



Item: Public Hearing - Ordinance 3136 amending the previously assigned PUD Planned Unit Development zoning for the subdivision legally described as Cottage Grove Addition Phase 3, located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana

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

Initiated By: Discovery Meadows, Inc., Owner

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

Action Requested: City Commission adopt Ordinance 3136

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motions:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3136 amending the previously assigned PUD Planned Unit Development zoning for the Cottage Grove Addition Phase 3 subdivision.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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Recommendation: At the conclusion of a public hearing held on September 22, 2015, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the proposed PUD Planned Unit Development amendment for Cottage Grove Addition Phase 3, to allow for attached 2-unit townhomes in addition to detached single-family residential units, subject to fulfillment of the following Conditions of Approval:

1. 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. A shared structure maintenance agreement for any future townhomes developed in Cottage Grove Addition Phase 3 shall be established.
3. The owner shall take the 2-unit townhome design to the Design Review Board for review

and approval.

4. All future outdoor lighting shall have full cutoff fixtures and be situated to prevent off-site light pollution.
5. No permanent structures shall be constructed on existing natural gas and utility easements shown on the Cottage Grove Addition Phase 3 plat.
6. The project architect and engineer shall submit reports and site civil plans to the City Public Works Department for review and approval.
7. If after approval the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

During the public hearing area residents verbally expressed their concerns to the Planning Advisory Board/Zoning Commission. After the hearing they submitted a letter containing 11 signatures that states concerns regarding soil conditions and a desire to see development limited to single-family homes. The Planning Advisory Board/Zoning Commission did not receive a copy of the letter; however, it is attached.

Background:

The subject property consists of ±5.19 acres and was annexed and zoned PUD in 2008. Cottage Grove Addition Phase 3 aligns with Cottage Grove Addition Phase 1 and Phase 2, adjacent to the east, in layout, density and design. Phase 1 and 2 are fully built out with detached single-family residential units. To date, Phase 3 is partially built out with a number of lots sold and ready to be developed. Phase 3 comprises 28 lots total. Additional information about the history of the project is available on the City's website and at the City Planning and Community Development Department.

The subject property is located on the edge of a confluence of zoning districts, with existing PUD Planned Unit Development immediately to the west and south and R-3 Single-family high density district neighborhood further west. Abutting the subject property to the north is Heritage Baptist Church, which is located outside the City Limits of Great Falls. Unincorporated, vacant land is abutting the property on the east, with Siebel Soccer Park and Loy Elementary School beyond to the east, respectively zoned POS Park and Open Space and PLI Public Lands and Institutional. See the attached Zoning Map for more information.

Planned Unit Development (PUD) Analysis

The existing PUD standards approved for the subject property are for high density, detached single-family residential units on fee simple lots. In response to the Great Falls housing market demands, the owner is requesting a PUD amendment in order to have the option of developing detached single-family homes or attached 2-unit townhomes. This provides for an increase in the diversity of the housing stock in the city, as well as an increase in the availability of lower cost units.

The proposed PUD amendment does not create an increase in density as each townhome would still be on a fee simple lot. The current density in the subdivision is 5.39 dwelling units per acre (du/ac). This is similar to the adjacent Cottage Grove Addition Phase 2, which is 5.88 du/ac. The

owner is not proposing any boundary line adjustments or changes to the recorded Cottage Grove Addition Phase 3 plat. The existing subdivision provides adequate area for future development to meet all of the proposed amended PUD development standards for setbacks, height, and lot coverage. The proposed PUD standards are included as Exhibit "A" of Ordinance 3136.

There will be few site specific differences between the proposed PUD amendments and the previous PUD standards, namely that some units can be attached, thus eliminating one of the side yard setbacks. The location of the subject property to Malmstrom Air Force Base, Morningside and Loy elementary schools, Siebel Soccer Park and Rivers Edge Trail seems to lend itself well, in most respects, to this type of development, and a PUD amendment must be considered in its full context.

