

PLANNING ADVISORY BOARD ZONING COMMISSION

JUNE 26, 2012

Case Number

ANX2012-9
ZON2012-9

Applicant

Linda Stirling

Owner

Deloris M. Russell Trust

Property Location

1359 13th Ave SW

Parcel ID Number

2244500

Requested Action

Annexation of ±1.85 acres
from Cascade County to the
City of Great Falls.

Rezone the property from
County SR1 Suburban Resi-
dential 1 to R-1 Single-Family
Low Density District.

Neighborhood Council

Neighborhood Council #1

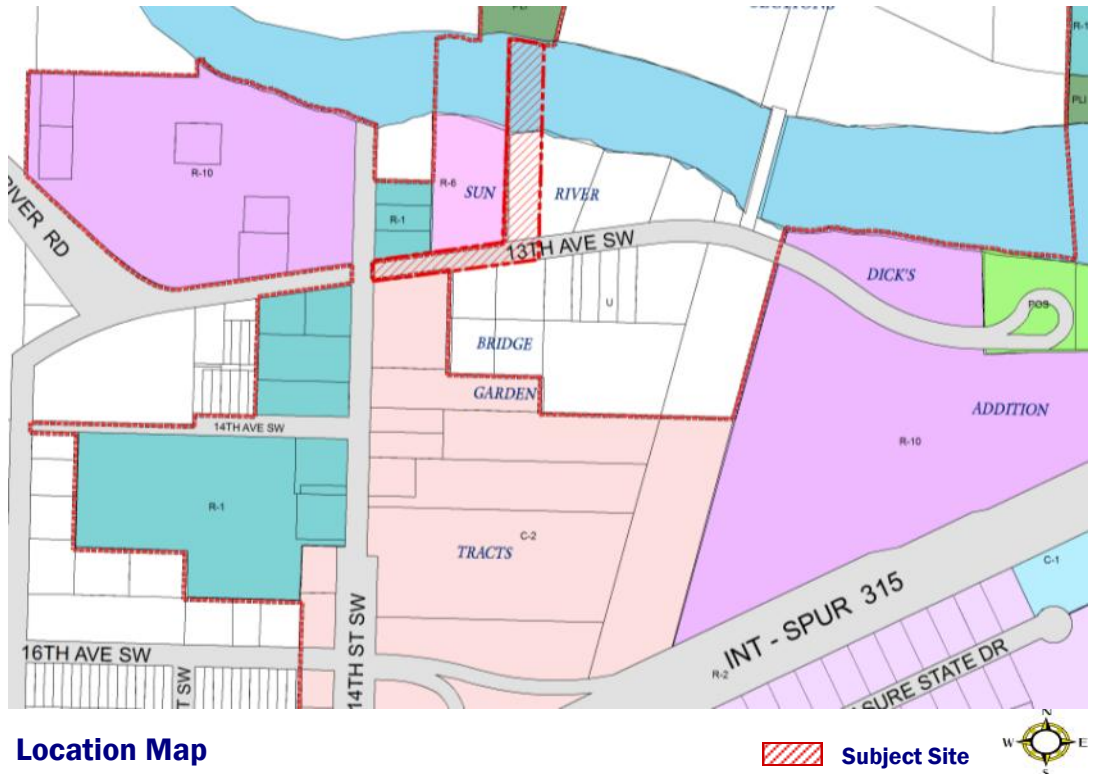
Recommendation

Approval of the requests with
Conditions.

Project Planner

Jana Cooper, RLA

1359 13TH AVE SW



Location Map

Summary

Project Description

The Planning and Community Development Office has received an application from Deloris M. Russell Trust, property owner, requesting the following:

1. Annexation of ±0.67 acres and abutting portions of 13th Avenue Southwest (±0.63 acres) and Sun River (±0.55 acres), containing in all ±1.85 acres.
2. Establishing City zoning classification of R-1 Single-family low density district.

