



Item: Ordinance 3111 to assign City zoning to West Ridge Addition, Phase VI

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

Initiated By: S & L Development, Property Owner and Developer

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission accept Ordinance 3111 on first reading and set a public hearing for September 3, 2013.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3111 on first reading and set a public hearing for September 3, 2013.”

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

Recommendation: At the conclusion of a public hearing held on April 9, 2013, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of West Ridge Addition, Phase VI), and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density district upon annexation to the City. During a meeting held May 7, 2013, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition, Phase VI, subject to fulfillment of the following conditions of approval:

1. The Final Plat of West Ridge Addition, Phase VI 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 for West Ridge Addition, Phase VI, shall be submitted to the City Public Works Department for review and approval, including resolution of the items listed in the Inter-Office Memorandum attached to this report, prior to consideration of the Final Plat.
3. Applicant shall enter into an Annexation Agreement which shall contain terms and conditions for annexation of the area within the 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 Condition 2 above;

- b. indemnify and hold the City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
- c. adjust the finished grade of the lots, limit basement construction and/or install sewage grinder, or injector type lift pumps in order to accommodate the sanitary sewer within the subdivision. The developer shall disclose this information to all prospective buyers of lots in the subdivision.
- d. provide temporary cul-de-sacs per requirements of Public Works, escrow funds for the future installation of standard curb and gutter, and install a pavement patch when the temporary cul-de-sacs are removed, when future development occurs to the west;
- e. development of lots with temporary cul-de-sacs shall be subject to review and approval by Public Works and Planning and Community Development Departments prior to development;
- f. either secure approval from the adjoining land owner to allow drainage from the street to the adjoining property, or provide an easement and construct a temporary drainage ditch along the westerly edge of the subdivision and a detention pond on the developer's property located north of subdivision;
- g. pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

Background: The ±7.99 acre subject property is located generally west of 2nd Street Northeast and north of 38th Avenue Northeast. The developer is requesting approval of the Final Plat, City zoning and annexation of West Ridge Addition, Phase VI. The proposed subdivision consists of 24 single-family residential lots. The subject property is legally described as West Ridge Addition, Phase VI, in SE1/4 of Section 26, Township 21 North, Range 3 East, PMM, Cascade County, Montana.

During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition, Phases V & VI, as recommended by the Planning Advisory Board. The Final Plat for West Ridge Addition, Phase V, was approved by the City Commission on June 17, 2008. The developer did not proceed with West Ridge Addition, Phase VI, and the Preliminary Plat approval expired on January 8, 2011. The developer re-processed the Preliminary Plat and is now requesting approval of the Final Plat of West Ridge Addition, Phase VI. For additional information, please refer to the attached Aerial Photo, Zoning Map and Final Plat. Similar to West Ridge Addition, Phases I-V, Phase VI will consist of single-family lots that are then sold for development. The majority of West Ridge Addition, Phases I-V are built out.

Final Plat Request

The applicant is requesting a Final Plat of the subject property, which would subdivide the property into 24 single-family residential lots. The applicant submitted a Final Plat, which shows the layout for the proposed subdivision (attached).

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. Staff has provided a written findings of fact that weigh the criteria in of 76-3-608 (3) MCA (attached).

Rezone Request

The applicant is requesting that the subject property be rezoned from County SR1-Suburban Residential 1 to R-3 Single-family high density residential district upon annexation into the City of Great Falls.

The proposed zoning is compatible with the other Phases of West Ridge Addition. According to the Land Development Code, R-3 Single-family high density residential zoning classification is:

Intended to accommodate single-family residences at the highest urban density. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.

The proposed residential development is consistent with the R-3 zoning standards and is compatible with the existing neighboring uses, which include vacant undeveloped land and single-family residential properties.

Annexation Request

In conjunction with the Preliminary Plat and establishment of City zoning, the developer is requesting annexation of ±7.99 acres from Cascade County into the City of Great Falls.

