

Agenda #<u>8</u>

Commission Meeting Date: February 17, 2015

CITY OF GREAT FALLS

COMMISSION AGENDA REPORT

Item: Amended Plat of Stone Meadows Addition - Phase II which aggregates

and boundary line adjusts 14 previously platted lots into 11 lots

From: Galen Amy, Planner II, Planning and Community Development

Initiated By: Tim Murphy, Stone Meadows, Inc.

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

Action Requested: Approve Stone Meadows - Phase II Amended Plat

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission approve the Amended Plat of Stone Meadows Addition - Phase II."

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

Recommendation: At the conclusion of a public hearing held January 17, 2015, the Planning Advisory Board recommended that the City Commission approve a request by Stone Meadows, Inc. for an Amended Plat of Phase II which reduces the total number of lots in order to increase the size of some lots. The subject property is legally described as Lots 21-25, Block 2, Lots 19-24, Block 4, and Lots 2-5, Block 5, Stone Meadows Addition - Phase II, in the SE¼ Section 25, Township 21 North, Range 1 East, Cascade County, Montana. The recommendation is subject to the following standard conditions:

- 1. **General Code Compliance**. 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.
- 2. **Amended Plat.** The Amended Plat of the subject property shall incorporate corrections of any errors or omissions noted by Staff.
- 3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

Staff also recommends approval of the proposed Amended Plat of the subject property, subject to the aforementioned conditions of approval being fulfilled.

Background:

On January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Stone Meadows Addition Phase I and Phase II (previously known as Bootlegger Addition Phases I & II). Since that time, the Final Plat of Phase I, consisting of 25 lots, was approved by City Commission on June 3, 2008 and the Final Plat of Phase II, consisting of 30 lots, was approved on July 17, 2012.

The applicant has been responding to the market and preferences of purchasers for this developing area. In early 2014, the applicant processed a rezoning and amended plat application to establish 2-unit townhomes on the western portion of both phases of Stone Meadows Addition. This application was approved.

For additional information on any of the previous Stone Meadows Addition phases or related projects, please refer to the City website or contact the Planning and Community Development Department staff.

Amended Plat Request

The applicant is requesting the Amended Plat of the subject lots, which would aggregate and boundary line adjust 14 lots into 11 lots. This change results in a slight reduction in density and the 11 lots remaining increasing in size by $\pm 1,150 - \pm 4,617$ square feet, with new lot acreages increasing from $\pm 0.211 - \pm 0.223$ to $\pm 0.281 - 0.317$. The applicant submitted a Draft Amended Plat (attached), which shows the proposed lot layout with the dimensional changes.

As previously mentioned in the project background, the final plat of the subject subdivision was approved by City Commission in 2012. However, due to the number of lots being affected in this redesign, 76-3-207 (2)(a) of the Montana Code Annotated, which is found under Miscellaneous Exemption of the Subdivision and Platting Act, requires that "... a division, redesign, or rearrangement of lots that rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder" (the full Statute attached).

The Conditions of Approval and terms of the Annexation Agreement for Stone Meadows Addition - Phase II still apply, but some pertinent points are included hereafter:

Roadways

The Choteau Avenue and 12th Street North roadways within the subdivision will be improved to City standards with paving, curb and gutter. The proposed Amended Plat is a reduction in density which will result in a slight reduction in traffic in the area, as compared to the former approved platting.

Utilities

The 8-inch PVC water in Choteau Avenue needs to be extended to 12th Street Northeast and the 8-inch PVC water main in 12th Street Northeast needs to be extended north, connecting to the Choteau Avenue main and also continuing to the northernmost end of 12th Street North. The fire hydrant that is on the stub of 12th Street North needs to be relocated to the stub on the northernmost end of 12th Street North. There also needs to be a hydrant installed at the intersection of 12th Street North and Choteau Avenue. The 8-inch PVC sewer needs to be extended to the east and both north and south to pick up lots on the east side of 12th Street North.

