

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JUNE 28, 2011**

*Case Number*

ABN2011-2

*Applicant*

Zach Olson

*Owners*

City of Great Falls (right-of-way)  
Lumber Yard Supply Co.  
United Materials of Great Falls, Inc.  
Zack Olson Enterprises  
William Caffyn

*Property Location*

13th Street North and 11th Alley North

*Requested Action*

**Vacate** a portion of right-of-way and provide an amended plat of Lot 8, Block 36 & all of Block 37, First Addition to Great Falls.

*Neighborhood Council*

Neighborhood Council #7

*Recommendation*

Approval of the request with Conditions.

*Project Planner*

Jana Cooper, RLA

## ABANDON RIGHT-OF-WAY 13TH STREET NORTH & 11TH ALLEY NORTH



**Location Map**



**Amended Plat Area**



**ROW Vacate**



### Summary

#### **Project Description**

The property owners surrounding 13th Street North from 10th Avenue North to 11th Alley North and 11th Alley North from 13th Street North to previously vacated 14th Street North hereinafter referred to as “subject property” have submitted an application to vacate the above described right-of-way.

In conjunction with the abandonment of right-of-way the owners are required to provide an amended plat of the properties adjacent to the subject property.

#### **Background**

- Legal Description: Amended Plat of Lot 8, Block 36 & all of Block 37, First Addition to Great Falls.
- Subject Property: 13th Street North: 12,808 sq. ft. + 11th Alley North in Block 37: 7,000 sq. ft. = ±0.455 acres
- Amended Plat: Lot 8A, Block 36: 13,524 sq. ft. + Block 37: 148,044 sq. ft. = 161,568 sq. ft. or 3.709 acres

#### **Agency Comment**

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

## Existing Conditions

The existing site information for the subject property includes:

**Existing Use:** Public rights-of-way that were never developed for public use and are blocked to through traffic due to Burlington Northern Santa Fe Railroad and Lumber Yard Supply Company previously vacating 13th Street North, north of the subject property.

**Existing Zoning:** I-1 Light Industrial. This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.

**Adjacent Land Use:** Adjacent properties on all sides of the subject property are zoned I-1 Light Industrial and have similar uses including construction material storage/sales, contractor yard, vehicle service and outdoor storage. Northwest of the subject property is Burlington Northern Santa Fe Railroad Company, to the North is the Lumber Yard Supply Company, East and South is Zach Olson Enterprises and United Materials of Great Falls, Inc., and west is property owned by William Caffyn.

## Project Overview

The applicant has submitted a petition to abandon a segment of 13th Street North extending between 10th Avenue North and 11th Alley North and a portion of 11th Alley North from 13th Street North to previously vacated 14th Street North.

13th Street North and 11th Alley North are public rights-of-way and are undeveloped. The City's Public Works Department does not have a need to retain the subject property to maintain adequate public traffic flows. The City does need to retain the subject property for use as public utility easements. The applicant has provided signatures from the adjacent land owners who are in support of abandoning the subject property. There are four owners who have property abutting the subject property.

William Caffyn, the property owner to the west of the subject property (Lot 8A, Block 36 of the Amended Plat), has a secondary access off of 13th Street North. The owner of this property could maintain the existing access on the western portion of 13th Street North if the subject property is vacated. Mr. Caffyn has signed the petition to vacate the rights-of-way.

Zach Olson, the applicant and owner of the property east of the subject property (Lot 14A & 13A, Block 37 of the Amended Plat), also has a secondary access off of 13th Street North. This access could be maintained on the eastern portion of 13th Street North if the street is vacated. The owner/applicant signed the petition to approve abandonment of the rights-of-way.



View South down 13th Street North



View East down 11th Alley North

## Project Overview (continued)

United Materials of Great Falls, Inc., to the east of Zach Olson's property (Lot 8A, Block 37 of the Amended Plat), does not have access from 13th Street North. The property is accessed from 10th Avenue North and would maintain its existing access. The owner of United Materials has also signed the petition in support of vacating the rights-of-way.

Lumber Yard Supply Company, to the north of the subject property (Lot 1A, Block 37 of the Amended Plat), can currently access their property from 13th Street North, but would not have legal access from 13th Street North if vacated per this request. Lumber Yard Supply Company has legal access from the north of their property across the railroad tracks. The company president signed the petition to vacate the rights-of-way.

Upon abandonment, the northerly half of the vacated right-of-way on 11th Alley North would revert to and become a part of the abutting proposed Lot 1A, Block 37, currently owned by the Lumber Supply Company, and the southerly half would revert to and become a part of the abutting Lot 8A, Block 37 which is owned by United Material of Great Falls. All of 11th Alley North would be retained as a utility easement and allow access by the City of Great Falls.

