



**Planning Advisory Board/Zoning Commission Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
City Commission Chambers
January 22, 2019
3:00 PM**

OPENING MEETING

1. Call to Order 3:00 P.M.
2. Roll Call- Board Introductions
Peter Fontana- Chair
Michael Wedekind- Vice Chair
Dave Bertelsen
Kelly Buschmeyer
Anthony Houtz
Tory Mills
Charles Pankratz
Samantha Shinaberger
Patrick VanWorth
3. Recognition of Staff
4. Approval of Meeting Minutes- January 8, 2019

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Public Hearing – Rezone for a 9,000 sq ft portion of tract 25D of McClean Garden Tracts located in Section 23, Township 20 North, Range 3 East, P.M.MT., Cascade County, Montana, from R-1 Single-family Suburban to I-1 Light Industrial.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

6. Next Meeting Agenda- Tuesday, February 12, 2019
- Steve Johnson Annexation
7. Petitions & Applications Received
-Westwood Plaza Minor Subdivision
-Beehive Homes Annexation Zoning Assignment Non-administrative Subdivision

PUBLIC COMMENT

ADJOURNMENT

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
January 8, 2019**

CALL TO ORDER

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

ROLL CALL & ATTENDANCE

Planning Board Members present:

Pete Fontana, Chair
Michael Wedekind, Vice Chair
Kelly Buschmeyer
Tory Mills
Charles Pankratz
Samantha Shinaberger
Patrick VanWorth

Planning Board Members absent:

Dave Bertelsen
Anthony Houtz

Planning Staff Members present:

Craig Raymond, Director P&CD
Thomas Micuda, Deputy Director P&CD
Andrew Finch, Sr. Transportation Planner
Connie Tryon, Sr. Admin Assistant

Other Staff present:

Joseph Cik, Assistant City Attorney

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

MINUTES

Chair Pete Fontana asked if there were any comments or corrections to the minutes of the meeting held on December 11, 2018. Seeing none, Mr. Wedekind moved to approve the minutes. Mr. VanWorth seconded, and all being in favor, the minutes were approved.

Election of 2019 Chair and Vice Chair

MOTION: That Pete Fontana be elected as Chair of the Planning Advisory Board/Zoning Commission (PAB/ZC).

Made by: Mr. Pankratz
Second: Mr. VanWorth

VOTE: All in favor, the motion carried.

MOTION: That Michael Wedekind be elected as Vice Chair of the PAB/ZC.

Made by: Mr. Fontana
Second: Mr. VanWorth

VOTE: All in favor, the motion carried.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Ordinance 3194 Amending Title 17 of the OCCGF

Joseph Cik, Assistant City Attorney, explained he has been working for about three years on a comprehensive overhaul of the Official Code of the City of Great Falls (OCCGF). Title 17 pertains to the Land Development Code, and the proposed changes will be brought forward to re-work and clean up what was adopted in 2005. This ordinance is just a very small part of the larger effort to update of Title 17.

Mr. Cik explained the majority of the proposed changes before the Board in the ordinance clean up language and administrative regulations. He noted one substantive change regarding compliance as it relates to public entities. The change is intended to clarify what different regulations apply to public entities that are developing public property, and outlines specific procedures if any public entity should want to be exempt from the clearly defined regulations.

Mr. Cik said staff recommends the PAB recommend to the City Commission that they adopt Ordinance 3194.

PUBLIC QUESTION AND ANSWER SESSION

Mr. Fontana asked if the Board will be presented with code changes occasionally throughout the year, and Mr. Cik said yes, about once a quarter for the next few years.

Mr. Pankratz asked for clarification on some of the standards outlined in the code, and asked for specific clarification on the proposed change regarding developing public land contrary to zoning regulations. The revised language notes that projects shall still be required to conform to all other development and property maintenance standards. Mr. Cik said the language makes it clear that a development could not violate the International Building Code, adopted through Title 15, and would still have to ensure that improvements to the right-of-way, sidewalks, landscaping etc. must meet City Code.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board recommend the City Commission adopt Ordinance 3194.

Made by: Mr. VanWorth
Second: Mr. Mills

VOTE: All in favor, the motion carried.

COMMUNICATIONS

Next Meeting Agenda – Tuesday, January 22, 2019

- Bob Livesay Rezone

Petitions & Applications Received:

- None

Mr. Micuda said there is an application for Beehive Homes and an Annexation Agreement is in the works.