In this instance, the subject property is in the vicinity of numerous existing multi-family apartments, condominium buildings and townhomes to the south and west. Because similar housing configurations exist in the immediate vicinity, with similar look, function and impact, it would not be inappropriate to amend the existing PUD for the subject property. In addition, the owner shall be required to fulfill the proposed development standards, parking, lighting and landscaping requirements when the project goes to the Design Review Board and is reviewed for building permits.

The basis for decision on zoning map amendments is listed in Section 17.16.29.050 of Title 17- Land Development Code of the Official Code of the City of Great Falls (OCCGF). The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider eight specific criteria, which are included in the attached Findings of Fact. These findings review consistency with the Growth Policy, public improvements, traffic and Neighborhood Council input.

Fiscal Impact: This is a previously approved subdivision, with no increase in density proposed. The applicant will pay its required share for public infrastructure improvements as each lot develops, and the increase to providing services to the subdivision will likely be covered by increased tax revenues from the development of the vacant property.

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.

Concurrences: Representatives from the City's Public Works, Police, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project, and do not oppose the amendment.

Attachments: Neighbor Concern letter
 Findings of Fact
 Ordinance 3136 with Exhibit "A" – PUD development standards
 Aerial Map
 Zoning Map
 Cottage Grove Addition Phase 3 Plat
 Neighborhood Character Photographs

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Spencer Woith, Woith Engineering, Inc., spencer@woitheng.com

September 22, 2015

We the undersigned would like to be put on public record regarding the PUD for the Cottage Grove Addition stressing the following points:

Since the homes in the afore mentioned area are single family homes we can only assume that was the original plan. We would like to see growth in the area limited to single family homes. When you invest the kind of money in your home as we have, we feel you should have some say in the neighborhood that develops around you. Some of us have already had trouble with renters.

If you are going to allow contractors to build on soils that are clearly troublesome with warnings in the geotechnical report and on the blueprints, it would only seem logical that the city and contractors would do everything possible to address the potential problems and a clear awareness of this situation be made known to purchasers of said properties and the possibilities of future problems. Once again, these homes are costly and some of the resulting problems can be expensive and inconvenient. Some of us are experiencing problems now. So what is our recourse? Nobody seems to be responsible.

Please address the time of this meeting. It is naturally inconvenient for most of us on the below list.

David Webb	705 50 St N
Aileen K. Hodge	4913 7th Ave N.
Kay L Hodge	4913 7th Ave N.
Linda Peacock	704-50th St. N.
Cody Parker	731-610-4584
Judy Wilson	713 50th St N
Jenny Sexton	713 50th St N
Ally K	712 50th St N
Mr. and Mrs. Walsh	709 50th St. N.
Angie R	712 50th St N.
Jason & Heather Webb	708 50th St. N.

I am very unhappy that this meeting was held at a time during the work week when nobody on our street could attend and voice our opinion. I have invested a lot of money into my home and was told that the street would be developed into single family homes, not 2-unit town home structures. AS a home owner, I ask that someone from the Great Falls Planning Advisory Board/Zoning Commission contact me so I can voice my opinion since I will be absent due to work. Jason Webb / 406-868-0947 / 708 50th St. N. / J Webb

FINDINGS OF FACT AND BASIS OF DECISION
PUD PLANNED UNIT DEVELOPMENT ZONING AMENDMENT FOR
COTTAGE GROVE ADDITION PHASE 3, LOCATED IN THE NE¼ SE¼ OF SECTION
4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M., CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 17.16.29.050 OCCGF)

PRIMARY REVIEW CRITERIA

1. The development project is consistent with the City's growth policy.

The proposed PUD amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time sets the task to review the zoning districts in which townhomes are permitted in order to expand this use, either by allowing it in more zoning districts, or improving the review standards so as to make it more suitable for other zoning districts.

2. The development project is consistent with applicable neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #4. Information about the proposed PUD amendment was provided to the Council via email on September 3, 2015. There were general questions about the requested changes and the history of the subdivision. Staff provided additional information to the Council via email.

