



Item: Ordinance 3098 to assign City zoning to 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 accept Ordinance 3098 on first reading and set a public hearing for December 4, 2012.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3098 on first reading and set a public hearing for December 4, 2012.”

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.

Staff recommends approval of the proposed 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: The owner of the subject property is requesting annexation of their property that 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.

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-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.

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 sidewalks (western side only), paving, and curb and gutter. The owner will receive reimbursed by the property owner to the east at such time as the property is annexed into the City. Division Road is classified as a Collector roadway, 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 Falls' 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 7 of 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.

It is anticipated the City Commission, at the public hearing on December 4, 2012, will consider the resolution to annex and an annexation agreement for the subject property simultaneously with Ordinance 3098.

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: The City Commission could deny acceptance of Ordinance 3098 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:

Aerial Photo
Ordinance 3098 with Attachment A
Draft Amended Plat

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

Aerial Photo



-  ASI Elderly Housing Development
-  Division Road ROW
-  City Limits
-  Tracts of Land



ORDINANCE 3098

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-6 MULTI-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO LOT 5, BLOCK 1, DIVISION ADDITION, LOCATED IN THE NE1/4 OF SECTION 2, T20N, R3E, P.M.M. CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Accessible Space, Inc. have petitioned the City of Great Falls to annex Lot 5, Block 1, Division Addition, located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana consisting of ±2.36, herein referred to as subject property, and;

WHEREAS, Montana Code Annotated 7-2-4211 requires annexation of roads and right-of-way that are adjacent to the property being annexed in this case consisting of ±0.66 acres of Division Road; and,

WHEREAS, the subject property is part of a larger lot comprised of ±11.7 acres and a subdivision is being processed simultaneously in Cascade County to create the ±2.36 subject property legally described as Lot 5, Block 1, Division Addition, located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana; and,

WHEREAS, the subdivision in Cascade County shall be approved prior to City of Great Falls Commission taking action on Ordinance 3098; and,

WHEREAS, Accessible Space, Inc. have petitioned the subject property be assigned a zoning classification of R-6 Multi-family high density residential district upon annexation to the City; and,

WHEREAS, the abutting portion of the Division Road shall be assigned a zoning classification of R-6 Multi-family high density residential district consistent with adjacent properties upon annexation; and,

WHEREAS, notice of assigning said zoning classifications to subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 4th day of December, 2012, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning designation be made;

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of a Lot 5, Block 1, Division Addition, located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana, be designated as R-6 Multi-family high density residential district classification attached hereto as Attachment "A" and by this reference made a part hereof.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Lot 5, Block 1, Division Addition, located in the NE1/4 of Section 2, T20N, R3E, P.M.M. Cascade County, Montana, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission of the City of Great falls, Montana on first reading
November 7, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

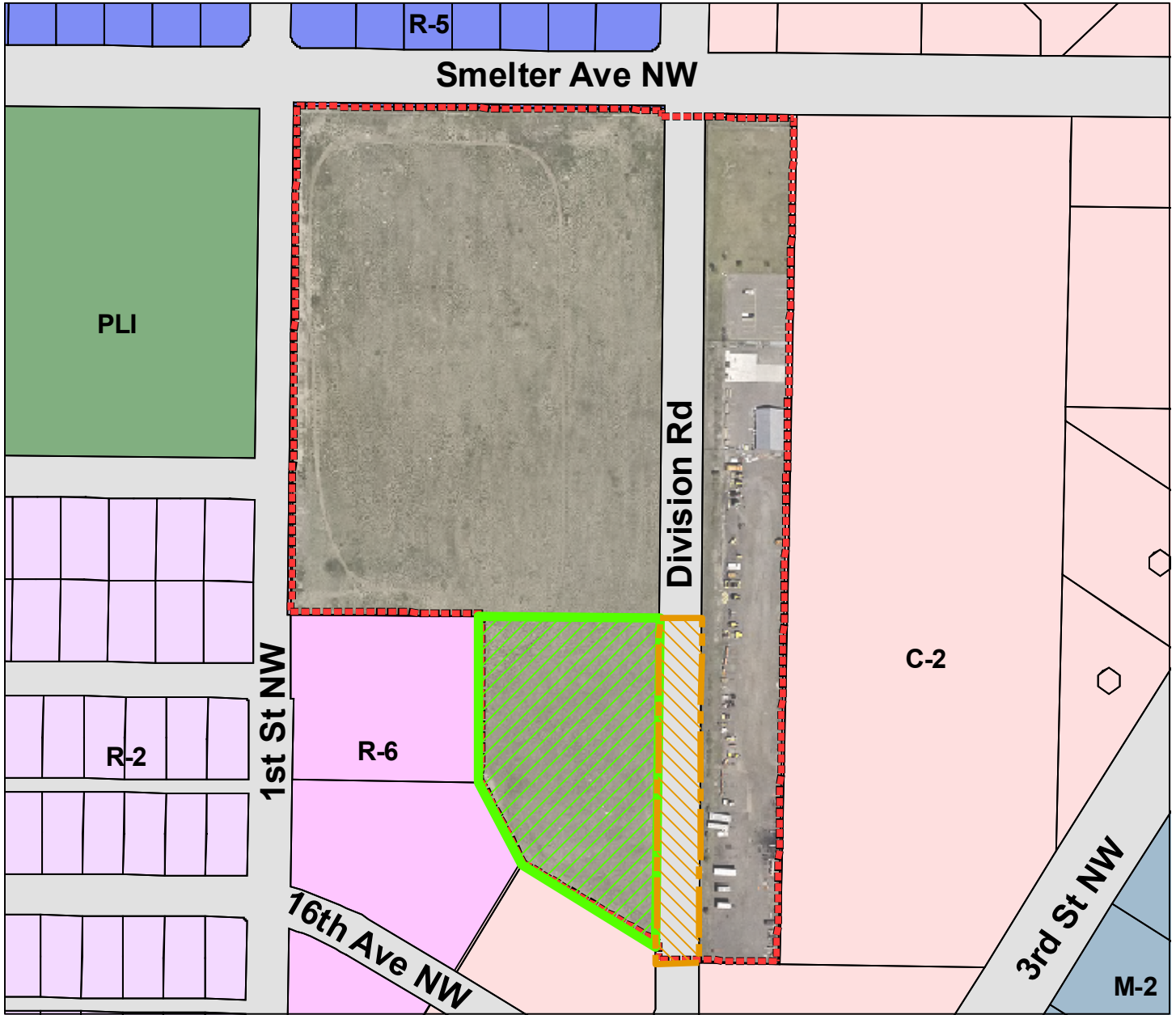
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3098 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