PUBLIC COMMENT

Mr. Wedekind asked for updates on the Parking Advisory Commission (PAC) and recommendations, as well as the development review process. Mr. Raymond gave an overview on potential parking proposals being brought forward to the City Commission. There was discussion on the governmental process differences between the PAC and the PAB, and the fact that the PAB is statutorily required to be in existence by the State, while the PAC and Design Review Board are governed by local rules and not otherwise required.

Mr. Raymond and Mr. Micuda also provided an update on the current status of improving the development review process.

ADJOURNMENT

There being no further business, Chair Pete Fontana adjourned the meeting at 3:50 p.m.

CHAIRMAN

SECRETARY



Agenda #: _____
Commission Meeting Date: _____

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

Item: Public Hearing – Rezone for a 9,000 sq ft portion of tract 25D of McClean Garden Tracts located in Section 23, Township 20 North, Range 3 East, P.M.MT., Cascade County, Montana, from R-1 Single-family Suburban to I-1 Light Industrial.

Initiated By: Robert L and Jan M Livesay

Presented By: Erin Borland, Planner II, Planning and Community Development

Action Requested: Recommendation to the City Commission.

Public Hearing:

1. Chairman of the Zoning Commission conducts public hearing, calling three times each for proponents and opponents.
2. Chairman of the Zoning Commission closes public hearing and asks the will of the Board.

Suggested Motion:

1. Commission Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the rezoning request from R-1 Single-family Suburban to I-1 Light Industrial for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

2. Chairman calls for a second, Commission discussion, and calls for the vote.

Background:

The subject property is located at 2800 Upper River Road. The applicant owns several parcels in the area that are zoned R-1 Single Family Suburban, including his primary residence, and I-1 Light Industrial which includes an existing business. When the parcels were located in the County, the parcel including the applicant’s primary residence was also zoned industrial due to a zone change requested by the applicant.

The subject property as well as the other parcels were then annexed into the City as part of the Upper/Lower River Road water and sewer district, Phase 2 annexation in 2009. These annexations were done in order for the parcels in those areas to obtain City water and sewer. When the parcels were brought through the process for annexation, they were all assigned City zoning based on the existing uses. The subject property was zoned R-1 Single-family Suburban based on the existing residence.

Recently, the applicants came to the City with an Amended Plat to request a boundary line adjustment between the parcels containing the applicant's residence and the applicant's existing business. This was to create an area for a storage building for the business. In order for Staff to approve the boundary line adjustment for the portion to be transferred from the residential lot to the industrial lot, a rezone must occur to re-establish the industrial zoning that originally existed in the County.

Zoning Map Amendment Request:

The applicant is requesting that a portion of tract 25D, as shown on the draft amended plat, be rezoned from R-1 Single-family Suburban to I-1 Light Industrial in order for the portion of the parcel to become a part of tract 25E through a boundary line adjustment and to be appropriately zoned for the intended use.

A zoning map amendment requires a public hearing to be conducted by the Zoning Commission and the neighbors be notified of the hearing as well as a sign posted on the property. Public Notice for the Zoning Commission public Hearing was published in the Great Falls Tribune on January 6, 2019. To date, Staff has received one call from an adjacent neighbor with several concerns including if the rezone would affect his property value or his property taxes, what uses would be permitted on the property if the rezone was approved, and finally what setbacks and regulations were required if a structure would be built in close proximity to his property. All questions that could be answered by Staff were done so and the individual will receive all staff reports regarding the project.

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact – Zoning Map Amendment.

Neighborhood Council Input:

The subject property is located in Neighborhood Council #6. Due to the simple rezone request being proposed, information was sent to Neighborhood Council #6 for comment. To date, no comments have been received from the Council.

Concurrences:

Because the proposal is simply a zoning change at this time and the proposal for a new structure is not finalized, no review from other City departments is needed at this time. Review of the building permit for a proposed structure on the subject property will require review from other City departments at the time of building permit submittal.

Fiscal Impact:

Services are currently provided to the tract 25D for the single family residence and to tract 25E for the existing business. The cost of any service lines that may be proposed will be borne by the applicant.

Staff Recommendation:

Staff recommends approval of the rezone of the subject property with the following conditions:

Conditions of Approval:

1. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

2. Land Use & Zoning. Development of the property shall be consistent with the allowed uses and specific development standards for the I-1 Light Industrial district designation.

3. Utilities. The final engineering drawings and specifications for on-site improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

4. General Code Compliance. If a project is proposed for the subject property, the proposal 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.

5. Landscape Buffer Code Compliance. If new construction is proposed on the subject property, the proposal is required to be in compliance with §17.44.4.030(D) *Buffer and screening between uses*. Where an industrial use abuts a non-industrial use, a minimum fifteen-foot landscape buffer shall be provided 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.

