



Item: Ordinance 3107 - assigning City Zoning to 4201 Flood Road, legally described as Mark 10A, Ranchos Grande Vista No. 1, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana

From: Galen Amy, Planner I, Planning and Community Development

Initiated By: Leslie Baldrige, Property Owner

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

Action Requested: City Commission accept Ordinance 3107 on first reading and set a public hearing for May 7, 2013.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3107 on first reading and set a public hearing for May 7, 2013.”

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

Recommendation: At the conclusion of a public hearing held March 26, 2013, the Planning Advisory Board conditionally recommended approval of annexation of 4201 Flood Road, and the Zoning Commission recommended approval of assigning a zoning classification of R-1 Single-family suburban 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 March 10, 2013. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of ±8.916 acres of unincorporated land legally described as Mark 10A, Ranchos Grande Vista No. 1, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, and the abutting portion of Flood Road right-of-way, herein referred to as subject property.

Background: The owner of the subject property is requesting annexation and establishing City zoning. The property is vacant non-irrigated pasture and the owner is making the request in order to construct a new single-family residence, which will connect to and utilize existing public utilities. An amended plat of the property, providing an additional 10 feet of right-of-way to the east side of Flood Road, is required as a condition of annexation. In addition to the ±8.652

acre subject property, per the Montana Code Annotated the abutting portion of Flood Road, comprised of ± 0.264 acres, is also being annexed as a part of the request. In total ± 8.916 acres will be annexed into the City.

Improvements

Street Improvements

The subject property abuts Flood Road, but proposed access to the new residence will be from Ferguson Drive. The applicant will not be required to extend Ferguson Drive to the southern property line of the subject property, as there is an existing residence on the adjacent southern lot in the County that would block any further extension of Ferguson Drive beyond the subject property. Conditions related to street improvements are included in the conditions of approval stated in this agenda report.

Utilities

The applicant proposes to install a water service line from the City's 8-inch PVC transmission main located in Ferguson Drive. As a condition of annexation, the owner will be required to participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive. In addition, the property owner will be required to participate in their proportionate share of future extension of the 12-inch water main in Flood Road, adjacent to the subject property.

There is currently an 8-inch PVC sanitary sewer main in Ferguson Drive. The owner shall extend the sewer and install a standard 4-foot diameter manhole at the terminus of the sewer main as required by Public Works. Due to the lot topography and proposed development of a single-family residence, it is not feasible for the water and sewer mains to be extended through the subject property to the south, and the applicant would not be required to install storm drain facilities in the area. The owner will be required to waive their right to protest creation of a future special improvement district for water, sewer, and stormdrain improvements as a condition of annexation into the City.

The subject property, upon annexation shall be zoned R-1 Single-family suburban district. According to the Land Development Code, the R-1 Single-family suburban residential zoning classification is intended to accommodate comparatively low-density, single-family residential development on larger lots. The substantial lot size and proposed single-family residential use is compatible with the R-1 zoning district.

The existing pattern of development south of the subject property is large tracts of land in Cascade County with single-family residences. The potential for higher density in this area consistent with the R-2 and R-3 development north of the subject property is low given parcel size and costs to extend utilities. The R-1 zoning district serves as a transition between the higher density single-family homes to the north and large lot development to the south.

Section 17.16.40.030 of the Official Code of the City of Great Falls lists criteria and guidelines as the Basis of Decision which must be considered in conjunction with establishing municipal zoning on land and include:

1. The amendment is consistent with and furthers the intent of the City's growth policy;
2. The amendment is consistent with and furthers adopted neighborhood plans, if any;
3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans;
4. The code with the amendment is internally consistent;
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

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 a compatible mix of land uses in newly developing areas, adding more housing stock and choice, and that land use should be a mix of interdependent, compatible and mutually supportive land uses.

Staff concludes that the abovementioned criteria are substantially met and that zoning of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Patty Cadwell, Neighborhood Council Coordinator, presented the project to Neighborhood Council #1 on March 12, 2013. There were general questions regarding the project, but the Council did not vote for or against supporting the project.

Conditions of approval for the subject property include:

1. The property owner shall prepare an amended plat providing an additional 10 feet of right-of-way to the east of Flood Road, ~~and a 30-foot right-of-way on the eastern property line.~~ The amended plat of the subject property shall incorporate correction of any errors or omissions noted by staff.
2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of 4201 Flood Road including, but not limited to, agreement by applicant to:
 - a) waive their right to protest any future special improvement districts for improvements to roadways, public utilities, water or sewer.
 - b) indemnify the City for any damages attributable to adverse soil or groundwater conditions.
 - c) participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive.
 - d) escrow of funds for the improvement on Flood Road.
 - e) participate in their proportionate share of extending the 12 inch water main in Flood Road, adjacent to the subject property.
 - f) install standard 4-foot diameter manhole at the terminus of the sewer main in Ferguson Drive.
 - g) pave the driveway, take necessary measures to preclude erosion along the adjacent slope and sedimentation onto the City street, and construct the driveway in accordance with IFC 2009 Section 503.

