

Agenda #<u>13</u>

Commission Meeting Date: November 18, 2014

CITY OF GREAT FALLS COMMISSION AGENDA REPORT

Item: Ordinance 3126 to assign City zoning classification of PUD, Planned Unit

Development, to Northview Addition, Phase 9, legally described as SE ¼ Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County,

Montana, located at Northview Avenue and 12th Street NE.

From: Garrett Norman, Planner I, Planning and Community Development

Initiated By: Jim Workman Construction Co., Property Owner and Developer

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

Action Requested: City Commission accept Ordinance 3126 on first reading and set a public

hearing for December 16, 2014.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/deny) Ordinance 3126 on first reading and set a public hearing for December 16, 2014."

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

Recommendation: At the conclusion of a public hearing held on September 23, 2014, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the annexation, Final Plat, and amendment to the originally approved Planned Unit Development (PUD) site plan for Northview Addition, Phase 9, subject to the accompanying Findings of Fact, and fulfillment of the following Conditions of Approval:

- 1. The Final Plat of Northview Addition, Phase 9, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
- 2. 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 public water and sewer improvements by September, 2015, based on conditions of approval from Montana Department of Environmental Quality in 2012;
 - b) install all other public improvements in accordance with the approved civil plans in 2012 for Northview Addition, Phase 8 and 9;
 - c) to indemnify and hold City harmless for any damages that may be sustained as a result

- of adverse soil and/or groundwater conditions;
- d) to adhere to the attached PUD site plan in conjunction with the development of Phase 9;
- e) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.
- 3. Applicant shall work with the City's addressing department to establish a new address for the proposed residences.
- 4. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

Background:

During a meeting held on February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition, as recommended by the Planning Advisory Board. Northview Addition, Phase 9, is a portion of the Preliminary Plat. The developer is requesting approval of the annexation, Final Plat, and amendment to the previously approved PUD site plan for Northview Addition, Phase 9. The major subdivision of the Final Plat consists of 12 single-family residential lots that are $\pm 7,500$ square feet each. Similar to Northview Addition, Phase 8, the developer is creating townhouse units.

Final Plat Request

The Final Plat consists of ± 2.652 acres, which is proposed to be subdivided into 12 lots to accommodate 12 townhouse units. The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, final 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 Montana Code Annotated (MCA). The governing body shall issue written Findings of Fact that address the criteria of 76-3-608(3) MCA, which are attached to this report.

Annexation Request

The developer is requesting annexation of ± 2.652 acres from Cascade County into the City of Great Falls. The developer shall comply with all of the stipulated conditions that were part of the Preliminary Plat approved by the City Commission on February 6, 2007.

Rezone Request

Subject to approval of the Final Plat and annexation of Northview Addition, Phase 9, the property shall be zoned as set forth in the Preliminary Plat. The proposed City of Great Falls zoning classification is PUD. There are portions of the Northview Addition subdivision that are developed with single-family units and portions that are developed with townhouse units. These two uses are traditionally permitted in different zoning districts, but by using the PUD zoning district, a mix of residential uses can be established within close proximity to one another.

The developer is proposing an amendment to the Preliminary Plat and original PUD site plan for Phase 9 because the previously approved Preliminary Plat and site plan called for townhouse units on the north side of Northview Avenue and detached single-family units to the south. The amended site plan requests townhouse units on both sides of Northview Avenue. The proposed amendments to the PUD site plan are consistent with the overall intent and purpose of the

previously approved Preliminary Plat and PUD site plan. The developer has submitted the revised PUD site plan to be adopted, which is Attachment A of Ordinance 3126.

Montana Code Annotated 76-3-615 allows consideration of new information by the governing body related to a proposed subdivision. Typically, the Planning Advisory Board/Zoning Commission would not hold a public hearing on final plat recommendations for a subdivision; however, in this case, being there is new information, staff determined it would be best to hold a public hearing to describe the PUD amendments, pursuant to the public notice requirements of State Statute, while providing ample opportunity for public comment.

Original PUD site plan development standards:

- Lot size range: 8,953 to 8,978 square feet
- Minimum lot width: 88 feet
- Lot proportion for newly created lots (max depth to width): 1.6:1
- Maximum building height of principal building: 35 feet
- Maximum building height of accessory detached buildings: 24 feet, but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 feet
- Side Yard Setback: Principal building and accessory buildings: 6 feet each side
- Rear Yard Setback: 10 feet
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%
- Density: 3.7 dwelling units per acre

Proposed PUD site plan development standards:

- Lot size range: 7,446 to 7,675 square feet
- Minimum lot width: 73 feet
- Lot proportion for newly created lots (max depth to width): 1.25:1
- Maximum building height of principal building: 35 feet
- Maximum building height of accessory detached buildings: 24 feet, but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 feet and 30 feet
- Side Yard Setback of Principal Buildings: 11 feet and 9.5 feet on detached side; 0 feet on attached side; 12.11 feet on corner lots
- Rear Yard Setback: 26 feet and 31 feet for lots north of Northview Avenue; 28 feet and 33 feet for lots south of Northview Avenue.
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%
- Creation of townhouse units in lieu of detached single-family units on the southern side of Northview Avenue.
- Density: 4.5 dwelling units per acre

Improvements

Roadways

Phase 9 of Northview Addition will include extension of Northview Avenue to the east, connecting to 12th Street NE. The extension of 12th Street NE to 36th Avenue NE is also part of the Northview Addition subdivision and was advertised for bid on September 26, 2014. The contract was awarded by the City Commission on October 7, 2014. The 12th Street NE roadway improvements are expected to be complete by Spring, 2015. Both roadways will be improved to City standards with paving, curb, and gutter.

Utilities

City water main (8") will be extended from the stubbed lines from Phase 8 on Northview Avenue. As with previous phases, escrow monies for the one-half block roadway and water extension of 12th Street NE to 36th Avenue NE will apply. Sewer mains were installed during Phase 10. Easements will be provided within the plat for the installation of private utilities.

Stormwater Management

Based on land contours, the area generally slopes to the north. The City Engineer's Office has had a regional stormwater detention master plan designed to serve this and future development in the area. As each development is annexed, the developer is required to pay the estimated proportionate share for the construction of the public system.

Park Land

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

Consistency with 2013 City of Great Falls Growth Policy Update

The proposed development is compatible with the 2013 Growth Policy, as it implements specific Goals and Policies contained within related plan elements, and is also consistent with general themes and principles found in the document.

Soc 1.4.13 - Protect the character, livability and affordability of exiting neighborhoods by ensuring infill development is compatible with existing neighborhoods.

The proposed development is compatible with the original Northview Addition master plan and the surrounding neighborhood.

Phy 4.7.6 - Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.

The subject property is contiguous with City limits and the proposed annexation is a logical and efficient extension of the City's boundaries and service areas. Additional 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.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. Patty Cadwell, Neighborhood Council Coordinator, itemized the project on the Council's September 4, 2014 agenda. The

Council did not take a stand on the subject property, but had questions regarding the eastward extension of 40th Avenue NE to Bootlegger Trail. The 40th Avenue NE extension to Bootlegger Trail will be reviewed for connection at the time a proposal for the neighboring property to the east is submitted.

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 3126 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: Ordinance 3126 with Attachment A

Findings of Fact Aerial Map Zoning Map Draft Final Plat

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Patty Cadwell, Neighborhood Council Coordinator

Susan Conell, Cascade County Planning Director, sconell@cascadecountymt.gov

Jim Workman, Jim Workman Construction Co., 1024 36th Ave NE, Great Falls, MT 59404

Spencer Woith, Project Representative, Spencer@woitheng.com

ORDINANCE 3126

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF PUD, PLANNED UNIT DEVELOPMENT, TO NORTHVIEW ADDITION, PHASE 9, IN THE SE ¼ 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 9, consisting of ±2.652 acres, located in the SE ¼ 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 9, be assigned a zoning classification of PUD, Planned Unit Development, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to Northview Addition, Phase 9, was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 16th day of December, 2014, before final passage of said Ordinance herein; and,

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

NOW, THEREFORE BE IT RESOLVED 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 Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of Northview Addition, Phase 9, be designated as PUD, Planned Unit Development, 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 9, 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 18, 2014.