Alternatives:

The Zoning Commission could recommend denial of the rezone request to the City Commission. For this action, the Zoning Commission must provide separate Findings of Fact for the rezone request.



Attachments/Exhibits:

- Aerial Map
- Zoning Map
- Basis of Decision/Findings of Fact – Zoning Map Amendment
- Draft Amended Plat

AERIAL MAP



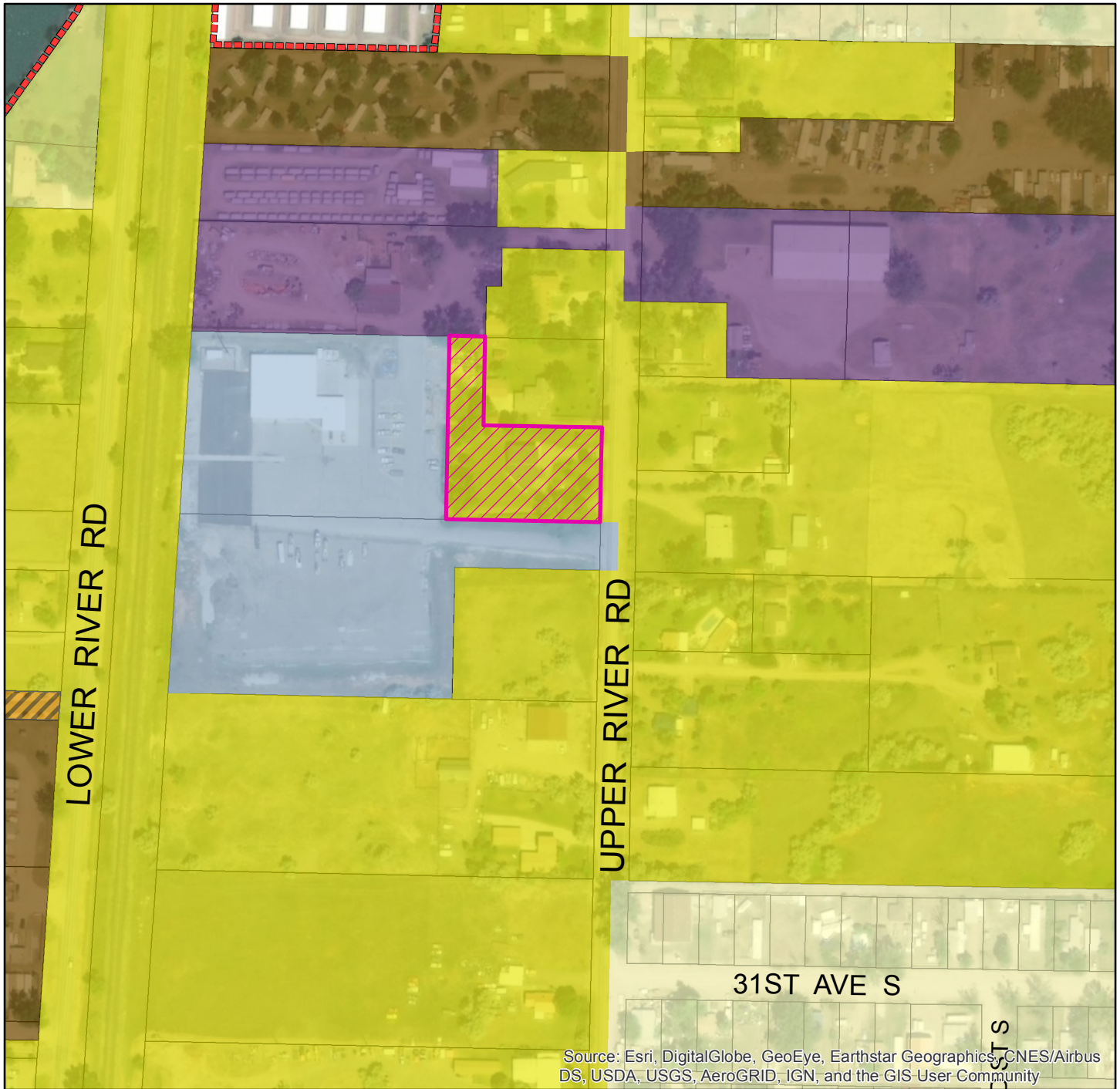
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community










