

Agenda #_____4
Commission Meeting Date: December 4, 2012
CITY OF GREAT FALLS

CITY OF GREAT FALLS COMMISSION AGENDA REPORT

Item: Resolution 10001 a Resolution of Intention to Annex a tract of land

proposed to be designated as Lot 5, Block 1, Division Addition located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana

(ASI Elderly Housing Development)

From: Jana Cooper, RLA, Planner II, Planning and Community Development

Initiated By: Accessible Space, Inc., Developer

Presented By: Mike Haynes, AICP, Director of Planning and Community Development

Action Requested: City Commission adopt Resolution 10001 pertaining to the ASI Elderly

Housing Development.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10001, a Resolution of Intention to Annex, pertaining to ASI Elderly Housing Development."

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

Recommendation: At the conclusion of a public hearing held October 23, 2012, the Planning Advisory Board conditionally approved the annexation of a tract of land proposed to be designated as Lot 5, Block 1, Division Addition located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana, and the Zoning Commission approved assigning a zoning classification of R-6 Multi-family high density residential district to said property upon annexation to the City. Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on October 7, 2012. No citizens spoke at the public hearing for or against the project.

On November 7, 2012 City Commission accepted Ordinance 3098 on first reading and set the public hearing for December 4, 2012, to consider the resolution to annex and the annexation agreement for the subject property simultaneously with Ordinance 3098. The public hearing notice was published in the *Great Falls Tribune* on November 18, 2012.

Subsequent to the City Commission setting and staff advertising the public hearing, the applicant notified City staff that in order to receive financing for the project (HOME and Low Income Housing Tax Credits), they need a commitment from the City to annex the subject property as soon as possible, but if the financing is not obtained, the property owner does not want the

subject property annexed into the City. In addition, final action on the proposed minor subdivision in the County will not be taken until the County Commission meets on December 18, 2012. Action on subdivision should be taken before the City Commission finally annexes the subject property.

Thus, in coordination with the Interim City Attorney, it has been determined that the best course of action is to recommend that the City Commission adopt a <u>Resolution of Intention to Annex</u>, which asserts the City's commitment to annex the property, subject to the applicant meeting certain conditions. This will allow the applicant up to one year to meet the conditions of approval and request the City adopt a <u>Resolution to Annex</u> the subject property. If, for any reason, no further action is taken on the subject property, it will remain in the County.

Staff recommends approval of the Resolution of Intent and ultimately the annexation and zoning of ± 3.02 acres of unincorporated land legally described as a tract of land proposed to be designated as Lot 5, Block 1, Division Addition located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana, herein referred to as subject property, subject to the following conditions of annexation being fulfilled.

- 1. Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 08/15/2012.
- 2. The final engineering drawings and specifications for the required public improvements to serve ASI Great Falls Elder Housing Development shall be submitted to the City Public Works Department for review and approval prior to any building permits being issued by the City.
- 3. A Grading Plan, State Stormwater Discharges Associated with Construction Activities Permit, and Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.
- 4. Applicant shall submit proposed project drawings including architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board prior to submittal of permit plans.
- 5. A geotechnical investigation and report prepared by a Professional Engineer (and indemnifying the City) with recommended building foundation design shall be submitted to the Planning and Community Development Department for review and approval prior to issuance of building permits.
- 6. An Annexation Agreement shall be prepared containing terms and conditions for development of the subject property including, but not limited to, agreement by application to:
 - a. Install within two years of the date of final City Commission approval, the public improvements reference in Paragraph Two above; and
 - b. Indemnify the City for any damages attributable to adverse soil or groundwater conditions.

Background: Accessible Space, Inc. is requesting annexation of the subject property which consists of ± 2.36 acres. The subject property is currently a vacant, undeveloped, unincorporated enclave. The subject property is currently part of a larger lot comprised of ± 11.7 acres and a minor subdivision is being processed in the County to create the ± 2.36 acre subject lot being annexed; final approval of the project will be subject to the County approval of the subdivision.

Accessible Space, Inc., has an option to purchase the subject property subject to approval of the subdivision, annexation, zoning and funding for their proposed project being approved.

In addition to the subject property, per MCA, the abutting portions of Division Road, comprised of ± 0.66 acres, must also be annexed as a part of the request. In total ± 3.02 acres will be annexed into the City.

