



Item: Public Hearing – Resolution 9775 to Annex and 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 and abutting Rights-of-Way

From: Charles Sheets, Planner I

Initiated By: NeighborWorks Great Falls, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9775 and Ordinance 3018.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9775 and approve the Amended Plat, Findings of Fact and Annexation Agreement, all related 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 and abutting Rights-of-Way.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3018.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation, amended plat, findings of fact, and annexation agreement, all related 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 and abutting rights-of-way. The Zoning Commission has recommended the City Commission assign

a zoning classification of R-3 Single-family high density district on the unincorporated portion of the Amended Plat, upon annexation to the City.

Background: The Planning Office is in receipt of applications from NeighborWorks 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, located in S½SW¼ Section 18, T20N, R4E, P.M. MT., 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, located in S½SW¼ Section 18, T20N, R4E, P.M. MT., Cascade County, Montana 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 Exhibit "A" attached to Resolution 9775 and reduced drawing portion of the Amended Plat.

NeighborWorks Great Falls purchased the property within the Amended Plat in anticipation of placing 5 homes being relocated from the future CVS Pharmacy site along 9th Avenue South between 20th and 21st 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 to eliminate this situation. However, most of the combined lots still will not meet the minimum lot size. As such, they will still be nonconforming in size.

Roadways serving the involved area are graveled. The applicant will install curbs and gutters in the roadways abutting subject lots. The applicant 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 20th & 21st Avenues South. Reimbursement is owed the City for the existing water main in 21st Avenue South. The applicant will be responsible for extending the City sewer main in 21st Alley South from 17th 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.

Subject property is a part of a subdivision located on the fringe of the City. The area is evolving from rural suburban development to being more characteristic of standard urban development. The subdivision is a natural projection of urban growth.

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

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.

It is anticipated the planned single-family use of the property will be compatible with neighboring uses. 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.

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 on the unincorporated portion of said Amended Plat. The Planning Board recommended the City Commission approve said Amended Plat, the accompanying Findings of Fact and annex the unincorporated portion of said plat and the abutting rights-of-way, subject to fulfillment of the following conditions by the applicant:

- 1) The said Amended Plat shall incorporate correction of any errors or omissions noted by staff and include a notification clause to lot purchasers regarding soil conditions.
- 2) The final engineering drawings, specifications and construction estimates for the required public improvements to serve said Amended Plat shall be submitted to the City Public

Works Department for review and approval prior to consideration of the annexation by the City Commission.

- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the unincorporated portion of said Amended Plat, including agreement by applicant:
- a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) to waive right to protest and agree to pay proportionate share of the costs to pave abutting streets and avenues; and,
 - d) a provision that the applicant shall be entitled to reimbursement for one-half of the cost of the sewer main from the owners of the abutting lots to the south upon annexation of same to City.

- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:
- | | |
|--|-------------|
| a) Storm Sewer Fee (\$250/acre x 2.824 gross acres) | \$706.00 |
| b Reimbursement for water main in 21 st Ave S | \$10,063.89 |
| f) Recording fees for Agreement and Resolution
(\$11 per page x 11 pages) | \$121.00 |
| Total | \$10,890.89 |

At the time of writing this report items 2) and 3) have been completed by the applicant and items 1) and 4) will be completed and fees collected prior to filing the final plat.

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: Providing services to the single-family lots in the subdivision 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: 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. Resolution 9775
- 2. Ordinance 3018
- 3. Reduced copy of drawing portion of the amended plat
- 4. Annexation Agreement (Not available online; on file in City Clerk’s Office.)
- 5. Findings of Fact

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
NeighborWorks Great Falls, Al Henry, 509 1st Ave S, Great Falls MT 59405
Woith Engineering, 1725 41st St S, Great Falls MT 59405

**FINDINGS OF FACT FOR
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
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivided lots involved in the amended plat are not currently being utilized for agricultural purposes. The aggregation of the lots proposed in the amended plat will not interfere with any irrigation system or present any interference with agricultural operations. The land use that does exist in the vicinity is suburban type single-family residential.

Effect on Local Services

The purpose of the amended plat is to aggregate the unimproved lots together to increase the buildable area of the lots. The subdivision will connect to City water and sewer systems. The cost of extending the utility systems will be paid by the developer. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is two miles from the subdivision site. Providing these services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets exist in the subdivision to serve the proposed residential lots. The streets are graveled and will be maintained as such until an area wide improvement district is created to improve the roads in the district. The maintenance of the graveled roadways will be a burden for the City until they are improved to City standards. The developer will have responsibility to install curb, gutter and sidewalks in the roadways within the subdivision.

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 existing rights-of-way abutting the subdivision, a graveled 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.

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.

IV. LEGAL AND PHYSICAL ACCESS

The abutting portion of 17th Street South, 18th Street South, 20th Avenue South, 21st Alley South and 21st Avenue South, all dedicated rights-of-way that are graveled and/or will be maintained by the City, provide both legal and physical access to the area contained within the amended plat.