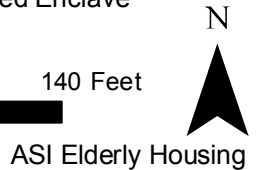
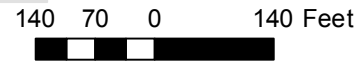
Lisa Kunz, City Clerk

(CITY SEAL)

Attachment A



- | | | |
|---------------------------------|--------------------------------|----------------------------------|
| ASI Elderly Housing Development | C-4 Central business core | R-1 Single-family suburban |
| Division Road ROW | C-5 Central business periphery | R-2 Single-family medium density |
| City Limits | I-1 Light industrial | R-3 Single-family high density |
| Tracts of Land | I-2 Heavy industrial | R-5 Multi-family medium density |
| ZONING | M-1 Mixed-use district | R-6 Multi-family high density |
| AI Airport Industrial | M-2 Mixed-use transitional | R-9 Mixed residential |
| C-1 Neighborhood commercial | PLI Public lands institutional | R-10 Mobile home park |
| C-2 General commercial | POS Park Open Space | Unincorporated Enclave |
| C-3 Highway commercial | PUD Planned unit development | Right-of-Way |



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

OWNER
Mitchell Development & Investments LLC
PO Box 738
Great Falls, MT 59403-0738

PURPOSE
TO SEGREGATE A SINGLE LOT, SHOWN
HEREON AS LOT 5, FROM LOT 4 OF
BLOCK 1.

DESCRIPTION

Two tracts of land being 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.
Said tracts contain 11.671 acres and are subject to all existing easements.

The above described tracts of land are to be known and designated as Lot 4 and Lot 5 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, Cascade County, Montana.

CERTIFICATE OF DEDICATION

I, (I), (We), the undersigned property owner(s), do hereby certify that I (I) (we) have caused to be surveyed, subdivided, and platted into lots, parcels, blocks, roads and alleys, as shown by the plat hereto annexed, the following described land in (City and County if in Unincorporated Area), to wit:

A tract of land, shown as 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, Document No. P-2004-0000029; more particularly described as follows:

Beginning at the northeast corner of Lot 4, Block 1, the Point of Beginning; thence S.0°47'24"E., 1227.67' to a point; thence N.60°09'18"W., 231.05' to a point; thence N.28°32'49"W., 136.78' to a point; thence N.0°41'W., 241.30' to a point; thence S.89°19'W., 275.94' to a point; thence S.89°19'W., 5.00' to a point; thence N.0°41'W., 747.61' to a point; thence N.89°16'E., 541.6' to the Point of Beginning; the parcel described above contains 11.671 Acres, as platted.

The above described tract of land is to be known and designated as 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, Cascade County, Montana, and the lands included in all roads, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever. Lot 4 and Lot 5 are exempt from review by the Montana Department of Environmental Quality pursuant to 17.36.605(2)(a) ARM, which exempts a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel.

