



Item: Ordinance 3021 to Rezone Incorporated Portion and Assign City Zoning to Unincorporated Portion of Parcel No. 2 in Beebe Tract 35

From: Bill Walters, Senior Planner

Initiated By: Robert and Marilee Taylor, Property Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3021 on first reading and set a public hearing for November 5, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3021 on first reading and set a public hearing for November 5, 2008.”

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

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held March 25, 2008, passed a motion recommending the City Commission approve the rezoning of the incorporated portion of Parcel No. 2 in Beebe Tract 35 from C-1 Neighborhood commercial district to C-2 General commercial district and approve establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City.

Background: Property owners Robert and Marilee Taylor have submitted applications to the Planning Office regarding the following:

- 1) Rezone the incorporated portion of Parcel No. 2 in Beebe Tract 35 in the NW1/4 of Section 10, T20N, R4E, Cascade County, Montana, from C-1 Neighborhood commercial district to C-2 General commercial district.
- 2) Annexation to the City of Great Falls the unincorporated portion of Parcel No. 2 in Beebe Tract 35 in the NW1/4 of Section 10, T20N, R4E, Cascade County, Montana.
- 3) Establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City.

Subject Parcel No. 2 in Beebe Tract 35 is located at the northwest corner of the intersection of 2nd Avenue North and 57th Street North and the new owners, Robert and Marilee Taylor, are

renovating the existing structure and premises to accommodate a vehicle sales and rental business.

Attached is a vicinity/zoning map showing existing zoning in the area, a preliminary site plan and copy of Certificate of Survey S-0004545 describing Parcel No's 1 and 2 in Beebe Tract 35.

The incorporated portion of Parcel No. 2 in Beebe Tract 35 was annexed to the City in 2005 and is presently zoned C-1 Neighborhood commercial district. The applicant desires to annex the unincorporated portion of Parcel No. 2 in Beebe Tract 35 and zone subject properties C-2 General commercial district to accommodate the vehicle sales and rental business. The total area of the property currently within the City and the additional area requested to be annexed is 1.077 acres, while that portion of Tract 35 (Parcel No. 1) remaining outside the City will be 0.83 acres.

City water mains exist in the abutting portions of 2nd Avenue North and 57th Street North. A fire hydrant is located along the west side of 57th Street near the north boundary of Parcel No. 2 in Beebe Tract 35. The applicant recently obtained City water service to the incorporated portion of the property from the water main in 2nd Avenue North. As there is no City sanitary sewer system in the vicinity, the existing building on Parcel No. 2 in Beebe Tract 35 is and will continue to be served by an individual private sewage disposal system.

The incorporated portion of subject property is zoned C-1 Neighborhood commercial district and the applicant has requested it be rezoned to C-2 General commercial district. The portion of Parcel No. 2 requested to be annexed to the City is presently zoned in the County as "B-1" Neighborhood Service District and it is proposed said property be zoned C-2 General commercial district upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and 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 incorporated portion of Parcel No. 2 in Beebe Tract 35 was zoned "GC" General Commercial District when it was annexed to the City in May, 2005. However, with the adoption of the new Land Development Code in October, 2005, the property was unintentionally designated on the new zoning map as C-1 Neighborhood commercial district.

Under the Land Development Code, vehicle sales, rental and service are not permitted uses in C-1 Neighborhood commercial district, but are permitted in the C-2 General commercial district.

Goals of the Economic Element of the Great Falls Growth Policy include:

- Enhance, strengthen, and expand the existing economic base.
- Attract new businesses and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Annexation of the unincorporated portion of Parcel No. 2 in Beebe Tract 35 will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Subject property is located at the intersection of two arterial roadways and is separated from any existing residential use or zoning districts making it a reasonable and practical site for the proposed business use. Therefore, staff concludes the above-cited criteria are substantially met.

No proponents or opponents spoke during the Planning Board/Zoning Commission hearing on March 25, 2008. Mr. Andy Hayes of 1208 1st Avenue North asked what purpose annexation served, since similar types of businesses were already allowed along 2nd Avenue North. It was explained the applicant's desire for City water service necessitated annexation. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve the rezoning of the incorporated portion of Parcel No. 2 in Beebe Tract 35 from C-1 Neighborhood commercial district to C-2 General commercial district and approve establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City.

Concurrences: Other City Departments including Public Works, Community Development, and Fire have been involved in the review and approval of the rezoning and annexation.

Fiscal Impact: Approval of the rezoning and annexation accommodates a business project which will enhance the tax base but should not result in any fiscal impact to the City.

Alternatives: The City Commission could deny acceptance of Ordinance 3021 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 for in City Code and State Statute.

Attachments/Exhibits:

Ordinance 3021

Vicinity/Zoning Map

Preliminary Site Plan

Reduced copy of Certificate of Survey S-0004545

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Robert & Marilee Taylor, P O Box 6050