Upon abandonment, the westerly half of the vacated right-of-way on 13th Street North would revert to and become a part of the abutting proposed Lot 8A, Block 36, currently owned by the William Caffyn, and the easterly half would revert to and become a part of the abutting Lot 14A, Block 37, which is owned by Zach Olson Enterprises. All of 13th Street North would be retained as a utility easement and allow access by the City of Great Falls.

Approval of the abandonment is subject to the applicant providing an amended plat showing the consolidation of lots and provision for appropriate easements for utilities. (Exhibit C)

## Improvements

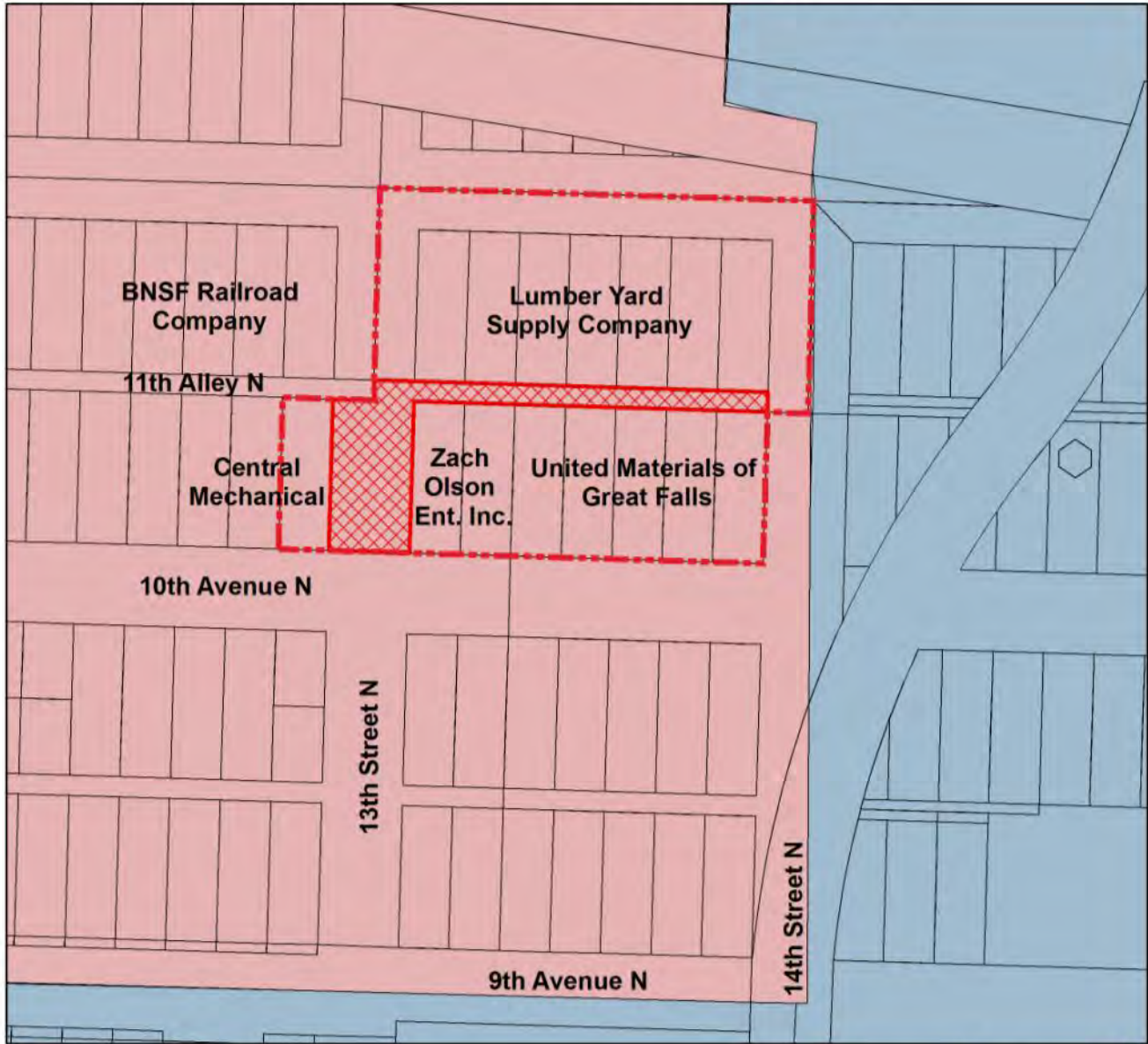
City water mains (6-inch) are located in 13th Street North; the applicant will be required to dedicate 13th Street North as a utility easement as directed by the Public Works Department. A portion of this easement will need to be designed and maintained as a drainage easement for surface storm water drainage. The amended plat is subject to review and approval by the Public Works Department prior to final approval by the City Commission.