Utility easements are provided on the amended plat.

Additionally, the applicant should note that the City's DEQ approval of the water and sewer system was completed on October 29, 2012. DEQ requires that those improvements be completed within three years of that date, or the applicant needs to resubmit those plans to DEQ for review again. This includes review fees. The City no longer has an agreement with DEQ for the City to conduct and approve public water and sewer system improvements in accordance with State regulations.

Storm Water Management

The City Engineer's Office has had a regional storm water detention master plan designed to serve this and future development in the area. As each development is annexed, the developer is required to pay their estimated proportionate share.

City of Great Falls Growth Policy Update

The proposed amended plat is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Growth Policy related to encouraging a safe, adequate and diverse supply of housing and fair housing opportunities in the City.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to Council #3 as a courtesy on January 14, 2015.

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: Approval of rezoning will allow the applicant to redevelop a large vacant lot. The improvements will increase the tax base of the City.

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

Attachments/Exhibits: MCA 76-3-207

Draft Amended Plat

Zoomed in area of Amended Plat

Aerial Photo

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Patty Cadwell, Neighborhood Council Coordinator

Tim Murphy, Stone Meadows, Inc., tmmurphy55@yahoo.com

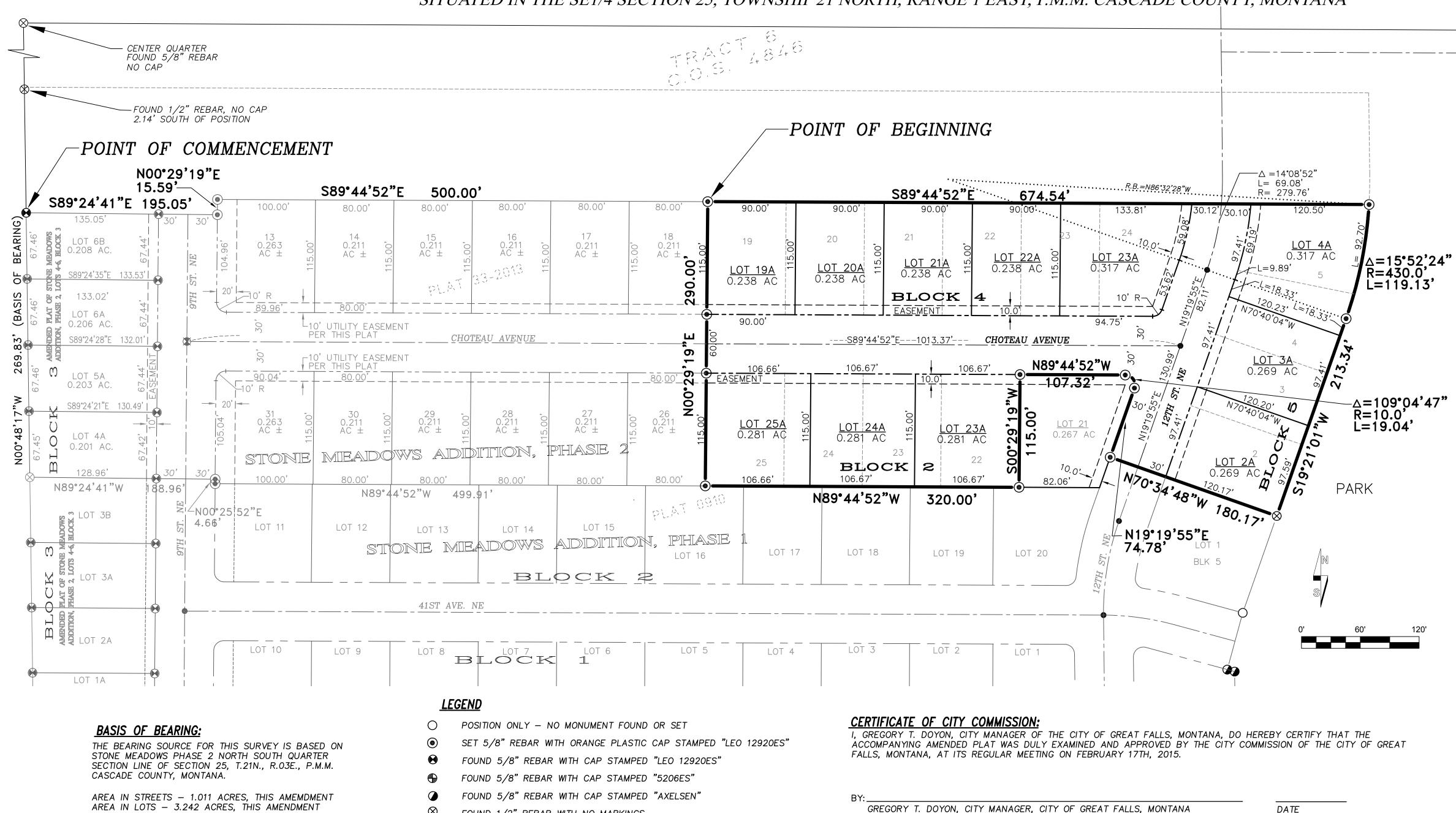
Mark Leo, Big Sky Civil & Environmental, Inc., mleo@bigskyce.com