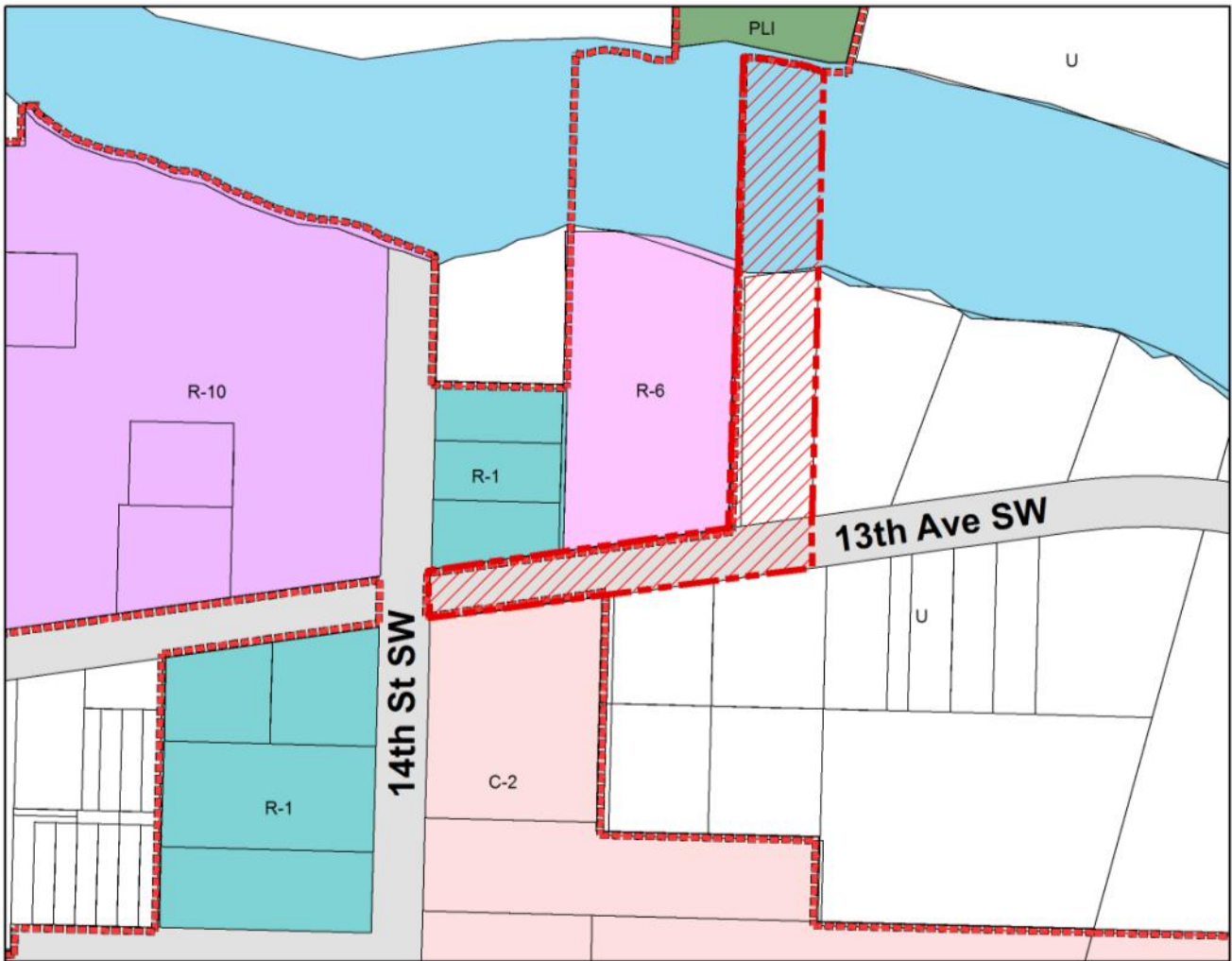
Background

- Legal Description of property: Mark 1, Sun River Bridge Garden Tracts, Sec. 15, T20N, R3E, Cascade County, MT and portions of abutting ROW and Sun River.
- Area of annexation: ±1.85 acres

Agency Comment

Representatives from the City's Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the client or in the conditions of this report.