Improvements

Access to the subject property will be provided by 2nd Street Northeast and 39th and 40th Avenues Northeast. The public roadways contained therein will be improved with standard City paving, curb and gutter, and sidewalks. The developer will be required to reimburse the City their proportional share of paving, curb and gutter, and water main previously installed in 2nd Street Northeast. These avenues will dead-end on the western property boundary. Temporary cul-de-sacs will be installed at the west termini of 39th and 40th Avenues Northeast. The cul-de-sacs shall meet standards required by the Fire Department. The cul-de-sacs, as shown on the Plat, shall be located within the public right-of-way and easements on adjacent lots within the development. The developer will be required to install a standard pavement section in the street portion of the cul-de-sac. The developer will be required to escrow funds to restore curb and gutter, pavement, sidewalk, driveways, and landscaping to said lots when the temporary cul-de-sacs are removed and future development occurs to the west. The Planning and Community Development and Public Works Departments Development shall review and approve proposed development on any of those lots where the cul-de-sacs are partially located.

City water and sanitary sewer mains are proposed to be installed in 39th and 40th Avenues Northeast. The sanitary sewer mains will be extended westerly from the current termini manholes located to the east in 39th and 40th Avenues Northeast. The existing topography of the subdivision will limit the depth at which the gravity sanitary sewer main can be located; therefore, basement construction with standard gravity sewer services will likely be limited. The developer has noted that he will either need to adjust the finished grade of the lots, limit basement construction and/or install sewage grinder or injector type lift pumps. The developer shall disclose this information to all prospective buyers of lots in the subdivision. There is an existing Montana Refinery Crude Oil Line easement that runs through the property. The developer has adjusted lot lines within the subdivision to provide buildable areas on the lots

affected by the easement. The developer will provide easements within the subdivision for utilities such as telephone, cable, power and gas.

Surface drainage from Phase VI will generally flow to the west and north. The developer has provided a 10-foot drainage easement and will construct a temporary drainage ditch along the westerly edge of the subdivision and a detention pond on the developer's property located north of subdivision.

The developer will 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.

2005 City of Great Falls Growth Policy

The application is generally consistent with the 2005 Growth Policy in that it furthers housing and expansion in the City. Overall the project is a logical future extension of existing and planned residential growth and services; however, expansion and annexation at this time comes with concerns as to how the area's infrastructure and street connectivity will function in this vicinity. Without information as to how the property to the west will develop, the property owner takes on the responsibility of addressing numerous infrastructure and service concerns incrementally. It would be preferable if there was a cooperative approach toward developing this area of the City.

In terms of the City's housing policy, the Growth Policy calls for the greater opportunities for home ownership, and a diverse, affordable and safe supply of housing for residents of all needs and income levels, including single family homes. This project will add more housing stock and choice in a manner consistent with the City's goals and needs.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. The applicant, presented information to Council #3 on March 7, 2013. The Council asked the applicant about drainage and erosion on the site. The applicant explained the existing drainage went to Watson Coulee. The Council also asked about traffic patterns from the subdivision and the applicant explained that most likely traffic traveling east would use 36th Avenue Northeast and traffic heading south or west would use 2nd Street Northeast. The Council was concerned about the existing pipeline and associated easement that runs through the subject property, and the applicant explained he configured the lots so that there was enough room for a home adjacent to the pipeline. Finally, the Council asked about if the applicant would be dedicating park land, and the applicant explained that he would be paying cash in lieu of dedicating land.

The Council made a unanimous recommendation in favor of the application and recommended that the cash provided by the applicant for the park land be used for Skyline Park. Additionally, Staff has received written comment about a concern for run-off of storm water to the property to the west of the subdivision and a concern for fill soils being brought onto the property for development. Public Works shall require the developer to provide adequate accommodations for stormwater run-off, and the City will require soil testing prior to each home being built in the subdivision.

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 an additional cost to the City. Increased costs may be covered by increased tax revenues from improved properties.

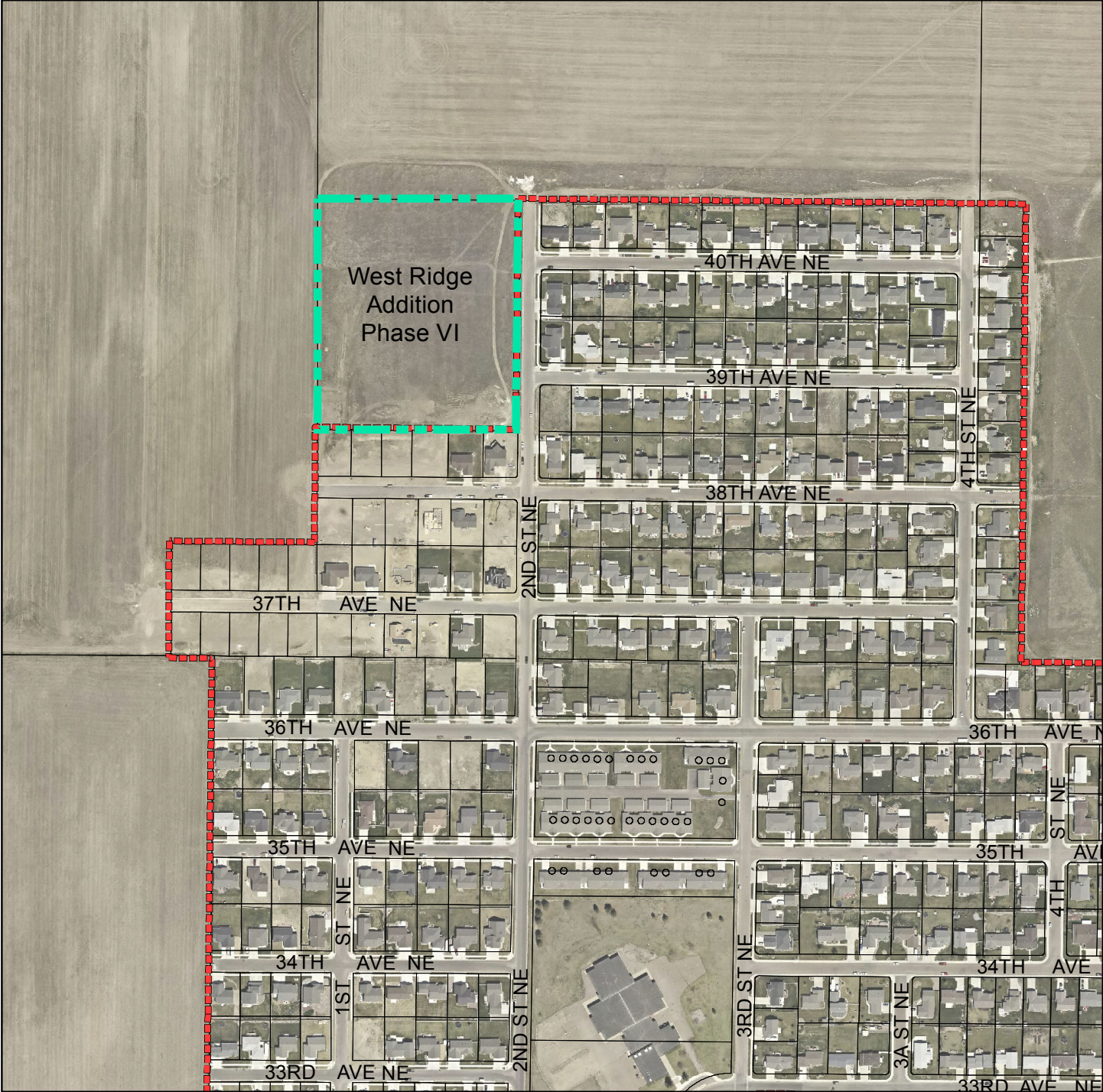
Alternatives: The City Commission could deny acceptance of Ordinance 3111 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.




Attachments/Exhibits:

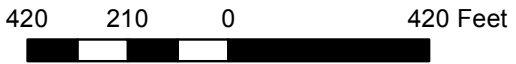
- Aerial Photo
- Zoning Map
- Ordinance 3111
- Final Plat
- Findings of Fact
- Inter-Office Memorandum

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Susan Connell, Cascade County, sconnell@co.cascade.mt.us
Gary Knudson, S&L Development, gknudson.eng70@yahoo.com

Aerial Photo

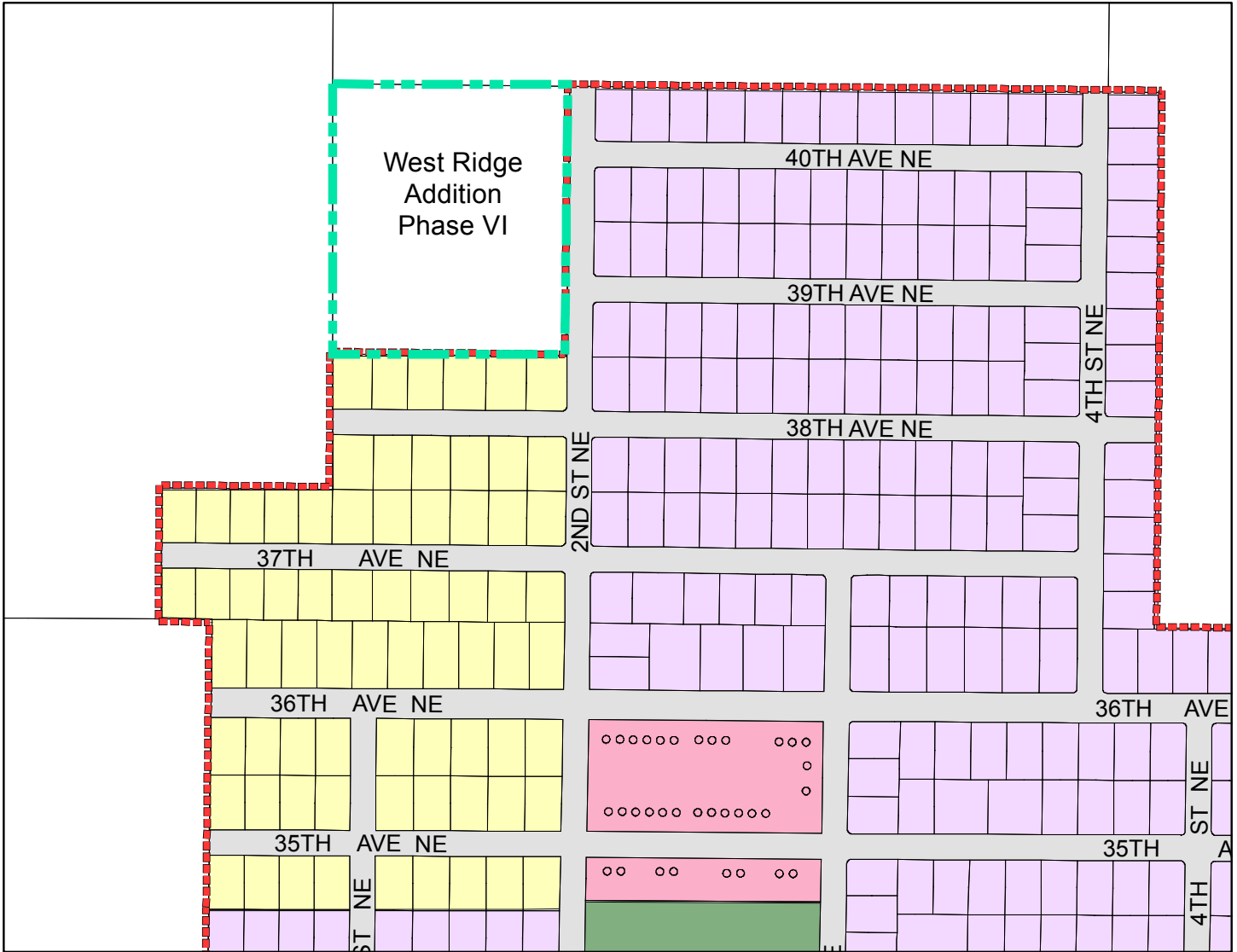



























-  West Ridge Addition, Phase VI
-  City Limits
-  Tracts of Land



West Ridge Addition, Phase VI

Zoning Map



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



West Ridge Addition, Phase VI

ORDINANCE 3111

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO WEST RIDGE ADDITION PHAS VI, IN SE1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, S & L Development, LLC is the owner of record and has petitioned the City of great Falls to annex West Ridge Addition, Phase VI, consisting of ±7.99 acres, located in SE1/4 of Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development has petition said West Ridge Addition, Phase VI, be assigned a city zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classifications to West Ridge Addition, Phase VI, was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 3rd day of September, 2013, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that 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 West Ridge Addition, Phase VI, be designated as R-3 Single-family high density district classification.

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 West Ridge Addition, Phase VI 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 on first reading August 6, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, 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 3111 in three conspicuous places within the limits of said City to-wit:

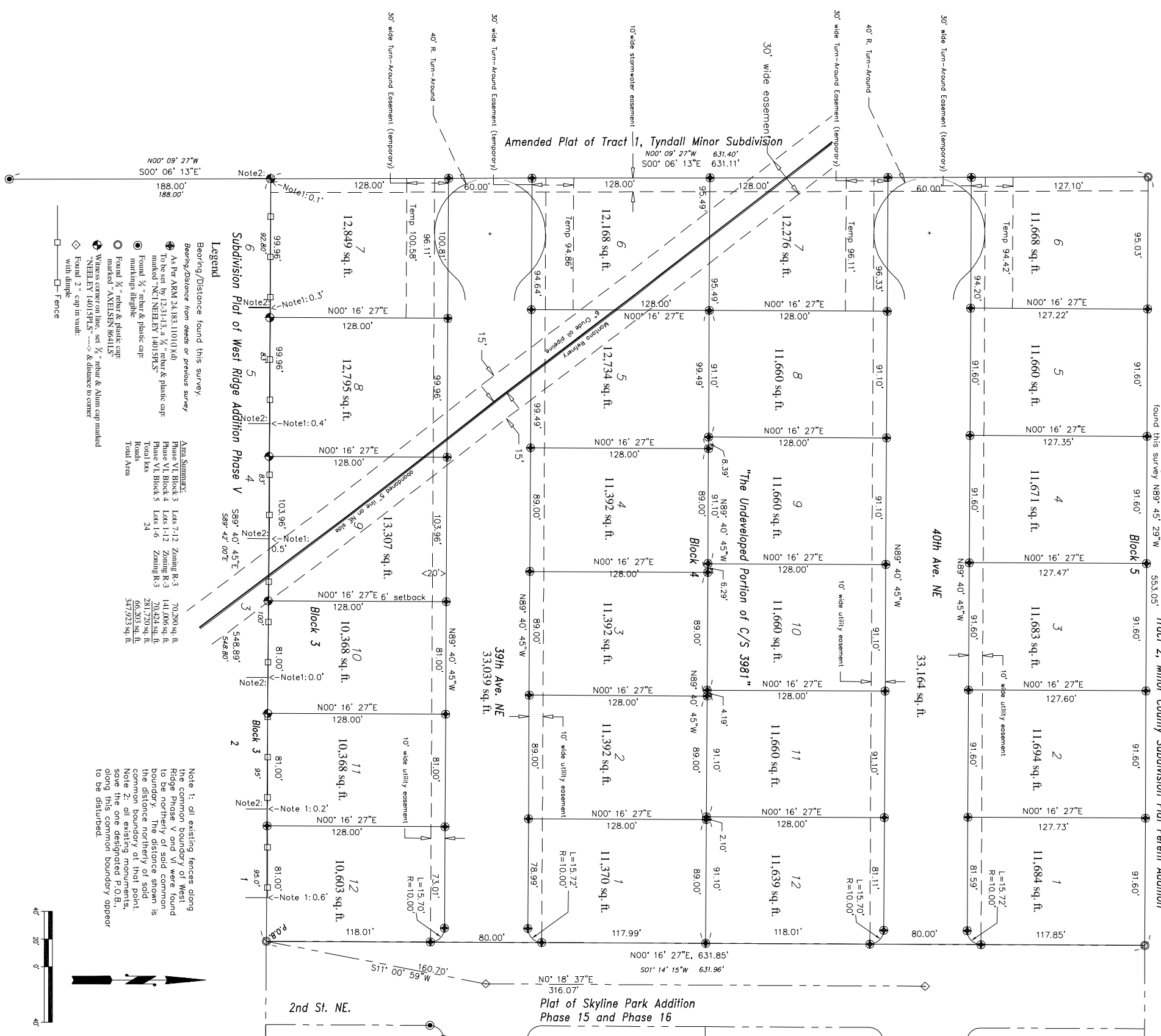
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