-  Subject Property
-  Tracts of Land

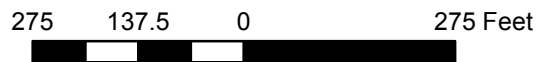
275 137.5 0 275 Feet



ZONING MAP



-  Subject Property
-  R-1 Single-family Suburban
-  R-2 Single-family Medium Density
-  R-3 Single-family High Density
-  R-10 Mobile Home Park
-  PUD Planned Unit Development
-  M-2 Mixed-use Transitional
-  I-1 Light Industrial
-  Tracts of Land



FINDINGS OF FACT/BASIS OF DECISION – Zoning Map Amendment

A portion of a tract of land equaling +/- 9,000 sq ft legally described as 25D of McClean Garden Tracts located in Section 23, Township 20 North, Range 3 East, P.M.MT., Cascade County, Montana

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in 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 zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Physical portions of the Growth Policy, specifically the goals and principles to encourage a balanced mix of land uses throughout the City.

Additionally, the zoning map amendment specifically supports the following goals and policies:

Environmental – Urban Form

Env2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

Physical - Land Use

Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.

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.

Phy4.2.8 The City may recommend against spot zoning, zoning that creates incompatible land uses, or uses that are evaluated to be detrimental to the long term viability of adjacent properties.

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 properties are located in Neighborhood Council #6. Due to the scope of the proposal, information has been sent out to the Council members via email for review and comment. To date no comments have been received.

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.

The subject property does not lie within any adopted plan or sub-area planning areas. Since there is no development proposed at this time, the review of the consistency with other planning documents is not applicable at this time.

4. The code with the amendment is internally consistent.

The proposed establishment of zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent industrial zoning. If the parcel is rezoned, it will match the historic zoning in place until 2009. Additionally, the parcel is currently being used in association with the business to the west, so rezoning the property will match this usage. Conditions of approval are proposed so that any proposal on the subject property will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the area as well.

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 this property. The proposed rezone will allow for the applicant to utilize the subject property for his business instead of for his residence.

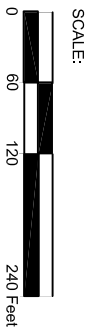
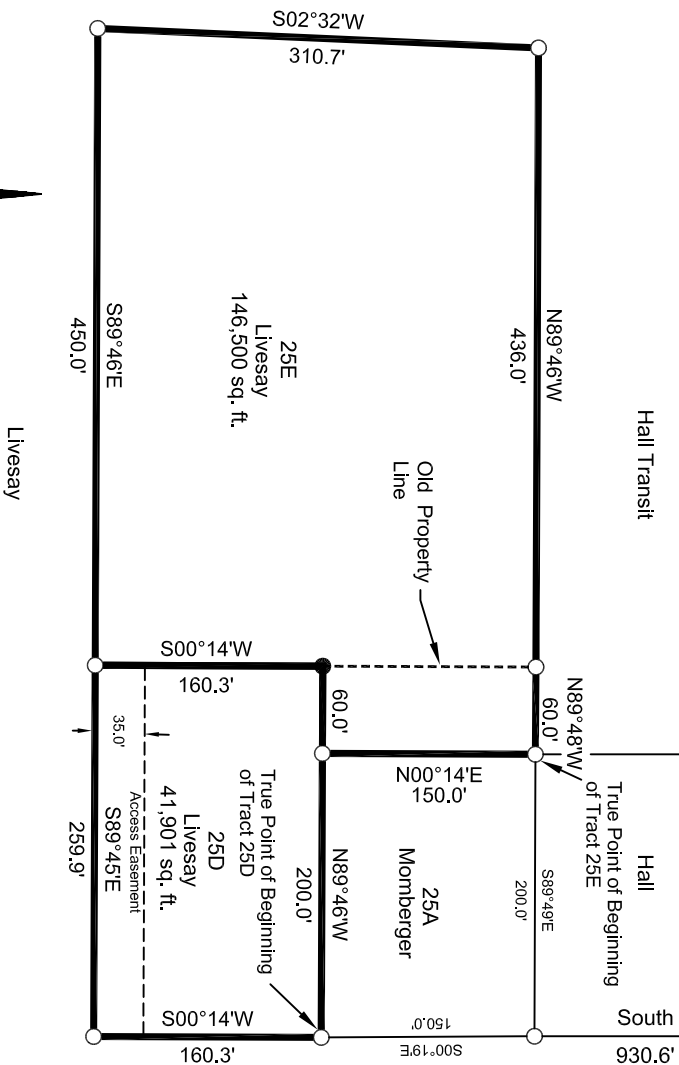
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. The zoning map amendment will only affect one lot and the property will be developed in a manner consistent with the zoning for this area.