- h) any roadway section that is disturbed during construction activities of the project shall be restored to their original condition.
3. All applicable fees owed as a condition of the amended plat or annexation approval shall be paid upon annexation of 4201 Flood Road.

In a meeting with City staff on April 2, 2013 (subsequent to the Planning Board meeting), the applicant requested amendment to condition #1 above (see strikethrough) removing the requirement that a 30-foot right-of-way be dedicated on the eastern property line. The intent of the condition was to accommodate any potential future growth to the south and east of the subject property. It was concluded that the dedication was unnecessary as the abutting property to the south did not have the corresponding dedicated right-of-way. Revised condition #1 will be reflected in the Agenda Report for the May 7, 2013 public hearing unless City Commission opposes the minor amendment.

It is anticipated the City Commission, at the public hearing on May 7, 2013, will consider the Resolution to Annex and an Annexation Agreement for the subject property in conjunction with Ordinance 3107.

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.

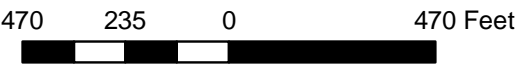
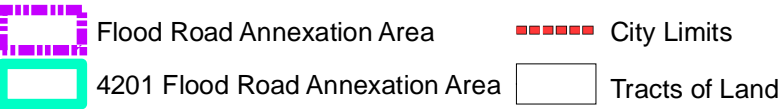
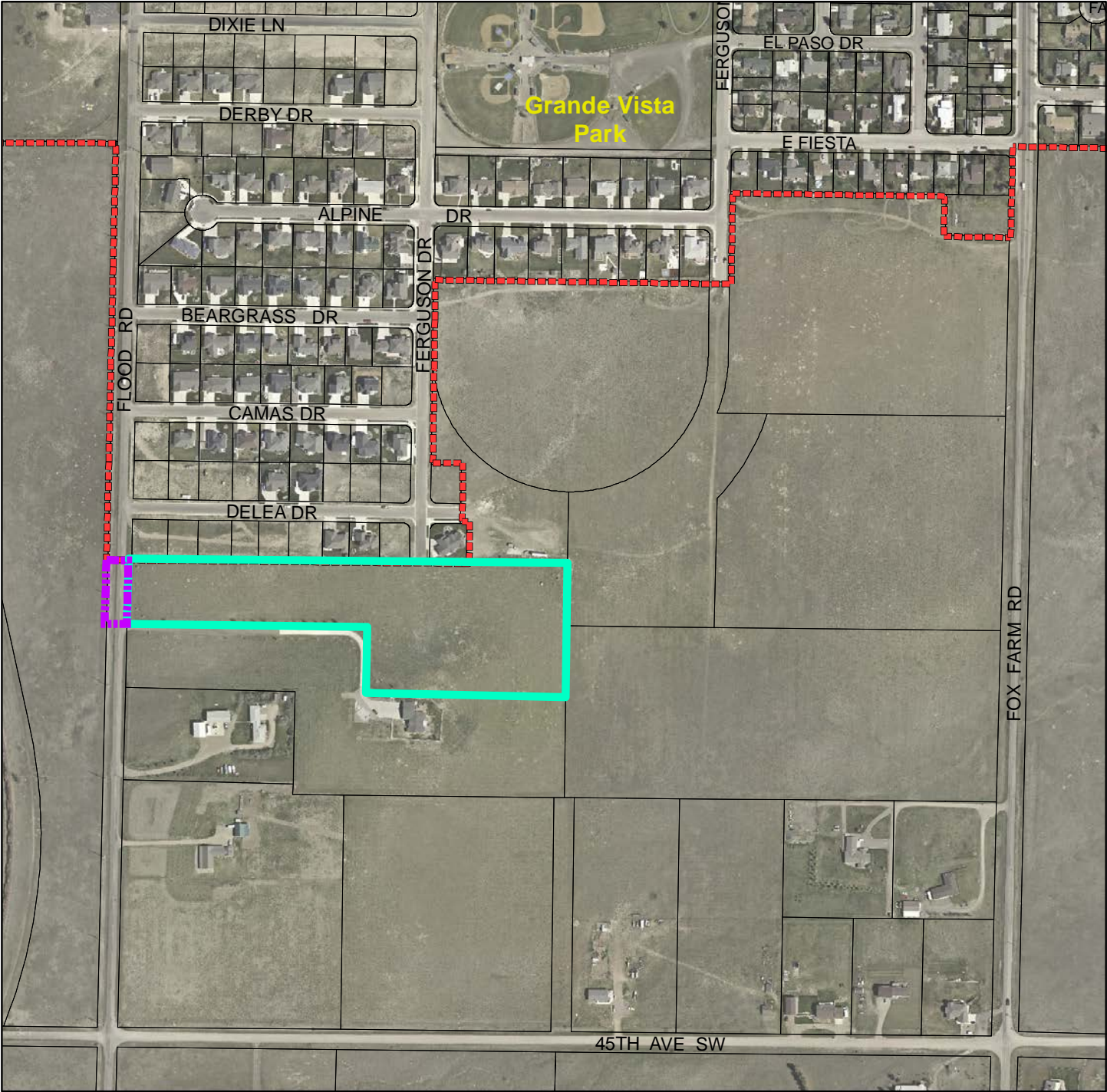
Fiscal Impact: The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City. The City should see a slight increase in tax revenues from the improvements being made to the property.

