

PLANNING ADVISORY BOARD ZONING COMMISSION

JULY 12, 2011

Case Number

SUB2011-10
ZON2011-12

Applicant

Thayer Family Limited
Partnership
Caran, Inc.

Owners

Thayer Family Limited
Partnership
Caran, Inc.
Crescent Land Holdings, LLC
West Great Falls Flood Control and Drainage District

Property Location

North of Crescent Drive and
west of 6th Street Southwest

Parcel ID Numbers

1029900
1885110
1885160
1885149

Requested Action

Rezone the property from C-2 General Commercial to I-1 Light Industrial.

Subdivision of one of the lots from one lot into two lots.

Neighborhood Council

Neighborhood Council #2

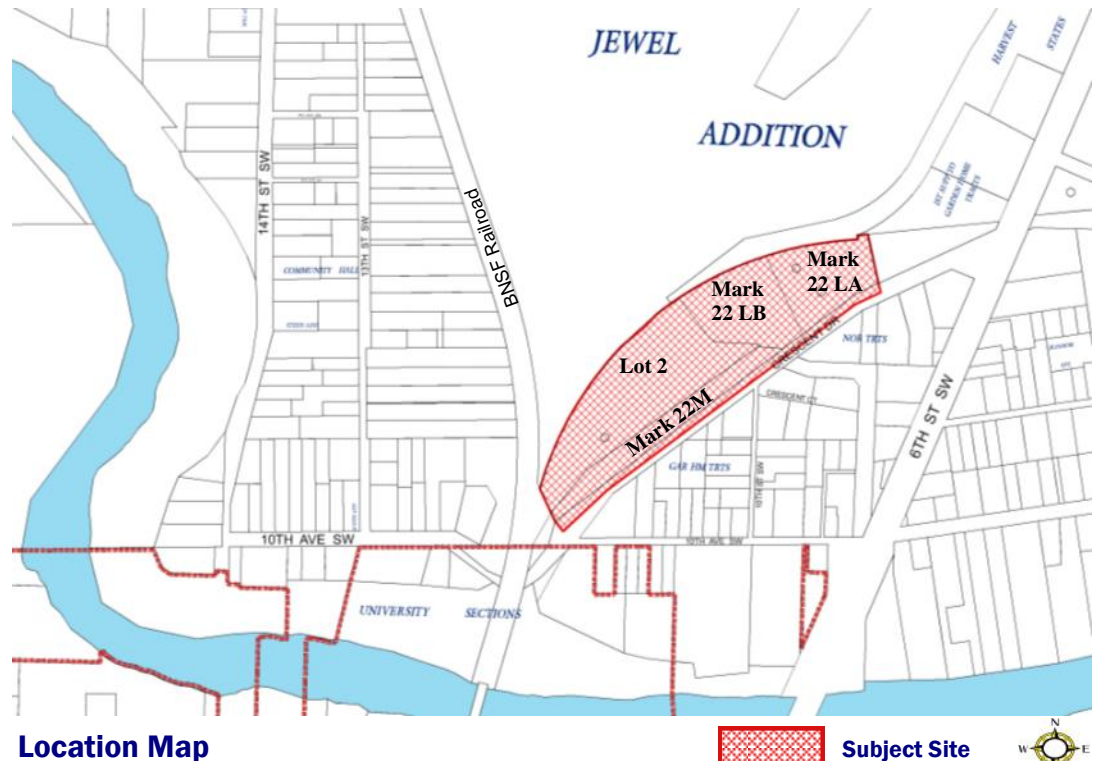
Recommendation

Approval of the request with
Conditions.

Project Planner

Jana Cooper, RLA

CRESCENT DRIVE REZONE & SUBDIVISION



Location Map



Subject Site



Summary

Project Description

The ±13.32 acre subject property is generally located north of Crescent Drive and west of 6th Street Southwest.