EXHIBIT A - VICINITY / ZONING MAP

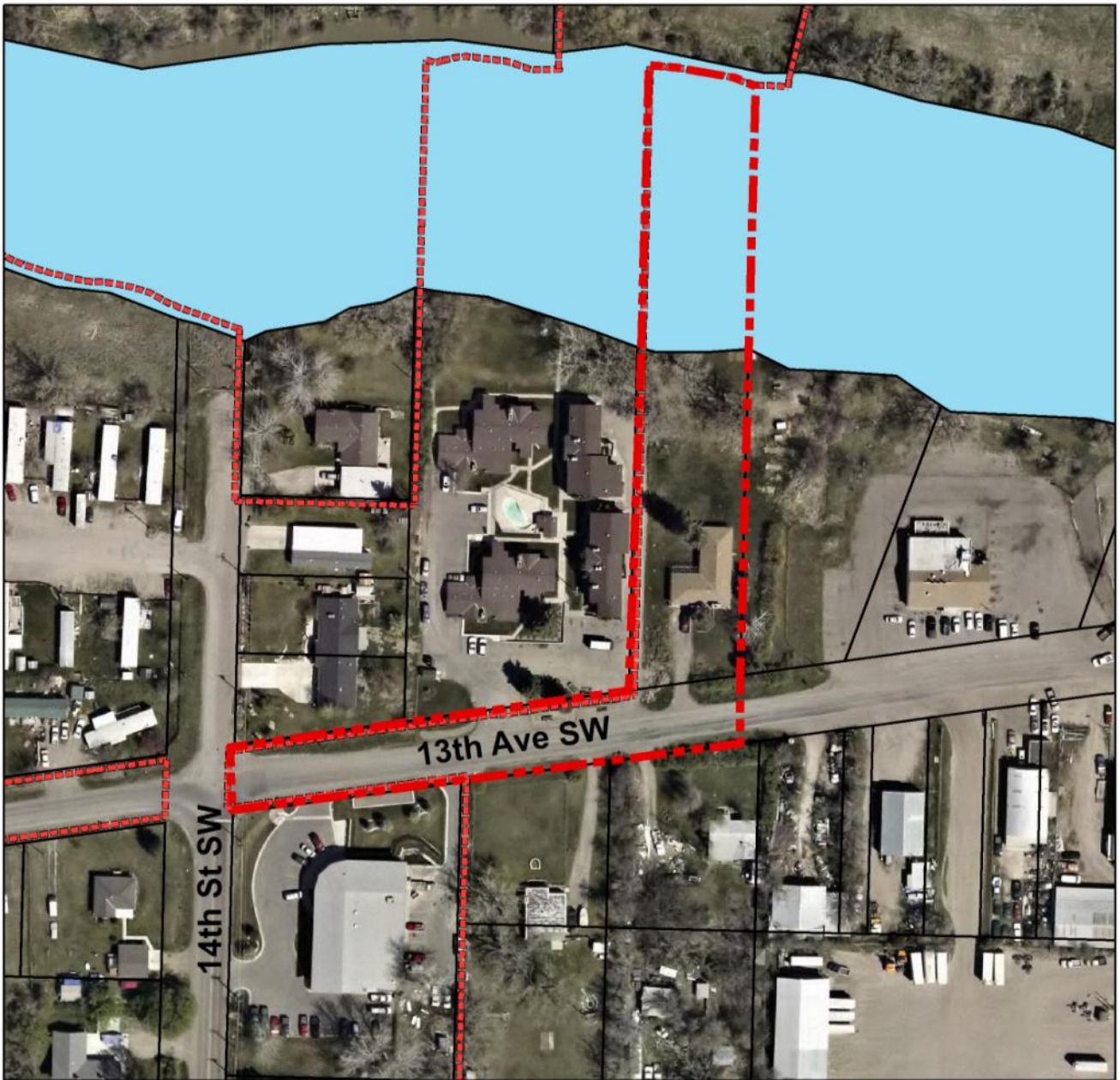


- | | | |
|----------------------------------|--------------------------------|----------------------------------|
| 1359 13th Ave SW Annexation Area | C-4 Central business core | R-1 Single-family suburban |
| City Limits | C-5 Central business periphery | R-2 Single-family medium density |
| Tracts of Land | I-1 Light industrial | R-3 Single-family high density |
| Right-of-Way | 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 | |

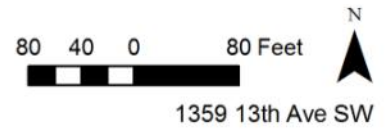


1359 13th Ave SW

EXHIBIT B - AERIAL PHOTO



-  1359 13th Ave SW Annexation Area
-  City Limits
-  Tracts of Land



Existing Conditions

The existing site information for the subject property includes:

Existing Use: The subject property consists of a single-family residential home.

