



Item: Ordinance 3089 to assign City Zoning to a portion of Steel Etc. property located on the northwest corner of River Drive and 52nd Street North

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

Initiated By: Bob McIntyre, Steel Etc. Holding Company

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

Action Requested: City Commission accept Ordinance 3089 on first reading and set a public hearing for July 3, 2012.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3089 on first reading and set a public hearing for July 3, 2012.”

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

Recommendation: At the conclusion of a public hearing held May 8, 2012, the Planning Advisory Board conditionally approved the annexation of a portion of Steel Etc. property, and the Zoning Commission approved assigning a zoning classification of I-2 Heavy Industrial district to the 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 April 22, 2012. Staff recommends approval of the proposed annexation and zoning of ± 0.43 acres of unincorporated land abutting Tract 2 COS No. 4591, located in the NE1/4 of Section 4, T20N, R4E, P.M.M., Cascade County, MT.

Background: Steel Etc. is an existing business located at the northwest corner of River Drive North and 52nd Street North, which is on the fringe of the City of Great Falls. The business relocated from downtown Great Falls to this location in 2009. Portions of the recycling and salvage operations are located outside the City limits, while the main office is located within City limits. Steel Etc. is requesting annexation of ± 0.43 acres in order to build two buildings that will house a new “shredder.” The subject property is currently part of Tract 1 of COS No. 4591. The applicant is proposing a boundary line adjustment that would make the subject property part of Tract 2 of COS No. 4591, which is already located within the City limits. The reason for the annexation is to avoid having the proposed building straddle the City/County jurisdictional line. As a condition of annexation, Steel Etc. will be required to file a new Certificate of Survey (COS) describing the boundaries.

Subject to approval of the annexation, the property shall be zoned “I-2” Heavy Industrial District. Unincorporated property to the north, east and west is zoned County Heavy Industrial, which is comparable to the City’s I-2 zoning district. Incorporated properties to the south of the Steel Etc. property are also zoned I-2 Heavy Industrial.

The subject property being annexed does not abut any public roadway, therefore no reimbursement or improvements are required as determined by the Department of Public Works. The subject property is being made a part of the existing incorporated tract and is accessed internally by paved driveways. The portion of Steel Etc. that is already located in the City has existing City services. The applicant has stated the proposed area being annexed will be used for the “shredder” and they will not be extending City services to the new building.

The requested annexation and zoning is not anticipated to increase the level of traffic to the subject property. However, the Planning Department has received an email from Great Falls Fire Rescue stating they are opposed to any incremental annexations of the same parcel property (sharing one address) into the City of Great Falls due to the inherent difficulties associated with proper identification of location for City first responders. The Planning Department agrees that this is not the preferred way to annex property, but a previous agreement allows the Steel Etc. property to be partially in the City and partially in the County. In addition, the original annexation agreement between the City and Steel Etc. waives the right of Steel Etc. to appeal annexation of their property that remains in county at such time as the adjacent properties are annexed into the City.

Annexation of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

- (1) Zoning regulations must be:
 - (a) made in accordance with a growth policy; and
 - (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and the general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
 - (a) reasonable provision of adequate light and air;
 - (b) the effect on motorized and nonmotorized transportation systems;
 - (c) promotion of compatible urban growth;
 - (d) the character of the district and its peculiar suitability for particular uses; and
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is in an area experiencing industrial development both within and outside the City limits. Some of the more significant developments in the area include the Sletten Construction, Conoco Bulk Storage, and North Park Industrial, which are situated within relative proximity to the subject property.

Goals of the economic element of the Great Falls Growth Policy include:

- Enhance, strengthen, and expand the existing economic base.
- Attract new business and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

It is anticipated the City Commission, following the public hearing on July 3, 2012, will consider the resolution to annex and an annexation agreement for Steel Etc., simultaneously with Ordinance 3089.

Concurrences: Representatives from the City's Public Works, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City. The City should see a slight increase in tax revenues from the improvements being made to the property.

Alternatives: The City Commission could deny acceptance of Ordinance 3089 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.