During the public hearing area residents verbally expressed their concerns to the Planning Advisory Board/Zoning Commission. After the hearing they submitted a letter containing 11 signatures that states concerns regarding soil conditions and a desire to see development limited to single-family homes. The Planning Advisory Board/Zoning Commission did not receive a copy of the letter; however, it is attached to the agenda report. When the Council met at their regularly scheduled meeting on September 24, 2015, they voted unanimously to recommend the City Commission approve the proposed PUD amendment.

3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.

Cottage Grove Addition Phase 3 was originally approved for high density single-family residential use and PUD zoning in 2008, and has been partially developed. At that time, the City Public Works Department determined that the subdivision could connect to municipal facilities and that there would be no adverse impact for doing so. The proposed PUD development standards are similar to the R-3 Single-family high density zoning district, and the high density development pattern in the adjacent neighborhoods, and therefore do not impede on the neighborhood comfort.

The subject property's close proximity to Malmstrom Air Force Base, Morningside and Loy Elementary Schools serves as an asset to the broader community. Siebel Soccer Park is ±0.5 miles away to the east, and Rivers Edge Trail is ±1.5 miles away to the northwest. The approval of Wal-Mart to be developed on the southwest corner of the intersection of 10th Avenue South and 57th Street South further makes the subject property close to work, shopping, and additional recreation opportunities. Amending the PUD to allow attached 2-unit townhomes provides alternative housing options and will help encourage infill development on the vacant lots in the subdivision.

Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review. It is not anticipated that the proposed PUD amendment will have any negative impact. The proposed project will be well landscaped, lighted, maintained and managed by the owner to ensure this is the case.

4. The development project will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The PUD amendment simply proposes providing housing options between attached and detached single-family residential units. As stated in the agenda report, the proposed PUD amendment does not create an increase in density, only a change in the housing layout as viewed from the street. As such, it is not anticipated to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values in the neighborhood. Properties to the west and south have similar uses, so the zoning amendment would be consistent with existing development in the surrounding area.

5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

As Cottage Grove Addition Phase 3 was reviewed and approved in 2008, and is now an existing residential subdivision, the proposed PUD amendment is not anticipated to impede on the normal and orderly development and improvement of the surrounding property for similar residential uses.

6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood.

The owner intends to develop the remaining lots in the subdivision, either as attached or

detached single-family units, to match the existing neighborhood character established in the previous Cottage Grove Addition phases to the west along 48th and 49th Street North, as shown on Ordinance 3136 Exhibit "A". Further, per the OCCGF, the owner shall take the 2-unit townhome design before the Design Review Board for review and approval.

7. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

When Cottage Grove Addition Phase 3 was reviewed and approved in 2008, the City confirmed that there are adequate utilities, access roads, drainage and other necessary facilities provided to the subdivision. The street grades in the undeveloped portion of the subdivision were initially designed in 2008 to drain storm water along 50th Street North to 7th Avenue North, where there is an existing storm drain and inlets.

In previous Cottage Grove Addition phases and surrounding development, it was necessary to subsequently extend some lateral storm drain lines from the street to the back lot lines to correct negative drainage (pooling and standing water) areas which happened during the lot home building/lot grading process. Consideration should be given to site grading during the home building process to avoid these negative drainage situations again. It is recommended that lots located on the high side of the street grade to the side yard and drain into the street. Those lots that are situated on the low side of the street should grade as much as possible to the street with consideration of any adverse impacts to the remaining or surrounding areas.

Townhomes will require separate water and sewer services. The project architect and engineer shall submit reports and site civil plans to the City Public Works Department for review and approval.

8. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

The Cottage Grove Addition Phase 3 plat shows the subdivision has dedicated north/south access to 7th Avenue North via 50th Street North, and in the future 8th Avenue North will extend east to 52nd Street North. These low-volume local streets will have adequate capacity to accommodate traffic generated by the development. In addition, any work that may impact the 7th Avenue North or 50th Street North public right-of-ways shall be coordinated, reviewed and approved by the Public Works Department.

