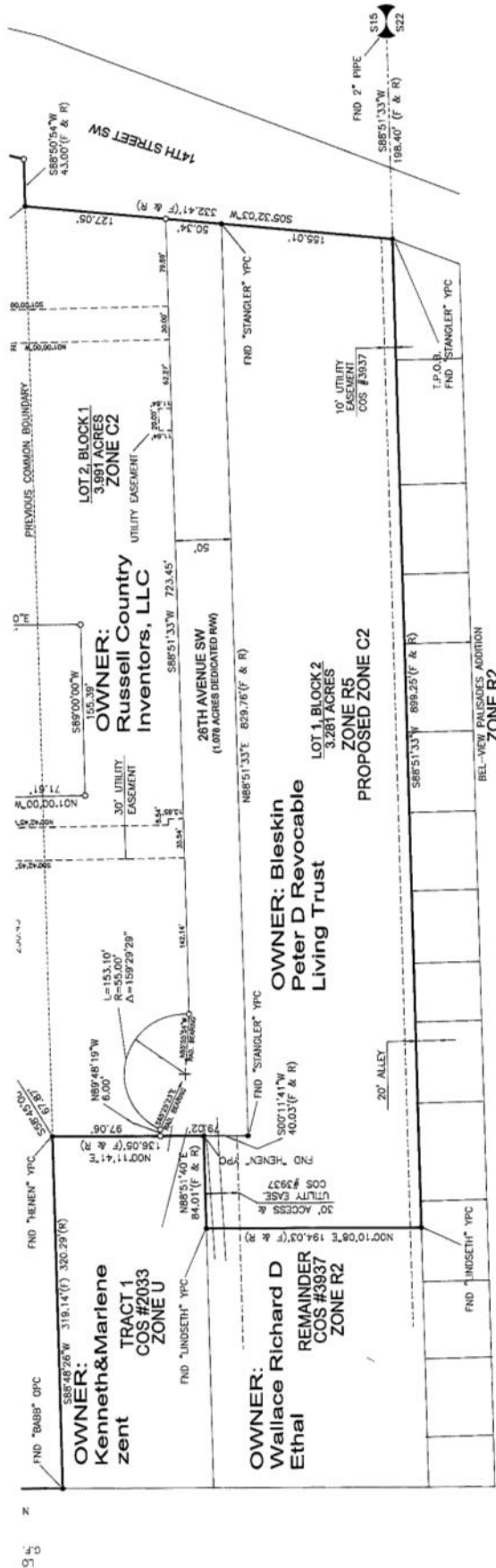
GREAT FALLS CONVENTION CENTER  
 GREAT FALLS, MONTANA

**SCHEMATIC MASTER SITE PLAN**  
 SCALE: 1" = 80'  
 DD A1.00 - 04

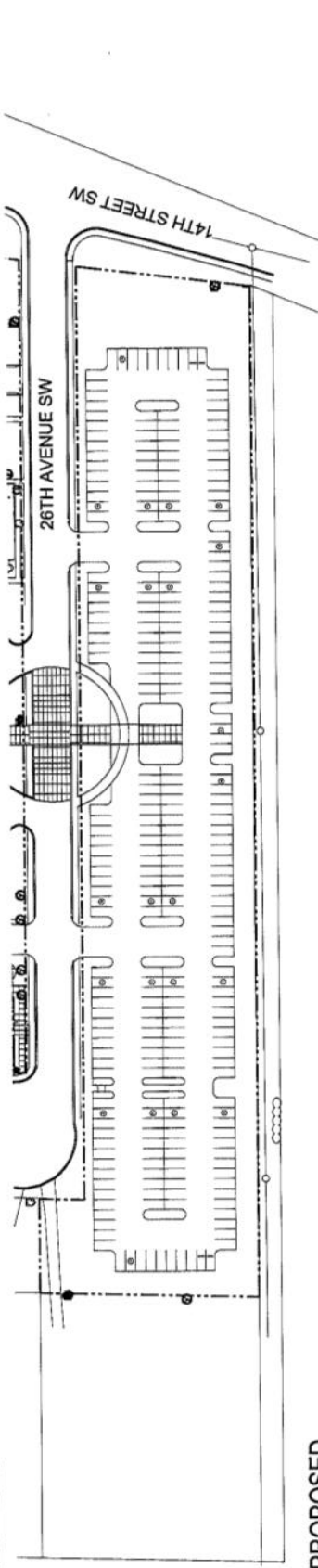
DATE: 01.31.14

**J|f**  
**JENSEN | FEY**  
 Architecture | Interiors | Planning  
 7730 LEARY WAY NE | REDMOND, WA 98052  
 TEL: 425.216.0318 FAX: 425.216.0329  
 www.JensenFey.com

# EXHIBIT H - ENLARGED LOT DETAILS



EXISTING



PROPOSED

Legal Description:

Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, SW1/4 Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana.



