

AGENDA REPORT

DATE January 4, 2005

ITEM Public Hearing – Resolution No. 9449 to Annex Parcel Mark No. 3I, Section 16, T20N, R4E (Taylor Addition) and Ordinance No. 2894 to Establish City Zoning on said Parcel Mark No. 3I and Rezone the Southerly Portion of Third Supplement to Rice Tract

INITIATED BY Taylor Land Partnership LLP, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9449 and Ordinance No. 2894 and Approve Minor Plat, Findings of Fact, and Annexation Agreement all related to Taylor Addition

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Ben Rangel, Planning Director

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**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission approve the Minor Plat of Taylor Addition and the accompanying Findings of Fact and annex what is presently described as Parcel Mark No. 3I, Section 16, T20N, R4E, rezoning same together with the southerly 45 feet of Third Supplement to Rice Tract to “A” Residence Use, “A” Area District.

**MOTIONS** (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9449 and approve the Minor Plat, Findings of Fact and Annexation Agreement all related to Taylor Addition.”

and

“I move the City Commission adopt Ordinance No. 2894.”

**SYNOPSIS:**

Resolution No. 9449 annexes said Parcel Mark No. 3I, most of which is being platted as a part of Taylor Addition, a five lot single family residential subdivision along the north side of 13<sup>th</sup> Avenue South between 39<sup>th</sup> and 43<sup>rd</sup> Streets. A small remainder portion of said Parcel Mark No. 3I will be added to the lot comprising Third Supplement to Rice Tract. Ordinance No. 2894 assigns a zoning classification of “A” Residence Use, “A” Area District, to said Parcel Mark No. 3I, upon annexation to the City, and rezones the abutting incorporated southerly portion (approximately 45 feet) of Third Supplement to Rice Tract from “GC” General Commercial, “D” Area District, to “A” Residence Use, “A” Area District.

**BACKGROUND:**

The Planning Office is in receipt of applications from Taylor Land Partnership, LLP, regarding the following:

- 1) Minor Plat of Taylor Addition, located in the W1/2 NW1/4 of Section 16, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of Parcel Mark No. 3I, Section 16, Township 20 North, Range 4 East, Cascade County, Montana, consisting of 1.035 acres, to the City of Great Falls.
- 3) Rezoning the southerly portion (approximately 45 feet) of Lot 1, Block 1, Third Supplement to Rice Tract, from “GC” General Commercial, “D” Area District to “A” Residence Use, “A” Area District and rezoning the area requested to be

annexed to the City from the current County "A" Agricultural District to the City "A" Residence Use, "A" Area District.

The proposed Taylor Addition consists of five single-family residential lots located along the north side of 13<sup>th</sup> Avenue South between 39<sup>th</sup> and 43<sup>rd</sup> Streets South. The addition includes a majority of the hereinabove mentioned Parcel Mark No. 3I and the southerly portion (approximately 45 feet) of Third Supplement to Rice Tract.

For additional information, please refer to the attached vicinity map accompanying Resolution No. 9449 as Exhibit "A" and the reduced copy of the drawing portion of Minor Plat of Taylor Addition.

Access to the five proposed residential lots in Taylor Addition is from 13<sup>th</sup> Avenue South, a dedicated public right-of-way improved to City standards and maintained by the City. Water and sewer utility services were recently stubbed into the subject five lots from water and sewer mains in the abutting portion of 13<sup>th</sup> Avenue South.

To enhance access to the rear portion of Third Supplement to Rice Tract, a 40-foot corridor connecting it to 13<sup>th</sup> Avenue South will be located along the west boundary of Taylor Addition.

The requested zoning classification to be assigned to the area requested to be annexed is "A" Residence Use, "A" Area District. The rear portion of Third Supplement to Rice Tract to be added to Taylor Addition will be rezoned from "GC" General Commercial, "D" Area District, to "A" Residence Use, "A" Area District.

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

Subject property to be rezoned is bordered on two sides by single-family residential areas presently zoned "A" Residence Use District. To the east is a predominately unincorporated vacant area and immediately to the north is a vacant area zoned General Commercial District, which is owned by the applicant.

Taylor Addition is situated in a transition area between business uses to the north and a moderate to upper scale single-family residential neighborhood to the south.

Infrastructure exists to adequately provide service and access to the proposed five lot addition.

Annexation of subject property, including a significant portion of Taylor Addition, will enhance health, safety and welfare through application of City code and provision of municipal services.

The Great Falls City-County Growth Policy provides "annexation should be logical and efficient extension of the City's boundaries and service area." The Growth Policy also encourages infill development, which this project manifests as it is a portion of an unincorporated enclave surrounded by the City Limits.

As the project would not be out of character with existing abutting uses, staff concludes the above-cited criteria are substantially met.

The Planning Board conducted a public hearing on the applications on October 26, 2004. There was no public testimony presented at the hearing.

The Planning Board, at the conclusion of the public hearing, passed a motion recommending the governing bodies approve the Minor Plat of Taylor Addition and the accompanying Findings of Fact and that the City Commission annex what is presently described as Parcel Mark No. 3I, Section 16, T20N, R4E, rezoning same together with the southerly 45 feet of Third Supplement to Rice Tract to "A" Residence Use, "A" Area District, subject to the applicant fulfilling the following conditions:

- 1) payment of all applicable fees owed as a condition of annexation approval;
- 2) preparation of a certificate of title by a title company to be filed with the minor plat;
- 3) correction of any errors or omissions on the minor plat, which may be noted by staff including addition of any applicable easements;
- 4) entering into an annexation agreement containing typical terms and conditions associated with annexation including:
  - a) a provision that before the 40-foot corridor along the west boundary of Taylor Addition is utilized for an access route to the southern portion of Third Supplement to Rice Tract, documentation addressing design standards and maintenance responsibilities for same be submitted to and approved by the Public Works Department; and
  - b) a storm drainage report will be prepared and submitted to the Public Works Department for approval prior to any building construction occurring within Taylor Addition.

The above conditions 1) and 4) have been fulfilled and conditions 2) and 3) will be fulfilled prior to filing and recording the minor plat.

Attach: Res. No. 9449  
Ordinance No. 2894  
Reduced copy of Minor Plat of Taylor Addition  
Findings of Fact  
Annexation Agreement

cc: Steve Taylor, 4100 10<sup>th</sup> Ave S  
Woith Engineering, Inc., 1725 41<sup>st</sup> St S