Plat of the West Ridge Addition Phase VI SE1/4, Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana

Plat of West Ridge Addition, Phase VI



We, the undersigned property owners of "The Undeveloped Portion of C/S 3981", do hereby certify that we have caused to be surveyed, subdivided, and platted into lots and blocks, and for the purpose of dedicating streets, as shown by the plat hereon annexed, the following described encroaching parcel of land in the City of Great Falls, Cascade County, Montana, to wit:

Description

A parcel of land in Southeast quarter (SE1/4) of Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, containing 36.76 acres, more or less, as shown by the plat hereon annexed, is hereby surveyed, subdivided, and platted into lots and blocks, and for the purpose of dedicating streets, as shown by the plat hereon annexed. The above described parcel of land, hereinafter to be known and designated as **Plat of West Ridge Addition, Phase VI** to the City of Great Falls, Cascade County, Montana and the land included in all streets and easements shown on said plat are hereby granted and donated to the use of the public forever.

Signed:

SEI Development, LLC (Printed Name) SEI Development, LLC (Printed Name)
 State of Montana, County of Cascade, ss:
 On this _____ day of _____, 2013, before me a Notary Public in and for the State of Montana personally appeared _____, known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed. I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana
 Printed Name: _____
 Residing at: _____
 My Commission Expires: _____

Certificate of Surveyor
 I, David P. Nealey, a Licensed Professional Land Surveyor, do hereby certify that I performed the survey shown on the attached plat of West Ridge Addition, Phase VI, in accordance with the laws of the State of Montana, and that said survey is true and complete as shown and described on the plat hereon annexed. The date of the plat is _____ day of _____, 2013.
 As per AMN 4.133.1101(1)(b), due to planned improvement to the plat, the monuments in place at the time of filing (as depicted on the plat) will be replaced by the 31" day of December, 2013.
 Dated this _____ day of _____, 2013.
David P. Nealey, PLS (Printed Name) DAVID P. NEALEY (Printed Name)

Certificate of County Treasurer
 Treasurer of Cascade County, Montana do hereby certify that I have examined the records covering the taxes included in this **Plat of West Ridge Addition, Phase VI**, this City of Great Falls, Cascade County, Montana, and find that the taxes in same have been paid for the past five years. Tax Parcel #0002579700.
 Dated this _____ day of _____, 2013.
 _____ (Printed Name) _____ (Printed Name)
 County Treasurer
 Cascade County, Montana

Certificate of Final Plat Approval
 The City Commission of the City of Great Falls, Cascade County, 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, this _____ day of _____, 2013.
 _____ (Printed Name) _____ (Printed Name)
 City Manager, City of Great Falls, Montana

TEMPORARY TURN-AROUND EASEMENT
 S&L Development, LLC (Owner) hereby grants unto the City of Great Falls, Montana, a thirty-foot (30') wide easement, located on Lot 1 of Block 4 and Lot 5 of Block 5 as shown on this plat of West Ridge Addition, Phase VI, for the purpose of providing for the maintenance and use of a 40' radius Turn-Around constructed by the Owner. The Owner agrees to not construct any structures within the easement. The City of Great Falls agrees that this temporary easement will be released upon the expiration of 39th Ave. NE and 40th Ave. NE to the west of this Plat. This temporary easement will be attached to the easements of the future owners of said Lot 1 of Block 4, Lots 6 & 7 of Block 4, and Lot 6 of Block 5. The owner(s) of said Lot 1 of Block 4, and Lot 6 of Block 4, and Lot 6 of Block 5 may not file in compliance with building and zoning codes, the 40' radius Turn-Around as constructed, after the vacation of this easement.