AMENDED PLAT OF

Tracts 25D and 25E McClean Garden Tracts
in Section 23
T.20N., R.3E., P.M.MT., Cascade County, Montana

30.0'
14
23
24
930.0'W



SCALE:



METHODS:
Methods used performed in accordance with applicable State laws. A Survey Grade Global Positioning System (GPS) was used in this survey.

OTHER DATA AVAILABLE:
For a detailed description of corner monumentation, see the appropriate Corner Reconnection Form on file in the Cascade County Clerk & Recorder's Office.

BASIS OF BEARING:
The Basis of Bearing for this survey is the Record Bearing of the Section line between the Northeast Section Corner of Section 23, T.20N., R.3E. and the East One Quarter Corner of Section 23, T.20N., R.3E.

LEGEND:



SECTION CORNER STATUS AS NOTED

QUARTER SECTION CORNER STATUS AS NOTED

FOUND PREVIOUSLY SET CORNER AS NOTED

SET 5/8" REBAR WITH YELLOW PLASTIC CAP

EXISTING FENCE LINES

GLD RECORD MEASUREMENTS

(North - 40.0 chains)

PURPOSE:
This survey was performed in July 2018 as a Boundary Line Adjustment of two parcels in McClean Garden Tracts in Section 23, T.20N., R.3E., P.M.MT., Cascade County, Montana.

DESCRIPTION OF PARCELS SURVEYED:
Two tracts of land in Section 23, T.20N., R.3E., P.M.MT., more particularly described:

LOT 25D: Beginning at Northeast Section Corner of Section 23, T.20N., R.3E., P.M.MT.; thence N. 90°00' W., 30.0 feet; thence South, 930.6 feet; thence South, 150.0 feet to the True Point of Beginning of Lot 25D; thence N. 89°46' W., 200.0 feet; thence N. 89°46' W., 60.0 feet; thence S. 0°14' W., 160.3 feet; thence S. 89°46' E., 259.9 feet; thence N. 0°14' E., 160.3 feet to the True Point of Beginning of Lot 25D containing 41,901 sq. ft.

LOT 25E: Beginning at the Northwest Section corner of Section 23, T.20N., R.3E., P.M.MT.; thence N. 89°46' W., 30.0 feet; thence South, 930.6 feet; thence N. 89°46' E., 200.0 feet to the True Point of Beginning of Lot 25E; thence S. 0°14' W., 150.0 feet; thence N. 89°46' E., 60.0 feet; thence S. 0°14' W., 160.3 feet; thence N. 89°46' W., 450.0 feet; thence N. 2°46' W., 310.7 feet; thence S. 89°46' W., 436.0 feet; thence S. 89°46' W., 60.0 feet to the True Point of Beginning containing 146,500 sq. ft.

CERTIFICATE OF LANDOWNERS:

We, the undersigned property owners do hereby certify that we have caused to be surveyed as shown by this Certificate of Survey, two parcels of land in McClean Garden Tracts in Section 23, T.20N., R.3E., P.M.MT., Cascade County, Montana. We further certify that no new or additional parcels are hereby created, therefore this survey is exempt from review as a subdivision under both the Montana Subdivision and Platting Act 76-3-207-1A and the Montana Sanitation in Subdivision Act 76-4-105(17).

Dated this _____ day of _____, 2018

Robert L. Livesay

Jan M. Livesay

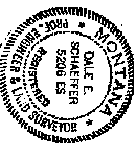
STATE OF MONTANA)

COUNTY of _____)

On this _____ day of _____, 2018, before me a Notary Public in and for the State of Montana, personally appeared the above signed property owners, known to me to be the person who executed the foregoing Certificate of Survey and acknowledged to me that he executed the same.

CERTIFICATE OF SURVEYOR:

I, Dale E. Schaeffer, Montana Registered Professional Engineer and Land Surveyor, Montana Registration No. 52006ES, do hereby certify that in July, 2018, I surveyed a tract of land in Section 33, T.21N., R.2E., P.M.MT., Cascade County, Montana, as shown on the accompanying map.



OWNERS: Robert L. Livesay and Jan M. Livesay

7/26/2018	23	2018	3E	1	1
DATE	SECTION	TOWNSHIP	RANGE	SHEET	OF SHEETS

DALE E. SCHAEFFER
PROFESSIONAL ENGINEER & SURVEYOR
REG. NO. 52006ES
GREAT FALLS, MONTANA
JULY 26, 2018

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