Existing Zoning: County SR1 Suburban Residential 1. This land use allows for a single-family dwelling on each separate parcel of land listed within the county as well as normal agricultural operations.

Adjacent Land Uses: The Sun River borders the property to the north. The Beacon Bar, a commercial business, which is zoned County B-2 General Business, abuts the eastern property boundary. There are single-family residences to the south zoned County SR1 Suburban Residential 1 and multi-family residences to the west zoned city R-6 multi-family high density. Properties to the north, east and south are located in the County. The western property is within City limits.

Annexation Request

The owner of 1359 13th Avenue Southwest is requesting annexation of their property that consists of ± 0.67 acres. There is an existing single-family residence on the property. The owner is making the request in order to extend and connect to city water services and utilize existing city sewer services.

In addition to the subject property, per MCA, the abutting portions of 13th Avenue Southwest, comprised of ± 0.63 acres, must also be annexed. The City is also requiring the abutting portion of the Sun River, comprised of ± 0.55 acres, be annexed as a part of this application. In total ± 1.85 acres will be annexed into the City of Great Falls.

Rezone Request

The subject property, upon annexation shall be zoned R-1 Single-family low density zoning district. According to the Land Development Code, the "R-1" Single-family low density residential zoning classification is:

Intended to accommodate comparatively low-density, single-family residential development on larger lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in the district.

The surrounding neighborhood is a mix of zoning including County B-2 General Business to the east, County SR1 Suburban Residential 1 to the south and R-6 Multi-family



View of residence on subject property.



View of residence and driveway on subject property.

high density to the west. It is anticipated that when the properties to the south annex into the City, they will also be zoned City R-1 zoning district and be compatible with the proposed zoning of the subject property.

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

- designed in accordance with the growth policy (comprehensive plan);
- will secure safety from fire and other dangers;
- will promote public health, public safety and the general welfare;
- will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- will provide adequate light and air;
- will consider the effect on motorized and non-motorized transportation systems;
- will promote compatible urban growth;
- will give reasonable consideration to the character of the district;
- gives reasonable consideration to the peculiar suitability for particular uses;
- will conserve the value of buildings; and
- will encourage the most appropriate use of land throughout the municipality.

The proposed zoning of the subject property recognizes and conforms to existing land uses on the subject property and will not, without processing of separate applications, result in additional development. Staff concludes the above-cited criteria are substantially met.

Improvements

Street Improvements

The subject property abuts 13th Avenue Southwest, which is paved without curb, gutter or sidewalks. Properties west of the subject property are already annexed into the City, but the adjacent right-of-way has not been annexed. In order to simplify maintenance responsibility, the City's Street Division requires 13th Avenue Southwest be annexed from 14th Street Southwest to the eastern property line of the subject property. As a condition of annexation, any roadway section (paving, 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 13th 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.

Utilities

There is an existing 8-inch water main located in 14th Street Southwest. The applicant proposes to extend a 8-inch City water main from the existing main to the eastern boundary of the subject property and connect service to this line. There is an existing 14 inch sewer in 13th Avenue Southwest. The applicant will be required to connect to the existing sewer. As a condition of annexation, the owner will be required to install a fire hydrant in a location determined by Public Works and the Fire Department. The existing properties adjacent to 13th Avenue Southwest that are annexed into the City will be responsible for their portion of the new water main per existing agreements on file at the Planning and Community Development office. The owner will be eligible for reimbursement of the water main and hydrant as the remaining properties are annexed.