There are currently no sanitary sewer mains or storm drains located in the subject property. The owners will be required to maintain 13th Street North as a utility easement for future extension of sewer mains or storm drains as required by Public Works.

There are overhead power lines in 11th Alley North; the applicant will be required to retain the Alley as a 20-foot utility easement to accommodate future access to these improvements.

As a condition of approval for this action the City of Great Falls requires all fencing and other debris located in 10th Avenue North right-of-way be permanently removed. The applicant will also be required to maintain a fire access for emergency vehicles and fire apparatus as required by the Fire Department. The owners shall submit any plans for fencing of the subject property to the City's Public Works and Fire Departments for review for access requirements.

# Exhibit A: Vicinity/Zoning Map



100 50 0 100 Feet



Amended Plat Area



ROW Abandonment Area

**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

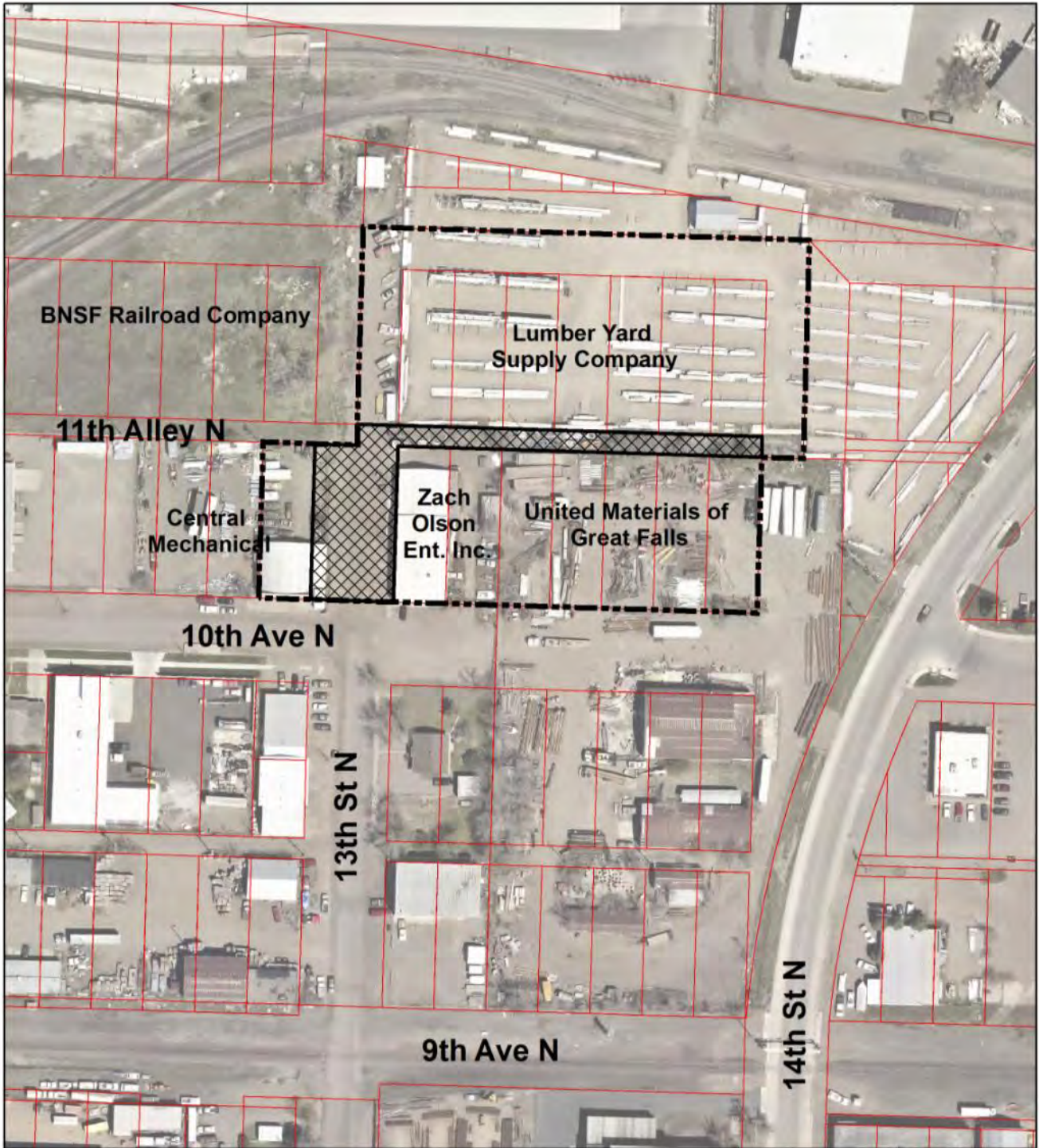


R-10 Mobile home park






Unincorporated Enclave

# Exhibit B: Aerial Photo



Aerial Photo: May, 2009

-  Amended Plat Area
-  ROW Abandonment Area
-  Tracts of Land





## 2005 City of Great Falls Growth Policy:

The transportation element of the City of Great Falls Growth Policy establishes strategies and actions to implement sound traffic and roadway management. The City of Great Falls Public Works Department has established the only need for these rights-of-way are for utilities purposes; the rights-of-way are not needed for future street development or transportation use. In addition, the project is consistent with the Land Use section of the Growth Policy because all of the affected properties have conforming land uses per the zoning code.

## Neighborhood Council Input

Patty Cadwell, Neighborhood & Youth Council Coordinator, provided the information regarding the request to vacate the rights-of-way to Neighborhood Council #7 on June 15, 2011. At the time the staff report was written there were no comments from the council.

## Recommendation

It is recommended that the Planning Advisory Board recommend the City Commission approve the request to vacate the rights-of-way and approve the Amended Plat of a Portion of Lot 8, Block 36 & all of Block 37, First Addition to Great Falls, subject to the conditions below:

## Conditions of Approval

1. The amended plat of Lot 8, Block 36 & 37, First Addition to Great Falls, shall incorporate correction of any errors or omissions noted by staff.
2. The amended plat for subject property shall be submitted to the City Public Works Department for review and approval prior to approval by the City Commission. The amended plat shall include the following:
  - The amended plat shall dedicate 13th Street North as a utility easement for future utility expansion. A portion of this easement will also need to be designed and maintained for surface drainage.
  - The amended plat shall retain 11th Alley North as a 20-foot utility easement as required by Public Works.
  - The amended plat shall provide any access for fire and emergency vehicles as specified by the Fire Department.
3. All fences and other debris located in the 10th Avenue North right-of-way be permanently removed.
4. A Development Agreement shall be prepared containing terms and conditions for the abandonment of the rights-of-way.

## 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 abandonment.
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 and Youth Council Coordinator

Zach Olson, Applicant, 1301 10th Avenue North, Great Falls, MT 59401

William Caffyn, 2515 4th Ave S, Great Falls MT 59405

Owen Robinson, President, Lumber Yard Supply Co, PO Box 1419, Great Falls, MT 59403-1419

Lonnie Anderson, United Materials of Great Falls, Inc, PO Box 1690, Great Falls, MT 59403

# EXHIBIT D - APPLICATION



P. O. Box 5021, 59403-5021

Planning & Community Development

## DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: \_\_\_\_\_

Owner(s): Zach Olson

Mailing Address: 1301 10<sup>th</sup> Ave N.

Phone: 231-2796 FAX: 453-5831

E-mail: \_\_\_\_\_

Agent(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Street Address: 1301 10<sup>th</sup> Ave N.

Zoning: Current: \_\_\_\_\_ Proposed: \_\_\_\_\_

Land Use: Current: \_\_\_\_\_ Proposed: \_\_\_\_\_

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
- VACATE ROW

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: Zach Olson Date: 5-16-11

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

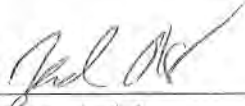


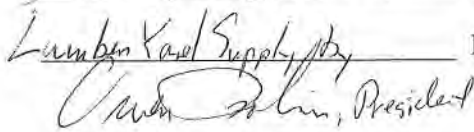


# EXHIBIT E - PETITION OF OWNERS

Charlie sheets, Planning Department  
455-8431

RE: 13<sup>th</sup> st Street Alley/Vacation

All land owners request that 13<sup>th</sup> st from 10<sup>th</sup> ave n to 11<sup>th</sup> ave north and 11<sup>th</sup> ave north from 13<sup>th</sup> st to 15<sup>th</sup> st be vacated from public ownership.

 _____	Date <u>5-5-11</u>	Zach Olson Applicant / Owner, Zach Olson Enterprises
 _____	Date <u>5/5/11</u>	William Caffyn Owner, Lot 8A, Block 36
 _____	Date <u>5/6/11</u>	Lonnie Anderson Representative, United Materials of Great Falls, Inc.
 _____	Date <u>5/10/11</u>	Owen Robinson President, Lumber Yard Supply Company