OWNER
Dated this _____ day of _____, 2012.
(Acknowledged and notarized signatures of all record owners of platted property)

GRANT OF UTILITY EASEMENTS

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric, gas, internet, cable television or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

CERTIFICATE TO DEDICATION - FINAL PLAT

I, (I), (We), the undersigned encumbrancer(s), do hereby join in and consent to the annexed plat and release (my)(our) respective liens, claims and encumbrances as to any portion of said land shown on such plat as being dedicated to the use of the public forever.

Owner
Dated this _____ day of _____, 2012.
(Acknowledged and notarized signatures of all record owners of platted property)

CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, (Name of Subdivider), and I, (Name of Subdivider's Registered Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the public improvements, required as a condition of approval of 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, have been installed in conformance with the approved engineering specifications and plans:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Name of Subdivider _____ Date _____
Name, # _____ PE _____
Address: _____
(Engineers Seal)

CERTIFICATE OF COUNTY COMMISSIONERS

I, (CHAIRMAN), Chairman of the Board of County Commissioners, Cascade County, Montana, do hereby certify that the accompanying plat has been duly examined and have found the same to conform to the law, approve it, and hereby accept the dedication to public use.

DATED this _____ day of _____, 2012.

Chairman
Board of County Commissioners

CERTIFICATE OF FINAL PLAT APPROVAL - CITY

I, (Commission) (Council) of the City of Great Falls, Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it; and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use.

DATED this _____ day of _____, 2012.

by _____
Clerk

Mayor

CERTIFICATE OF EXAMINING LAND SURVEYOR

I, (Name of Examining Land Surveyor), acting as an Examining Land Surveyor for (City or County), Montana, do hereby certify that I have examined the final plat of 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, and find that the survey data shown thereon meet the conditions set forth by or pursuant to Title 76, Chapter 3, Part 4, MCA.

DATED this _____ day of _____, 2012.

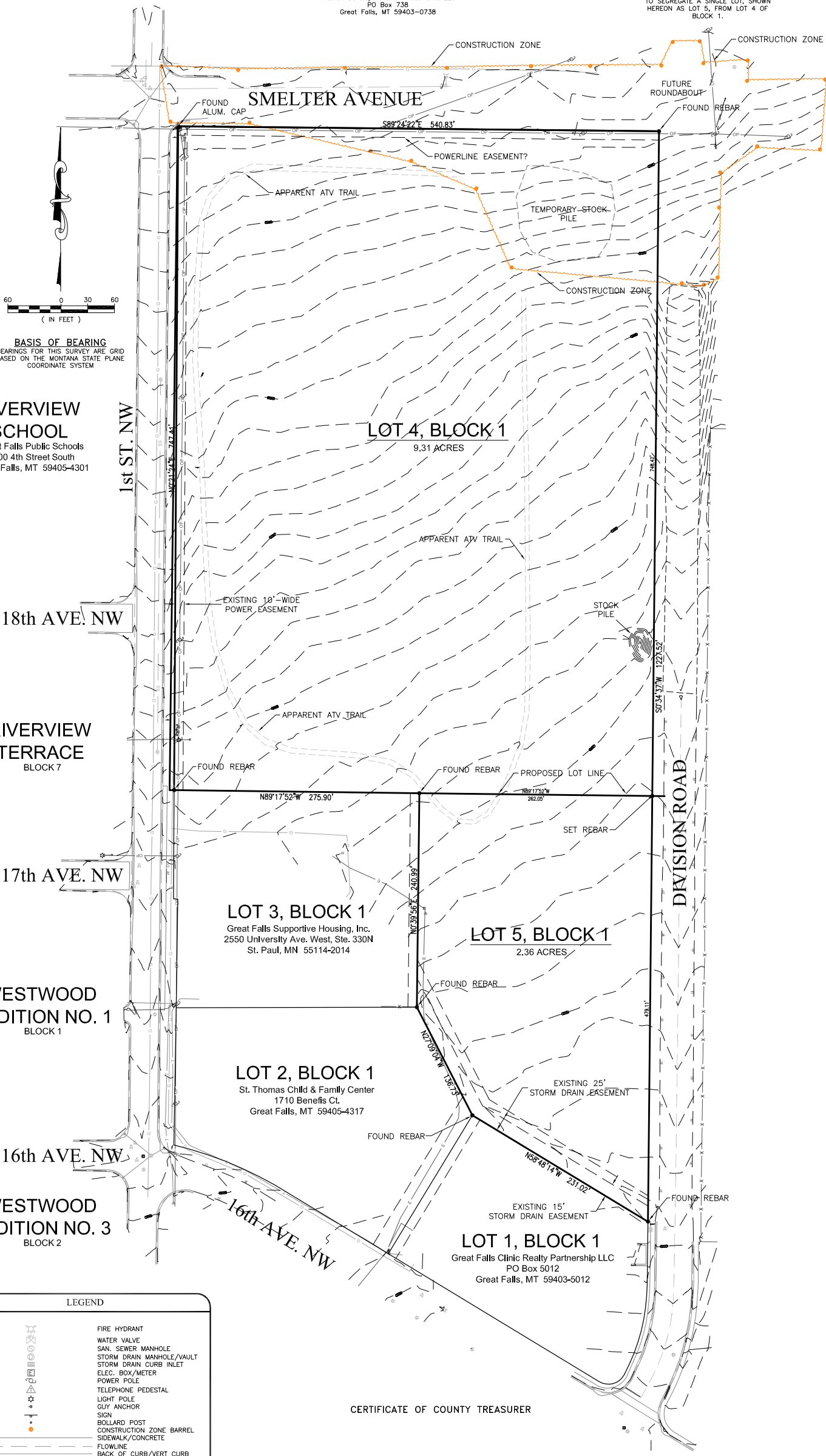
(Name of Surveyor)
MT Reg. No. (XXXXXXLS)

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel J. Boers, Professional Land Surveyor, do hereby certify that I have performed the survey shown on the attached plat of 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; that such survey was made on October 1, 2012; that said survey is true and complete as shown and that the monuments found and set are of the character and occupy the positions shown thereon.

DATED this _____ day of _____, 2012.

Daniel J. Boers, P.L.S., CFedS
MT Reg. No. 14732LS
Morrison-Maierle, Inc.



RIVERVIEW SCHOOL
Great Falls Public Schools
1100 4th Street South
Great Falls, MT 59405-4301

RIVERVIEW TERRACE
BLOCK 7

WESTWOOD ADDITION NO. 1
BLOCK 1

WESTWOOD ADDITION NO. 3
BLOCK 2

LEGEND

[Symbol]	FIRE HYDRANT
[Symbol]	WATER VALVE
[Symbol]	SAN. SEWER MANHOLE
[Symbol]	STORM DRAIN MANHOLE/VAULT
[Symbol]	STORM DRAIN CURB INLET
[Symbol]	ELEC. BOX/METER
[Symbol]	POWER POLE
[Symbol]	TELEPHONE PEDESTAL
[Symbol]	LIGHT POLE
[Symbol]	GUY ANCHOR
[Symbol]	SIGN
[Symbol]	BOLLARD POST
[Symbol]	CONSTRUCTION ZONE BARREL
[Symbol]	SIDEWALK/CONCRETE
[Symbol]	FLOWLINE
[Symbol]	BACK OF CURB/VERT CURB
[Symbol]	ASPHALT EDGE
[Symbol]	DIRT/GRAVEL EDGE
[Symbol]	FENCE
[Symbol]	TRAIL
[Symbol]	STORM DRAIN
[Symbol]	SEWER MAIN
[Symbol]	WATER MAIN
[Symbol]	FIBER OPTIC LINE
[Symbol]	ELEC. LINE
[Symbol]	TELEPHONE LINE
[Symbol]	GAS LINE
[Symbol]	OVERHEAD POWER

CERTIFICATE OF COUNTY TREASURER

CERTIFICATE OF CLERK & RECORDER
STATE OF MONTANA } ss.
County of _____
Filed for record this _____ day of _____, A.D., 2012, at _____ o'clock.
DATED this _____ day of _____, 2012.
Clerk & Recorder
Cascade County, Montana

<p>MORRISON MAIERLE, INC. An Employee-Owned Company PO Box 1113, 280 Technology Blvd., Bozeman, MT 59711 - Phone (406) 583-0721 Fax (406) 582-0162</p>	<p>ENGINEERS SURVEYORS PLANNERS SINCE 1942</p>	<table border="1"> <tr><th>1/4 SEC.</th><th>SECTION</th><th>TOWNSHIP</th><th>RANGE</th></tr> <tr><td>NE</td><td>2</td><td>20N</td><td>3E</td></tr> </table>	1/4 SEC.	SECTION	TOWNSHIP	RANGE	NE	2	20N	3E
	1/4 SEC.	SECTION	TOWNSHIP	RANGE						
NE	2	20N	3E							
<p>CLIENT: _____</p> <p>FIELD WORK: MMI, INC. DRAWN BY: JCH CHECKED BY: DJB</p>	<p>DATE: 10/10/12 SCALE: 1"=60' PROJ # 5116.001</p>	<p>PRINCIPAL MERIDIAN, MONTANA CASCADE COUNTY</p> <p>PLOTTED DATE: Oct/17/2012 - 08:58:28 am DRAWING NAME: N:\5116\001\ACAD\Preplat\PPPLAT-PLOT.dwg SHEET 1 OF 1 PLOTTED BY: mrsospen</p>								