



**Item:** Ordinance 3018 to Assign City Zoning to the unincorporated portion of the Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition

**From:** Charles Sheets, Planner 1

**Initiated By:** NeighborWorks of Great Falls, Property Owner and Developer

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission accept Ordinance 3018 on first reading and set a public hearing for October 7, 2008, to consider adoption of Ordinance 3018.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3018 on first reading and set a public hearing for October 7, 2008.”

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

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**Zoning Commission Recommendation:** At the conclusion of a public hearing held August 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of R-3 Single-family high density district on the unincorporated portion of the Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition, upon annexation to the City.

**Background:** The Planning Office is in receipt of applications from NeighborWorks of Great Falls regarding the following:

- 1) Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition, all located in S½ Section 18, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the southerly 45 feet of Lots 1-4, Block 2 and Lots 1-14, Block 3 and all of Lots 20-28, Block 3, Finlay's Supplement to Prospect Park Addition and abutting rights-of-way.
- 3) Assign a zoning classification of R-3 Single-family high density district to the unincorporated portion of said Amended Plat, upon annexation.

The purpose of the Amended Plat is to combine 27 lots into 13 parcels. All of the existing lots are twenty-five feet wide. Many of the lots are split by the City limit line. The unincorporated portion of these lots will be zoned to match the incorporated portion of the lots.

For additional information, please refer to the attached Vicinity Map.

NeighborWorks of Great Falls purchased the property within the proposed amended plat in anticipation of placing 5 homes being relocated from the future CVS Pharmacy site along 9<sup>th</sup> Avenue South between 20<sup>th</sup> and 21<sup>st</sup> Streets South. NeighborWorks intends to rehabilitate the homes for low to moderately-low income first time home buyers.

Prospect Park Addition and Finlay's Supplement to Prospect Park Addition were originally subdivided in the late 1800's. The lots within the subdivision are platted at less than 7500 square feet, which is the minimum lot size required by the Unified Land Development Code. Because the applicants own multiple lots and intend to relocate the homes across lot lines, they are required to have an amended plat prepared to aggregate their respective lots into larger lots. The lots will then be in conformance with Code requirements.

Roadways serving the involved area are graveled. The applicants will install curbs and gutters in the roadways abutting subject lots. They will also waive their rights to protest the creation of any special improvement district and agree to pay their proportionate share of the costs to install additional utilities, (street lighting and storm drainage) and street improvements as a part of any area wide special improvement districts or when deemed necessary by the City. Sidewalks will be required as a part of the building permit and will be installed before the occupancy of the residence.

City water mains presently exist in the abutting portions of 20<sup>th</sup> & 21<sup>st</sup> Avenues South. Reimbursement is owed the City for the existing water main in 21<sup>st</sup> Avenue South. The applicant will be responsible for extending the City sewer main in 21<sup>st</sup> Alley South from 17<sup>th</sup> Street South to the east boundary of the area being annexed. Private utilities such as electric, gas, telephone and cable TV will be run in the existing public rights-of-way as well.

Surface drainage from the subject lots and the surrounding area generally flows southwesterly along the existing gravel streets to the City storm water detention facility south of the Multi-sports Complex and then discharges into a natural drainage to the south.

The applicant has requested the subject property 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.

In that the proposed zoning classification for the unincorporated portion of the lots in the Amended Plat will be in conformance with the adjoining lots presently within the City, whose zoning assignment was previously evaluated and approved in conjunction with adoption of the Land Development Code, staff concludes that 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:** Providing services is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

**Alternatives:** The City Commission could deny acceptance of Ordinance 3018 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

- 1. Vicinity/Zoning Map
- 2. Ordinance 3018

Cc: NeighborWorks, Al Henry, 509 1<sup>st</sup> Ave S, Great Falls MT 59405