



**Item:** Public Hearing – Resolution 9773 to Annex and Ordinance 3016 to Establish City Zoning on Foxwood Estates

**From:** Bill Walters, Senior Planner

**Initiated By:** Dahlquist Realtors d.b.a. Foxwood Estates, Owner & Developer

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

**Action Requested:** City Commission adopt Resolution 9773 and Ordinance 3016 and approve final subdivision plat and Annexation Agreement all pertaining to Foxwood Estates.

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**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 Motion:** (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9773 and (approve/disapprove) the final subdivision plat and Annexation Agreement all pertaining to Foxwood Estates.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3016.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.
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**City Planning Board/Zoning Commission Recommendations:** The City Zoning Commission, at the conclusion of a public hearing held March 11, 2008, passed a motion recommending the City Commission approve establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates Subdivision upon annexation to the City. The Planning Board during a meeting held July 22, 2008, passed a motion recommending the City Commission approve the final plat of Foxwood Estates and the annexation of the property contained therein subject to fulfillment of specified conditions.

**Background:** Dahlquist Realtors d.b.a. Foxwood Estates, has submitted applications regarding the following:

- 1) Subdivision Plat of Foxwood Estates, located in the NW1/4 of Section 23, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Annexation to the City of Great Falls of the 6.75 acres contained in the proposed Foxwood Estates.
- 3) Establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates, upon annexation.

Said Subdivision Plat consists of 14 lots ranging in size from 20,598 sq ft to 21,530 sq ft located south of Park Garden Road between Park Garden Estates and Park Garden Lane. Also proposed to be annexed simultaneously with the Foxwood Estates Subdivision is the abutting unincorporated portion of Park Garden Lane.

For additional information please refer to the Vicinity/Zoning Map attached to Resolution 9773 as Exhibit "A" and the Plat of Foxwood Estates Subdivision.

Access to the subdivision will be provided by a private interior road connected to Park Garden Road on the north and Park Garden Lane near the southeast corner of the development. The interior road is proposed to have 21 feet of pavement with curb and gutter.

City water and sanitary sewer mains will be installed in the 50-ft easement accommodating the private road within the subdivision. The sewer system will connect to the existing City system at the intersection of Park Garden Road and Alder Drive.

Surface runoff from the subdivision will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

The applicant intends to fulfill the subdivision's park obligation by paying \$10,572.40 in lieu of dedicating land.

Subject property is presently zoned in the County as "R-1" Suburban Residential District and it is proposed it be zoned R-1 Single-family suburban 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.

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 “annexation should be logical and efficient extension of the City’s boundaries and service area.” The Growth Policy also encourages infill development, which this project manifests as it is a part of an unincorporated enclave surrounded by the City Limits.

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 concludes the above-cited criteria are substantially met.

The Planning Board/Zoning Commission initiated the public hearing on the subdivision/annexation on February 26, 2008, and continued the hearing until March 11, 2008, at the request of the applicant to allow time to resolve and clarify fill and floodplain issues associated with the project. During the hearing on March 11, Mr. Joe Murphy, Big Sky Civil and Environmental, spoke on behalf of the applicant. No proponents or opponents spoke or public comments were expressed during the hearing. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission assign a zoning classification of R-1 Single-family suburban district to Foxwood Estates upon annexation to the City.

The Planning Board during a meeting held July 22, 2008, passed a motion recommending the City Commission approve the final plat of Foxwood Estates and the annexation of the property contained therein subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) The final plat shall incorporate any errors or omissions noted by staff including provision of a notification clause to lot purchasers regarding soil conditions.
- 4) Final engineering documents for required public improvements to serve the subdivision are subject to approval by the Public Works Department.

The final engineering documents relative to the planned infrastructure necessary to serve Foxwood Estates have been prepared by the project engineer and approved by the State Department of Environmental Quality and reviewed by the City Public Works Department. A report stipulating the requirements for compacted fill material where load bearing footings will be located has been prepared and submitted to the City’s Building Official. Documentation demonstrating the cumulative effect of the proposed development under a flood condition and a

certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations have been submitted to the City's Floodplain Administrator.

**Concurrences:** Other City Departments including Public Works, Community Development, Park and Recreation and Fire have been involved in the review and approval of the proposed subdivision and annexation.

**Fiscal Impact:** Approval of the development will eventually result in the building of 14 upper scale residences which will enhance the tax base. However, the City will assume maintenance responsibility of an approximate 1,000 foot unimproved segment of Park Garden Lane which will be a fiscal impact to the City.

**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:**

Resolution 9773 with Vicinity/Zoning Map

Ordinance 3016

Reduced Copy of Plat of Foxwood Estates Subdivision

Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Dahlquist Realtors, Attn: Brett Haverlandt, 500 Country Club Blvd, G. F., 59404  
Joe Murphy, Big Sky Civil & Environmental, PO Box 3625, G. F., 59403