JOB NO.: 1302 Phase 6
 DATE: 5-16-2013
 DRAWN BY: D. Nealey
 CHECKED BY: D. Nealey
 SHEET NO. _____ OF _____
 FILE # _____

NO ENGINEERING CO.
 4509 North Star Blvd.
 P.O. Box 6300
 Great Falls, MT 59406-6350
 Phone: 406-453-5478
 Fax: 406-453-2009

FINDINGS OF FACT
FOR FINAL PLAT OF WEST RIDGE ADDITION, PHASE VI, A SUBDIVISION LOCATED WITHIN
THE SE1/4 OF SECTION 26, T21N, R3E, P.M.M, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

Finding of Fact (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. Approval of the subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: Lots in 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 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 ±2.7 miles from the subdivision site. Providing these services to the homes in the subdivision is expected to be a cost to the City. Increased tax revenues from improved properties may cover increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units. The subdivision will have a impact on the cost of road maintenance. The developer will have responsibility to install curb, gutter, sidewalks and paving in the roadways within the subdivision. The developer shall reimburse for the existing improvements to 2nd Street Northeast.

Effect on the Natural Environment: The subdivision, which consists of 24 lots, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from Phase VI will generally flow to the northwest. The developer has provided a 10-foot drainage easement along the western boundary of the subdivision and shall construct a temporary drainage ditch along the western edge of the subdivision which will flow to the north. The developer shall construct a detention pond on the developer's property north of subdivision to detain run-off.

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. A petroleum pipeline does traverse the subdivision. The developer has designed the lots to accommodate the pipeline. Lots with the pipeline running across shall be reviewed by the Planning and Community Development Department prior to building permits being issued.

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 shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.

LEGAL AND PHYSICAL ACCESS


Dedicated public roadways, which will be improved to municipal standards and maintained by the City, provide legal and physical access to the subdivision and to each proposed lot in the subdivision.

**City of Great Falls
Public Works/Engineering**

INTER-OFFICE MEMORANDUM

April 3, 2013

TO: Jana Cooper, Planner II

FROM: Dave Dobbs, City Engineer 

SUBJECT: Public Works Department Comments – West Ridge Phase VI,
O. F. 1341.6

Public Works has performed a preliminary review of the proposed subdivision. The following comments include several significant items that will need to be resolved before final approval can be granted:

1. There may be reimbursement due to the City for utilities and roadway improvements in 2nd Street NE. The files from the Skyline Park Additions on the east side of 2nd Street NE will need to be reviewed to calculate the exact amounts due to each fund.
2. Site storm runoff must be controlled. If an agreement cannot be reached with the adjoining property owner to the west, it will be necessary to control the water on site and on the land the applicant owns north of the subdivision. Also, drainage entering the southwest corner of the site from Phase V and being held in the temporary pond will need to be handled. A drainage easement on the west edge of the subdivision might be required. These and other issues must be addressed in the storm drainage report.
3. The MRI petroleum pipeline may need to be lowered and capped according to MRI requirements. Given the diagonal nature of the pipeline, it appears that some of the building envelopes will be quite limited.
4. Temporary cul-de-sacs will be required at the west end of the Avenues. These will adversely impact the development of the western lots. Since the cul-de-sacs will be eliminated with the avenues are extended west, funds need to be escrowed to cover these future costs.
5. Due to the shallow existing sanitary sewers, grade of the land, and general slope to the northwest, achieving adequate sewer depth will be difficult, especially on 40th Avenue NE. Some filling would help, although too much will be detrimental to avenue extension farther west. Until final plans are available for review, approval of the infrastructure cannot be given. It was noted today that fill material is being trucked to the site from North View. This raises concerns regarding compaction for not only roads but also house sites.

6. Grading to achieve positive drainage and adequate street grades will be closely scrutinized due to the flat nature of the site.

Please feel free to contact me if any questions arise.

File: 13416plngA