

# PLANNING ADVISORY BOARD ZONING COMMISSION

**DECEMBER 13, 2011**

*Case Number*

ANX2011-13  
ZON2011-17  
SUB2011-15

*Applicant*

Tim Murphy  
Jim McIntyre

## Owners

Murphy Real Estate, LLC  
McIntyre Enterprises, Inc.

*Property Location*

9th Street NE between 41st  
Ave NE and 42nd Ave NE  
±8.798 Acres  
Neighborhood Council #3

## Parcel ID Number

2577510

*Requested Action*

**Annexation** of  $\pm 8.798$  acres from Cascade County to the City of Great Falls.

**Rezone** the property from County Suburban Residential to R-3 Single-family high density residential.

**Subdivision of 30 lots.**

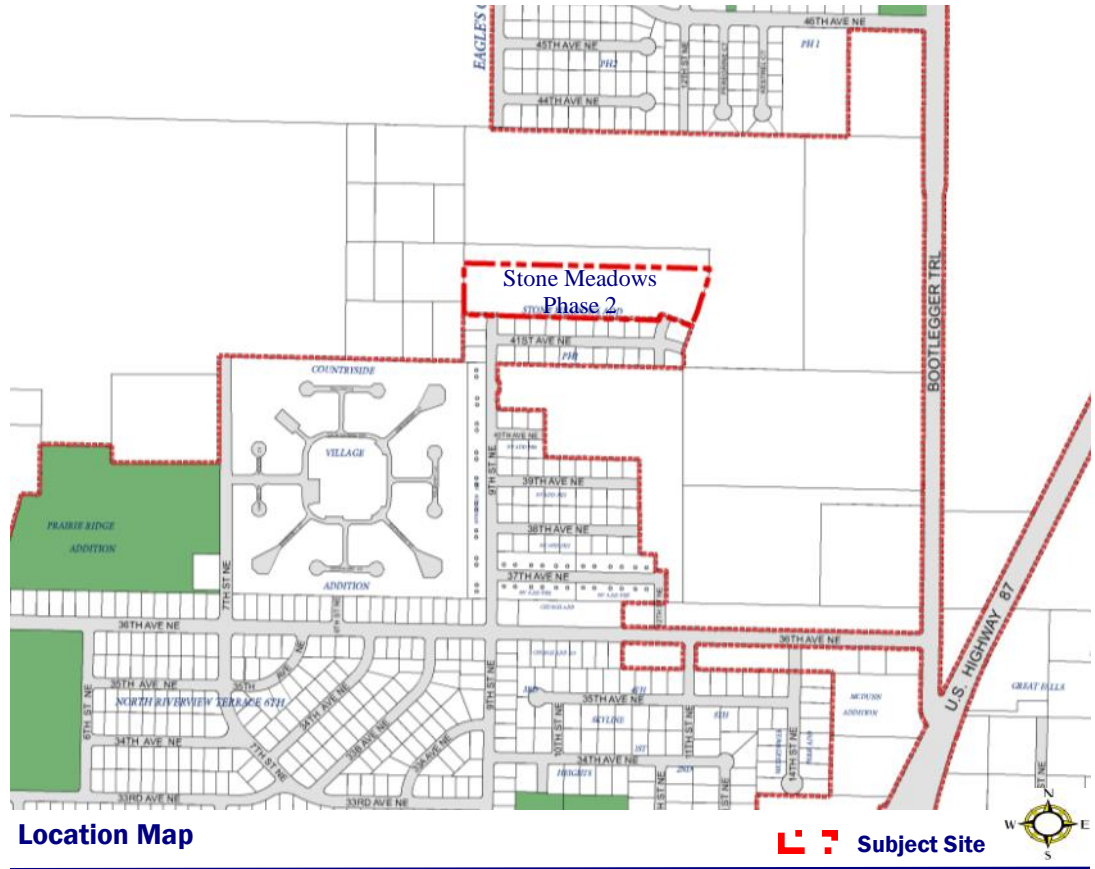
### Recommendation

Approval of the requests  
with Conditions.

## Project Planner

Jana Cooper, RLA

## STONE MEADOWS ADDITION, PHASE 2



## Summary

## Project Description

The ±8.798 acre subject property is located east of 9th Street Northeast, north of 41th Avenue Northeast and south of the future 42nd Avenue Northeast. The developer is requesting approval of the annexation, rezoning and final plat of Stone Meadows Addition, Phase 2. The subdivision consists of 30 single-family residential lots that range in size from ±0.211-0.277 acres.