The owner will waive their right to protest a future special improvement district for any future water and sewer improvements as a condition of annexation into the City.

Traffic Analysis

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.

Storm Water Management

The applicant will 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. The owner will waive their right to protest a future special improvement district for any storm drain improvements as a condition of annexation into the City.

2005 City of Great Falls Growth Policy

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 supporting and encouraging a compatible mix of land uses in developing areas and preserving and enhancing the character, quality, and livability of existing neighborhoods. The Growth Policy also states that annexations should be logical and efficient extensions of the City's boundaries and service areas, which applies to this project.

Neighborhood Council Input

The subject property is located in Neighborhood Council #1. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to the Council. Staff received one question from the property to the east which is located in the county, this owner wanted to know how the annexation would effect their property.

Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on annexations. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the two recommendations presented below are to be considered and acted upon separately by the Commission and Board:

RECOMMENDATION I: It is recommended the Planning Advisory Board recommend the City Commission approve annexation of Mark 1, Sun River Bridge Garden Tracts, Sec. 15, Township 20 North, Range 3 East, Cascade County, MT and abutting portions of 13th Avenue Southwest and the Sun River containing ± 1.85 acres from Cascade County into the City of Great Falls, subject to the conditions below.

RECOMMENDATION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning said property from the existing SR1 Suburban Residential 1 to R-1 Single-Family Low Density District, subject to the conditions below.

Conditions of Approval

1. The final engineering drawings, specifications and cost estimates for public improvements in 13th Avenue Southwest shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of 1359 13th Ave SW including, but not limited to, agreement by applicant to:
 - a) Agree to waive their right to protest any future special improvement districts for improvements to roadways or public utilities.
 - b) Indemnify the City for any damages attributable to adverse soil or groundwater conditions.
 - c) Install within two years all required public infrastructure.
3. All applicable fees owed as a condition of the or annexation approval shall be paid upon annexation of 1359 13th Ave SW.
4. The property shall be reviewed by the City's Building Official for any life safety issues. All life-safety issues noted by the Building Official shall come into compliance with City Code within 6 months of the date of annexation.

Review/Approval Process

Next Steps

1. The Planning Advisory Board/Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Annexation and Zoning.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Patty Cadwell, Neighborhood Council Coordinator

Susan Conell, Cascade County, sconell@casadecountymt.gov

Linda Stirling, 1375 13th Ave SW #12, Great Falls, MT 59404

EXHIBIT C - APPLICATION

CITY OF GREAT FALLS
 PLANNING & COMMUNITY DEVELOPMENT DEPT.
 P.O. Box 5021, GREAT FALLS, MT, 59403-5021
 406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

Submittal Date: June 1
 Application Number: ANN2012-9
 Paid (Official Use ONLY):
 Annexation: \$400
 Establish City Zoning: \$700
 Zoning Map Amendment: \$700
 Conditional Use Permit: \$700
 Planned Unit Development: \$700
 Subdivision Preliminary Plat: \$800
 Subdivision Minor Plat: \$600
 Subdivision Final Plat: \$300
 Amended Plat (6 or more lots): \$600
 Vacate Public Right of Way: \$200

Name of Project / Development:
DELORIS M. RUSSELL TRUST
 Owner Name:

1375 13TH AVE SW #12 GREAT FALLS, MT 59404
 Mailing Address:

406 866-0202 Phone: DALIN@ST@VEN.COM Email:

LINDA STIRLING
 Representative Name:

1375 13TH AVE SW #12 GREAT FALLS, MT 59404
 Mailing Address:

406-866-0202 Phone: SAA Email:

PROPERTY DESCRIPTION / LOCATION:

1 & 2 SUN RIVER BRIDGE GREEN TRACTS
 Mark/Lot: Section: Township/Block: Range/Addition:

1359 13TH AVE SW, Great Falls, MT 59404
 Street Address:

ZONING: N/A - LAND USE:
 Current: Proposed: Current: Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.
 I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Deloris M. Russell Trust
 by Linda Stirling, T/E / William T Russell
 Property Owner's Signature: Date:

Linda Stirling 5/30/12
 Representative's Signature: Date: