



**Item:** Ordinance 3096 to assign City Zoning to Northview Addition, Phase 8  
**From:** Jana Cooper, RLA, Planner II, Planning and Community Development  
**Initiated By:** Jim Workman Construction Co., Property Owner and Developer  
**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development  
**Action Requested:** City Commission accept Ordinance 3096 on first reading and set a public hearing for August 7, 2012.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3096 on first reading and set a public hearing for August 7, 2012.”

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

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**Recommendation:** At the conclusion of a public hearing held January 9, 2007, the Planning Advisory Board conditionally approved the preliminary plat of Northview Addition, Phases 2-7 (which includes the area proposed as Northview Addition, Phase 8), and the Zoning Commission approved assigning a zoning classification of PUD Planned unit development district to each phase upon annexation to the City. During a meeting held February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition, Phases 2-7, as recommended by the Planning Advisory Board/Zoning Commission.

**Background:** The applicant has completed development of the first seven phases of Northview Addition. The applicant now requests approval of the final plat of Phase 8. The subdivision is located on an unnamed avenue (proposed to be Northview Avenue) north of 40<sup>th</sup> Avenue Northeast east of 9<sup>th</sup> Street Northeast. Northview Addition, Phase 8, consists of ±2.652 acres and creates 12 residential condominium lots.

At the conclusion of a meeting held on June 26, 2012, the Planning Advisory Board and Zoning Commission passed motions recommending approval of the final plat of Phase 8 of Northview Addition subject to the following conditions:

1. Review: The Final Plat of Northview Addition, Phase 8, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.

2. The final engineering drawings, specifications and cost estimates for public improvements in Northview Avenue shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
  - a) install, within two years of the date of annexation, the public improvements referenced in Paragraph 2 above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) to adhere to the attached PUD Site Plan in conjunction with the development of Phase 8;
  - d) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Northview Addition; and,
  - e) pay all applicable fees owed as a condition of annexation or plat approval, as determined in annexation agreement.
4. A financial surety in the amount determined by the Public Works Department (i.e. personal check or certificate of deposit) shall be established in the name of the applicant and City for Phase 8's proportionate share of the cost of roadway and 8-inch water main in the segment of 12<sup>th</sup> Street Northeast to cross Mark 14E1, Section 36, Township 21 North, Range 3 East.

Phase 8 of Northview Addition will include extension of Northview Avenue to the east, which will eventually connect with 12th Street Northeast (as part of a future phase) which connects back to 36th Avenue Northeast. The roadway within the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be extended from the stubbed lines off of 9th Street NE. Easements will be provided within the plat for the installation of private utilities. Additionally, the developer will provide a temporary easement for the City utility mains that are being extended onto the property not yet developed.

Based on land contours, the area generally slopes to the north. The applicant is obligated to pay a proportionate share of the regional storm water detention pond to serve this and future development in the area.

The developer shall fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land, which is acceptable to the Park and Recreation Department.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

- (1) Zoning regulations must be:
  - (a) made in accordance with a growth policy; and
  - (b) designed to:

- (i) secure safety from fire and other dangers;
- (ii) promote public health, public safety, and the general welfare; and
- (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

- (a) reasonable provision of adequate light and air;
- (b) the effect on motorized and nonmotorized transportation systems;
- (c) promotion of compatible urban growth;
- (d) the character of the district and its peculiar suitability for particular uses; and
- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The developer is proposing an amendment to the original PUD site plan with Phase 8 of the subdivision. The approved plan called for condominium units on the north side of Northview Avenue and single-family lots to the south. The proposed plan requests condominium units on separate lots for all of Phase 8. The developer has submitted the attached revised PUD site plan to be adopted.