The applicant, Accessible Space, Inc., is proposing a 38-unit accessible, affordable senior rental development be located on the subject property. The proposed development will consist of a two or three story building that will include 32 one-bedroom and 6 two-bedroom apartments for residents age 55 and above. The project will include common areas such as a dining room with kitchen, community rooms for meetings and social gatherings, a library/lounge, a computer lab, an exercise room and supportive service staff. The building's design will include accessible features that accommodate the current and changing needs of seniors and frail elderly seniors. The subject property is in close proximity to services and amenities such as healthcare, shopping, restaurants and other services important to senior residents, including those with disabilities.

The proposed financing for the ASI Great Falls Elder Housing Development will include equity from the sale of 2013 9% Low Income Housing Tax Credits, HOME funds from the City of Great Falls, Federal Home Loan Bank Affordable Housing Program funds and conventional construction and permanent debt. The estimated total development cost is \$7.4 million or about \$195,000 per unit. The project is proposed to be exempt from property taxes. A provision in the annexation agreement has been added which allows the property owner to petition the City to rescind approval of the annexation should funding fall through for the project (see attached Annexation Agreement).

Based upon successful applications for funding in 2013, the ASI Great Falls Elder Housing Development will close and start construction in approximately October 2013 with construction completion in October 2014 and 100% lease-up in March 2015.

The subject property, upon annexation, shall be zoned R-6 Multi-family residential high density. This zoning is compatible with the surrounding neighborhood. According to the Land Development Code, the "R-6" Multi-family residential high density residential zoning classification is:

Intended to accommodate multi-family units of the highest density allowed in the City. These districts are typically found close to work and leisure, and are close to the downtown.

The proposed 38-unit housing development is consistent with the R-6 zoning standards and is compatible with the existing neighboring uses. Section 17.16.40.030 of the Official Code of the City of Great Falls (OCCGF) lists basis of decision which must be considered in conjunction with amending zoning:

- 1. The amendment is consistent with and furthers the intent of the City's growth policy;
- 2. The amendment is consistent with and furthers adopted neighborhood plans, if any;

- 3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans.
- 4. The code with the amendment is internally consistent;
- 5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
- 6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Zoning the subject property R-6 Multi-family high density residential 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.

The applicant will be required to improve the 40-foot road sections of Division Road along the subject parcels frontage. The roadway will be improved to the City standards including sidewalks (western side only), paving, and curb and gutter. The owner will receive reimbursement from the property owner to the east at such time as that property is annexed into the City. Division Road is classified as a Collector roadway, and there is sufficient capacity on the roadway to accommodate additional vehicular traffic that would be generated by the proposed development.

The City sewer main (8") shall be extended in Division Road from its existing location in 16th Avenue Northwest to the most northern property line. City water main (8") shall be extended from its existing location in Division Road, at the southern property line of the subject site, to the northern property line. The applicant will need to extend the storm drain from its existing location north, as required by Public Works.

The proposed development will have impervious surfaces of more than 15,000 square feet; therefore, the developer is required to provide a stormwater management plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to the issuance of building permits for the development.

The proposed development is compatible with the 2005 Growth Policy, as it advances specific Goals, Policies, and Action Strategies contained within the related plan elements, and is also in line with the general themes and principles found in the document. From a market perspective, the project meets an important and growing need in the City of Great Falls. Great Falls exceeds the State average for elderly residents. The 2010 Census indicates 16.6% of Great Fall's population is 65 and over, higher than the Montana average of 14.8%. Therefore, the project meets Goal 1 of the Growth Policy's Housing section, which states the City's desire to have a diverse supply of safe and affordable housing for residents of all ages, needs and income levels.

The project, as proposed, also is consistent with Policy 7of the Housing sections of the Growth Policy stating that "the City should promote housing options to help the elderly remain independent, including shared housing, shared equity programs, co-housing, assisted living by providing assistance or allowing modified development standards that reflect the specific needs of the elderly." For example, lower parking requirements could be permitted in projects designed for the elderly. Also Strategy 3 in the Land Use section encourages mixed land uses in new and redeveloping areas to reduce auto dependence. The project's location provides

opportunities for mobile residents to meet some of their personal needs nearby. Sidewalk connectivity, therefore, is very important in the area, and should be a priority consideration. In addition, the project's energy saving and green aspects are consistent with the City's environmental goals.

The applicant gave a presentation to Neighborhood Council #3 on October 4, 2012. The Neighborhood Council voted that they were in support of the project and had no comments related to the project. At the time the Staff report was written, there were no other citizen comments received.