ORDINANCE 3136

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AMENDING THE PUD PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION FOR COTTAGE GROVE ADDITION PHASE 3, LOCATED IN THE NE¼ SE¼ OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M., CASCADE COUNTY, MONTANA, TO THE DEVELOPMENT STANDARDS ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

WHEREAS, Discovery Meadows, Inc., owner, petitioned for and was granted annexation of Cottage Grove Addition Phase 3 by the City Commission on March 4, 2008, Resolution 9727, consisting of ±5.19 acres, located in the NE¼ SE¼ of Section 4, Township 20 North, Range 4 East, P.M., Cascade County, Montana; and,

WHEREAS, Discovery Meadows, Inc. petitioned for and was granted PUD Planned Unit Development zoning designation for Cottage Grove Addition Phase 3 upon annexation by the City Commission on March 4, 2008, Ordinance 2999, for detached single-family high density housing; and,

WHEREAS, Discovery Meadows, Inc. has petitioned to amend said PUD Planned Unit Development for Cottage Grove Addition Phase 3, in order to allow attached two-unit single-family residential units in addition to detached single-family units; and,

WHEREAS, Discovery Meadows, Inc. has proposed development standards for said PUD Planned Unit Development amendment for Cottage Grove Addition Phase 3, attached hereto as Exhibit "A"; and,

WHEREAS, notice of amending said zoning classification of Cottage Grove Addition Phase 3 was published in the *Great Falls Tribune* advising that a public hearing on this zoning

amendment would be held on the 17th day of November, 2015, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said PUD Planned Unit Development zoning amendment 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 PUD zoning amendment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.29.050 of Title 17 – Land Development Code of the Official Code of the City of Great Falls.

Section 2. That the PUD Planned Unit Development zoning amendment of Cottage Grove Addition Phase 3 be subject to the development standards attached hereto as Exhibit “A”.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading October 20, 2015.

ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading November 17, 2015.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

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 3136 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, Great Falls Public Library

