



Agenda # 2
Commission Meeting Date: November 5, 2008

CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing – Resolution 9774 to Annex and Ordinance 3017 to Assign City Zoning to the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW

From: Charles Sheets, Planner I

Initiated By: Anthony J. Schneiderhan, Property Owner

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9774 and Ordinance 3017 and approve accompanying Annexation Agreement.

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 9774 and (approve/disapprove) the Annexation Agreement, all related to the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3017.”

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 of the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3

Single-family high density district on said South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, upon annexation to the City.

Background: The Planning Office is in receipt of applications regarding the following:

- 1) Annexation of South 75 feet of Lots 17-21, Block 17, University Addition to the City of Great Falls, addressed as 1505 17th Avenue Southwest and portions of 15th Street Southwest and 17th Avenue Southwest.
- 2) Assigning a City zoning classification of R-3 Single-family high density district to said Lots, upon annexation.

A Vicinity/Zoning Map is attached for reference.

After purchasing this property, Mr. Schneiderhan learned that the house has a common water service with the residence at 1502 16th Avenue Southwest. The two properties are not annexed, but receive water from the City. In order to separate the common water service, a new tap and connection are required. Mr. Schneiderhan is required to annex in order to receive the new water service. The unincorporated property of 1502 16th Avenue Southwest will be addressed as a part of an area wide annexation of water/sewer users at a later date.

The single-family residence has a septic tank/drain field for sanitation. This will remain as long as it is in compliance with City-County Health Department regulations or until the City Public Works Department requires the applicant to participate in the cost of extending a sanitary sewer main. The owner agrees to waive his right to protest and to pay his proportionate share of any main extension, connection, tapping and installation costs when this occurs.

To provide contiguity and adhere to State Law, it will be necessary to annex portions of 15th Street SW and 17th Avenue SW as depicted on the attached Vicinity/Zoning Map.

Roadways serving the involved area are graveled. The applicant will waive his right to protest creation of a special improvement district and agree to pay his proportionate share of the costs to install additional utilities, (street lighting, sanitary sewer, storm drainage) and street improvements when deemed necessary by the City.

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.

Subject property is within the University Addition and surrounded by a predominately single-family residential neighborhood located outside the City limits with some rural characteristics.

Staff concludes establishing residential zoning upon the lots would not be out of character with neighboring uses and the above listed criteria are substantially met.

The involved portion of University Addition, which has been partially served by City water for more than fifty years, has generated considerable inquiries regarding provision of City services. Those property owners who don't have City water have periodically expressed an interest in annexation to obtain it. As individual sanitary sewer systems fail or need replacement, owners have inquired about obtaining City sanitary sewer service. The City has been reluctant to pursue a wholesale annexation of the area in the past because of the unimproved roadways and other responsibilities the City would assume. The multiple ownership, the varying desires for City services and the varying abilities to afford the costs for typical public infrastructure improvements all complicate attempts to formulate an areawide annexation.

At the conclusion of a public hearing held August 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district on the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW. The Planning Board recommended the City Commission approve annexation of the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, subject to fulfillment of the following conditions by the applicant:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City, including agreement to pay his proportionate share of paving, curb, gutter and sidewalk in abutting portions of 15th Street Southwest and 17th Avenue Southwest, sanitary sewer, street lighting, and storm drainage improvements, when deemed necessary by the City;
- 2) All applicable fees and charges due as a consequence of annexation shall be paid by the applicant;
- 3) The residence and garage shall be inspected for code/life-safety requirements and any identified deficiencies or violations shall be corrected as a condition of annexation; and,
- 4) The applicant shall have prepared an Amended Plat consolidating the 5 lots into one parcel and shall incorporate correction of any errors or omissions noted by staff and include a notification clause to lot purchasers regarding soil conditions.

At the time of writing this report items 1), 2) and 3) have been completed by the applicant and item 4) will be completed prior to filing the Amended 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 existing single-family residence is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenue from the existing single-family residence.

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 9774
2. Ordinance 3017
3. Vicinity/Zoning Map
4. Reduced copy of drawing portion of the Amended Plat
4. Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Anthony Schneiderhan, 1505 17th Avenue Southwest, Great Falls MT 59404