The original PUD site plan required the following:

- Lot size range: 8,953 to 8,976 sq. ft.
- Minimum lot width: 88 ft.
- Lot proportion for newly created lots (max depth to width): 1.6:1
- Maximum building height of principal building: 35 ft.
- Maximum building height of accessory detached buildings: 24 ft., but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 ft.
- Side Yard Setback: Principal building and accessory buildings: 6 ft. each side.
- Rear Yard Setback: 10 ft.
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55% Other lots: 50%

The applicant proposes to make amendments to the PUD site plan for Phase 8 which include:

- Lot size range: 7,446 to 7,673 sq. ft.
- Minimum lot width: 73 ft.
- Lot proportion for newly created lots (max depth to width): 1.25:1
- Maximum building height of principal building: 35 ft.
- Maximum building height of accessory detached buildings: 24 ft., but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 ft.
- Side Yard Setback: Principal Buildings: 6 ft. on detached side; 0 ft. on attached side
- Side Yard Setback: Accessory Buildings: 2 ft. and must meet building code
- Rear Yard Setback: 10 ft.
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%
- Creation of condominium units in lieu of single-family units on the southern side of Northview Avenue.
- Parcelizing the condominium units into separate lots.

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. Plan elements related to the proposed development include supporting and encouraging efficient, sustainable development and redevelopment, and supporting and encouraging a compatible mix of land uses in newly developing areas. The Growth Policy also states that annexations should be logical and efficient extensions of the City's boundaries and service areas, which applies to this development. Staff concludes the above-cited criteria are substantially met.

It is anticipated the City Commission, at the public hearing on August 7, 2012, will consider the annexation resolution, an annexation agreement and final plat for Northview Addition, Phase 8, simultaneously with Ordinance 3096.

**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:** 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 3096 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.

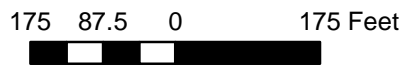
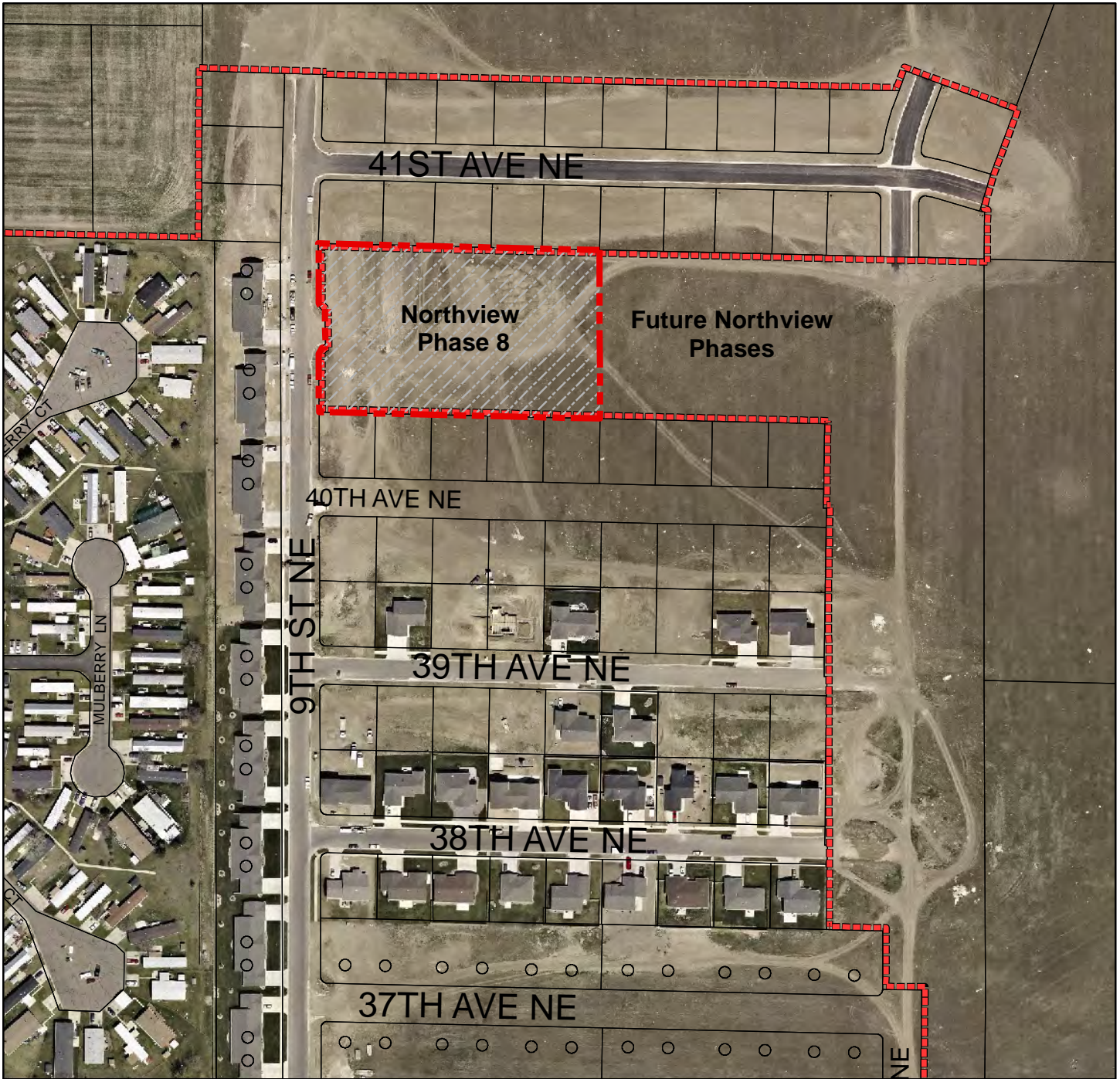
**Attachments/Exhibits:**