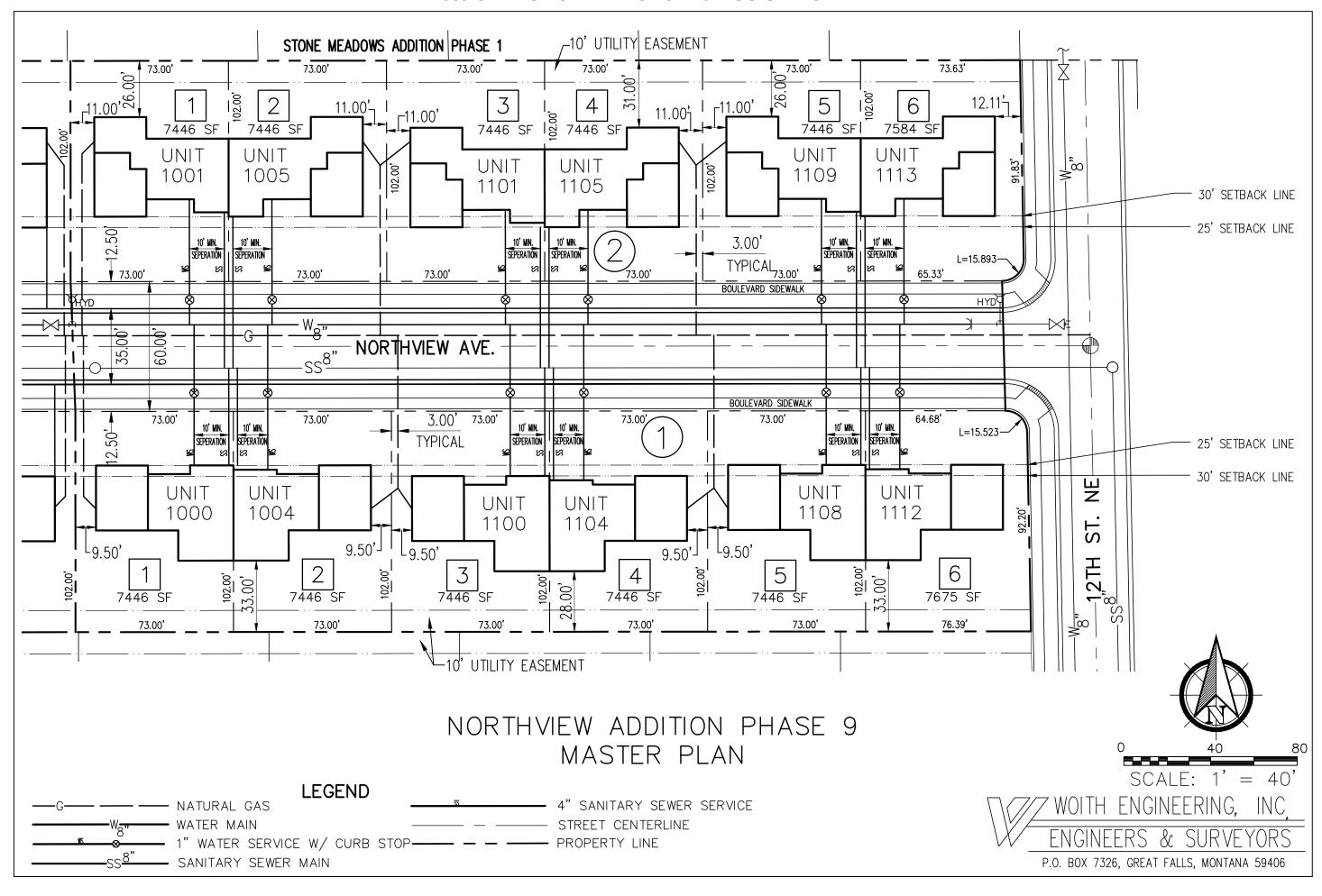
	Michael J. Winters, Mayor
ATTEST:	
Lisa Kunz, City Clerk	
(CITY SEAL)	
ADDROVED FOR LEGAL CONTENT.	
APPROVED FOR LEGAL CONTENT:	
Sara Sexe, City Attorney	
State of Montana)	
County of Cascade : ss	
City of Great Falls)	

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 3126 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 Courthouse;

On the Bulletin Board, C	Great Falls Public Library	
	Lisa Kunz, City Clerk	
(CITY SEAL)		

Attachment A Ordinance 3126



FINDINGS OF FACT

Northview Addition, Phase 9, SE ¼ Section 25, Township 21 North, Range 3 East, P.M.M., 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 the residences 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 residences 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.

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 to private detention ponds.

Effect on Wildlife and Wildlife Habitat: The subdivision is surrounded by 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.

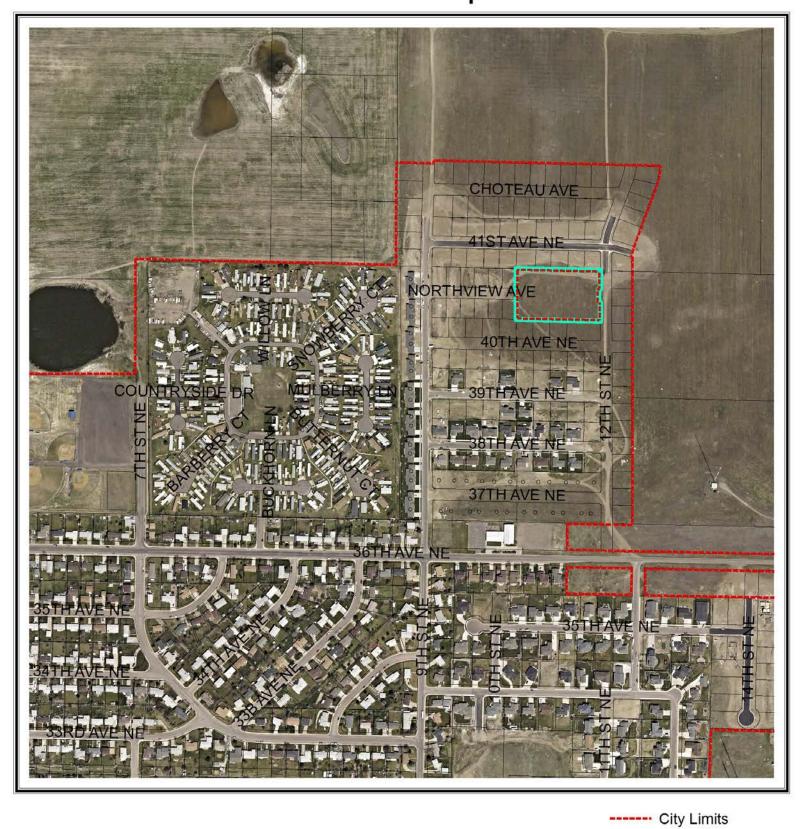
EASEMENT FOR UTILITIES

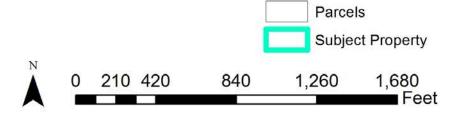
The developer is to provide necessary utility easements to accommodate water mains, sanitary sewer mains, and private utilities to serve all lots of the Final Plat.

LEGAL AND PHYSICAL ACCESS

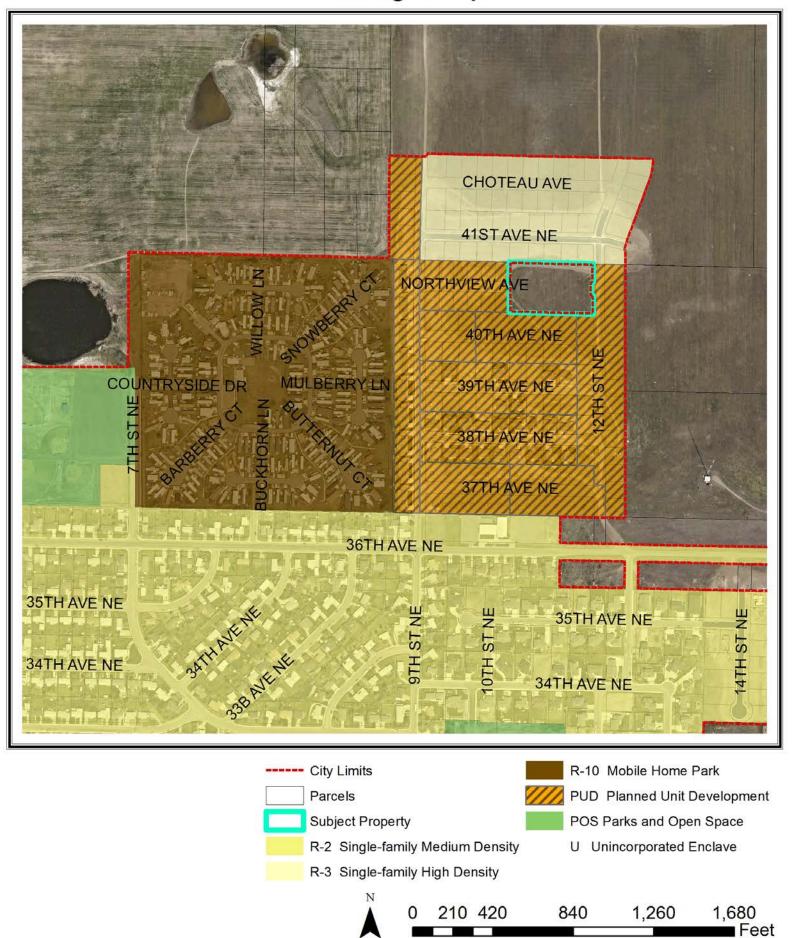
Legal and physical access to the subdivision is provided by 12th Street Northeast and 9th Street Northeast, which are public right-of-ways maintained by the City of Great Falls. Upon completion of Phase 9, all adjoining right-of-ways will be dedicated and improved to provide access to each lot being created.

Aerial Map





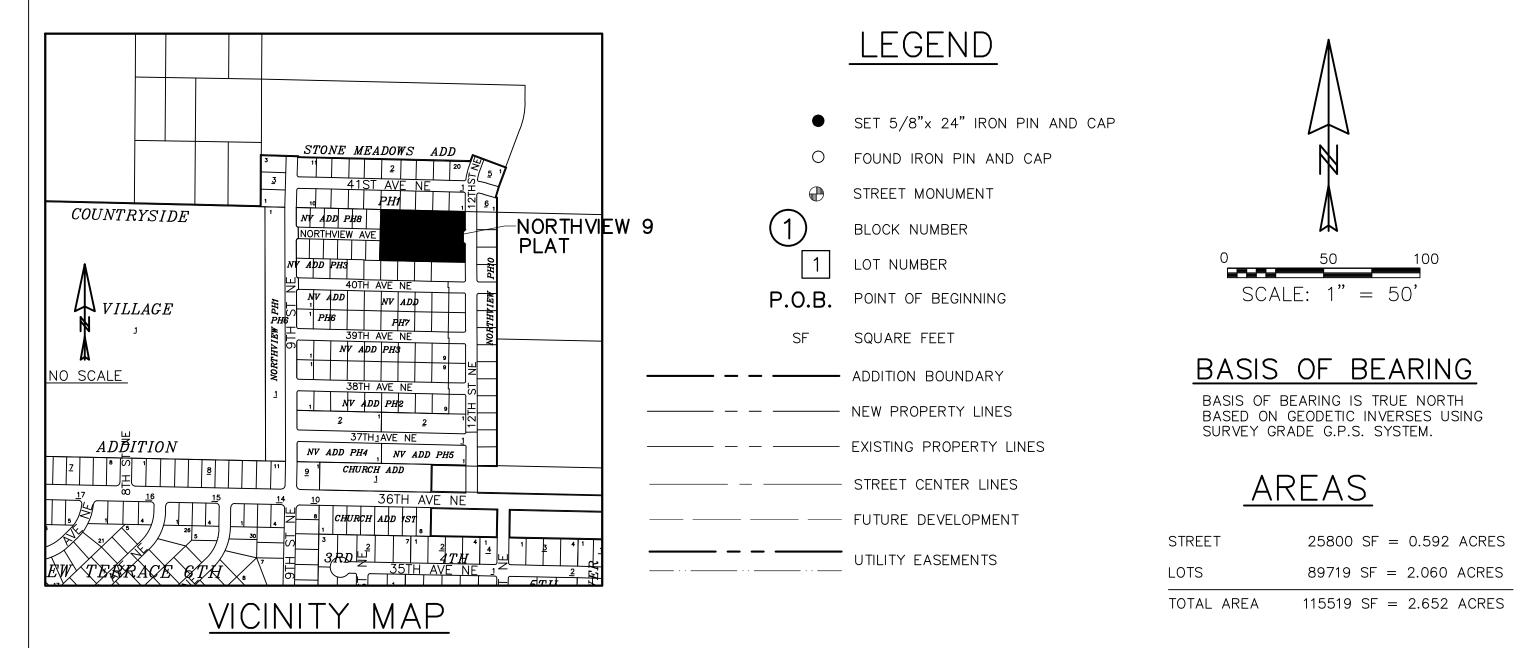
Zoning Map

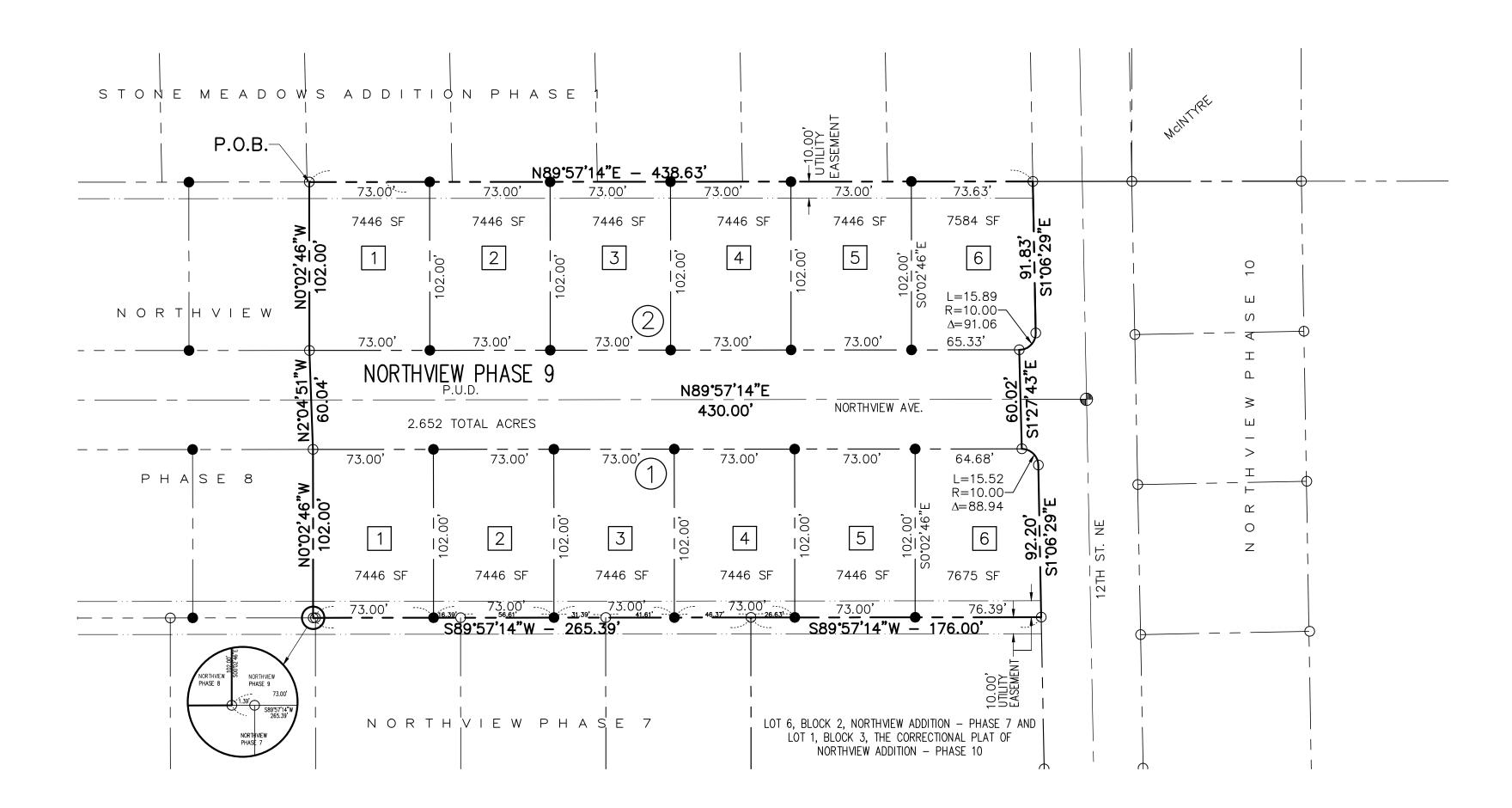


PLAT OF

NORTHVIEW ADDITION - PHASE 9

TO THE CITY OF GREAT FALLS A SUBDIVISION IN THE SE 1/4, SECTION 25, T21N, R3E, P.M. MT, CASCADE COUNTY, MONTANA





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 9 to the City of Great Falls, a subdivision in the SE1/4, Section 25, T21N, R3E, P.M. MT, Cascade County, Montana, more fully described as follows:

Beginning at the Northeast corner of Northview Addition Phase 8 to the City of Great Falls as filed in the office of the Clerk and Recorder of Cascade County, Montana; thence N89° 57'14"E, 438.63 feet along the north boundary of the SW1/4 SE1/4 Section 25, T21N, R3E, P.M. MT to a point; thence S01° 06'29"E, 91.83 feet along the westerly right-of-way of 12th Street NE to a point; thence southwesterly 15.89 feet along a, 10 foot radius, circular curve to the right to a point on the northerly right-of-way of Northview Avenue; thence S1°27'43"E, 60.02 feet to a point on the southerly right-of-way of Northview Avenue; thence southeasterly 15.52 feet along a, 10 foot radius, circular curve to the right to a point; thence \$1°06'29"E, 92.20 feet along the westerly right-of-way of 12th Street NE to a point; thence S89° 57'14"W, 176.00 feet along the northerly boundary of The Amended Plat of Lot 6, Block 2, Northview addition - Phase 7 and Lot 1, Block 3, The Correctional Plat of Northview Addition - Phase 10 as filed in the office of the Clerk and Recorder of Cascade County, Montana; to a point; thence continuing S89° 57'14"W, 265.39 feet along the northerly boundary of of Northview Addition Phase 7 to the City of Great Falls as filed in the office of the Clerk and Recorder of Cascade County, Montana to a point; thence N0°02'46" W, 102.00 feet along the easterly boundary of said Northview Addition Phase 8 to a point on the southerly right-of-way of Northview Avenue; thence N2°04'51" W, 60.04 feet to a point on the northerly right-of-way of Northview Avenue; thence N0°02'46"W, 102.00 feet along the easterly boundary of said Northview Addition Phase 8 to the point of beginning. The described tract containing 2.652 acres.

The above described tract of land is to be known and designated as the PLAT OF NORTHVIEW ADDITION - PHASE 9 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.

KATHLEEN WORKMAN, SEC. / TREAS. JIM WORKMAN, PRESIDENT

STATE OF MONTANA)

County of Cascade)

On this day of __, 2014, 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.

> 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 JULY, 2014 I supervised the survey of the tract of land shown on the attached PLAT OF NORTHVIEW ADDITION - PHASE 9 to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Dedication, and that the survey was made in accordance with the provisions of Title 76, Chapter 3, Part 4, MCA.

DALE E. SCHAEFFER, PE&LS Montana Reg. No. 5206ES

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, R. NATHAN WEISENBURGER, President of the said Great Falls Planning Board, Great Falls, Cascade County, Montana, and CRAIG RAYMOND Secretary of said Great Falls Planning Board, do hereby certify that the accompanying PLAT OF NORTHVIEW ADDITION - PHASE 9 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 _____, 2014.

ATTEST:

R. NATHAN WEISENBURGER, President, Great Falls Planning Board CRAIG RAYMOND, Secretary, 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 9 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 ______, 2014

JIM REARDEN, Public Works Director, City of Great Falls

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 9 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 _____,

CERTIFICATE OF CITY COMMISSION

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____

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 7th day of Aguust, 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 9 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 \$1750.32 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 76-3-621(4), MCA". Dated this_____day of_______, 2014.

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 9 to the City of reat Falls, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. this_____day of_______, 2014.

JAMIE BAILEY, Cascade County Treasurer

FILE: 1416-NV9-PLA