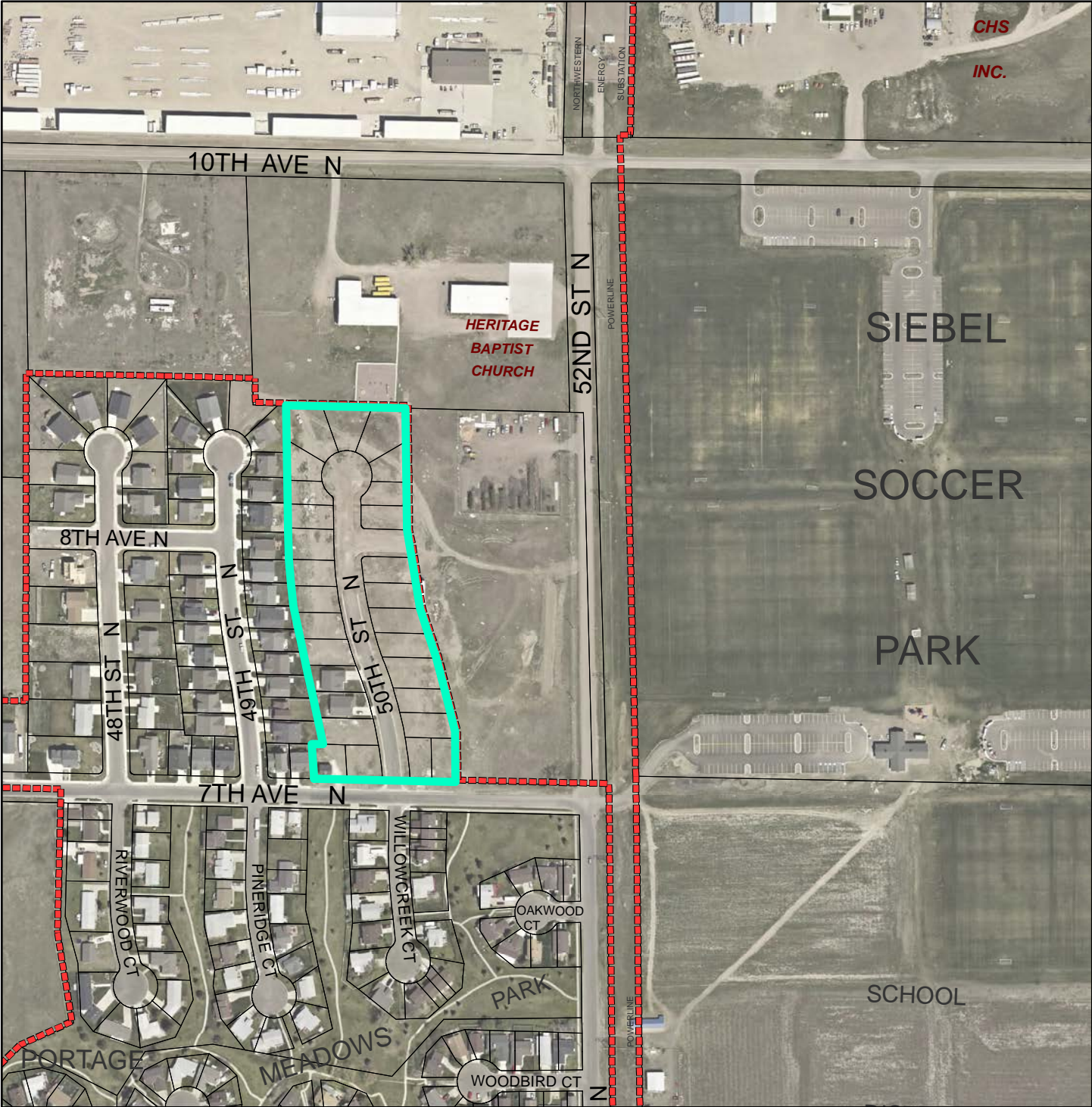
Lisa Kunz, City Clerk

(CITY SEAL)

Ordinance 3136 Exhibit "A"

COTTAGE GROVE PHASE 3 PUD ZONING STANDARDS		
Standard	Single Family Residence - Detached	Single Family Residence - Attached (Two-Unit Townhouse)
Residential density	-	-
Minimum lot size for newly created lots	4500sf	4500sf
Minimum lot width for newly created lots	50 feet	50 feet
Lot proportions for newly created lots (maximum depth to width)	2.2:1 or <	2.2:1 or <
Maximum building height of principal building	35 feet	35 feet
Maximum building height of detached garage	24 feet but not higher than principal building	24 feet but not higher than principal building
Maximum building height of other accessory structures and buildings	12 feet	12 feet
Minimum front yard setback	20 feet	20 feet
Minimum rear yard set back	10 feet	10 feet
Accessory structures and buildings rear yard set back	2 feet	2 feet
Minimum side yard set back	6 feet	0 feet on attached side and 6 feet on detached side
Maximum lot coverage of principal and accessory buildings	60%	70%

