



Agenda # 3  
Commission Meeting Date: November 5, 2008

**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

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**Item:** Public Hearing – Resolution 9776 to Annex and Ordinance 3019 to Assign City Zoning to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road

**From:** Charles Sheets, Planner I

**Initiated By:** Valley Community Bible Church, Board of Deacons, Applicant

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

**Action Requested:** City Commission adopt Resolution 9776 and Ordinance 3019 and approve accompanying Amended Plat, Findings of Fact and Annexation Agreement.

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

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9776 and (approve/disapprove) the Amended Plat, Findings of Fact and Annexation Agreement, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3019.”

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 and findings of fact, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition

and abutting unincorporated portion of Flood Road. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district and grant a conditional use permit for a worship facility, upon annexation to the City, subject to the applicant agreeing that any development of the property shall be substantially in accordance with the proposed site plan.

**Background:** The Planning Office is in receipt of applications from the Valley Community Bible Church, Board of Deacons, regarding the following:

- 1) Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, in SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana.
- 2) Annexation of the area contained in said plat, consisting of 9.350 acres and abutting unincorporated portion of Flood Road to the City.
- 3) Assigning a City zoning classification of R-3 Single-family high density district and allowing a conditional use permit for the existing worship facility and planned expansion, upon annexation.

The purpose of the Amended Plat is to dedicate an additional 10 feet of right-of-way for Flood Road. Tract 3, Block 14 is the vacant northerly parcel consisting of 1.42 acres. Block 15 is the southern parcel comprising 7.93 acres and occupied by the Valley Community Bible Church. The applicant desires City services to accommodate planned sanctuary and school expansions.

The parcels are located between Flood Road and the Burlington Northern Santa Fe Railroad Right-of-way approximately one third mile south of Park Garden Road.

For additional information, please refer to the attached Vicinity/Zoning Map and preliminary Amended Plat.

The parcels are accessed by Flood Road. The applicant and the City Public Works Department have agreed to have the applicant escrow their proportionate share of the estimated cost of standard City curb, gutter and paving for the future improvement of Flood Road. This is in character with escrowed funds by other developments along Flood Road. The applicant is requesting an easement be granted for their recently constructed monument sign, which encroaches on the right-of-way being dedicated within the Amended Plat. The applicant would agree to relocate/remove the monument sign when Flood Road is reconstructed and/or when deemed necessary by the City.

A City water main is required to be installed in Flood Road to the northern boundary of the applicant's property. The applicant is required to reimburse their proportionate share of the cost for a water main already installed by other developments and in turn, will be eligible for reimbursement from the future development of the abutting portion of Mark 14, Section 22, T20N, R3E, Cascade County, Montana. A City sanitary sewer main exists in Flood Road near the middle of the applicant's property. The applicant participated in the extension of said sanitary sewer to the west side of Flood Road in anticipation of a future connection.

Storm drainage will be collected and retained on site. No storm sewer system exists in the vicinity of the property, but the borrow pit for Flood Road provides an historic drainage route. The applicant will be obligated to pay a proportionate share of future storm sewer system costs, if such a system is needed.

As a condition of annexation, the City will require the applicant to allow the City Building and Fire Officials to inspect the existing on-site structures to identify any health and/or life safety items that may be needed to address Building, Plumbing, Electrical, Mechanical, or Fire Safety Codes. If any are found, the applicant will be given a time frame to correct noted items.

In accordance with 7-2-4211 M.C.A. the unincorporated portion of Flood Road abutting the property will be annexed simultaneously with the property.

Annexation of subject property is a natural progression of the City's growth and will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is proposed that the area within said plat be assigned a zoning classification of R-3 Single-family high density district upon annexation to the City. Subject property is located on the fringe of the City, which has been attracting high quality single-family dwelling units.

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 "Annexations should be logical and efficient extensions of the City's boundaries and service areas".

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. Therefore, staff concludes the above-cited criteria are substantially met.

Worship facilities are allowed within residentially zoned districts upon approval of a conditional use permit. Section 17.16.36.040 of the Land Development Code states that the Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that each of the following criteria have been satisfied:

1. The conditional use is consistent with the City's growth policy and applicable neighborhood plans, if any.
2. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Based on the information provided by the applicant, the worship facility and the future planned expansion will continue to be an asset to the neighborhood. The existing worship facility and the planned expansion are consistent with the growth policies of the City and would not impede the residential characteristic of the neighborhood. Staff concludes the above-cited criteria are substantially met.

At the conclusion of a public hearing held August 26, 2008, the Zoning Commission passed a motion recommending the City Commission approve assigning a zoning classification of R-3 Single-family high density district and granting a conditional use permit for a worship facility on the said plat, upon annexation to the City, subject to the applicant agreeing that any development of the subject property shall be substantially in accordance with the site plan attached to Ordinance 3019. The Planning Board recommended the City Commission approve the annexation, Amended Plat and Findings of Fact, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road, subject to fulfillment of the following conditions by the applicant:

- 1) The Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana shall be submitted to the City Public Works Department for review and approval.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana , including agreement by applicant to:
  - a) install, within two years of the date of annexation of the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana, the public improvements referenced in Paragraph 2) above;
  - b) correct any code deficiencies associated with the structure on subject property noted by City Building and Fire Officials;
  - c) conceptually adhere to the attached site plan in conjunction with development of subject property; and
  - d) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon annexation, including:
 

a) storm sewer fee (\$250/acre x 9.35 acres)	\$2,337.50
b) reimbursement for existing water main in Flood Road – South Park Phase I – 223.87 ln. ft.	\$5,417.65
c) reimbursement for existing water main in Flood Road – South Park Phase II – 145 ln. ft.	\$4,111.25
d) recording fees for annexation documents (\$11 per page)	\$121.00
<b>Total</b>	<b>\$11,987.40</b>
- 5) A financial surety (i.e. certificate of deposit) shall be established in the name of the applicant and City to cover the proportionate share of the costs for future roadway improvements for the abutting portion of Flood Road. The amount of said surety shall be based upon 50 percent of the estimated costs of a standard City minor roadway section bordering the property.

No one spoke as proponents or opponents during the hearing.

At the time of writing this report items 2), 3) and 4) have been completed by the applicant and items 1) and 5) 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:** City contribution for over-sizing the water main (8” to 12” X 254 ln.ft.) is estimated to be approximately \$ 4,800. Providing other City services to the existing worship

facility within said plat is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues.

**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 9776
2. Ordinance 3019
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  
Valley Community Bible Church, Board of Deacons, 3400 Flood Road, Great Falls MT 59404  
HKM Engineering. P.O. Box 49, Great Falls MT 59403