Attachments/Exhibits:

- A. Aerial Photo
- B. Ordinance 3089 with Attachment A
- C. Reduced copy COS

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Bob McIntyre, Steel Etc., 1408 52nd St. N, Great Falls, MT 59405

Aerial Photo



-  Subject Property
-  Steel Etc. Unincorporated Property
-  Steel Etc. Incorporated Property
-  City Limits
-  Tracts of Land



Steel Etc

ORDINANCE 3089

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO A PORTION OF TRACT 2A, COS NO _____, LOCATED IN THE NE1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Steel Etc. Holding Company has petitioned the City of Great Falls to annex a portion of Tract 2A, Certificate of Survey _____, located in the NE1/4 of Section 4, Township 20 North, Range 4 East, Cascade County Montana, herein referred to as Tract 2A, and;

WHEREAS, Steel Etc. Holding Company has petitioned Tract 2A be assigned a zoning classification of I-2 Heavy Industrial district upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to Tract 2A was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 17th day of July, 2012, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning 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 of a portion of Tract 2A of Certificate of Survey _____, located in NE1/4 Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be designated as I-2 Heavy industrial district classification attached hereto as Attachment "A" and by this reference made a part hereof.

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 resolution annexing Tract 2A of Certificate of Survey _____, located in NE1/4 Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading June 5, 2011.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

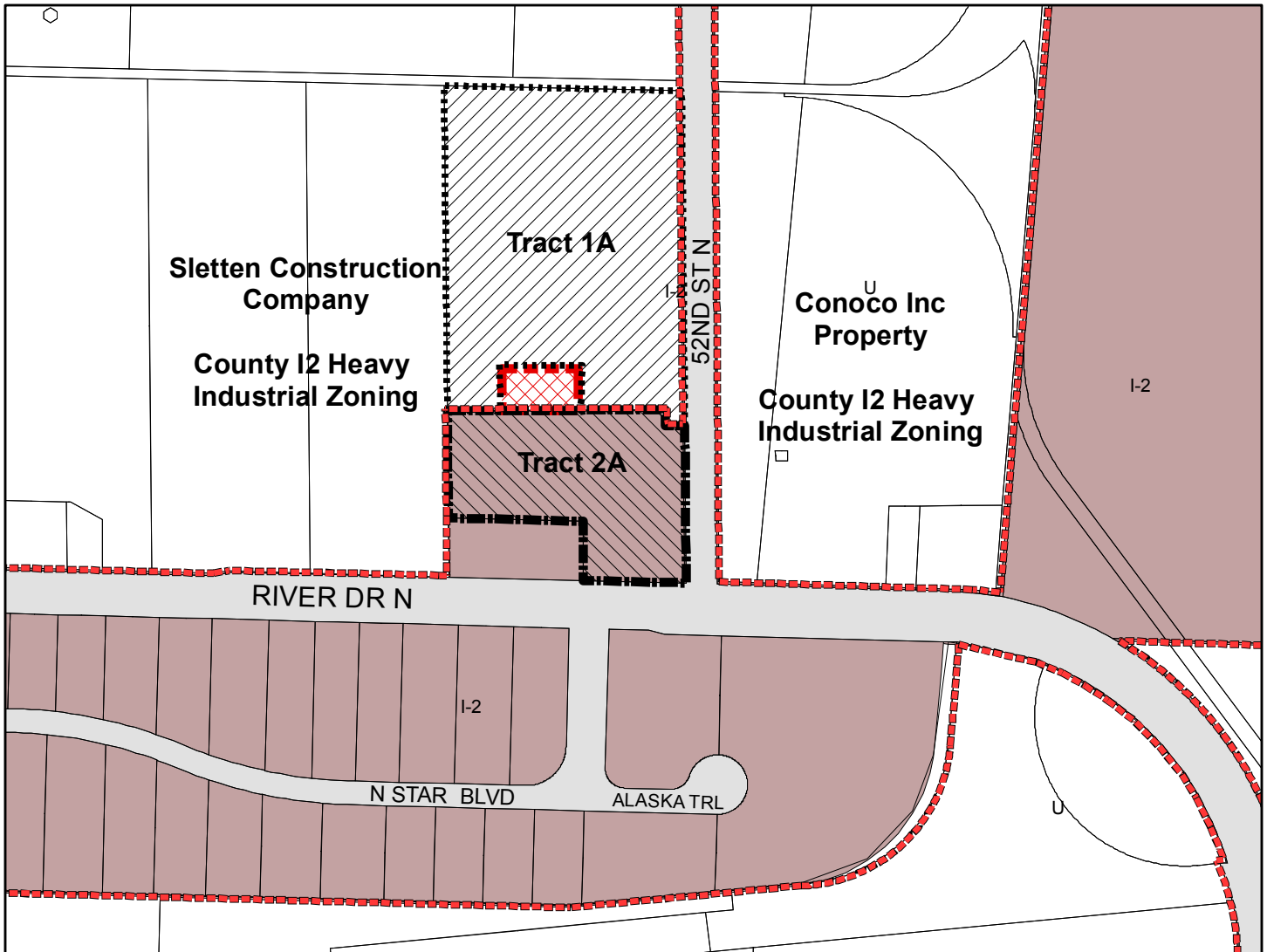
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3089 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

