



Item: Resolution 9980, a Resolution of Intent to annex a portion of 17th Ave SW, and Ordinance 3093 to assign City Zoning to 1517 17th Ave SW, legally described as Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, T20N, R3E, Cascade County, MT

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

Initiated By: Bruce Rohrer, Property Owner

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

Action Requested: City Commission adopt Resolution 9980 and accept Ordinance 3093 on first reading and set a public hearing for August 7, 2012.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9980.”

and;

“I move that the City Commission (accept/deny) Ordinance 3093 on first reading and set a public hearing for August 7, 2012.”

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

Recommendation: At the conclusion of a public hearing held June 12, 2012, the Planning Advisory Board conditionally approved the annexation of a portion of 1517 17th Ave SW, and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density residential 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 May 27, 2012. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of ±0.53 acres of unincorporated land legally described as Lots 26 & 27 and vacated alley, Block 17, University Addition, and abutting portion of 17th Avenue Southwest, Section 15, T20N, R3E, Cascade County, MT.

Background: The owner of 1517 17th Avenue Southwest is requesting annexation of their property that consists of ±0.15 acres. There is a single family residence on the property and the owner is making the request in order to utilize and connect to existing public utilities adjacent to the subject

property. The subject property is comprised of two lots and a portion of a vacated alley. An amended plat of the property, consolidating the lots and alley, is required as a condition of annexation.

In addition to the subject property, per MCA, the abutting portions of 17th Avenue SW, comprised of ± 0.38 acres, must also be annexed as a part of the request. In total ± 0.53 acres will be annexed into the City.

The subject property abuts 17th Avenue Southwest, which is a gravel roadway. In order to simplify maintenance responsibility, the City's Street Division requires 17th Avenue Southwest be annexed for the entire block up to the east right-of-way of 16th Street Southwest. As a condition of annexation, any roadway section (gravel and subgrade) that is disturbed during construction activities of the project shall be restored to their original condition. Public Works is not requiring any escrow of funds for the improvement 17th Avenue Southwest. The owners will waive their right to protest a future special improvement district for roadway improvements as a condition of annexation into the City.

The applicant proposes to install water services from the City transmission mains located in the abutting right-of-way of 17th Avenue Southwest. As a condition of annexation, the owner will be required to install a fire hydrant at the intersection of 17th Avenue Southwest and 16th Street Southwest. The City will pay for the cost of the fire hydrant and the owner will pay for the labor to install the hydrant. The owner will be eligible for reimbursement of this hydrant as benefitting properties are annexed.

There is currently no sanitary sewer in 17th Avenue Southwest. The owner shall extend the sewer as required by Public Works from its existing location in 15th Street Southwest to the owner's western property boundary. The owner will be eligible for reimbursement of this main as surrounding properties annex into the City. The owner will waive their right to protest a future special improvement district for water and sewer improvements as a condition of annexation into the City.

The request does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by this request.

There is an existing storm drain in 17th Avenue Southwest (no inlets). The applicant would not be required to extend storm drain facilities in the area. Any future expansion of facilities is subject to review by the Department of Public Works for applicable storm water regulations.

Zoning 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.

Applicable policy statements include “residential land uses should be planned and located so that they do not result in adverse impacts upon one another.” Therefore, staff concludes the above-cited criteria are substantially met.

The proposed development is compatible with the 2005 Growth Policy, as it advances specific Goals, Policies, and Action Strategies contained within the related plan elements, and is also in line with the general themes and principles found in the document. Plan elements related to the proposed development include providing infill development and protecting and enhancing the character of existing neighborhoods.

Patty Cadwell, Neighborhood Council Coordinator, presented the project to Neighborhood Council #1 on May 15, 2012. There were no comments from Neighborhood Council #1, but the Planning Department has received one letter in support of the annexation.

It is anticipated the City Commission, at the public hearing on August 7, 2012, will consider the resolution to annex and an annexation agreement for 1517 17th Ave SW simultaneously with Ordinance 3093.

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 3093 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:

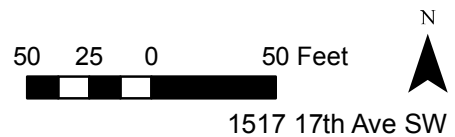
- Aerial Photo
- Resolution 9980 with Attachment A
- Ordinance 3093 with Attachment A

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Bruce Rohrer, 3200 Jasper Rd, Great Falls, MT 59404

Aerial Photo



- City Limits
- ▨ 1517 17th Ave SW
- ▨ Right of Way Being Annexed
- Tracts of Land



RESOLUTION 9980

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE A SEGMENT OF 17TH AVENUE SOUTHWEST, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4402, MONTANA CODE ANNOTATED

* * * * *

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but outside the boundaries thereof, a segment of 17th Avenue Southwest, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Commencing at the southeast corner of Lot 17A, Block 17, University Addition, said corner being the "True Point of Beginning", proceed thence southerly ± 60.0 feet, crossing the 17th Avenue Southwest right-of-way to a point on the southerly right-of-way line of 17th Avenue Southwest and the northeast corner of Lot 16, Block 16, University Addition;

Thence westerly ± 275 feet along the southerly right-of-way line of 17th Avenue Southwest, to a point on the easterly right-of-way of 16th Street Southwest and the northwest corner of Lot 7, Block 16, University Addition;

Thence northerly ± 60 feet, crossing the 17th Avenue Southwest right-of-way to a point on the northerly right-of-way line of 17th Avenue Southwest and the southwest corner of Lot 32, Block 17, University Addition;

Thence easterly ± 275 feet along the northerly right-of-way line of 17th Avenue Southwest, to a point on the northern right-of-way of 17th Avenue Southwest and the Southeast corner of Lot 17A, Block 17, University Addition, being the "True Point of Beginning";

containing in all ± 0.38 acres more or less and as shown on the Vicinity/Zoning Map attached hereto, marked Attachment "A" and by this reference made a part hereof; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or by any agency, instrumentality, or political subdivision or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous and may be annexed thereto and made a part thereof; and,

WHEREAS, the City has obtained a Request for Annexation of the subject segment of right-of-way from the Bruce Rohrer, property owner of 1517 17th Avenue Southwest legally described as Lots 26 & 27 and Vacated Alley, Block 17, University Addition located in Section 15, Township 20 North, Range 3 East, Cascade County, Montana.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof that the boundaries of said City of Great Falls shall be extended so as to include: "A SEGMENT OF 17TH AVENUE SOUTHWEST IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 7th day of August, 2012, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "A SEGMENT OF 17TH AVENUE SOUTHWEST IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20) day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of July, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

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 hereby certify that the foregoing Resolution 9980 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of July, 2012.

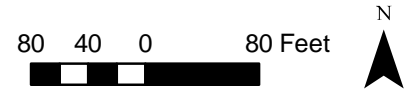
Lisa Kunz, City Clerk

(SEAL OF CITY)

Attachment A Resolution 9980



- City Limits
- Subject ROW related to Resolution 9980
- 1517 17th Ave SW
- Tracts of Land
- Right-of-Way



1517 17th Ave SW

ORDINANCE 3093

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO LOTS 26 & 27 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, AND ABUTTING PORTION OF 17TH AVENUE SOUTHWEST FROM THE EASTERN BOUNDARY OF THE SUBJECT PROPERTY TO THE EASTERN EDGE OF 16TH STREET SOUTHWEST RIGHT-OF-WAY ALL LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Bruce Rohrer has petitioned the City of Great Falls to annex 1517 17th Ave SW consisting of ±0.53 acres, described as Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, herein referred to as Subject Property, and;

WHEREAS, Bruce Rohrer has petitioned Subject Property be assigned a zoning classification of R-3 Single-family high density residential district upon annexation to the City; and,

WHEREAS, the abutting portion of the 17th Avenue Southwest shall be assigned a zoning classification of R-3 Single-family high density residential district consistent with adjacent properties upon annexation; and,

WHEREAS, notice of assigning said zoning classifications to Subject Property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7th day of August, 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 Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, be designated as R-3 Single-family high density residential district classification as attached hereto as Attachment "A" and by this reference made a part hereof.

Section 3. That the zoning of a portion of 17th Avenue Southwest from the eastern boundary of the subject property to the eastern edge of 16th Street Southwest right-of-way, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, be designated as R-3 Single-family high density residential district classification consistent with adjacent properties as attached hereto as Attachment "A" and by this reference made a part hereof.

Section 4. 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 Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, 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 July 17, 2012.

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)

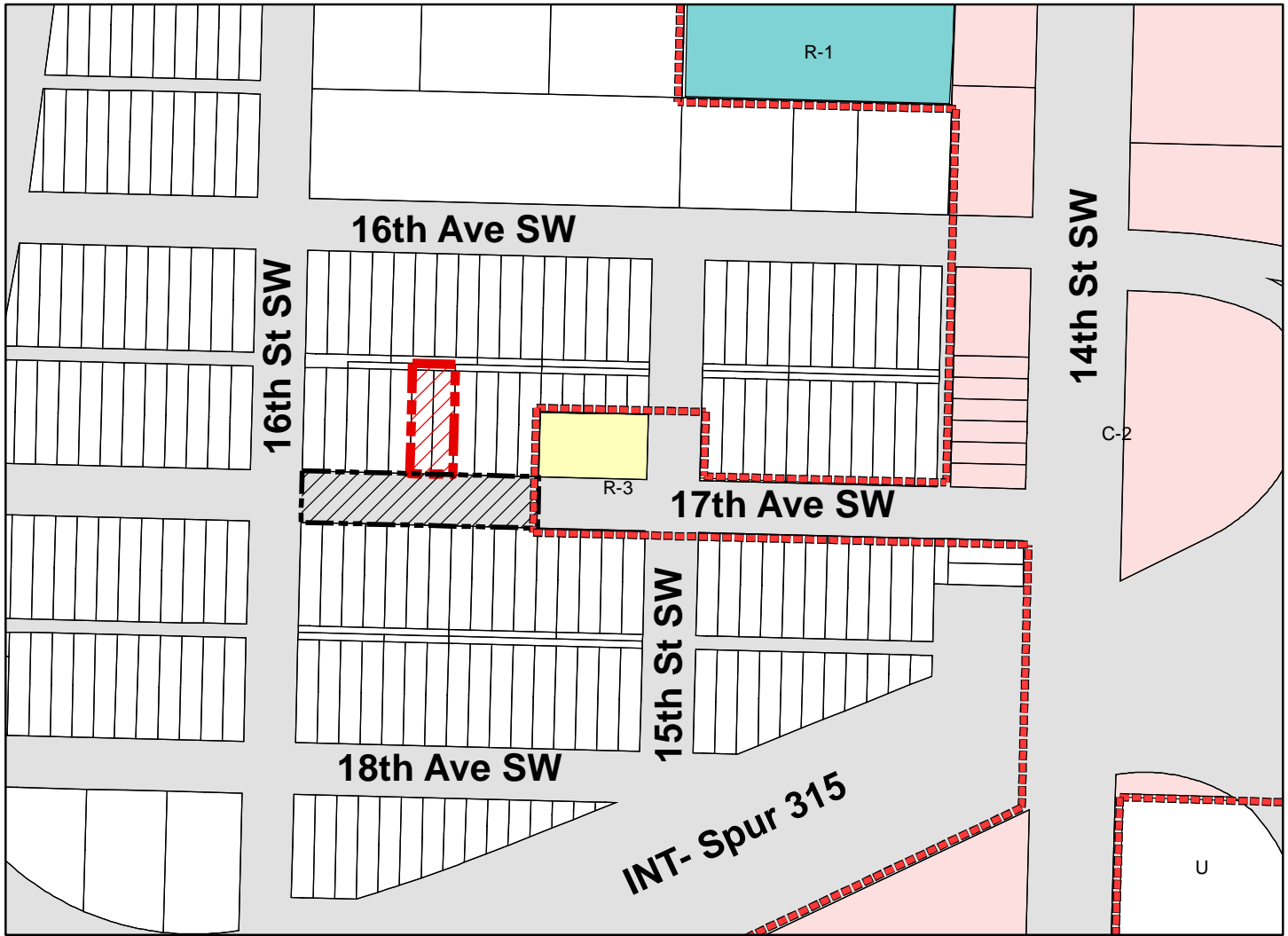
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3093 in three conspicuous places within the limits of said City to-wit:

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 Ordinance 3093



City Limits	C-4 Central business core	R-1 Single-family suburban
1517 17th Ave SW	C-5 Central business periphery	R-2 Single-family medium density
ROW Being Annexed	I-1 Light industrial	R-3 Single-family high density
Tracts of Land	I-2 Heavy industrial	R-5 Multi-family medium density
ZONING	M-1 Mixed-use district	R-6 Multi-family high density
AI Airport Industrial	M-2 Mixed-use transitional	R-9 Mixed residential
C-1 Neighborhood commercial	PLI Public lands institutional	R-10 Mobile home park
C-2 General commercial	POS Park Open Space	Unincorporated Enclave
C-3 Highway commercial	PUD Planned unit development	Right-of-Way

120 60 0 120 Feet

1517 17th Ave SW