



Item: Ordinance 3038 to Assign City Zoning to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana

From: Charles Sheets, Planner I

Initiated By: Steel Etc. Holding Co., Property Owner and Developer

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission accept Ordinance 3038 on first reading and set a public hearing for August 4, 2009, to consider adoption of Ordinance 3038.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3038 on first reading and set a public hearing for August 4, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held April 28, 2009, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of I-2 Heavy industrial district to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana, upon annexation to the City.

Background: The Planning Office is in receipt of applications from Steel Etc. Holding Co., regarding the following:

- 1) Annexation of Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Establishing City zoning of I-2 Heavy industrial district, upon annexation of said tract.

Said tract is located at the northwest corner of the intersection of River Drive North and 52nd Street North and is being developed by Steel Etc. Holding Co. for their recycling and salvage business.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of Certificate of Survey 4591.

The area described as Tracts 1 and 2 of Certificate of Survey 4591 was previously used as the contractor yard for McIntyre Construction. Steel Etc. has started construction of three buildings (an office building

and two shop buildings) on Tract 2. The State of Montana has issued building permits for these structures.

For access, the applicant intends to utilize the existing approach off 52nd Street North. No new approaches are planned to River Drive North.

The applicant has recently extended a water main per City policy to the north boundary of the said Tract 2. The sanitary sewer main in River Drive North is being extended to serve a portion of Tract 2. Due to the shallow depth of the sanitary sewer main, it is not feasible to serve development beyond Tract 2 without involving a pump system. Easements across Tract 2 will be necessary to accommodate public and private utilities.

Neighborhood Council District 4 during a meeting held December 22, 2008, considered the proposal to annex Tract 2. The council voted unanimously in favor of the proposal.

The business operation to be conducted on Tract 1 of Certificate of Survey 4591 is integral to that to be conducted on Tract 2. As no City services are intended to be provided to that portion of the business operation to be conducted on Tract 1, the applicant has not applied to annex Tract 1. As the City expands in the vicinity, Tract 1's existence outside the City for an indefinite period of time will eventually cause confusion and conflicts associated with provision of public services in the area. Therefore, it would be appropriate to require the applicant to consent to annex Tract 1 under certain conditions.

It is proposed that said Tract 2 be zoned I-2 Heavy industrial district, upon annexation to the City. Subject property is located on the fringe of the City, which in this area has been developing primarily with industrial uses.

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.

A goal of the land use element of the Great Falls Growth Policy is:

“To support and encourage efficient, sustainable development and redevelopment throughout the community.”

Goals of the economic development element include:

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

- Encourage businesses and industries that will utilize existing infrastructure.

Applicable policy statements include “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.

At the conclusion of a public hearing held April 28, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of I-2 Heavy industrial district to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana, upon annexation to the City. Ms. Sandra Guynn, 3624 9th Avenue South, Chair of Neighborhood Council #4, said the project is supported by the Council # 4. No other citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on August 4, 2009, will consider the annexation resolution and an annexation agreement for Tract 2 of Certificate of Survey 4591, simultaneously with Ordinance 3038.

Concurrences: Representatives from the City’s Public Works, Community Development, and Fire Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: Providing services 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: The City Commission could deny acceptance of Ordinance 3038 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Ordinance 3038
3. Copy of Certificate of Survey 4591

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Steel Etc., P.O. Box 1259, Great Falls, MT 59403