

AGENDA REPORT

DATE October 15, 2002

ITEM Public Hearing - Ordinance No. 2833 to Establish City Zoning upon Lots 18-24, Block 4, Finlay's Supplement to Prospect Park

INITIATED BY Shannon Wadsworth, Property Owner, and Dana Hennen, Purchaser

ACTION REQUESTED After Conducting Joint Public Hearing on Annexation of Subject Lots and Ordinance No. 2833, Commission Adopt Ordinance No. 2833

PREPARED & PRESENTED BY Bill Walters, Senior Planner

REVIEWED & APPROVED BY Robert Horne, Jr., Planning Director

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RECOMMENDATION:

The City-County Planning Board has recommended the City Commission assign a zoning classification of "A" Residence Use, "A" Area District, to Lots 18-24, Block 4, Finlay's Supplement to Prospect Park.

MOTION:

"I move the City Commission adopt Ordinance No. 2833."

SYNOPSIS:

Ordinance No. 2833 assigns a zoning classification of "A" Residence Use, "A" Area District, to Lots 18-24, Block 4, Finlay's Supplement to Prospect Park, upon annexation of same to the City. Subject property is located along the north side of 21st Avenue South between 16th and 17th Streets South.

BACKGROUND:

Shannon Wadsworth, the owner of Lots 18-24, Block 4, Finlay's Supplement to Prospect Park, has petitioned to have said Lots annexed to the City. Dana Hennen is in the process of purchasing said Lots for the purpose of building three single family dwelling unit.

Said Lots 18-24 requested to be annexed to the City are located along the north side of 21st Avenue South between 16th and 17th Streets South. Each lot is 25 ft. x 125 ft. (3,125 sq. ft.) in size.

The area requested to be annexed is presently zoned by the County as "R-2" Low Density Residential District. The applicant has requested the property be zoned "A" Residence Use, "A" Area District, upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in a proposed zoning or rezoning of land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;

- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

The attached vicinity map also reflects the current City zoning.

Subject property is bordered on two sides by property zoned "A" Residence Use District, on the third side by a "MH" Mobile Home District, and on the fourth side by an "R-2" Low Density Residential District.

The minimum building setback distances for the "A" Area classification are as follows:

Front Yard	-	30 feet
Side Yard	-	6 feet
Rear Yard	-	15 feet

Staff concludes the annexation and rezoning of subject property substantially complies with the above mentioned criteria.

Annexation of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services and will reduce the size of an unincorporated enclave which the City is interested in eliminating.

The Planning Board, at the conclusion of a public hearing held August 13, 2002, recommended the City Commission assign a zoning classification of "A" Residence Use, "A" Area District, to subject Lots 18-24.

Attach: Ord. No. 2833
Vicinity Map

cc: Dana Hennen, 1520 3rd St. NW #283