76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division.

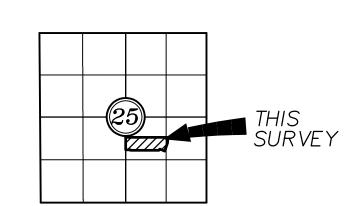
- (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of <u>76-3-401</u> for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:
 - (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;
 - (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;
 - (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;
 - (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;
 - (e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
 - (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
- (2) Notwithstanding the provisions of subsection (1):
 - (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;
 - (b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter.
- (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.
 - (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.
 - (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
- (3)(b) as a partial payment of the total tax that is due.
- (4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

AN AMENDED SUBDIVISION PLAT OF STONE MEADOWS ADDITION - PHASE II

LOTS 22-25, BLOCK 2 AND LOTS 19-24, BLOCK 4 AND LOTS 2-5, BLOCK 5, SITUATED IN THE SE1/4 SECTION 25, TOWNSHIP 21 NORTH, RANGE 1 EAST, P.M.M. CASCADE COUNTY, MONTANA



AREA IN LOTS - 3.242 ACRES, THIS AMENDMENT AREA IN PARKS — O ACRES, THIS AMENDMENT



T. 21 N., R. 03 E.

- FOUND 1/2" REBAR WITH NO MARKINGS
- CENTERLINE MONUMENT
- FOUND NAIL IN ASPHALT
- × REFERENCE MONUMENT(NAIL IN ASPHALT 2' OFFSET)

—— – —— CENTERLINE -----UTILITY EASEMENT

— - - — RIGHT-OF-WAY

----- PROPERTY LINE RELOCATED THIS SURVEY

ABBREVIATIONS

- CALCULATED
- MEASURED DIMENSION
- RECORD DIMENSION

RECORD DOCUMENTS

STONE MEADOWS ADDITION PHASE I - PLAT 0910 STONE MEADOWS ADDITION PHASE II - PLAT 33-2013 AMENDED PLAT STONE MEADOWS ADDITION PHASE II

CERTIFICATE OF SURVEYOR

I, MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MONTANA REGISTRATION NUMBER 12920 ES, DO HEREBY CERTIFY DURING THE MONTH OF NOVEMBER-DECEMBER 2014, THAT I PERFORMED THE SURVEY THAT THE ACCOMPANYING PLAT REPRESENTS AND THAT THIS SURVEY IS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 76-3-402 AND 403, M.C.A., AND THAT THE MONUMENTS FOUND AND SET ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN HEREON.

DATED THIS_____ DAY OF_____



CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

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, CASCADE COUNTY, MONTANA, FOUND THAT NO CASH DONATION OR DEDICATION OF ANY PARK OR PLAYGROUND IS REQUIRED WITHIN THE AMENDED PLAT OF LOTS/BLOCKS THE STONE MEADOWS ADDITION — PHASE II, PER M.C.A. 76-3-621(3).

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, MONTANA, DO HEREBY CERTIFY THAT ADEQUATE MUNICIPAL FACILITIES FOR STORM WATER DRAINAGE AND FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE AVAILABLE TO THE ABOVE DESCRIBED PROPERTY, NAMELY, THE SAID FACILITIES OF THE CITY OF GREAT FALLS, MONTANA, AND THIS CERTIFICATE IS MADE PURSUANT TO SECTION 76-4-124, M.C.A., THEREBY PERMITTING THE CLERK AND RECORDER OF CASCADE COUNTY, MONTANA, TO RECORD THE ACCOMPANYING PLAT.

GREGORY T. DOYON, CITY MANAGER, CITY OF GREAT FALLS, MONTANA DATE

CERTIFICATE OF PUBLIC WORKS DIRECTOR:

I, JIM REARDEN, PUBLIC WORKS DIRECTOR FOR THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT I EXAMINED THE ACCOMPANYING AMENDED PLAT AND THE SURVEY IT REPRESENTS, AND THAT I FOUND THE SAME CONFORMS TO REGULATIONS GOVERNING THE PLATTING OF LANDS, AND TO PRESENTLY PLATTED ADJACENT LAND, AS NEAR AS CIRCUMSTANCES WILL PERMIT AND I DO HEREBY APPROVE THE SAME.

JIM REARDEN, PUBLIC WORKS DIRECTOR, CITY OF GREAT FALLS, MONTANA

CERTIFICATE OF SURVEY AND DEDICATION

, TIMOTHY M. MURPHY, AUTHORIZED REPRESENTATIVE OF STONE MEADOWS, INC., OWNER OF THE SUBJECT PROPERTY, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND LOT LINES ADJUSTED, AS SHOWN BY THE AMENDED PLAT HEREUNTO INCLUDED, THE FOLLOWING DESCRIBED TRACTS OF LAND TO-WIT:

LOTS 22-25, BLOCK 2, LOTS 19-24, BLOCK 4, LOTS 2-5, BLOCK 5 OF THE STONE MEADOWS ADDITION PHASE II TO THE CITY OF GREAT FALLS, SITUATED IN SE1/4 SECTION 25, T. 21 N., R. 3 E., P.M.M., CASCADE COUNTY. MONTANA. MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER LOT 6B, BLOCK 3 OF THE AMENDED SUBDIVISION PLAT LOTS 22-25, BLOCK 2, AND LOTS 19-24, BLOCK 4 AND LOTS 2-5, BLOCK 5 OF STONE MEADOWS ADDITION-PHASE II, SAID POINT IS ON THE NORTH-SOUTH MID-SECTION LINE OF SECTION 25, 21 N., R. 3 E., P.M.M., CASCADE COUNTY, MONTANA, WHICH IS A FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "LEO 12920ES"; THENCE ALONG THE NORTH BOUNDARY OF STONE MEADOWS ADDITION—PHASE II, S89°24'41"E A DISTANCE OF 195.05 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY NOO 29'19"E A DISTANCE OF 15.59 FEET TO ANGLE POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY, S89°44'52"E A DISTANCE OF 500.00 FEET TO A POINT THAT LIES ON THE NORTH BOUNDARY OF STONE MEADOWS ADDITION-PHASE II, POINT IS ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID NORTH BOUNDARY S89°44'52"E A DISTANCE OF 674.54 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE CONCAVE WEST WITH A RADIAL BEARING OF N86°32'28'W AT THENCE ALONG SAID CURVE WITH A RADIUS OF 430.00 FEET. A INTERIOR ANGLE OF 15°52'24" ARC DISTANCE OF 119.13 FEET TO THE END OF THE CIRCULAR CURVE; THENCE S19°21' DISTANCE OF 213.34 FEET TO AN ANGLE POINT; THENCE ALONG THE SOUTH BOUNDARY LINE OF STONE MEADOWS ADDITION-PHASE II, N70°34'48"W A DISTANCE OF 180.17 FEET TO AN ANGLE POINT WHICH IS ALSO THE WEST RIGHT-OF-WAY LINE OF 12TH STREET NE; THENCE ALONG SAID WEST RIGHT-OF-WAY N19°19'55"E A DISTANCE OF 74.78 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE WITH A RADIUS OF 10.00 FEET AND AN INTERIOR ANGLE OF 109°04'47", AN ARC LENGTH OF 19.04 FEET TO A POINT THAT LIES ON THE SOUTH RIGHT-OF-WAY OF CHOTEAU AVENUE, THENCE ALONG SAID SOUTH RIGHT-OF-WAY N89'44'52"W A DISTANCE OF 107.32 FEET TO AN ANGLE POINT: THENCE DEPARTING FROM SAID SOUTH RIGHT-OF-WAY SO0°29'19"W A DISTANCE OF 150.00 FEET TO AN ANGLE POINT WHICH LIES ON THE SOUTH BOUNDARY OF STONE MEADOWS ADDITION-PHASE II; THENCE ALONG SAID SOUTH BOUNDARY N89°44'52"W A DISTANCE OF 320.00 FEET TO AN ANGLE POINT; THENCE DEPARTING FROM SAID SOUTH BOUNDARY NOO 29'19"E A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; CONTAINING IN ALL 3.986 ACRES.

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE KNOWN AND DESIGNATED AS THE AMENDED SUBDIVISION PLAT OF LOTS 22-25, BLOCK 2 AND LOTS 19-24, BLOCK 4 AND LOTS 2-5, BLOCK 5 OF STONE MEADOWS ADDITION, PHASE II 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.

<u>PURPOSE:</u>
THE PURPOSE OF THIS SURVEY IS TO AGGREGATE EXISTING LOTS. THIS AGGREGATION IS SUBJECT TO SURVEY REQUIREMENTS PURSUANT TO MCA 76-3-207(2)(a) AS IT IS WITHIN A PLATTED SUBDIVISION FILED WITH THE COUNTY CLERK AND RECORDER. A DIVISION, RÉDÉSIGN, OR REARRANGEMENT OF LOTS THAT RESULTS IN AN INCREASE IN THE NUMBER OF LOTS OR THAT REDESIGNS OR REARRANGES SIX OR MORE LOTS MUST BE REVIEWED AND APPROVED BY THE GOVERNING BODY BEFORE AN AMENDED PLAT MAY BE FILED WITH THE COUNTY CLERK AND RECORDER.

TIMOTHY M. MURPHY (AUTHORIZED REPRESENTATIVE-STONE MEADOWS, INC.) DATE

ACKNOWLEDGED

STATE OF MONTANA)

COUNTY OF CASCADE)

2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, DID PERSONALLY APPEAR, TIMOTHY M. MURPHY, KNOWN TO ME TO BE THE PERSON THAT EXECUTED THE FOREGOING INSTRUMENT. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA: PRINTED NAME:_____

MY COMMISSION EXPIRES:_

RESIDING AT: _____

CERTIFICATE OF TREASURER

I, JAMIE BAILEY, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED ON THE ACCOMPANYING AMENDED PLAT AND FIND THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS LEVIED ON THE LAND BEING AGGREGATED HAVE BEEN PAID.

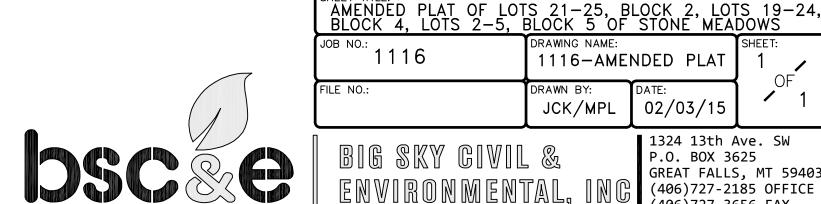
JAMIE BAILEY, CASCADE COUNTY TREASURER

CERTIFICATE OF PLANNING BOARD:

WE, THE UNDERSIGNED, R. NATHAN WEISENBURGER, CHAIRMAN, GREAT FALLS PLANNING ADVISORY BOARD, CITY OF GREAT FALLS, CASCADE COUNTY, AND CRAIG RAYMOND, SECRETARY OF SAID PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING SUBDIVISION PLAT OF STONE MEADOWS ADDITION—PHASE II HAS BEEN SUBMITTED TO THIS BOARD FOR EXAMINATION AND WAS FOUND TO CONFORM TO LAW AND WAS APPROVED AT A MEETING HELD ON THE 27TH DAY OF JANUARY, 2015.

CHAIRMAN-R. NATHAN WEISENBURGER. GREAT FALLS PLANNING ADVISORY BOARD

SECRETARY-CRAIG RAYMOND. GREAT FALLS PLANNING ADVISORY BOARD



JCK/MPL

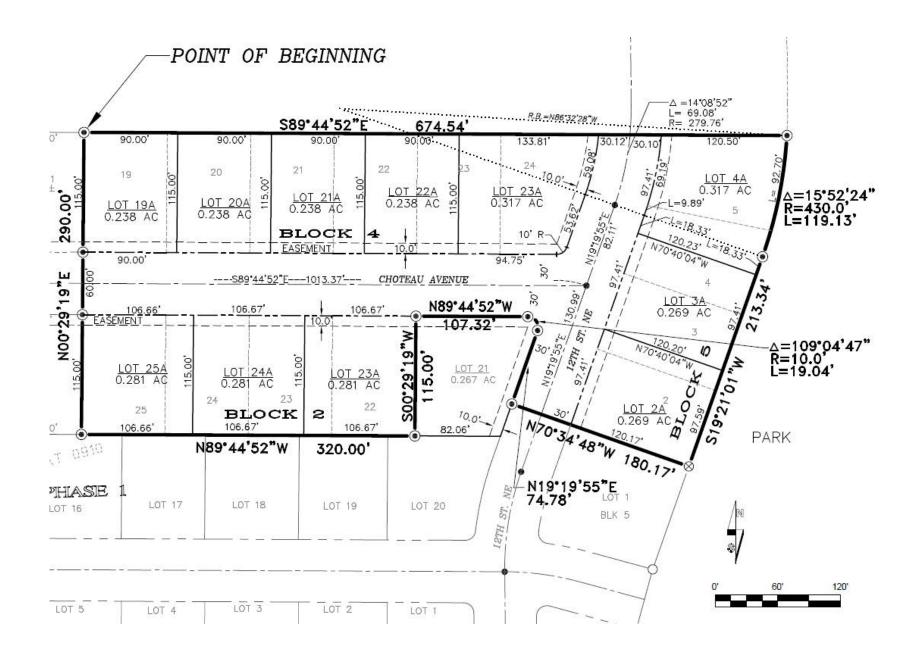
1324 13th Ave. SW P.O. BOX 3625 GREAT FALLS, MT 59403 (406)727-2185 OFFICE (406)727-3656 FAX ENGINEERS - PLANNERS - DESIGNERS - LAND SURVEYORS - ENVIRONMENTAL SPECIALISTS www.bigskyce.com

02/03/15

1116-AMENDED PLAT

MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MONTANA REGISTRATION NUMBER 12920 ES

Zoomed in area of Draft Amended Plat



Aerial Map

