

**A G E N D A   R E P O R T**

**DATE** May 3, 2005

**ITEM** Public Hearing - Resolution No. 9477 to Annex and Ordinance No. 2907 to Establish City Zoning for Beebe Tract 35B and a Segment of 57<sup>th</sup> Street North

**INITIATED BY** M. J. Wiley Molding, Inc., Property Owner

**ACTION REQUESTED** Commission Adopt Resolution No. 9477 and Ordinance No. 2907 and Approve Annexation Agreement all related to Beebe Tract 35B

**PREPARED BY** Bill Walters, Senior Planner

**APPROVED & PRESENTED BY** Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission annex Beebe Tract 35B and an approximate 670 foot segment of 57<sup>th</sup> Street North, and apply a zoning classification of “GC” General Commercial, “D” Area District, to same.

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

“I move the City Commission adopt Resolution No. 9477 and approve the Annexation Agreement for Beebe Tract 35B.”

and

“I move the City Commission adopt Ordinance No. 2907.”

**SYNOPSIS:**

Resolution No. 9477 annexes Beebe Tract 35B and an approximate 670 foot segment of 57<sup>th</sup> Street North. Ordinance No. 2907 assigns a zoning classification of “GC” General Commercial, “D” Area District to subject property upon annexation to the City. The attached Annexation Agreement contains terms and conditions associated with the annexation.

**BACKGROUND:**

M. J. Wiley Molding, Inc., and the Montana Department of Transportation have submitted applications regarding the following:

- 1) Annexation to the City of Great Falls of Mark 35B, Beebe Tracts, in the NW1/4 of Section 10, Township 20 North, Range 4 East, Cascade County, Montana and a segment 57<sup>th</sup> Street North; and
- 2) Rezoning said Tract 35B requested to be annexed to the City from the current County “B-1” Neighborhood Service District to the City “GC” General Commercial, “D” Area District.

Said Tract 35B contains 0.41 of an acre and is located at the northwest corner of the intersection of 2<sup>nd</sup> Avenue North and 57<sup>th</sup> Street North. The existing structure on the site is currently leased to Community Home Oxygen. To provide contiguity to the existing City Limits, a 670 foot segment of 57<sup>th</sup> Street North is also proposed to be simultaneously annexed to the City.

For additional information, please refer to the vicinity map attached to Res. No. 9477 as Exhibit “A”.

Two years ago, the City installed a water main along the east side of 57<sup>th</sup> Street North. A lateral main was stubbed across 57<sup>th</sup> Street just north of Tract 35B. The applicant's interest in annexation is to obtain a public water service from this main. It will be necessary for the applicant to extend an 8-inch water main from the existing fire hydrant on the west side of 57<sup>th</sup> Street North to the north property line of Beebe Tract 35B.

As there is no City sanitary sewer system in the vicinity, the existing building and business on Tract 35B is and will continue to be served by an individual private sewage disposal system.

On an invitation by the owner, the City Building and Fire Departments conducted an inspection of the structure. The inspectors found that in general, the structure was in good condition and with minor repairs, it will comply with required Building, Plumbing, Electrical, Mechanical, and Fire Safety requirements.

Subject property is currently zoned in the County as "B-1" Neighborhood Service District. The applicant has requested that upon annexation to the City, Tract 35B be rezoned "GC" General Commercial District, "D" 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.

The attached vicinity map also reflects the current zoning.

Subject Tract 35B is surrounded by property in the County presently zoned for business use. There is a proliferation of "B-2" General Business District zoning which is comparable to the City's "GC" General Commercial District.

Tract 35B is a corner parcel located at the intersection of two arterial roadways making it a reasonable and practical site for business use.

Annexation of Tract 35B will enhance health, safety and welfare through application of City Code and provisions of municipal services.

The Great Falls City-County Growth Policy provides that "annexations should be logical and efficient extension of the City's boundaries and service area." The Growth Policy also encourages infill development, which in this instance allows existing businesses to take advantage of recently installed City infrastructure (water).

Staff concludes the above criteria are substantially met.

The Planning Board conducted a public hearing on the applications on September 14, 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 City Commission annex Beebe Tract 35B, in the NW1/4 of Section 10, Township 20 North, Range 4 East, Cascade County, Montana and a 670 foot segment of 57<sup>th</sup> Street North and apply a zoning

classification of “GC” General Commercial, “D” Area District, to same, subject to the following conditions being fulfilled by the applicant:

- 1) Payment of all applicable fees owed as a condition of annexation approval.
- 2) Entering into an agreement with the City, agreeing to the typical terms and conditions associated with annexation including:
  - a) Agreeing to install, in conjunction with provision of water service to subject Tract 35B, extension of an 8-inch water main from existing fire hydrant on west side of 57<sup>th</sup> Street North to the north property line of Mark 35B;
  - b) agreeing to pay for proportionate share of the costs of future city water, sanitary sewer, and storm drainage facilities when deemed necessary by the City;
  - c) agreeing to connect the structure(s) on subject Tract 35B to City sanitary sewer system when readily available; and
  - d) agreeing to correct any code deficiencies associated with the structure on subject property noted by City Building and Fire Officials.

The above conditions have been fulfilled.

Attach: Res. No. 9477  
Ord. No. 2907  
Annexation Agreement

cc: M. J. Wiley Molding, Inc. 1304 Central Ave., Billings, MT 59102