



Item: Ordinance 3094 to assign City Zoning to 1527 17th Ave SW, legally described as Lots 28, 29 & 30 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: Lester and Marla Mesenbrink, Property Owners

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

Action Requested: City Commission accept Ordinance 3094 on first reading and set a public hearing for August 7, 2012.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3094 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 the vote.

Recommendation: At the conclusion of a public hearing held June 26, 2012, the Planning Advisory Board conditionally approved the annexation of 1527 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 June 10, 2012. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of ± 0.22 acres of unincorporated land legally described as Lots 28, 29 & 30 and vacated alley, Block 17, University Addition, Section 15, T20N, R3E, Cascade County, MT.

Background: The owner of 1527 17th Avenue Southwest is requesting annexation of their property that consists of ± 0.22 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 three 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.

Per MCA, the abutting portions of 17th Avenue Southwest, must also be annexed. The property to the east petitioned for annexation in May, 2012, and as a part of that request, the City is requiring all of 17th Avenue Southwest from 15th Street Southwest to 16th Street Southwest be annexed. Therefore, the portion of 17th Avenue Southwest abutting the subject property will be annexed as apart of that application which is being acted on by City Commission at the same public hearing on August 7, 2012.

The subject property abuts 17th Avenue Southwest, which is a gravel roadway. 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 participate in the installation of 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 additional 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 the subject properties eastern property boundary to its 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 June 13, 2012. There were no comments related to this application.

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 1527 17th Ave SW simultaneously with Ordinance 3094.

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 3094 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:

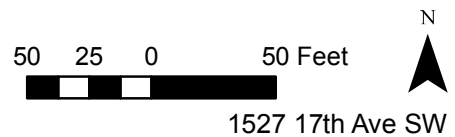
- Aerial Photo
- Ordinance 3094 with Attachment A

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Lester and Marla Mesenbrink, 2240 Richter St, Kelowna, BC V1Y 202, Canada

Aerial Photo



- City Limits
- ▨ 1527 17th Ave SW
- ▩ ROW - annexed as part of separate application
- Tracts of Land



ORDINANCE 3094

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO LOTS 28, 29 & 30 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Lester and Marla Mesenbrink have petitioned the City of Great Falls to annex 1527 17th Ave SW consisting of ±0.22 acres, described as Lots 28, 29 & 30 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, Lester and Marla Mesenbrink have petitioned the Subject Property be assigned a zoning classification of R-3 Single-family high density residential district upon annexation to the City; 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 28, 29 & 30 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 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 Lots 28, 29 & 30 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)

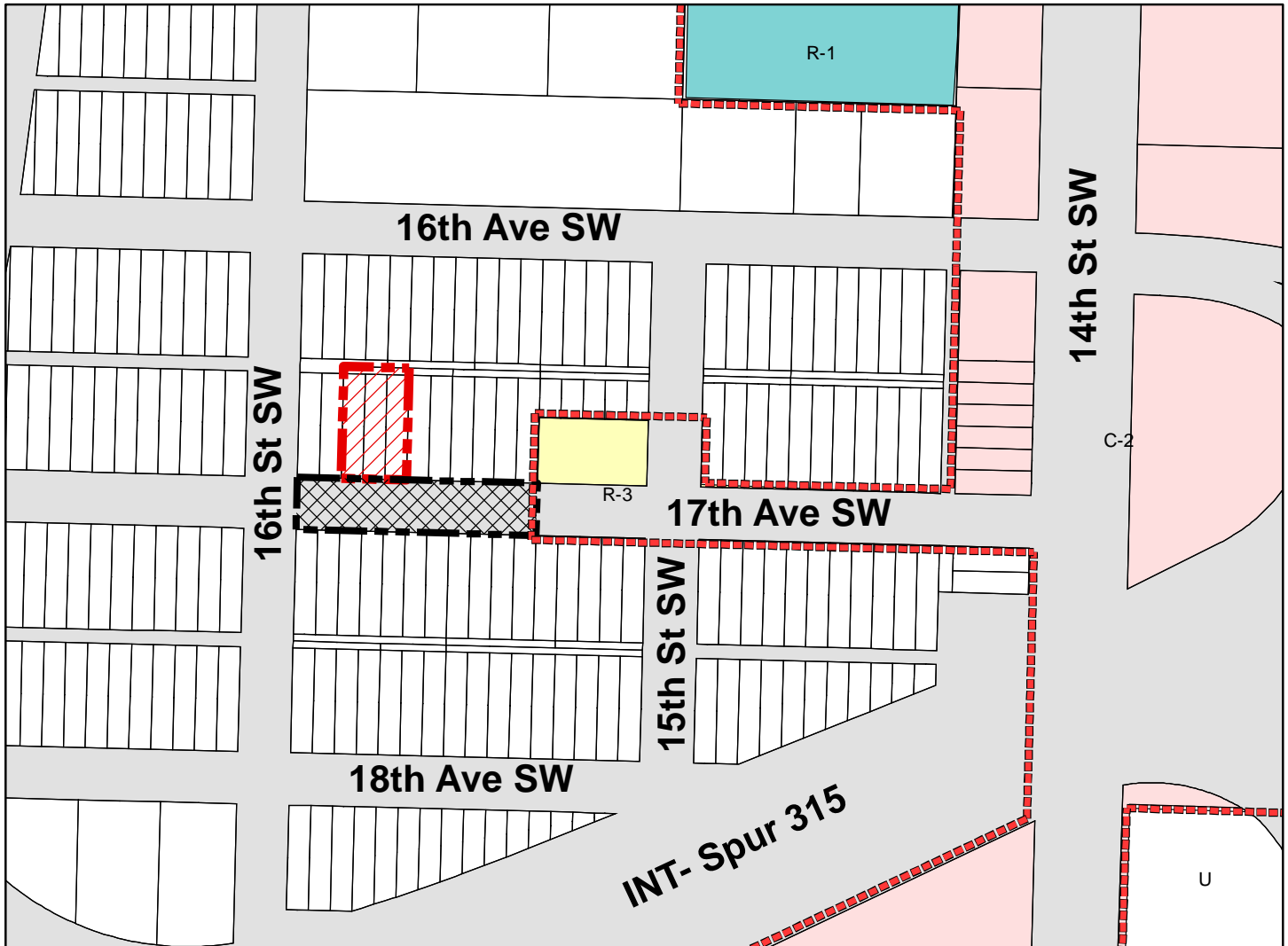
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3094 in three conspicuous places within the limits of said City to-wit:

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 3094



- | | | |
|---|--------------------------------|----------------------------------|
| City Limits | C-4 Central business core | R-1 Single-family suburban |
| 1527 17th Ave SW | C-5 Central business periphery | R-2 Single-family medium density |
| ROW - annexed as part of separate application | 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 |

