



Item: Ordinance 3004 to Assign City Zoning to Bootlegger Addition Phase I

From: Charles Sheets, Planner 1

Initiated By: McIntyre Enterprises, Inc. and Murphy Real Estate L.L.C.

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3004 on first reading and set a public hearing for June 3, 2008, to consider adoption of Ordinance 3004.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3004 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: At the conclusion of a public hearing held December 11, 2007, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Bootlegger Addition Phase I, upon annexation to the City.

Background: During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Bootlegger Addition Phases I – II, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Phase I of the Preliminary Plat. Said Final Plat consists of 26 lots ranging in size from 8,000 sq ft to 13,046 sq ft along 41st Avenue Northeast located between Eagle’s Crossing Addition and Northview Addition.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Final Plat.

Access to the subdivision will initially be provided by 9th Street NE with eventual roadway connections to 12th Street NE, the Bootlegger Trail and streets in Eagle’s Crossing Addition.

Roadways within the subdivision will be improved to City standards with paving, curb and gutter.

City water and sanitary sewer mains will be installed in the roadways within the subdivision. The subdivision will drain by gravity into the existing sanitary system at the southwest corner of the subdivision.

Surface runoff from the subdivision will be directed north in the extension of 9th Street NE to the existing City storm water detention facility west of Eagle's Crossing Addition.

The applicant intends to fulfill the subdivision's park obligation by escrowing the applicable park fee. As the remaining 90 acres to the north and east of Phase I are subdivided and developed by the applicant, a centrally located area is planned to be dedicated as park land to serve the overall project.

Subject property is presently zoned in the County as "A-1" Agricultural District and it is proposed Phase I be zoned R-3 Single-family high density 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 is located on the fringe of the City, which has been attracting high quality single family dwelling units. The subdivision is a natural projection of urban growth.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include "Residential land uses should be planned and located so that they do not result in adverse impacts upon one another" and "Annexations should be logical and efficient extensions of the City's boundaries and service areas".

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

It is anticipated the planned single family use of the property will be compatible with neighboring uses. Therefore, staff concluded the criteria stated in Section 76-2-304 Montana Code Annotated are substantially met.

At the conclusion of a public hearing held December 11, 2007, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Bootlegger Addition Phase I, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on June 3, will consider annexation resolutions, an annexation agreement and final plat for Bootlegger Addition Phase I, simultaneously with Ordinance No. 3004.

Concurrences: Representatives from the City's Public Works, Community Development, Park and Recreation, 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.

Alternates: The City Commission could deny acceptance of Ordinance 3004 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided in City Code and State Statute.

Attachments/Exhibits:

1. Ordinance 3004
2. Vicinity/Zoning Map
3. Reduced copy of final plat

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