- Aerial Photo
- Ordinance 3096 with Attachment A
- Findings of Fact
- Reduced copy of Final Plat

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Jim Workman Construction Co., 1024 36<sup>th</sup> Avenue Northeast, Great Falls, MT 59404  
Woth Engineering, 1725 41<sup>st</sup> St S, Great Falls, MT, 59405



# Aerial Photo



-  Northview Phase 8
-  City Limits
-  Tracts of Land

Northview Phase 8

ORDINANCE 3096

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO NORTHVIEW ADDITION, PHASE 8, IN THE SE¼ SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Jim Workman Construction Co., has petitioned the City of Great Falls to annex Northview Addition, Phase 8 consisting of ±2.652 acres, located in the SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Jim Workman Construction Co., has petitioned Northview Addition, Phase 8, be assigned a zoning classification of PUD Planned unit development district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to Northview Addition, Phase 8, was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 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 classification of Northview Addition, Phase 8, be designated as PUD Planned unit development district, subject to the building envelopes and setbacks 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 Northview Addition, Phase 8, 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  
July 17, 2012.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney

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

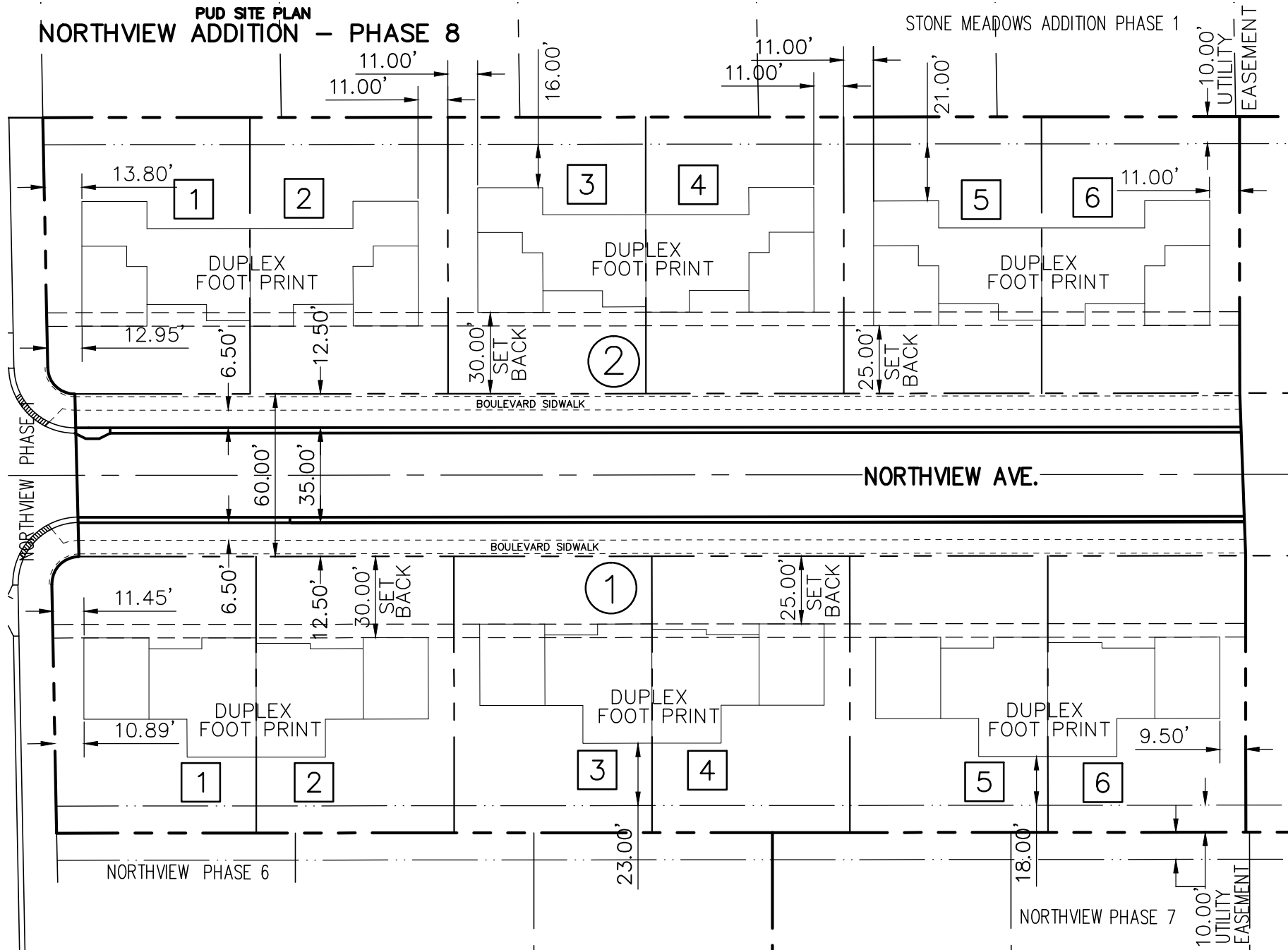
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3096 in three conspicuous places within the limits of said City to-wit:

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

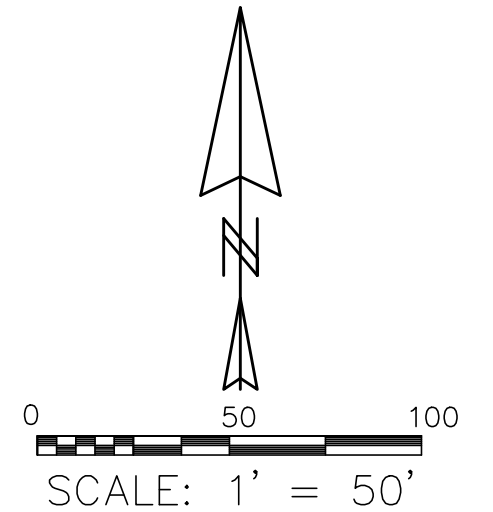
\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

Attachment A  
Ordinance 3096



- Lot size range: 7,446' to 7,673'
- Minimum lot width: 73 ft.
- Lot proportion for newly created lots (max depth to width): 2.5:1
- Maximum building height of principal building: 35 ft.
- Maximum building height of accessory detached buildings: 24', but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 ft.
- Side Yard Setback: Principal Buildings: 6 ft. on detached side; 0 ft. on attached side
- Side Yard Setback: Accessory Buildings: 2 ft. and must meet building code
- Rear Yard Setback: 10 ft.
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%



**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**  
P.O. BOX 7326, GREAT FALLS, MONTANA 59406



**FINDINGS OF FACT**  
**FOR FINAL PLAT OF NORTHVIEW ADDITION PHASE 8, A SUBDIVISION LOCATED WITHIN**  
**SE ¼, SECTION 25, T21N, R3E, P.M.MT, CASCADE COUNTY, MONTANA**  
**(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

**PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** Utilization of the subdivision site for dry land crop production has diminished due to its proximity to urban residential development. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** The subdivision will connect to City water and sewer mains. The developer will pay the cost of extending the utility mains. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of homes and condos within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ±3.2 miles from the subdivision site. Providing these services to the condominiums in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units, but the subdivision will have a negligible impact on the cost of road maintenance. The developer will have responsibility to install curb, gutter and paving in the roadways within the subdivision. The developer will also incur an obligation of escrowing the cost of City roadway section and 8-inch water main in the future 12th Street Northeast to 36th Avenue Northeast, across Mark 14E1, Section 36, Township 21 North, Range 3 East.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff will flow northwesterly ultimately to private retention ponds that the developer has paid a proportionate share of the design and construction.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is located adjacent to an area containing urbanized development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity. The subdivision does border an open field which contains a single radio transmitting tower that exceeds 500-feet in height.

**REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

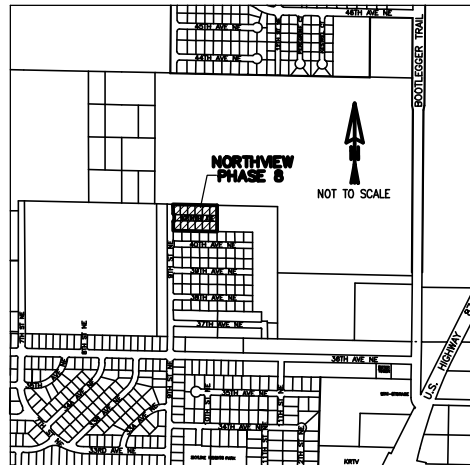
**EASEMENT FOR UTILITIES**

The developer is to provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the Final Plat.

**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision is provided by the abutting 9th Street Northeast, which is public right-of-way maintained by the City of Great Falls. Within each phase, right-of-way will be dedicated and improved to provide access to each lot being created.

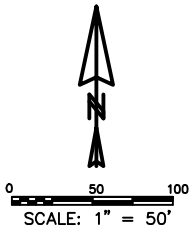
# PLAT OF NORTHVIEW ADDITION - PHASE 8 TO THE CITY OF GREAT FALLS A SUBDIVISION IN THE SE 1/4, SECTION 25, T21N, R3E, P.M. MT, CASCADE COUNTY, MONTANA



VICINITY MAP

**LEGEND**

- SET 5/8"x 24" IRON PIN AND CAP
- FOUND IRON PIN AND CAP
- STREET MONUMENT
- ① BLOCK NUMBER
- 1 LOT NUMBER
- P.O.B. POINT OF BEGINNING
- SF SQUARE FEET
- (0°00'00") RECORD BEARING
- - - - - ADDITION BOUNDARY
- - - - - NEW PROPERTY LINES
- - - - - EXISTING PROPERTY LINES
- - - - - STREET CENTER LINES
- - - - - FUTURE DEVELOPMENT
- - - - - UTILITY EASEMENTS

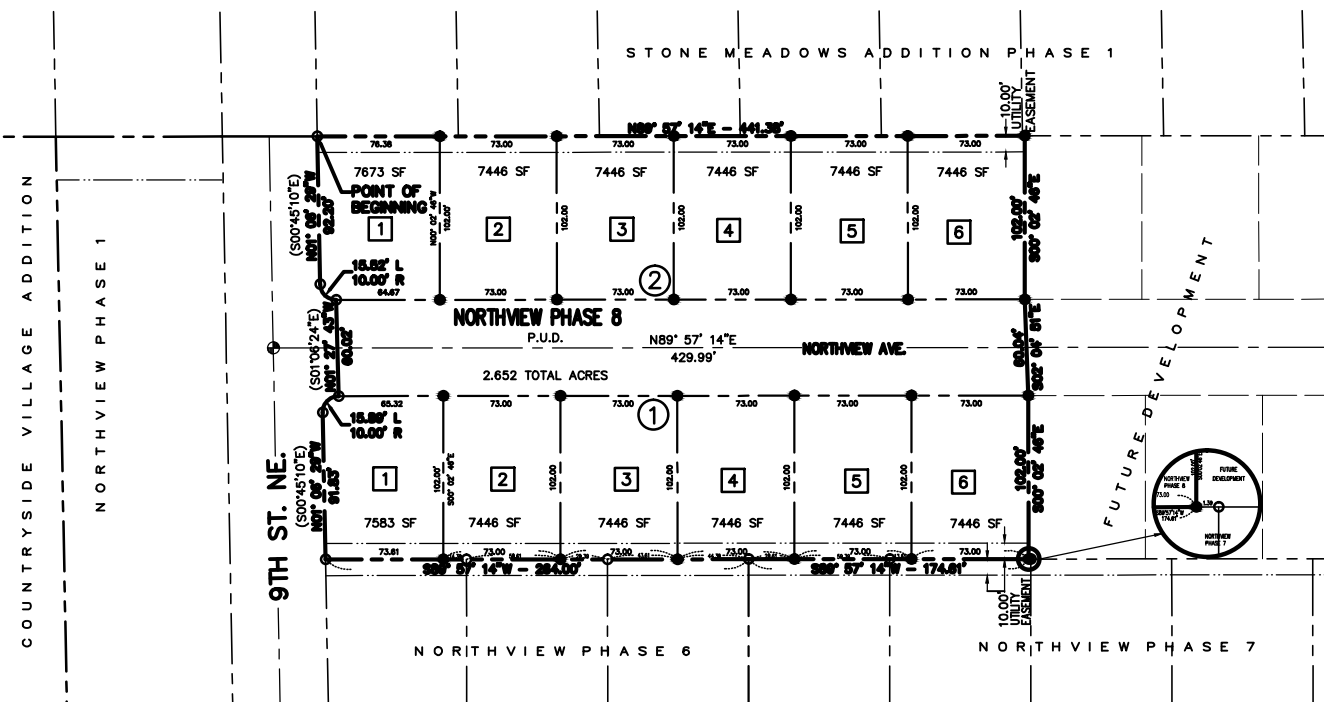


**BASIS OF BEARING**

BASIS OF BEARING IS TRUE NORTH  
BASED ON GEODETIC INVERSES USING  
SURVEY GRADE G.P.S. SYSTEM.