Aerial Map

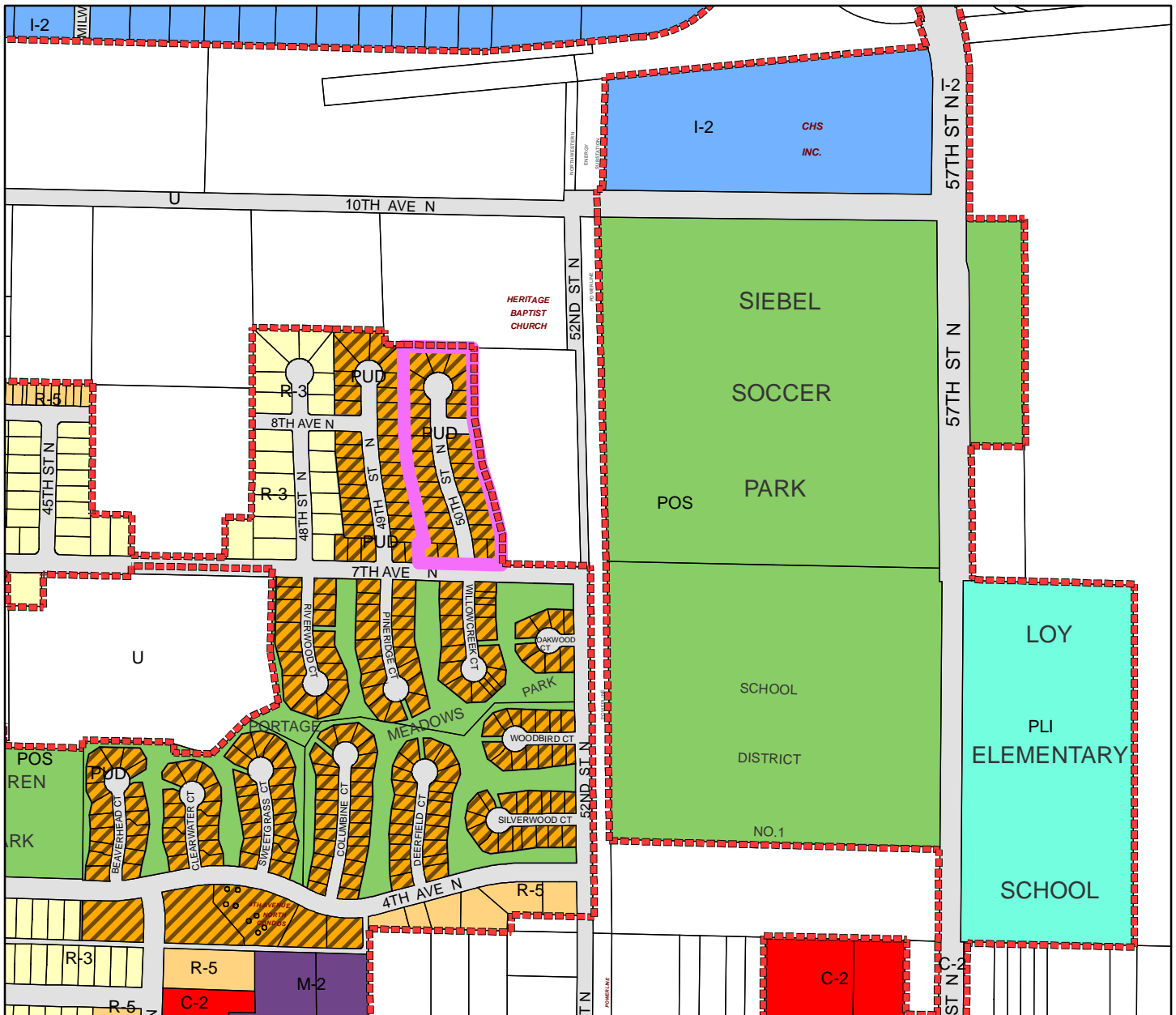


- Cottage Grove Addition Phase 3
- City Limits
- Tracts of Land



PUD amendment

Zoning Map



Legend

- City Limits
- Cottage Grove Addition Phase 3
- Tracts of Land
- right-of-way
- ZONING**
- R-3 Single-family High Density
- R-5 Multi-family Medium Density
- PUD Planned Unit Development
- C-2 General Commercial
- M-2 Mixed-use Transitional
- I-2 Heavy Industrial
- PLI Public Lands and Institutional
- POS Parks and Open Space
- U Unincorporated Enclave



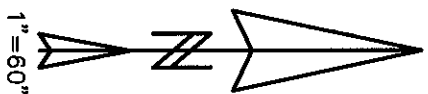
Cottage Grove Addition Phase 3
PUD Zoning Amendment