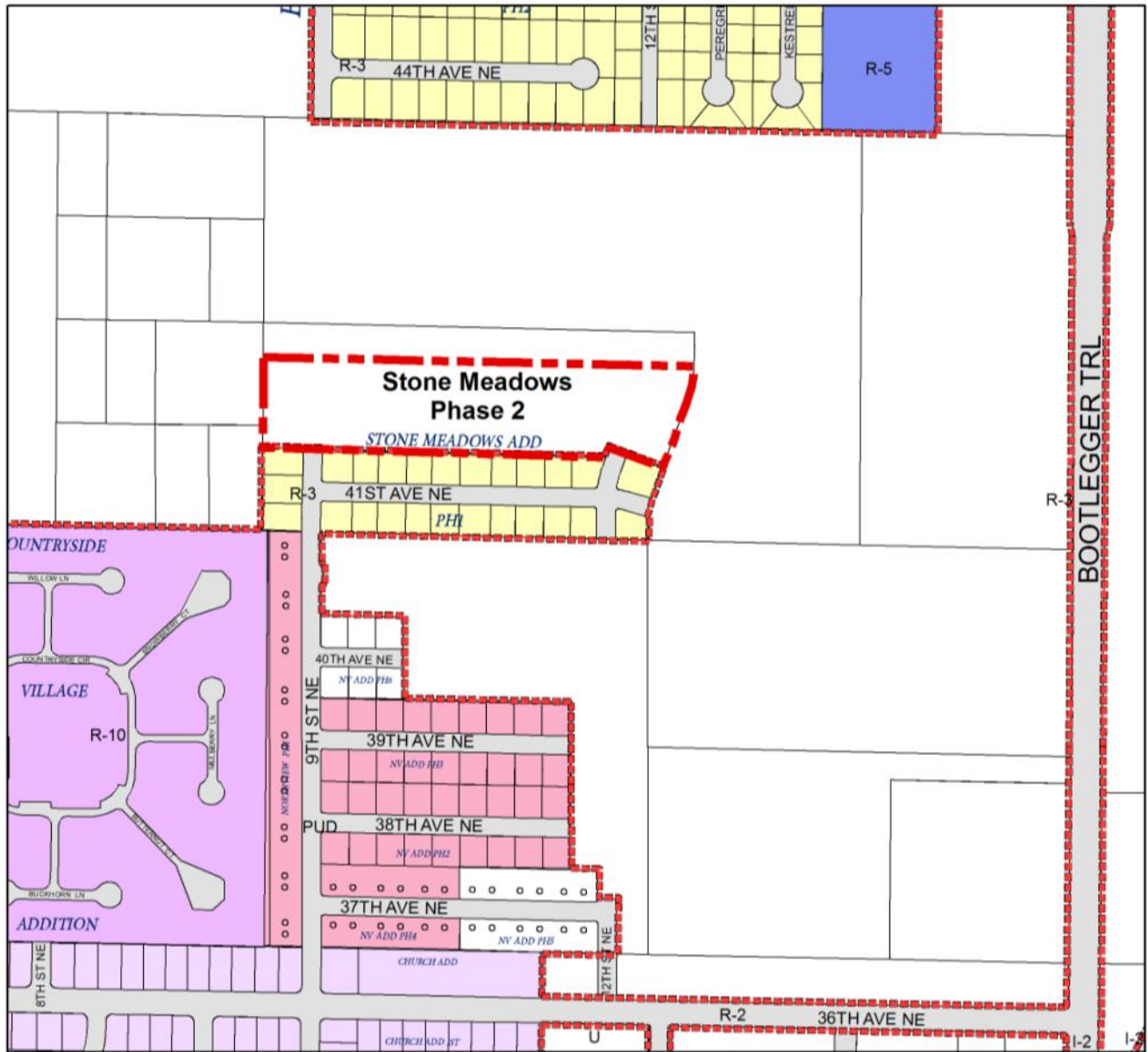
## Background

- Legal Description of property: A portion of the NW1/4, SE1/4, Section 25, Township 21 North, Range 3 East, PMM, Cascade County, Montana
- Area of Property =  $\pm 8.798$  acres

### Agency Comment

Representatives from the City's Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or in the conditions of this report.

# EXHIBIT A - VICINITY / ZONING MAP



Stone Meadows Phase 2

## ZONING

- AI Airport Industrial
- C-1 Neighborhood commercial
- C-2 General commercial
- C-3 Highway commercial
- C-4 Central business core
- C-5 Central business periphery

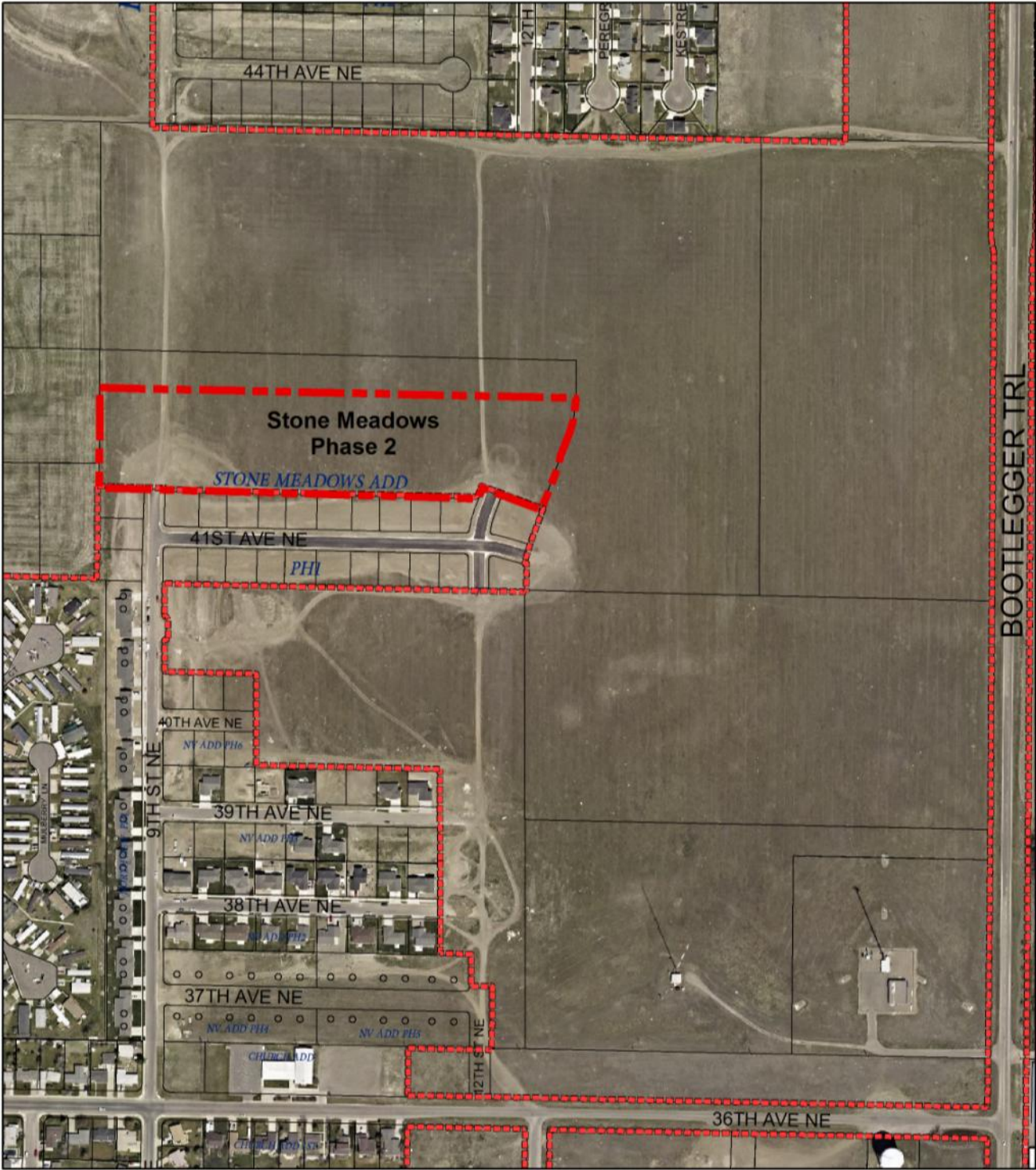
- I-1 Light industrial
- I-2 Heavy industrial
- M-1 Mixed-use district
- M-2 Mixed-use transitional
- PLI Public lands institutional
- POS Park Open Space
- PUD Planned unit development
- R-1 Single-family suburban




- R-2 Single-family medium density
- R-3 Single-family high density
- R-5 Multi-family medium density
- R-6 Multi-family high density
- R-9 Mixed residential
- R-10 Mobile home park
- Unincorporated Enclave

Stone Meadows Phase 2- Zoning Map



EXHIBIT B - AERIAL PHOTO / ANNEXATION MAP



-  Stone Meadows Phase 2
-  City Limits
-  Tracts of Land

290 145 0 290 Feet



Stone Meadows Phase 2- Aerial Photo

## Existing Conditions

**Existing Use:** Vacant undeveloped land.

**Existing Zoning:** The property currently is in the county and zoned SR1-Suburban Residential 1.

**Adjacent Land Use:** The property is located in a developing residential neighborhood with existing single-family homes to the south of the property and vacant undeveloped land to the north, east and west.

## Project Overview

### **Background**

During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Stone Meadows Addition Phase 1 and 2, as recommended by the Planning Board.

The owner/developer is now requesting approval of the annexation, rezoning and final plat of Stone Meadows Addition, Phase 2.

For additional information, please refer to the attached Vicinity/Zoning Map and proposed Final Plat.

Similar to Stone Meadows Addition, Phase 1, the developer is creating single-family lots that are then sold for development. There are 24 lots in Phase 1, which is about 90% built out.

### **Proposed Improvements**

Phase 2 of Stone Meadows Addition will include extension of an Avenue that is unnamed, at this time, to the east. This Avenue will connect with 12th Street Northeast, which will ultimately connect back to 36th Avenue Northeast. The roadways within the subdivision will be improved to City standards with paving, curb and gutter.

### **Utilities**

City water (8") and sewer (8") mains will be extended from the stubbed lines off of 9th Street NE. Easements will be provided within the plat for the installation of private utilities.

### **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, they are required to pay their estimated proportionate share.



View north down the proposed extension of 9th Street NE.



View east of vacant land proposed for Stone Meadows Phase 2.



View of existing 41st Avenue NE and Stone Meadows Phase 1.



## **Parkland**

The developer will fulfill the subdivision's park obligation by escrowing the applicable park fee. As the remaining 90 acres to the north and east of Phases 1 and 2 are subdivided and developed, a centrally located area is planned to be dedicated as park land to serve the overall project.

## **Traffic Analysis**

Traffic analysis was done at the preliminary plat phase for Stone Meadows Addition Phases 1 and 2. The conclusions from this analysis were that all traffic from this subdivision will initially enter from and exit to 36th Avenue Northeast using 9th Street Northeast. Future access to these lots/dwelling units, through subsequent phases, will also be provided via Bootlegger Trail to the east and 12th Street Northeast to the south. Based on current and projected traffic volumes, adequate capacity exists on the area roadways to accommodate the projected additional traffic to be generated by Phases 1 and 2 of the subdivision. However, the following recommendations could improve current and future vehicular safety and flow, and should be included as conditions of annexation approval.

1. Due to the classification of 9th Street Northeast as a collector, parking should be prohibited along the east side of those segments of 9th Street Northeast within Phases 1 and 2. This treatment would extend a similar parking restriction from the south.
2. As development of Phases 1 and 2 proceed, additional traffic control should be investigated by the City for the intersection of 9th Street Northeast and 36th Avenue Northeast, particularly for the north leg of the intersection.
3. As subsequent phases of the subdivision proceed, the developer should be required to secure direct access to Bootlegger Trail. At that time, the developer will be subject to the Systems Impact Action process of the Montana Department of Transportation, which includes preparation of a formal traffic impact study. When such a study is required, all pertinent study recommendations should be included as conditions of annexation approval for the subsequent phases.

## **Annexation Request**

The developer is requesting annexation of  $\pm 8.798$  acres from Cascade County into the City of Great Falls. The

developer is working to complete all the stipulated conditions that were listed as a part of the Preliminary Plat approved by the City Commission on January 8, 2008.

## **Rezone Request**

Subject to approval of the Final Plat and annexation of Phase 2, the property shall upon annexation be zoned as set forth in the Preliminary Plat. The current zoning on the property is classified as County - Suburban Residential, and the proposed City of Great Falls zoning classification is "R-3" Single-family high density. This district is intended to accommodate single-family residences at the highest urban density.

It is anticipated the planned single-family residential use of the properties will be compatible with neighboring residential uses. The subject property borders Stone Meadows Addition Phase 1, which is nearing complete build out of single-family residential homes and adheres to the conceptual plan that was prepared in 2008 for Stone Meadows Addition.

## **Major Subdivision Request**

The developer is requesting, in addition to annexation and establishing City zoning, a subdivision of the subject property. The developer proposes the creation of 30 single-family residential lots.

The subdivision must adhere to the requirements of the R-3 Single-family high density district per the Official Code of the City of Great Falls, which requires the following:

- Minimum Lot Size: 7,500 sq. ft.
- Minimum lot width: 60 ft.
- Lot proportion for newly created lots (max depth to width): 2.5:1
- Maximum building height of principal building: 35 ft.
- Maximum building height of accessory detached buildings: 24', but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 20 ft.
- Side Yard Setback: Principal building and accessory buildings: 6 ft each side; accessory building: 2 ft. provided the front of the building is at least 40 ft. from the front lot line.
- Rear Yard Setback: 10 ft. for lots less than 150' in depth; 15 ft. for lots 150 feet in depth and over.
- Maximum lot coverage of principal & accessory buildings: Corner lot: 55%; Other lots: 50%

### 2005 City of Great Falls Growth Policy

The proposed development is compatible with the 2005 Growth Policy, as it advances specific Goals, Policies, and Action Strategies contained within the related plan elements, and is also in line with the general themes and principles found in the document. Plan elements related to the proposed development include supporting and encouraging efficient, sustainable development and redevelopment, and supporting and encouraging a compatible mix of land uses in newly developing areas. The Growth Policy also states that annexations should be logical and efficient extensions of the City's boundaries and service areas, which applies to this development.

### 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 November 23, 2011 and presented the information to the Neighborhood Council at their monthly meeting on December 1, 2011. There was one question from the Council regarding the width of the streets in the development. The streets in Stone Meadows Phase 2 will meet City standards for local streets.

## 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. 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 subdivider 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 three miles from the subdivision site. Providing these services to the single-family residences and condominiums in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units, but the subdivision will have a negligible impact on the cost of road maintenance. The subdivider 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. The bulk of the surface runoff generated by the subdivision will be directed to the north to an existing detention facility.

**Effect on Wildlife and Wildlife Habitat:** The Final Plat is located adjacent to an area containing urbanized development. The Final Plat 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 is in proximity to 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**

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

### **LEGAL AND PHYSICAL ACCESS**

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

## Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the three recommendations presented below are to be considered and acted upon separately by the Commission and Board:

RECOMMENDATION I: It is recommended the Zoning Commission recommend the City Commission approve annexation of the property within the Final Plat of Stone Meadows Addition Phase 2, legally described as a portion of the NW1/4, SE1/4, Section 25, Township 21 North, Range 3 East, PMM, Cascade County, Montana, from Cascade County into the City of Great Falls.

RECOMMENDATION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning the property within said Final Plat from the existing County Suburban Residential 1 to R-3 Single-family high density district.

RECOMMENDATION III: It is recommended that the Planning Advisory Board recommend the City Commission approve the Final Plat of Stone Meadows, Phase 2, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I & II (above) and subject to the conditions below.

## Conditions of Approval

1. Review: The Final Plat of Stone Meadows Addition, Phase 2 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 within the subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
  - a) install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Stone Meadows Addition;
  - d) pay all applicable fees owed as a condition of annexation or plat approval, as determined in annexation agreement; and,
  - e) meet traffic analysis recommendations for Phase 2 and all future phase of the subdivision, including prohibiting parking on the east side of 9th Street Northeast.
4. The developer shall process and file of record with Cascade County a Certificate of Survey describing subject subdivision boundary prior to Final Plat approval by City Commission.
5. Address the subdivision's park obligation by escrowing the applicable park fee with eventual dispensation to be mutually agreed upon by City and applicant.
6. Provide any additional off-site easement(s) to accommodate infrastructure necessary to serve subdivision.



## Review/Approval Process

### **Next Steps**

1. The Planning Advisory Board recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Annexation, Rezoning and Final Plat.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Tim Murphy, tmmurphy55@yahoo.com & PO Box 2972, Great Falls, MT 59403  
Jim McIntyre, jim@discoverwhitefish.com  
Joe Murphy—Big Sky Civil and Environmental, 1505 14th Street SW, Great Falls, MT 59403

