

AGENDA REPORT

DATE July 19, 2005

**ITEM** Public Hearing – Resolution No. 9502 to Annex and Ordinance No. 2921 to Establish City Zoning for 1.152 acres in the NW¼ of Section 23, Township 20 North, Range 3 East, Cascade County, Montana (Rohrer)

**INITIATED BY** David & Stephanie Rohrer, Property Owners

**ACTION REQUESTED** Commission Adopt Resolution No. 9502 and Ordinance No. 2921 and Approve Agreement all related to 1.152 acres of Land in the NW¼ of Section 23, Township 20 North, Range 3 East, Cascade County, Montana (Rohrer)

**PREPARED BY** Charles Sheets, Planner I

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

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**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission annex the 1.152 acres of land abutting the east boundary of Lot 3A, Block 1, Fox Farm Addition No. 2, and apply a zoning classification of “A” Residence Use, “A” Area District, to same, upon annexation to the City.

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

“I move the City Commission adopt Resolution No. 9502 and approve the Annexation Agreement.”

and

“I move the City Commission adopt Ordinance No. 2921.”

**SYNOPSIS:**

Resolution No. 9502 annexes 1.152 acres of land to be combined with Lot 3A, Block 1, Fox Farm Addition No. 2. Ordinance No. 2921 assigns a zoning classification of “A” Residence Use, “A” Area District. The Annexation Agreement contains terms and conditions associated with annexation.

**BACKGROUND:**

David & Stephanie Rohrer, has submitted applications regarding the following:

- 1) Annexation to the City of Great Falls of 1.152 acres of land in the NW¼ of Section 23, Township 20 North, Range 3 East, Cascade County, Montana, (abuts the east boundary of Lot 3A, Block 1, Fox Farm Addition No. 2) and;
- 2) Rezoning said 1.152 acres of land from the current County “R-1” Suburban Residential District to the City “A” Residence Use, “A” Area District.

The 1.152 acres are located in the vicinity of Fox Drive and Park Garden Lane. The acreage would be combined with Lot 3A, Block 1, Fox Farm Addition No. 2. Lot 3A is occupied by the applicants’ single-family residence addressed as 533 Fox Drive. The annexation will increase the total area of Lot 3A to 1.891 acres.

For additional information, please refer to the vicinity map attached to Res. No. 9502 as Exhibit “A” and draft Amended Plat of Lot 3A, Block 1, Fox Farm Addition No. 2.

The 1.152 acres is currently a portion of Parcel 10D consisting of 2.26 acres. The remaining acreage of Parcel 10D will be aggregated into two separate tracts outside the city limits; a one-acre portion will be added to Tract 1A of Park Garden Tracts and 0.108 acres will be added to Tract P17 of Park Garden Estates.

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 Lot 3A and the additional acreage to be annexed and zoned are located in a predominantly single-family residential neighborhood. The proposed zoning classification is in conformance with the existing zoning.

Staff concludes the above-mentioned criteria are substantially met in conjunction with the requested rezoning.

It is anticipated Lot 3A, Block 1, Fox Farm Addition No. 2 will be zoned "R-2" Single-Family Medium Density upon adoption of the new Land Development Code, which requires minimum lot sizes of 11,000 square feet.

The Planning Board conducted a public hearing on the applications on May 24, 2005. 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 the 1.152 acres of land abutting the east boundary of Lot 3A, Block 1, Fox Farm Addition No. 2, and apply a zoning classification of "A" Residence Use, "A" Area District, to same and that the City Commission approve the annexation of the property contained therein subject to the following conditions:

- 1) Payment of all applicable fees owed as a condition of annexation approval including:
  - a) Annexation Agreement Fee \$ 200.00
  - b) Resolution of Annexation Fee 100.00
  - c) City Storm Sewer Fee (\$250.00/acre x 1.152 acres) 288.00
  - d) Recording fees for Agreement and Resolution (\$7.00 per page) to be determined
- 2) Entering into an agreement with the City, agreeing to the typical terms and conditions associated with annexation.

Attach: Resolution No. 9502  
Ordinance No. 2921  
Annexation Agreement  
Reduced copy of Amended Plat of Lot 3A, Block 1, Fox Farm Addition No. 2.

Cc w/o attach: David & Stephanie Rohrer, 400 15<sup>th</sup> Ave S, Suite # 207, Great Falls MT 59405  
Stephen D. Babb, PLS., 622 Alice Dr, Great Falls MT 59405