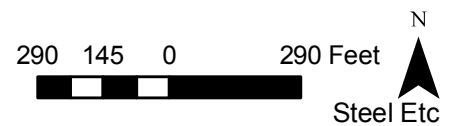
Lisa Kunz, City Clerk

(CITY SEAL)

Attachment A: Zoning Map



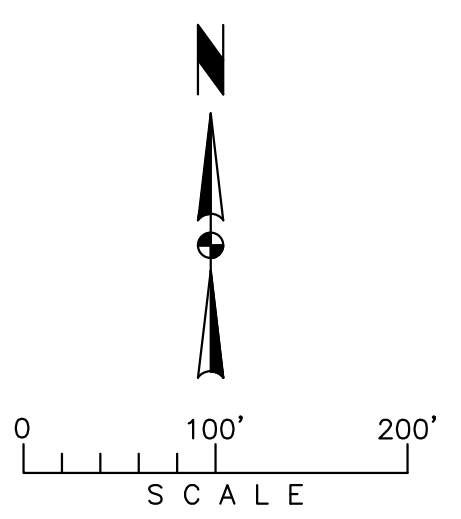
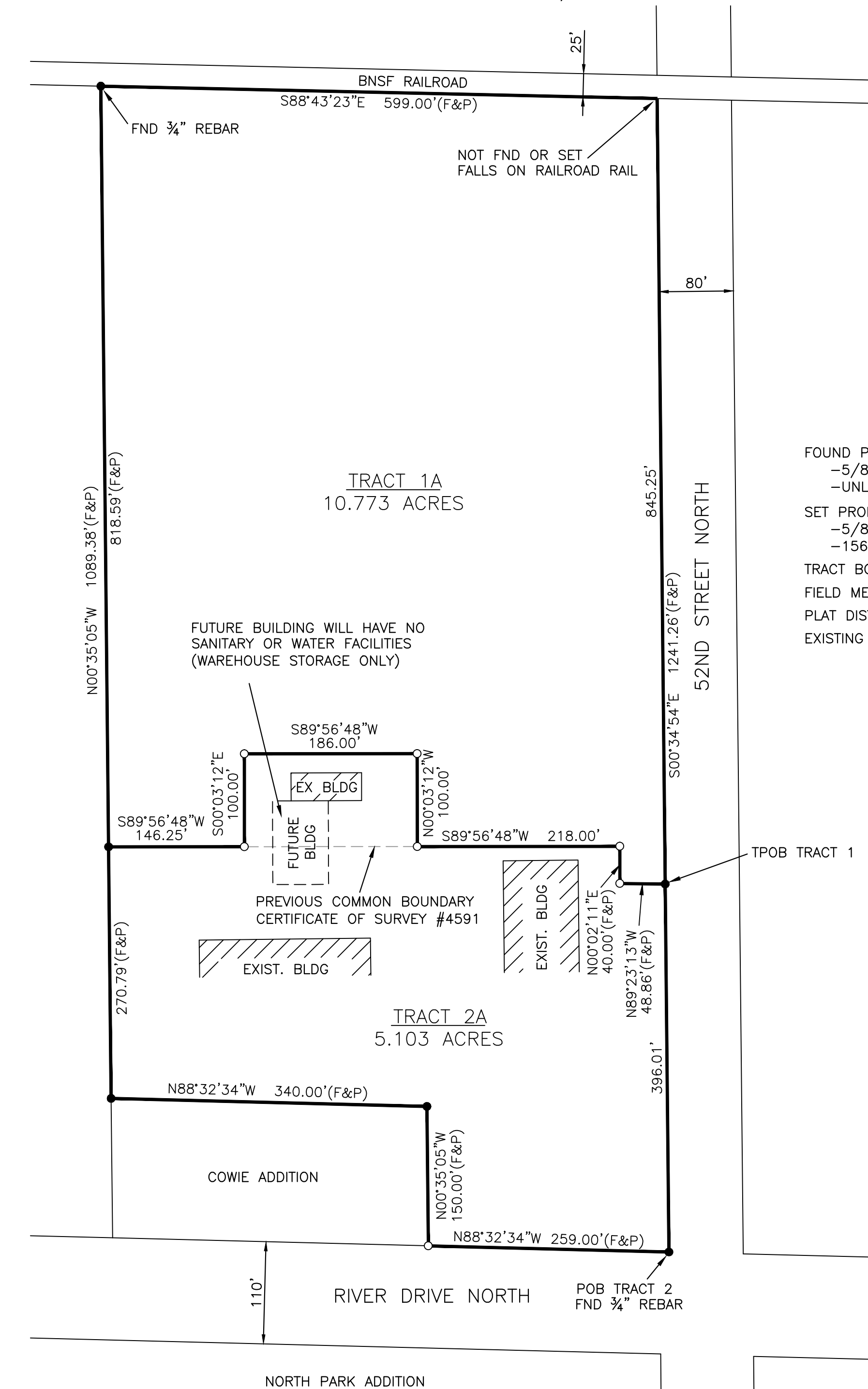
- | | | |
|------------------------------------|--------------------------------|----------------------------------|
| City Limits | C-4 Central business core | R-1 Single-family suburban |
| Subject Property | C-5 Central business periphery | R-2 Single-family medium density |
| Steel Etc. Unincorporated Property | I-1 Light industrial | R-3 Single-family high density |
| Steel Etc. Incorporated Property | I-2 Heavy industrial | R-5 Multi-family medium density |
| Tracts of Land | M-1 Mixed-use district | R-6 Multi-family high density |
| ZONING | M-2 Mixed-use transitional | R-9 Mixed residential |
| AI Airport Industrial | PLI Public lands institutional | R-10 Mobile home park |
| C-1 Neighborhood commercial | POS Park Open Space | Unincorporated Enclave |
| C-2 General commercial | PUD Planned unit development | |
| C-3 Highway commercial | | |



CERTIFICATE OF SURVEY

TWO TRACTS OF LAND BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY NO. 4591,
LOCATED IN THE NE1/4 OF SECTION 4, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

LAND OWNER: STEEL, ETC. HOLDING COMPANY



LEGEND

- FOUND PROPERTY MONUMENT
-5/8" REBAR/15625LS YPC
-UNLESS NOTED OTHERWISE
- SET PROPERTY MONUMENT
-5/8"x24" REBAR
-15625LS YPC
- TRACT BOUNDARY
- FIELD MEASUREMENT (F)
- PLAT DISTANCE (P)
- EXISTING BUILDING

DESCRIPTION - TRACT 1A

A tract of land located in the NE¹/₄ of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:
Beginning at a point being the intersection of the Westerly right-of-way of 52nd Street North and the Northerly right-of-way of River Drive North; thence North 00°34'54" West along said Westerly right-of-way of 52nd Street North, a distance of 396.01 feet to the True Point of Beginning; thence North 89°23'13" West, a distance of 48.86 feet; thence North 00°02'11" East, a distance of 40.00 feet; thence South 89°56'48" West, a distance of 218.00 feet; thence North 00°03'12" West, a distance of 100.00 feet; thence South 89°56'48" West, a distance of 186.00 feet; thence South 00°03'12" East, a distance of 100.00 feet; thence South 89°56'48" West a distance of 146.25 feet to the Westerly line of Certificate of Survey No. 4591; thence North 00°35'05" West along said Westerly boundary, a distance of 818.59 feet to the Southerly right-of-way of the Burlington Northern Sante Fe Railroad; thence South 88°43'23" East along said Southerly right-of-way, a distance of 599.00 feet to said Westerly right-of-way of 52nd Street North; thence South 00°34'54" East along said Westerly right-of-way, a distance of 845.25 feet to the True Point of Beginning and containing 10.773 acres.

DESCRIPTION - TRACT 2A

A tract of land located in the NE¹/₄ of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:
Beginning at a point being the intersection of the Westerly right-of-way of 52nd Street North and the Northerly right-of-way of River Drive North; thence North 88°32'34" West along said Northerly right-of-way of River Drive North, a distance of 259.00 feet to the Easterly boundary of the Cowie Addition; thence North 00°35'05" West along said Easterly boundary, a distance of 150.00 feet to the Northerly boundary of the Cowie Addition; thence North 88°32'34" West along said Northerly boundary, a distance of 340.00 feet to the Westerly boundary of Certificate of Survey No. 4591; thence North 00°35'05" West along said Westerly boundary, a distance of 270.79 feet; thence North 89°56'48" East, a distance of 146.25 feet; thence North 00°03'12" West, a distance of 100.00 feet; thence North 89°56'48" East, a distance of 186.00 feet; thence South 00°03'12" East, a distance of 100.00 feet; thence North 89°56'48" East, a distance of 218.00 feet; thence South 00°02'11" West, a distance of 40.00 feet; thence South 89°23'13" East, a distance of 48.86 feet to said Westerly right-of-way of 52nd Street North; thence South 00°34'54" East along said Westerly right-of-way, a distance of 396.01 feet to the Point of Beginning and containing 5.103 acres.

CERTIFICATE OF COUNTY TREASURER

I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that the accompanying plat has been duly examined and that no real property taxes assessed and levied on the land to be subdivided are delinquent.

Dated this _____ day of _____, A.D., 2012

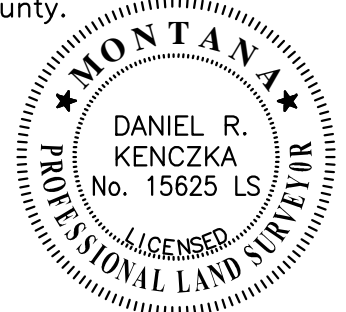
County Treasurer, Cascade County, Montana

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana registration No. 15625LS, do hereby certify that I supervised this survey and platted same as shown on the accompanying Certificate of Survey, and as described in accordance with the provisions of the Montana Subdivision and Platting Act. Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., 2012

Daniel R. Kenczka, Montana Reg. No. 15625LS



CERTIFICATE OF EXEMPTION

I, the undersigned property owner, hereby certify that this division of land is made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties. Therefore this division of land is exempt from subdivision review, pursuant to Section 76-3-207(1)(a) M.C.A.

CERTIFICATE OF EXCLUSION

I, the undersigned property owner, hereby certify that this division of land is excluded from sanitation review, pursuant to ARM 17.36.605(2)(b), stating "(2) The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: (b) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review, if: (i) no new facilities will be constructed on the parcel; and (ii) the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption".

STEEL ETC. HOLDING COMPANY

State of Montana)
:ss
County of Cascade)

On this ____ day of _____, before me, _____, the undersigned, a Notary Public for the State of Montana, personally appeared, _____, known to me to be the person who executed the Certificate of Exemption and Exclusion. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal)

Notary Public for the State of Montana
Residing at _____
My commission expires _____

BASIS OF BEARING: CERTIFICATE OF SURVEY NO. 4591
PURPOSE OF SURVEY: TO RELOCATE A COMMON BOUNDARY LINE BETWEEN TWO ADJOINING PROPERTIES, BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY NO. 4591

TD&H Engineering	DRAWN BY: DRK	1
	DESIGNED BY: RFS	
	QUALITY CHECK: DRK	
	DATE: 3-29-12	
JOB NO. 12-058		1
CAD NO. 12-058-058		