The applicants are requesting to rezone the subject properties from C-2 General Commercial to I-1 Light Industrial. The applicants are also requesting a minor subdivision of Mark 22LA, SE 1/4 Sec. 10, SW 1/4 Sec. 11, T20N, R3E, P.M.MT, Cascade County, MT, herein referred to as Mark 22LA, from one lot into two lots.

Background

▪ Legal Descriptions:

1. Mark 22LA, SE 1/4 Sec. 10, SW Sec. 11, T20N, R4E, P.M.MT, Cascade County, MT = ±2.53 acres (subdivision proposed for this mark)
2. Mark 22LB, SE1/4 Sec. 10, T20N, R3E, P.M.MT, Cascade County, MT = ±2.77 acres
3. Lot 2, Block 1, Jewel Addition, SE 1/4 Sec. 10, T20N, R3E, P.M.M., Cascade County, MT = ±6.06 acres
4. Mark 22M, East 1/2 of Sec. 10, T20N, R3E, Cascade County, MT = ±2.02

▪ Total Area: ±13.32

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 client or in the conditions of this report.

Existing Conditions

The existing site information for the said property includes:

Existing Use:

1. Mark 22LA includes an existing grain elevator and associated building and a vacant office / warehouse building that was previously used as a daycare.
2. Mark 22LB includes outdoor storage of landscape paving materials and associated office.
3. Lot 2 includes mini-storage units and a cell tower.
4. Mark 22M includes a portion of the West Great Falls Flood Control District Levee.

Existing Zoning: C-2 General Commercial. This district is primarily intended to accommodate high-traffic businesses that focus on vehicle traffic.

Adjacent Land Use: North and northwest of the site is the existing Hickory Swing Golf Course. East of the subject property are existing commercial businesses. South and southeast are existing single-family residences, and west of the property is a portion of the Hickory Swing Golf Course, BNSF railroad tracks and single-family residences. See Exhibit A - Aerial Photo and Exhibit B - Vicinity/Zoning Map for the zoning of the surrounding properties.



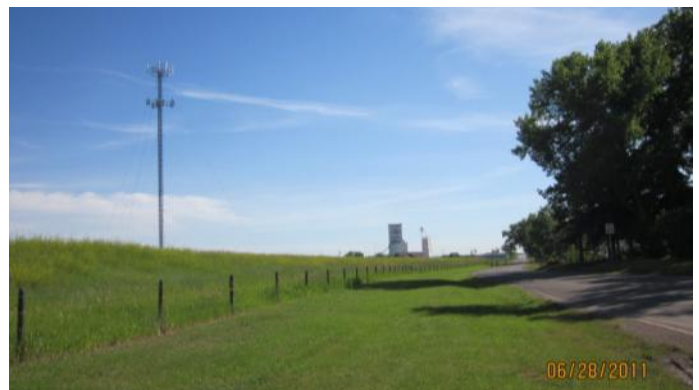
View of grain elevator and empty warehouse/office building on Mark 22 LA



View of Rocky Mountain Hardscapes office and outdoor storage on Mark 22LB



View of the mini-storage units on Lot 2



View East of Cell Tower and Flood Control District Levy on Lot 2 and Marks 22LE & 22M



View West along Crescent Drive

Exhibit A: Aerial Photo



Aerial Photo: May, 2009



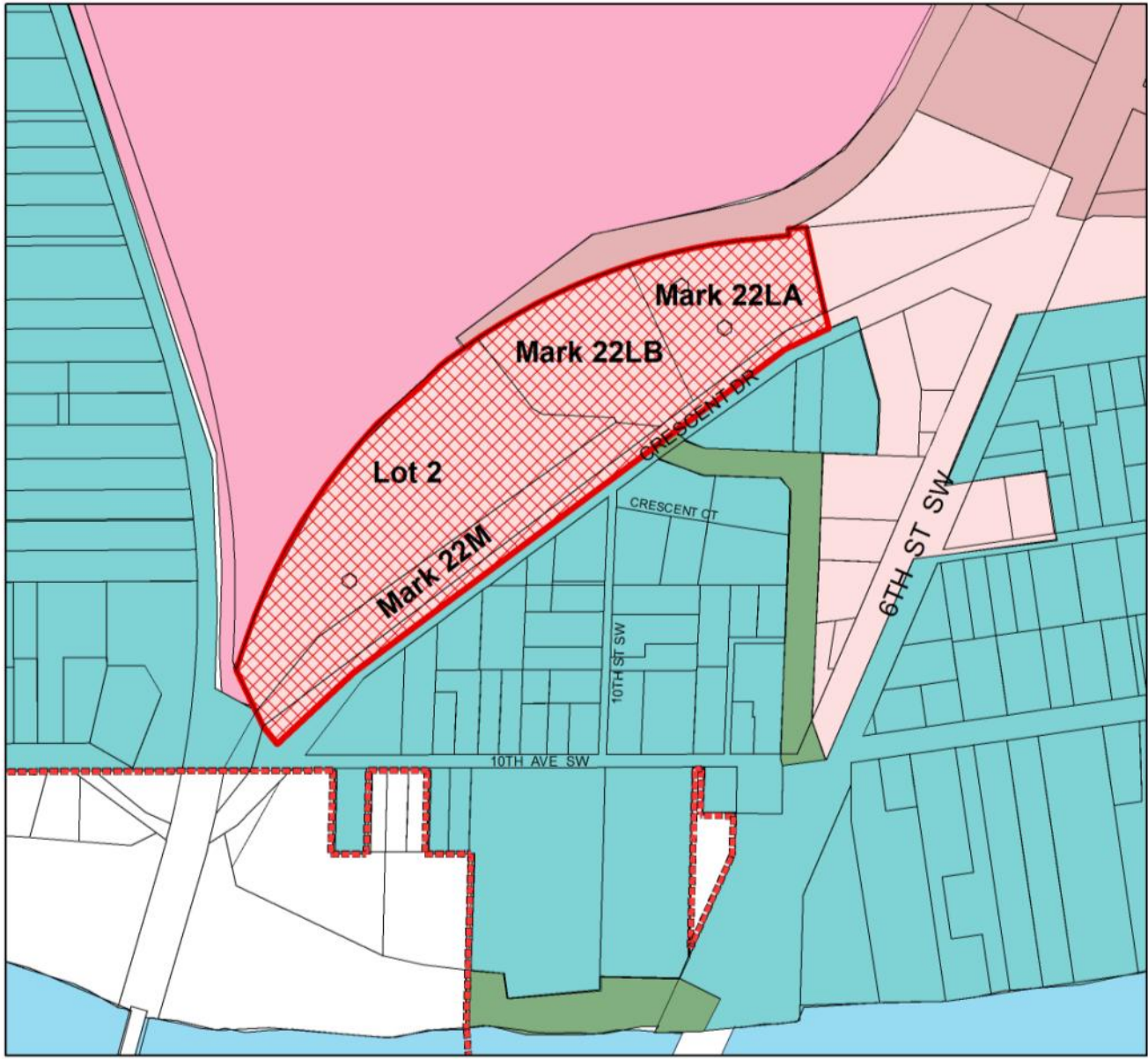
-  Subject Property
-  Tracts of Land



Exhibit B: Vicinity/Zoning Map



| | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|  Subject Property |  I-1 Light industrial |  R-2 Single-family medium density |
| ZONING |  I-2 Heavy industrial |  R-3 Single-family high density |
|  AI Airport Industrial |  M-1 Mixed-use district |  R-5 Multi-family medium density |
|  C-1 Neighborhood commercial |  M-2 Mixed-use transitional |  R-6 Multi-family high density |
|  C-2 General commercial |  PLI Public lands institutional |  R-9 Mixed residential |
|  C-3 Highway commercial |  POS Park Open Space |  R-10 Mobile home park |
|  C-4 Central business core |  PUD Planned unit development |  Unincorporated Enclave |
|  C-5 Central business periphery |  R-1 Single-family suburban | |

Rezone Request

The applicants are requesting to rezone four lots located north of Crescent Drive and west of 6th Street Southwest from the existing C-2 General Commercial to I-1 Light Industrial. This zoning classification is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.

The Official Code of the City of Great Falls was updated in 2005. While care was taken in this update, there were some areas that were assigned zoning that created nonconforming uses throughout the City. Under the previous code the subject property was zoned 1st Industrial. This zoning permitted by right the existing uses on the subject properties. Currently, the properties are allowed to continue their industrial operations as legal non-conforming uses. If operations were to cease, the property owners would have two years to reestablish the industrial uses. If the uses were not reestablished under the current zoning policies, the properties would have to come into conformance with the existing C-2 zoning.

As the property to the south is zoned R-1 Single-family suburban, the existing C-2 General Commercial zoning could be viewed as a less intense zoning and more compatible to the residential neighbors to the south. However, in this case the rezoning would not have a major effect on the R-1 properties to the south for the following reasons:

- There are already existing industrial uses on the subject properties that would be allowed to maintain in the future.
- Most of the industrial operations are blocked from view to the adjacent residential lots by the existing West Great Falls Flood Control District levee on the north side of Crescent Drive.
- Staff sees no likelihood that a change in use from the existing industrial uses to commercial uses would happen in the near future.

Rezoning the subject properties would not diminish the character of the neighborhood and would have minimal impact to the surrounding properties; therefore Staff is in support of the proposed rezoning.

Subdivision Request

The applicant is requesting a minor subdivision of Mark 22LA, which is approximately 2.53 acres. The

request is to subdivide the property into two tracts. The proposed southern tract consists of an existing warehouse/office building and will be ± 0.59 acres. This building is encroaching on to Crescent drive approximately 15.32 feet. The applicant is requesting an encroachment permit from the Public Works Department as a part of this application. Access to this tract will be from Crescent Drive. The northerly tract of the subdivision will be ± 1.94 acres and consists of an existing grain elevator and associated building. Access to this tract will also be from Crescent Drive. Both tracts in the subdivision meet minimum standards for subdivisions for I-1 zoning within the City. Once the building on Tract 1 is removed, any new development would have to meet all City zoning standards. Please refer to Exhibit D for the minor subdivision plat information.

Infrastructure

Streets & Utilities

Crescent Drive is a paved roadway that is not constructed to City standards. Currently, there are no curb, gutter or sidewalks on this street.

City water main (8-inch) exist in Crescent Drive from 6th Street Southwest westerly to the eastern boundary of the subject property. City sewer main (8-inch) exist in Crescent Drive from 6th Street Southwest westerly to approximately the western boundary of the Mark 22LB of the subject property.

At this time the City is not requiring any improvements to the existing street, water or sewer mains, but the City reserves the right to require improvements at the cost to the applicant when deemed necessary by the City's Public Works Department.

The closest storm drain is located in 6th Street Southwest; the developer will not be required to extend the storm drain.

Stormwater Management:

The request does not include a proposal for any new development; therefore, the developer is not required to provide a stormwater management plan in compliance with the City of Great Falls Storm Design Manual and City standards.

Traffic Analysis

The request does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by this request.

Encroachment Permit Mark 22LA:

The applicant is requesting an encroachment permit for Mark 22LA from the City of Great Falls Public Works Department as a part of this request. There is an existing building on Mark 22LA that encroaches onto Crescent Drive approximately 15.32 feet. The encroachment permit will run with the life of the building and at such time as the building is destroyed, the encroachment permit would become null and void.

2005 City of Great Falls Growth Policy:

The proposed request is compatible with the 2005 Growth Policy, as it advances themes contained within the Policy, and is generally consistent with the general principles found in the document. Plan Elements related to the request are in the Land Use section. It is stated that industrial uses were historically located in areas near railroads, the CBD and Black Eagle. Preference is expressed for locating industry in “new industrial parks,” or other “campus-like sites” which the subject properties represent.

Neighborhood Council Input

Patty Cadwell, Neighborhood & Youth Council Coordinator, provided the information regarding the request to rezone and subdivide to Neighborhood Council #2 on June 28, 2011. At the time the staff report was written, there had been two general inquiries regarding the project, but no comments for or against the request.

Finding of Fact for the Proposed Subdivision on Mark 22LA (Prepared in Response to 76-3-608 (3) MCA)

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The tracts of land within the proposed subdivision are not currently being utilized for agricultural purposes. There are no new proposed uses on the property and the existing uses will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that are existing in the vicinity include Industrial, Commercial and Residential uses.

Effect on Local Services: The area within the proposed subdivision is currently annexed into the City of Great Falls. City services, including water and sewer systems, are nearby the subject property. The applicant agrees to pay for and install all necessary utilities to the subdivision when deemed necessary by the applicant or the City of Great Falls. The City should not experience an appreciable increase in maintenance and operating costs by approving the subdivision. The subdivision will be assessed regular water and sewer charges.

The City of Great Falls will provide law enforcement and emergency services to the tracts of land in the subdivision. The nearest fire station is approximately 0.9 miles from the subject parcel which is within sufficient travel time for emergency services. Providing these services to the proposed development is expected to be a negligible cost to the City.

Crescent Drive is a paved public roadway adjacent to the subdivision. Crescent Drive will be used to access the proposed subdivision and this road will be maintained by the City of Great Falls. Additional roadways or driveways, if necessary, will be built and maintained at the property owner's expense internally in the subdivision. There are currently no new internal roads proposed.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the quality or quantity of ground water. There is no new development proposed at this time on the subject property. If new development were to occur on the subject property, the proposal would be subject to review by the City of Great Falls for all applicable codes and policies.

Effect on Wildlife and Wildlife Habitat: The proposed subdivision is located adjacent to an area containing urbanized development. The project 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 proposed subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The minor 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 applicant shall provide all necessary utility easements to accommodate water, stormwater and sanitary sewer mains to serve any future development on the subject property.

LEGAL AND PHYSICAL ACCESS

The subdivision is bounded by Crescent Drive; this road is a paved public roadway that is maintained by the City of Great Falls. The proposed subdivision will have direct access from this roadway, which provides the legal and physical access required by state statute.

Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. The Zoning Commission has the responsibility to review and make recommendations on rezoning requests. As such, each of the two recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

Recommendation I: It is recommended the Zoning Commission recommend the City Commission approve rezoning the subject properties from C-2 General Commercial to I-1 Light Industrial, subject to the Planning Advisory Board adopting Recommendation II (below) and the Conditions of Approval being fulfilled by the applicant. The subject properties are legally described below:

- Mark 22LA, SE 1/4 Sec. 10, SW Sec. 11, T20N, R4E, P.M.MT, Cascade County, MT = ±2.53 acres (subdivision proposed for this mark)
- Mark 22LB, SE1/4 Sec. 10, T20N, R3E, P.M.MT, Cascade County, MT = ±2.77 acres
- Lot 2, Block 1, Jewel Addition, SE 1/4 Sec. 10, T20N, R3E, P.M.M., Cascade County, MT = ±6.06 acres
- Mark 22M, East 1/2 of Sec. 10, T20N, R3E, Cascade County, MT = ±2.02

Conditions of Approval

1. The Minor Plat of Thayer Development shall incorporate corrections of any errors or omissions noted by staff.
2. At this time the City is not requiring any improvements to the existing street, water or sewer mains and storm drain, but the City reserves the right to require improvements at the cost to the applicant when deemed necessary by the City's Public Works Department.
3. An Easement Agreement shall be prepared containing terms and conditions for the encroachment easement of Tract 2, Thayer Development, which are acceptable to the City's Public Works Department.

Recommendation II: It is recommended the Planning Advisory Board recommend the City Commission approve the Minor Plat of the subject property legally described as Tracts 1 and 2 Thayer Development, SE 1/4, Section 10, SW 1/4, Section 11, T 20 N, R 3 E., P.M.MT, Cascade County, Montana, subject to the Zoning Commission adopting Recommendation I (above) and the above conditions being fulfilled.

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 Rezoning and Subdivision.
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 & Youth Council Coordinator

Thayer Family Limited Partnership, 2123 Vaughn Road, Great Falls, MT 59404

Carl Heishman, Caran, Inc., 760 6th St SW, Great Falls, MT 59404

Spencer Woith, Woith Engineering, 1725 41st Ave S, Great Falls, MT 59405

Sandy Meyers, West Great Falls, Flood Control District, 429 19th St SW, Great Falls, MT 59404

EXHIBIT C - APPLICATION (1 OF 2)



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: _____

Owner(s): THAYER FAMILY LIMITED PARTNERSHIP

Mailing Address: 2123 VAUGHN ROAD, GREAT FALLS, MT 59404

Phone: (406) 771-9229 FAX: (406) 455-1589

E-mail: _____

Agent(s): SPENCER WOITH

Mailing Address: 1725 41ST AVE S, GREAT FALLS, MT 59405

Phone: (406) 761-1955 FAX: (406) 761-1546

E-mail: spencerwoith@woithengineering.com

Legal Description: S10, T20N, R3E, MARK 22LA IN SEC 10 & 11

Section: 10 Township: 20N Range: 3E

Street Address: 905 CRESCENT DRIVE, GREAT FALLS, MT 59404

Zoning: Current: C-2 GENERAL COMMERCIAL Proposed: I-1 LIGHT INDUSTRIAL

Land Use: Current: OFFICE Proposed: OFFICE

Covenants or Deed Restriction on Property: Yes No
(If yes, please attach to application)

Application Type (please check all that apply):

- Subdivision Preliminary Plat-\$800
- Subdivision Minor Plat-\$600
- Conditional Use Permit-\$700
- Establishment of Zoning with Annexation-\$700
- Annexation-\$400
- Zoning Map Amendment-\$700
- Subdivision Final Plat-\$300

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: [Signature] Date: 6-15-11

Property Owner's Signature: (SPENCER WOITH) Date: _____

EXHIBIT C - APPLICATION (2 OF 2)



P. O. Box 5021, 59403-5021

Planning & Community Development

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: _____

Owner(s): CARAN, INC.

Mailing Address: 760 6th ST. S.W., GREAT FALLS, MT 59407

Phone: 406 231-0005 FAX: _____

E-mail: _____

Agent(s): CARL D. HEISHMAN

Mailing Address: 2615 4th AVE S., GREAT FALLS, MT. 59405

Phone: 727-5366 FAX: _____

E-mail: _____

Legal Description: Lot 2 Block 1 Jewel

Section: _____ Township: _____ Range: _____

Street Address: 1001 Crescent Dr

Zoning: Current: C-2 Proposed: 1-1

Land Use: Current: mini storage Proposed: mini storage
cell tower cell tower

Covenants or Deed Restriction on Property: Yes _____ No _____
(If yes, please attach to application)

Application Type (please check all that apply):

- Subdivision Preliminary Plat-\$800
- Subdivision Minor Plat-\$600
- Conditional Use Permit-\$700
- Establishment of Zoning with Annexation-\$700
- Annexation-\$400
- Zoning Map Amendment-\$700
- Subdivision Final Plat-\$300

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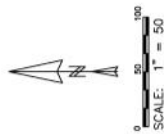
Property Owner's Signature: [Signature] Date: 6/20/11

Property Owner's Signature: _____ Date: _____

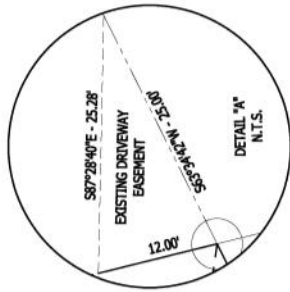
EXHIBIT D - PROPOSED MINOR PLAT

MINOR PLAT OF THAYER DEVELOPMENT

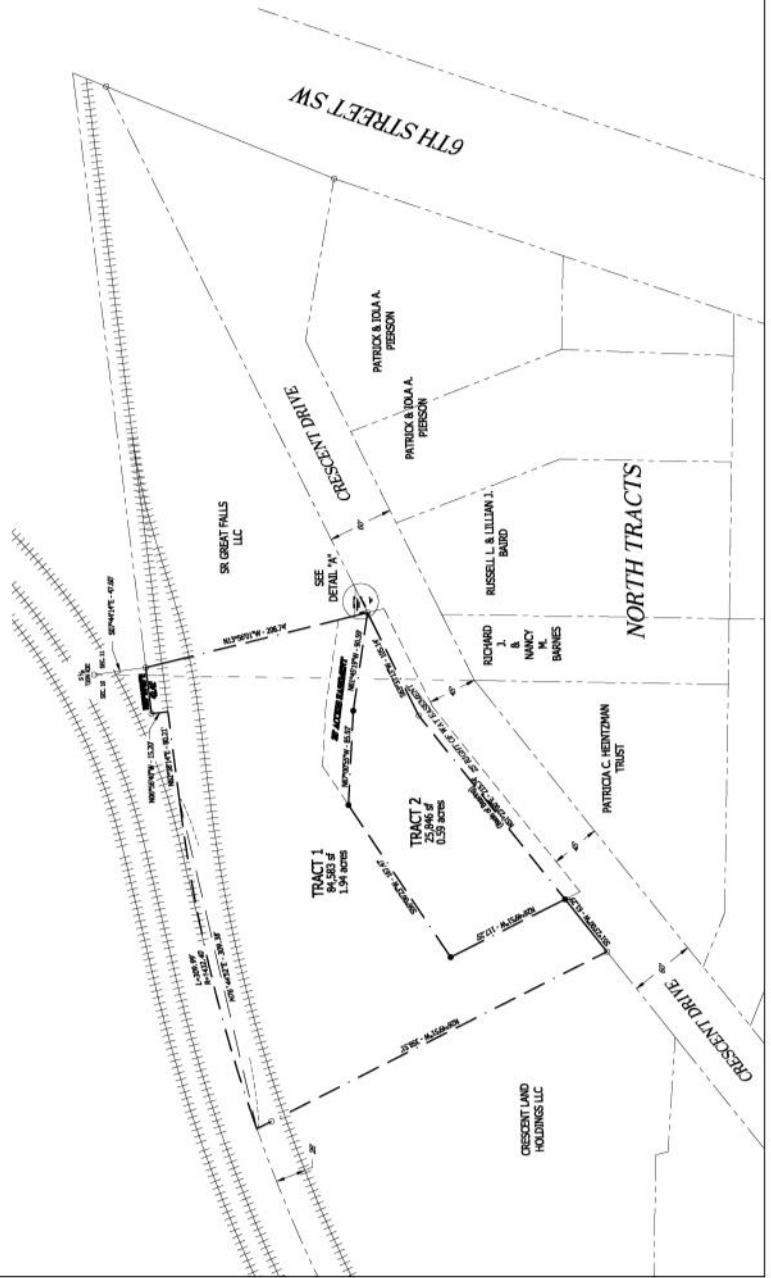
A SUBDIVISION LOCATED WITHIN SE 1/4, SECTION 10, SW 1/4,
SECTION 11, T. 20 N., R. 3E., P.M.M.T, CASCADE COUNTY, MONTANA



- LEGEND**
- CURRENT ADDITION BOUNDARY
 - ==== RAILROAD CENTERLINE
 - - - - CENTERLINE EXISTING ASPHALT
 - - - - EXISTING PROPERTY LINE
 - - - - POINT OF BEGINNING
 - P.O.B.
 - sf SQUARE FEET
 - FOUND "X" MARK
 - FOUND "PC" UNDESH*
 - SET 5/8" PINS REBAR WITH YELLOW PLASTIC CAP ADJACENT SIDES*



VICINITY MAP



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ENGINEERS & SURVEYORS
1100 WEST 10TH AVENUE, SUITE 200
BOZEMAN, MT 59717
PHONE: (406) 552-1100
FAX: (406) 552-1101
WWW: WWW.WORTHENGINEERING.COM