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

Fiscal Impact: The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City. While the project will be tax-exempt and not subject to paying property taxes, it will benefit the community in terms of desirable new development, employment and additional services, all consistent with the intent of the Growth Policy.

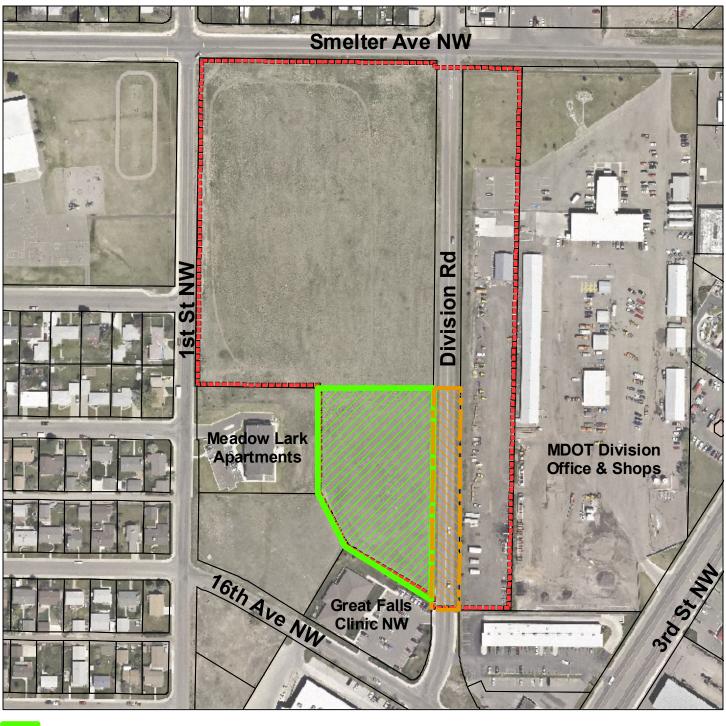
Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

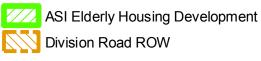
Attachments/Exhibits:

Aerial Photo Resolution 10001 with Attachment A Amended Plat

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Michael Knisely, Distyle Design, mknisely@distyledesign.com
Trever McSpadden, tmcspadden@m-m.net
Mitchell Development, melissa@mdandi.com

Aerial Photo





City Limits

Tracts of Land



RESOLUTION 10001

RESOLUTION OF INTENTION BYTHE CITY COMMISSION OF THE CITY OF GREAT FALLS. MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A TRACT OF LAND PROPOESED TO BE DESIGNATED AS LOT 5, BLOCK 1, DIVISION ADDITION AND ABUTTING PORTION OF DIVISION ROAD ALL LOCATED IN NE 1/4 SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, AND ESTABLISH **CONDITIONS FOR** ANNEXATION IN ACCORDANCE WITH PROVISIONS OF SECTION 7-2-4601, MONTANA CODE ANNOTATED ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * * * * * * *

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

A tract of land proposed to be designated as Lot 5, Block 1, Division Addition, located in NE 1/4 Section 2, Township 20 North, Range 3 East, Cascade County, Montana and containing ±2.36 acres.

And,

A portion of Division Road located in the NE 1/4 Section 2, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Commencing at the northeast corner of Lot 1, Block 1, Division Addition, said corner being the "True Point of Beginning", proceed thence northerly ± 479.11 feet, along the western right-of-way line of Division Road to a point on the northeast corner of Lot 5, Block 1, Division Addition;

Thence easterly ± 60 feet, crossing Division Road to a point on the easterly right-of-way line of Division Road;

Thence southerly ±479.11 feet along Division Road, to a point on the easterly right-of-way of Division Road;

Thence westerly ± 60 feet, crossing Division Road to a point on the westerly right-of-way line of Division Road; and the northeast corner of Lot 1, Block 1, Division Addition, being the "True Point of Beginning" containing ± 0.66 acres;

containing in all ± 3.02 acres more or less and all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof; and,

WHEREAS, Mitchell Development & Investments, LLC, the legal owner of proposed Lot 5 in Block 1 of the Division Addition, in conjunction with the Accessible Space, Inc., the purchaser of said property, which property is currently located adjacent to the existing City limits, has requested that the City of Great Falls annex said property; and

WHEREAS, the City of Great Falls desires to annex said property and the full width of the Division Road right-of-way adjacent to said property under the provisions of Montana law; and

WHEREAS, the owner of the property in the territory to be annexed has signed a written application requesting annexation pursuant to statute to the City of Great Falls; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits; and

