

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JUNE 14, 2011**

*Case Number*

SUB2011-2

*Applicant*

Lewis F. and Kandy Kim  
Zanto

*Owners*

Lewis F. and Kandy Kim  
Zanto

*Property Location*

2712 Lower River Road  
± 0.908 Acres

*Parcel ID Number*

2102400

*Requested Action*

Subdivide the property into  
two lots.

*Neighborhood Council*

Neighborhood Council #6

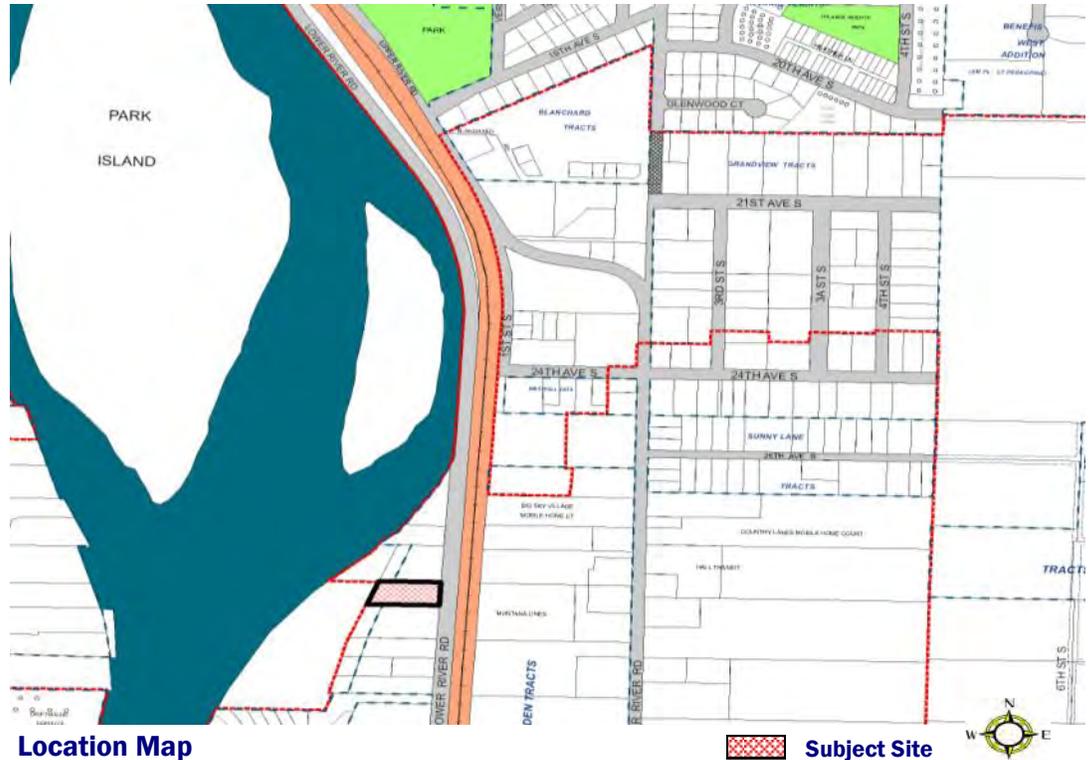
*Recommendation*

Approval of the Amended Plat  
of a Portion of Lot 2, McLean  
Garden Tracts with condi-  
tions.

*Project Planner*

Jana Cooper, RLA

## SINGLE-LOT SUBDIVISION



**Location Map**

**Subject Site**

### Summary

#### **Project Description**

The ±0.908 acre subject property has an existing single-family residence. The applicants wish to subdivide the property into two lots to create an additional buildable residential lot.