HERITAGE BAPTIST CHURCH

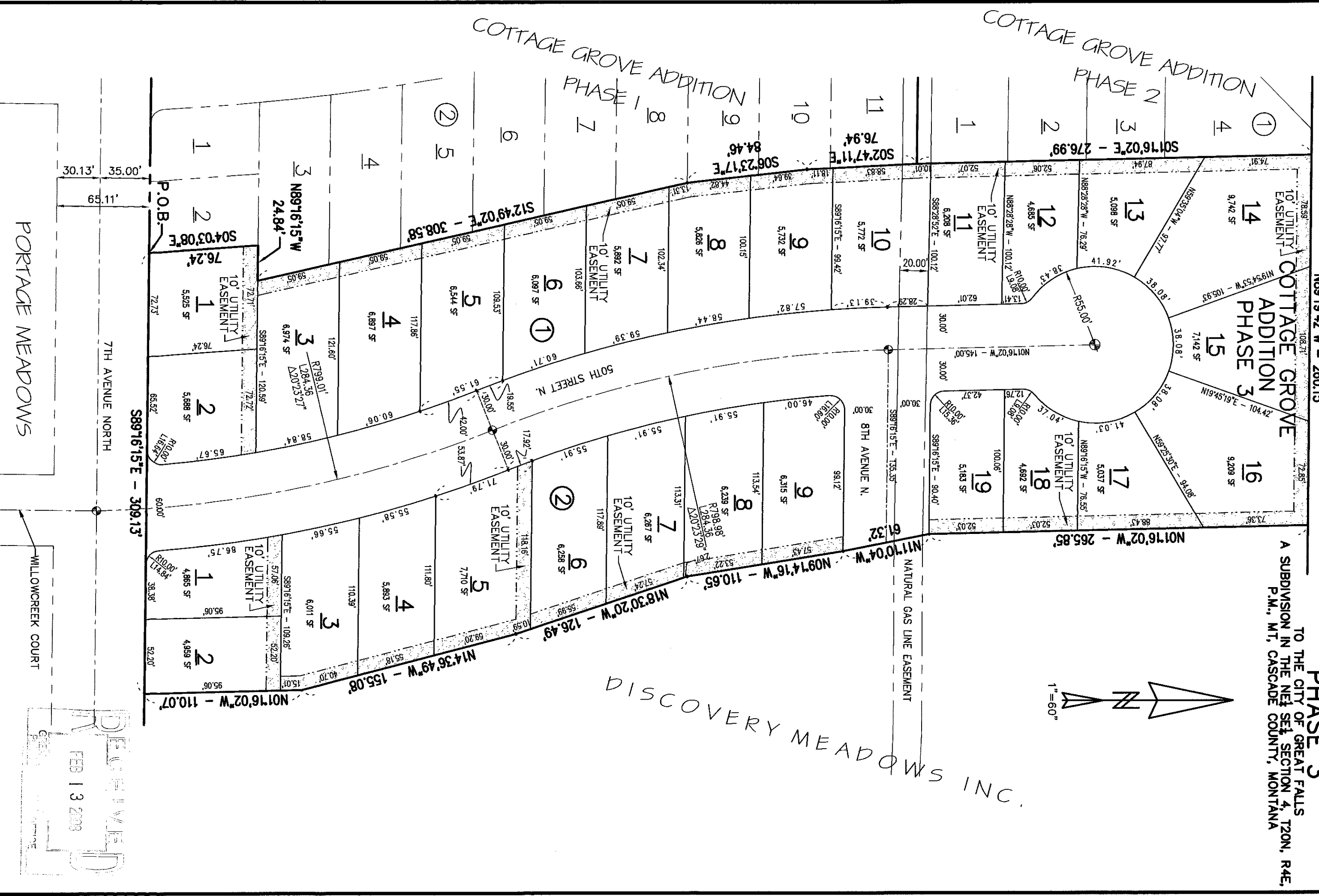
N89°19'42"W - 260.15'

PLAT OF
COTTAGE GROVE ADDITION
PHASE 3

TO THE CITY OF GREAT FALLS
A SUBDIVISION IN THE NE1/4 SECTION 4, T20N, R4E,
P.M., MT., CASCADE COUNTY, MONTANA



1" = 60'



RECEIVED
FEB 13 2009

NEIGHBORHOOD CHARACTER -
ADJACENT COTTAGE GROVE ADDITION PHASE 2,
HIGH DENSITY SINGLE-FAMILY HOUSING
LOCATED ON 49TH STREET NORTH