WHEREAS, the annexation of the property and adjacent right-of-way more particularly described above appears to be in the best interests of the present owner of the property and the City of Great Falls, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. It is the intention of the Great Falls City Commission to annex a tract of land proposed to be designated as Lot 5 in Block 1 of the Division Addition, and the full width of the Division Road right-of-way adjacent to said property, located in the NE 1/4 Section 2,

Township 20 North, Range 3 East, in Cascade County, Montana, as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

This annexation will only be effective upon completion of prezoning of the property and the following conditions:

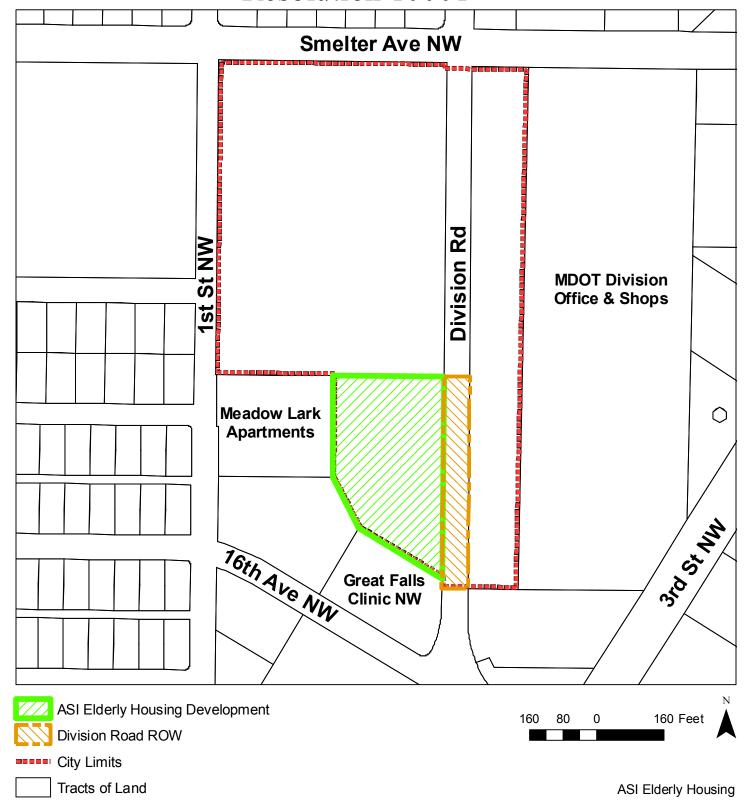
- **1.** <u>Infrastructure:</u> The property owner, and consequently purchaser, must install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.
- **2.** <u>Subsequent Minor Subdivision Approval:</u> The owner, and consequently purchaser, must apply for and receive approval of a minor subdivision in Cascade County, which creates Lot 5, Block 1, Division Addition, and file all associated paper work related to said subdivision prior to annexation.
- **3.** Review of New Construction: The property owner, and consequently purchaser, must submit plans for review by the City of Great Falls for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to issuance of building permits, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
- **4.** <u>Taxes and Assessments:</u> Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
- **5.** <u>Fees and Charges:</u> The property owner, and consequently purchaser, shall pay all required fees as provided by City policy prior to annexation.
- **6.** <u>Completion of Conditions:</u> These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 4th day of December, 2012.

Michael J	. Winters, Mayor	

ATTEST:	
Lisa Kunz, City Clerk	
(SEAL OF THE CITY)	
APPROVED FOR LEGAL CONTENT:	
David L. Nielsen, Interim City Attorney	
State of Montana) County of Cascade : ss City of Great Falls)	
foregoing Resolution 10001 was placed on its	f Great Falls, Montana, do hereby certify that the s final passage and passed by the Commission of thereof held on the 4 th day of December, 2012.
IN WITNESS WHEREOF, I have he City this 4 th day of December, 2012.	reunto set my hand and affixed the Seal of said
Ī	Lisa Kunz, City Clerk
(SEAL OF CITY)	

Attachment A Resolution 10001



AMENDED PLAT

BEING THE AMENDED PLAT of LOT 4, BLOCK 1, of the AMENDED PLAT of LOT 3,BLOCK 1, of the AMENDED PLAT OF LOT 2, BLOCK 1 OF DIVISION ADDITION

A MINOR SUBDIVISION IN THE CITY OF GREAT FALLS,
SITUATED IN THE NE1/4 SECTION 2, T20N, R3E, P.M., CASCADE COUNTY, MONTANA