**AREAS**

STREET	25800 SF = 0.592 ACRES
LOTS	89800 SF = 2.060 ACRES
TOTAL AREA	115516 SF = 2.652 ACRES



**CERTIFICATE OF DEDICATION**

We, the undersigned property owners, do hereby certify that we have caused to be surveyed and platted into lots, blocks, streets and avenues as shown by the attached plat, the tract of land to be known as the PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, a subdivision in the SE 1/4, Section 25, T21N, R3E, P.M. MT, Cascade County, Montana, more fully described as follows:

Beginning at the Northeast corner of Northview Addition Phase 1 to the City of Great Falls as filed in the office of the Clerk and Recorder of Cascade County, Ac... [Detailed legal description of the tract boundaries follows in small print.] ...the easterly boundary of said Northview Addition Phase 1 which boundary is also the easterly right of way 9th Street NE. The described tract contains 2.652 acres.

The above described tract of land is to be known and designated as the PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana, and the land included in all streets and avenues shown on said plat are hereby granted and donated to the use of the public forever.

**JIM WORKMAN CONSTRUCTION CO.**

JIM WORKMAN, PRESIDENT

KATHLEEN WORKMAN, SEC. / TREAS.

STATE OF MONTANA )  
County of Cascade )

On this \_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary Public, in and for the State of Montana, personally appeared JIM WORKMAN & KATHLEEN WORKMAN, known to me to be the President and Sec. / Treas. respectively of the corporation above and are the persons who executed the foregoing Certificate of Dedication and they acknowledged to me that they executed the same.

SEAL

NOTARY PUBLIC, State of Montana  
Residing at Great Falls, Montana  
My Commission Expires \_\_\_\_\_

Print Notary Public Name \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

I, DALE E. SCHAEFFER, Professional Engineer and Land Surveyor, Montana Reg. No. 5206ES, do hereby certify that in June, 2012 I supervised the survey of the tract of land shown on the attached PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Dedication. The survey was made in accordance with the provisions of Title 76, Chapter 3, Part 4, MCA.

SEAL

DALE E. SCHAEFFER, PEALS  
Montana Reg. No. 5206ES

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**

We, the undersigned, JOHN HARDING, President of the said Great Falls Planning Board, Great Falls, Cascade County, Montana, and MIKE HAYNES, Secretary of the Great Falls Planning Board, do hereby certify and attest that the accompanying PLAT OF NORTHVIEW ADDITION - PHASE 8 an addition to the City of Great Falls, Cascade County, Montana, has been submitted to the said Great Falls Planning Board for examination by them and was found by them to conform to law and was approved at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

William Roberts, President, Great Falls Planning Board

MICHAEL HAYNES, Secretary of the Great Falls Planning Board

**CERTIFICATE OF PUBLIC WORKS DIRECTOR**

I, JIM REARDEN, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana, and the survey that it represents, and I find the same conforms to the regulations governing the platting of land and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same on this \_\_\_ day of \_\_\_\_\_, 2012.

JIM REARDEN, Public Works Director, City of Great Falls

**CERTIFICATE OF CITY COMMISSION**

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that this PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana, was duly examined and approved by the Commission of the City of Great Falls at its regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2012.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES**

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the facilities of the City of Great Falls, Cascade County, Montana, and that this certificate is made pursuant to Section 76-4-124, MCA, thereby permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat. Dated this \_\_\_ day of \_\_\_\_\_, 2012.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

**CERTIFICATE ACCEPTING A CASH DONATION IN LIEU OF PARK DEDICATION**

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, made the following order at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2012, to-wit: "The City Commission found no necessity due to the size and location of the proposed residential subdivision for the setting aside or dedication of any park or playground within the platted area of the PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana. It is hereby ordered by the Commission of the City of Great Falls, Cascade County, Montana, that a cash donation in the sum of \$\_\_\_\_\_ be accepted for the park fund in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76-3-821(4), MCA". Dated this \_\_\_ day of \_\_\_\_\_, 2012.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

**CERTIFICATE OF COUNTY TREASURER**

I, JAMIE BAILEY, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying PLAT OF NORTHVIEW ADDITION - PHASE 8 to the City of Great Falls, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. Dated this \_\_\_ day of \_\_\_\_\_, 2012.

JAMIE BAILEY, Cascade County Treasurer