



Item: Ordinance 3003 to Assign City Zoning to Lots 34 and 35A, Beebe Tracts

From: Charles Sheets, Planner 1

Initiated By: City Commission

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3003 on first reading and set a public hearing for June 3, 2008, to consider adoption of Ordinance 3003.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3003 on first reading and set a public hearing for June 3, 2008.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Zoning Commission Recommendation: The City Zoning Commission, following a public hearing held April 22, 2008, passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to Lots 34 and 35A, Beebe Tracts upon annexation to the City.

Background: Lots 34 and 35A, Beebe Tracts are presently occupied by a bowling alley, tavern and casino (Murph’s Party Bowl & Nightclub) addressed as 5515 2nd Avenue North. The parcel receives water service from the City.

Please refer to the attached Vicinity/Zoning Map.

On February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

Pursuant to Section 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of a parcel located outside the city limits receiving water and/or

sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property lies in a natural depression that has no outlet. The conceptual plan to provide sanitary sewer service is to install a sewage lift station, near the lowest point of the depression that would service the entire basin. The cost of that facility would be distributed to all properties that benefit from the lift station. As the area further develops and the need for the lift station increases, a Special Improvement District would most likely be created to pay for the improvements.

The property owner has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water service in accordance with City Ordinance 2930. See the attached Response Form, signed February 15, 2008.

Upon annexation, subject property will be subject to City taxes and assessments.

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.

Lots 34 and 35A are presently zoned in the County as “B-1” Neighborhood Service District. In that access to said parcels is from 2nd Avenue North and the other incorporated properties along the north side of 2nd Avenue North are zoned C-2 General commercial district, which allows indoor recreation/sports/entertainment/taverns and some forms of casinos, it is recommended subject property be zoned C-2 General commercial district upon annexation to the City.

In summary, designating subject property for commercial use is consistent with other incorporated properties abutting the north side of the involved segment of 2nd Avenue North. Therefore, staff concludes all of the above stated criteria are substantially met.

At the conclusion of a public hearing held April 22, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to Lots 34 and 35A, Beebe Tracts, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

Concurrences: Representatives from the City's Public Works, Community Development, Park and Recreation, Police and Fire Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: The City enhances its tax base with the annexation of these lots but assumes an obligation to provide police and fire services.

Alternatives: The City Commission could terminate annexation proceedings by disapproving Ordinance 3003, but the purpose and intent of Ordinance 2930 would not be met.

Attachments/Exhibits:

1. Ordinance 3003
2. Vicinity/Zoning Map
3. Copy of Owner's Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Corky Grove, Police Chief
Murphy Limited Partnership, 5515 2nd Ave N, Great Falls MT 59405