GREAT FALLS CONVENTION CENTER  
GREAT FALLS, MONTANA

## ENLARGED SITE LOT

SCALE: 1" = 100'

DATE: 03.21.2014

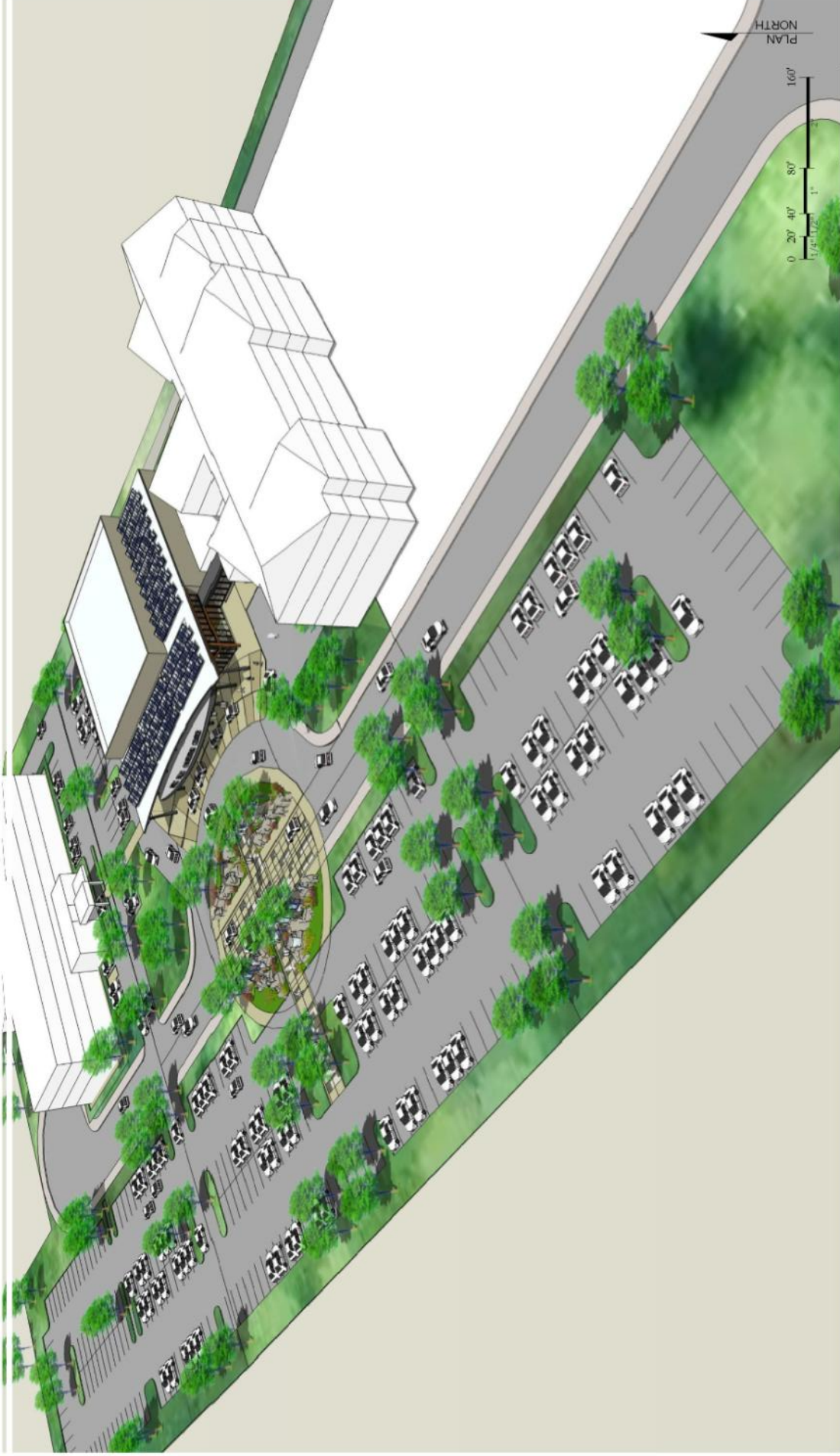
JENSEN|FEY

Architecture|Interiors|Planning  
7730 LEARY WAY NE | REDMOND, WA 98052  
TEL: 425.216.0318 FAX: 425.216.0329  
www.JensenFey.com





# EXHIBIT I - CONCEPTUAL RENDERING OF ENTIRE SITE



ERCK HOTELS

GREAT FALLS CONVENTION CENTER  
GREAT FALLS, MONTANA

**AERIAL ISOMETRIC**  
SCALE: NTS DATE: 01.31.14

**JENSEN | FEY**  
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7730 LEARY WAY NE | REDMOND, WA 98052  
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