



Item: Vacate Public Hearing – Ordinance 3098 to assign City zoning to a tract of land proposed to be designated as Lot 5, Block 1, Division Addition located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana (ASI Elderly Housing Development)

From: Jana Cooper, RLA, Planner II, Planning and Community Development

Initiated By: Accessible Space, Inc., Developer

Presented By: Mike Haynes, AICP, Director of Planning and Community Development

Action Requested: City Commission vacate public hearing.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission vacate the Public Hearing and table action on Ordinance 3098 until the conditions of the Resolution 10001 are met.”

2. Mayor calls for a second, discussion, public comment, and calls for the vote.

Recommendation: Staff recommends the City Commission vacate the public hearing.

Background: At the conclusion of a public hearing held October 23, 2012, the Planning Advisory Board conditionally approved the annexation of a tract of land proposed to be designated as Lot 5, Block 1, Division Addition located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana, and the Zoning Commission approved assigning a zoning classification of R-6 Multi-family high density residential district to said property upon annexation to the City. Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on October 7, 2012. No citizens spoke at the public hearing for or against the project.

First reading of Ordinance 3098 was held on November 7, 2012, where the City Commission set the Public Hearing for annexation and zoning of the subject property for December 4, 2012. Notice of Public Hearing before the City Commission for the annexation and establishment of City zoning was published in the *Great Falls Tribune* on November 18, 2012.

Subsequent to the City Commission setting and staff advertising the public hearing, the applicant notified City staff that in order to receive financing for the project (HOME and Low Income Housing Tax Credits), they need a commitment from the City to annex the subject property as soon as possible, but if the financing is not obtained, the property owner does not want the subject property annexed into the City. In addition, final action on the proposed minor subdivision in the County will not be taken until the County Commission meets on December 18, 2012. Action on subdivision should be taken before the City Commission finally annexes the subject property.

Thus, in coordination with the Interim City Attorney, it has been determined that the best course of action is to recommend that the City Commission adopt a Resolution of Intention to Annex, which asserts the City's commitment to annex the property, subject to the applicant meeting certain conditions. This will allow the applicant up to one year to meet the conditions of approval and request the City adopt a Resolution to Annex the subject property. If, for any reason, no further action is taken on the subject property, it will remain in the County. Therefore, action on the zoning Ordinance shall be tabled until the City Commission can take action on the zoning and the annexation simultaneously.

Concurrences: Representatives from the City's Public Works, Park and Recreation and Fire Departments have been notified that the timeline has changed for the project.

Fiscal Impact: The City will be required to pay for additional public notice at such time as the project moves forward.

Alternatives: Once the applicant is able to resolve outstanding issues and conditions of the Resolution of Intent have been met this matter will be heard by the City Commission.

Attachments/Exhibits:

None

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Michael Knisely, Distyle Design, mknisely@distyledesign.com
Trevor McSpadden, tmcspadden@m-m.net
Mitchell Development, melissa@mdandi.com