



Item: Public Hearing – Amended Plat and Ordinance 3008 to Rezone a 40 foot wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition

From: Charles Sheets, Planner 1

Initiated By: Taylor Land Partnership L.L.P. and others, Property Owners

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission approve the Amended Plat and accompanying Findings of Fact and adopt Ordinance 3008

Suggested Motion: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (approve/disapprove) the Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts and accompanying Findings of Fact.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3008.”

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

Planning Board/Zoning Commission Recommendations: The Planning Board following a public hearing held May 13, 2008, passed a motion recommending the City Commission approve the Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts and accompanying Findings of Fact. The Zoning Commission following the same public hearing, passed a motion recommending the City Commission rezone the approximate 40 foot wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition, from C-2 General commercial district to R-2 Single-family medium density district.

Background: The Planning Office is in receipt of applications from Taylor Land Partnership L.L.P. and others, regarding the following:

- 1) Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts, located in Section 16, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Rezone an approximate forty foot wide strip of land being added to the rear of Lots 1-5 from C-2 General commercial district to R-2 Single-family medium density district.

The purpose of the Amended Plat and rezoning is to add an approximate 40 foot wide strip of land to the rear of the five residential lots in Taylor Addition. The additional depth will comprise an easement serving as a private access to the rear of the five lots. No new lots will be created and no new utilities will be required. The Amended Plat continues easements for private utilities such as power, gas, telephone, and cable. The owners of Lots 1-5 will be responsible for any improvements and maintenance associated with the private access.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Amended Plat.

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 proposed zoning for the 40 foot wide strip of land will be the same as the lots to which the strip is being added. The zoning assignment for the lots was previously evaluated and approved in conjunction with the original plat of Taylor Addition.

Adjusting the zoning district boundaries between the C-2 General commercial district and the R-2 Single-family medium density district will not adversely affect any of the twelve criteria stated above. Therefore, staff concludes all of the above stated criteria are substantially met.

Concurrences: Representatives from the City’s Public Works, Community Development, and Fire Department have been involved throughout the review and approval process for this project.

Fiscal Impact: The City should not experience any additional fiscal impact for the requested action.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Ordinance 3008
2. Vicinity/Zoning Map
3. Reduced drawing portion of the Amended Plat
4. Findings of Fact

Cc: Taylor Land Partnership, L.L.P. 4100 10th Ave S, Great Falls, MT 59405
Harry & Janis Tholen, 4005 13th Ave S, Great Falls, MT 59405
Heidi Wigdorski, 4009 13th Ave S, Great Falls, MT 59405
Noah & Amy Scott, 3306 2nd Ave N, Great Falls, MT 59401
David & Kara Bell, P.O. Box 6408, Great Falls, MT 59406
Tim Russett, P.O. Box 836, Conrad, MT 59425

**FINDINGS OF FACT FOR
AMENDED PLAT OF LOTS 1-5, BLOCK 1, TAYLOR ADDITION
AND LOT 1A, BLOCK 1, 3RD SUPPLEMENT TO RICE TRACTS
IN W $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 16, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tract of land involved in the amended plat is not currently being utilized for agricultural purposes. The boundary line adjustment proposed in the amended plat will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that do exist in the vicinity include single family residential and commercial.

Effect on Local Services

The purpose of the amended plat is to add an approximate forty foot wide strip of land to the rear of the five residential lots in Taylor Addition. The additional depth will comprise an easement serving as a private access to the rear of the five lots in Taylor Addition. No new lots will be created and no new utilities will be required. The owners of Lots 1-5 will be responsible for any improvements and maintenance associated with the private access.

Effect on the Natural Environment

The amended plat is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the involved site is directed to the south into the abutting 13th Avenue South, a paved public roadway maintained by the City.

Effect on Wildlife and Wildlife Habitat

The amended plat is surrounded by urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the amended plat is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as, nearby industrial or mining activity, or high traffic volumes. A high power transmission line crosses a portion of the amended plat.

II. REQUIREMENTS OF THE MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The amended plat meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The subdividers and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

No permanent easements will be necessary to extend utilities to the subdivision. Within the subdivision, the subdividers will provide the necessary utility and private access easements as a part of the amended plat.

IV. LEGAL AND PHYSICAL ACCESS

Tenth Avenue South, a State Highway, and 13th Avenue South, a dedicated public roadway improved to municipal standards and maintained by the City, both provide legal and physical access to the area contained within the amended plat.