

A G E N D A R E P O R T

DATE March 1, 2005ITEM Ordinance No. 2904 to Establish City Zoning Upon Beebe Tracts 11-1 and 11-2INITIATED BY Western National Properties, Inc., Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2904 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission assign a zoning classification of "C" Residence Use, "C" Area District, to Beebe Tracts 11-1 and 11-2, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2904 on first reading and set a public hearing for April 5, 2005, to consider adoption of Ordinance No. 2904."

SYNOPSIS:

Ordinance No. 2904 assigns a zoning classification of "C" Residence Use, "C" Area District, to Beebe Tracts 11-1 and 11-2, upon annexation of same to City. Subject property is located along the north side of Central Avenue between 44th and 46th Streets. The owner/developer intends to construct seven duplex condominium structures (14 total residential units) on the western portion of subject property and a 12-plex apartment building on the eastern portion.

BACKGROUND:

The Planning Office is in receipt of applications to annex and rezone Parcel Mark Nos. 11-1 and 11-2, Beebe Tracts, in the SW 1/4NE1/4 of Section 9, Township 20 North, Range 4 East, Cascade County, Montana, located along the north side of Central Avenue, between 44th and 46th Street.

Please refer to the attached vicinity map.

Western National Properties, Inc. is assuming ownership of said 1.376 acres from Larry Madison. The applicant intends to construct seven duplex condominium structures (14 total residential units) on the western portion of subject property and a 12-plex apartment building on the eastern portion. City staff is also proposing that the presently unincorporated segments of Central Avenue and 46th Street in the vicinity be simultaneously annexed to the City.

A City water main is located in Central Avenue, near the west end of subject property and the main is planned to be extended easterly in Central Avenue to 46th Street. A sanitary sewer main is already located in the abutting portion of Central Avenue. However, with the depth of the existing sewer and the numerous service lines which would have to be extended across Central Avenue, the developer and his engineer have determined it would be more cost effective to install a parallel shallow main in the north side of Central Avenue to serve the development. The nearest storm sewer is located on the abutting property to the west.

The applicant intends to install curb, gutter and sidewalk along the north side of Central Avenue and the west side of 46th Street North abutting the project. After the utility work is complete, the City intends to provide a paving overlay in the involved section of Central Avenue.

Traffic Analysis:

Based upon 6 trips per day per condominium dwelling unit and 7 trips per day per apartment dwelling unit, the proposed development of the two lots proposed for annexation would generate 170 trips per day when fully developed.

It is assumed that a slight majority of the trips will access the site via 46th Street North from 2nd Ave. N. It is also assumed a slightly smaller percentage of trips will access the site from Central Avenue from the west with the small remainder accessing via 46th Street South from 3rd Ave. S.

The Average Annual Daily Traffic counts on roadways in the vicinity are:

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
• 46 th Street South, just south of Central Avenue	2234	--	1963	--
• 2 nd Avenue North, just east of 38 th Street North	--	8665	--	8344
• 3 rd Avenue South, just east of 46 th Street South	2500	--	2398	--

The functional classification of roadways that would serve the proposed development are:

- Central Avenue, east of 38th Street Collector
- 46th Street North & South Collector
- 3rd Avenue South, east of 38th Street Collector
- 2nd Avenue North, east of 38th Street Minor Arterial

The various intersections on these roadways are stop sign controlled, with a traffic signal at 38th Street North and 2nd Avenue North. 38th Street North and Central Avenue is a 4-way stop sign controlled intersection.

No congestion, traffic flow problems or complaints currently exist along the segments of 46th Street and Central Avenue immediately adjacent to the parcels proposed for annexation. In addition, the proposed development would not contribute significantly to the traffic on nearby roadways.

A bike lane on 46th Street is recommended in the 2003 Great Falls Area Transportation Plan. The proposed development should benefit from the location of such a lane, which would encourage bicycle use and a reduction in vehicle trips. The proposed development will not adversely affect bicycle movements along the proposed bike route.

Some complaints and concerns have been expressed in the past for pedestrian crossing safety and vehicular congestion at the intersection of 38th Street and Central Avenue. MDT has performed a warrant study on the intersection, and concluded a signal does not meet warrants. In addition, the Transportation Plan does not project the intersection to experience congestion lower than Level of Service (LOS) B. However, since this is an intersection of concern, conditions at the intersection will continue to be monitored.

Zoning Analysis:

The applicant has requested subject Parcels 11-1 and 11-2 be rezoned from the current County classification of "A" Agricultural District to "C" Residence Use, "C" Area District, upon annexation to the City.

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 requested to be annexed and rezoned is bordered on the west by multi-family residential, on the north by Treasure State Academy, on the east by vacant property, and on the south by the Easter Seals-Goodwill Facility and vacant property.

A goal of the Growth Policy is “to support and encourage a compatible mix of land uses in newly developing areas.” The Growth Policy also encourages a variety of residential uses and housing types throughout the urbanized area that should be planned and located so they do not result in adverse impacts upon one another.

With extension of the water main in Central Avenue, infrastructure exists to adequately provide service and access to the proposed housing project.

Annexation of subject property will enhance health, safety and welfare through application of City Code and provision of municipal services.

As the project would not be out of character with existing uses in the vicinity, staff concludes the above-cited criteria are substantially met. The proposed 12-plex will be considered by the Design Review Board before the project is permitted.

Planning Board Recommendation:

The Planning Board conducted a public hearing on the annexation and rezoning of Beebe Tracts 11-1 and 11-2 on October 26, 2004. No proponents, opponents or public comments were presented during the hearing. At the conclusion of the hearing, the Planning Board passed a motion recommending the City Commission annex Parcel Mark Nos. 11-1 and 11-2, Beebe Tracts, and the unincorporated segments of Central Avenue and 46th Street in the vicinity, rezoning subject parcels to “C” Residence Use, “C” Area District, subject to the applicant fulfilling the following conditions:

- 1) Payment of all applicable fees owed as a condition of annexation approval including:

a)	Annexation Agreement	\$200.00
b)	Resolution of Annexation Fee	100.00
c)	Storm Sewer Fee	
	\$250/acre x 1.376 acres	344.00
d)	Recording fees for Agreement and Resolution (\$6 per page)	as determined
- 2) The final engineering drawings and specifications for the immediately required public improvements to service the parcels being annexed shall be submitted to the Public Works Department for review and approval prior to City Commission approval of the annexation.

- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of subject parcels including agreement by the applicant to install public improvements referenced in Condition 2 above within two years of the date of annexation.
- 4) A financial surety (i.e. certificate of deposit) shall be established in the name of the owner/developer and City to cover subject parcel's proportionate share of the costs for future roadway improvements and water main in the abutting portion of 46th Street. The amount of said surety shall be based upon 50 percent of the estimated cost of a standard City minor roadway section and 8-inch water main bordering the east boundary of the property being annexed.

It is anticipated the above four conditions will be fulfilled prior to the Commission hearing on April 5. An annexation resolution, annexation agreement and minutes of the Planning Board hearing held October 26, 2004, will be submitted to the Commission prior to the hearing on April 5.

Attach: Ord. No. 2904
Vicinity Map

cc: Woith Engineering, P O Box 7326 G F 59406