Alternatives: The City Commission could deny acceptance of Ordinance 3107 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 Map
Fire Rescue Letter
Ordinance 3107 with Attachment A

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Susan Conell, Cascade County, sconell@cascadecountymt.gov
Leslie Baldrige, 1004 East Fiesta, Great Falls, MT 59404

Aerial Map





GREAT FALLS FIRE RESCUE

105 9th Street South
Great Falls, MT 59401

Phone: 406-727-8070
Fax: 406-454-2454

Date: March 8th, 2012

TO: City of Great Falls, Community Development
Craig Raymond, Building Official
Galen Amy, Planner

FR: Dirk M. Johnson, Fire Marshal

RE: Project Review of 4201 Flood Road Annexation

Galen and Craig:

Site location: 4201 Flood Road Annexation Access Road

In accordance with IFC 2009 Section 503

- 503.2.1-Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 (security gate will have an means of emergency operation) and unobstructed vertical clearance of not less than 13 feet 6 inches.
- 503.2.5-Dead ends. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The approved calculated turning radii for fire apparatus wall to wall is 40 feet.

Signed,

Dirk M. Johnson

ORDINANCE 3107

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION
OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARK
10A, RANCHOS GRANDE VISTA NO.1, LOCATED IN SE 1/4
OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST,
PMM, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Leslie Baldrige has petitioned the City of Great Falls to annex Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, herein referred to as Subject Property, and;

WHEREAS, Leslie Baldrige has petitioned the Subject Property be assigned a zoning classification of R-1 Single-family suburban district upon annexation to the City; and,

WHEREAS, the portion of Flood Road abutting the western boundary of Mark 10A, Rancho Grande Vista No. 1 shall be assigned zoning consistent with the adjacent properties of R-1 Single-family suburban 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 May, 2013, 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 Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, consisting of ±8.916 acres, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, shall be designated R-1 Single-family suburban district consistent with adjacent property upon annexation as 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 Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, located in

SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, consisting of ±8.916 acres, whichever event shall occur later.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading April 16, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim 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 3107 in three conspicuous places within the limits of said City to-wit:

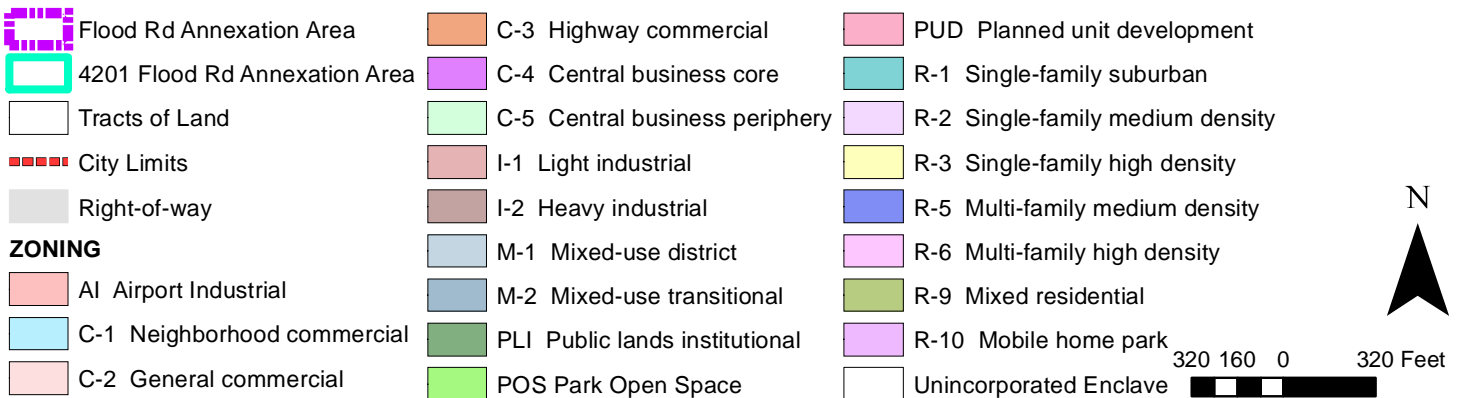
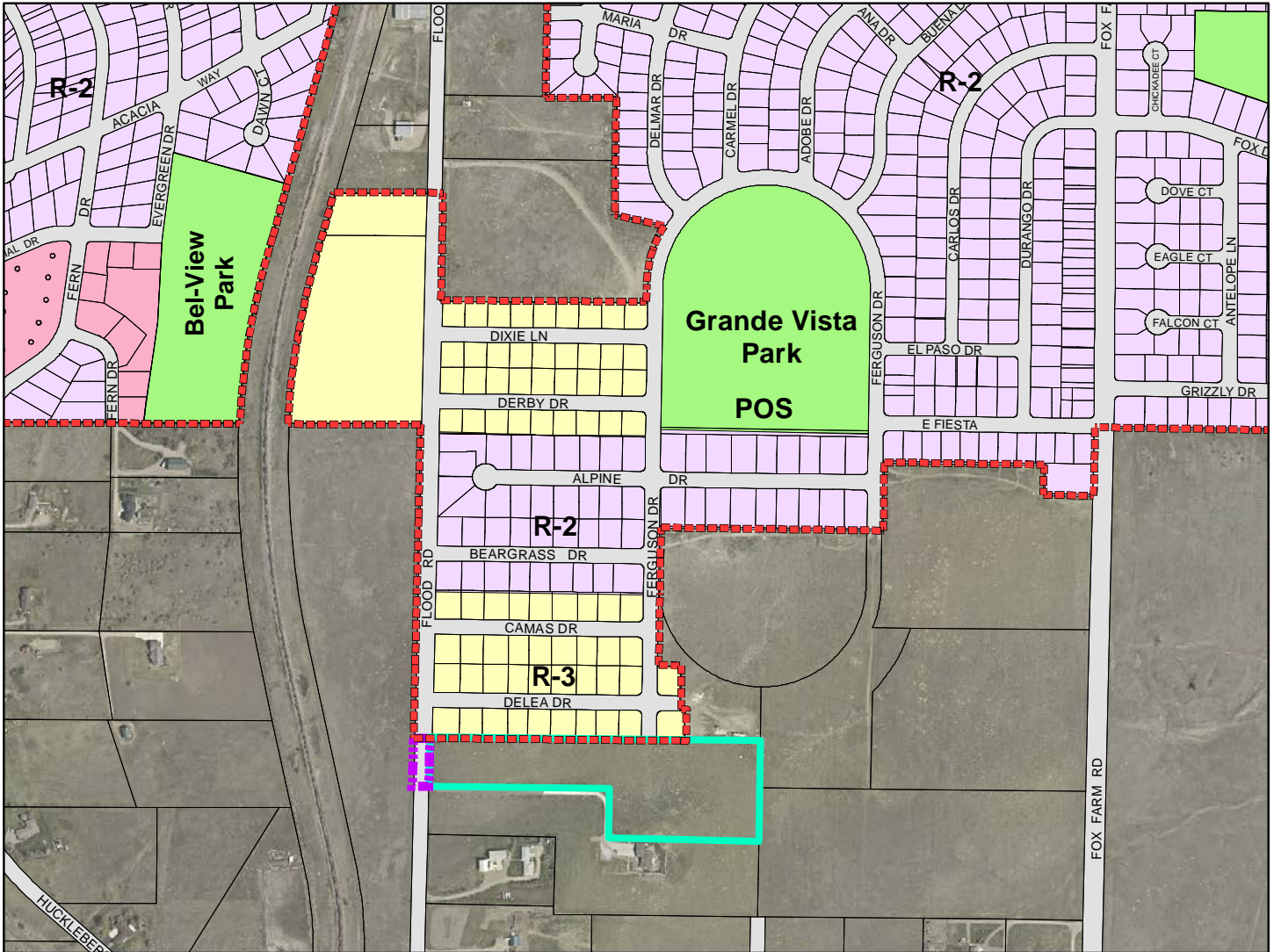
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

Attachment A

Ordinance 3107



Annexion 4201 Flood Rd