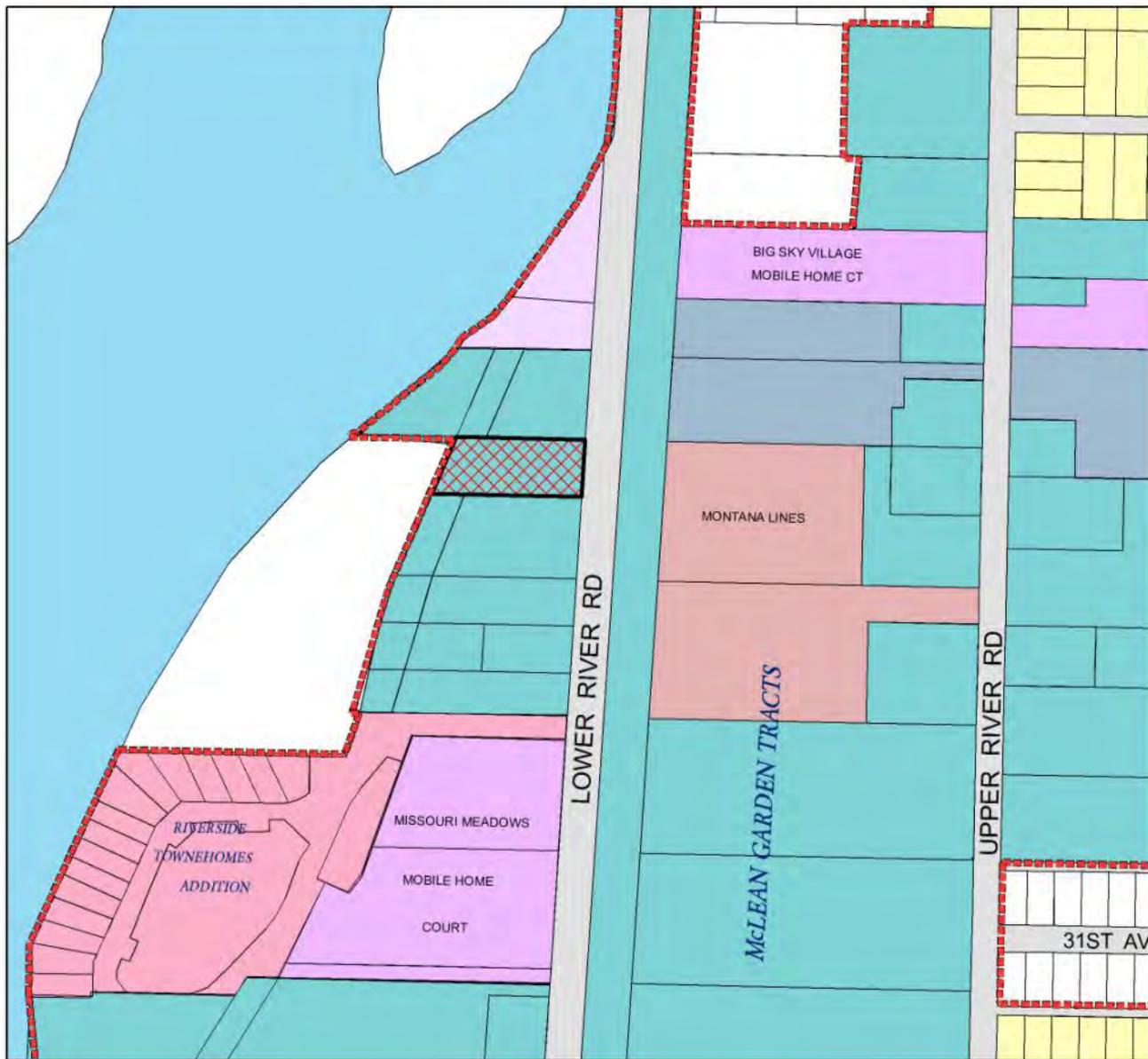
#### **Background**

- Legal Description: A Portion of Lot 2, McLean Garden Tracts, Section 23, Township 20 North, Range 3 East, Cascade County, Montana.
- Area of Property;  $\pm 128' \times \pm 309' = 39,552 = 0.908$  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 client or in the conditions of this report.

# Exhibit A - Vicinity/Zoning Map



260 130 0 260 Feet



Subject Property

**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

# EXHIBIT B - AERIAL PHOTO



-  Subject Property
-  Tracts of Land



## Existing Conditions

**Existing Use:** Vacant undeveloped land and a single family residence.

**Adjacent Land Use:** North and South of the subject site are existing single-family residences. East of the subject site is Upper River Road and BNSF Railroad easement. West of the subject site is State Trust Land and the Missouri River. See Exhibit A - Aerial Photo and Exhibit B - Vicinity/Zoning Map for the zoning and existing land uses of the surrounding properties.

## Project Overview

### **Subdivision Request:**

The Planning and Community Development Department is in receipt of an application from Lewis and Kandy Zanto, for the Amended Plat of Lot 2, McLean Garden Tracts. The Amended Plat subdivides Lot 2 from a single lot into two lots. Lot 2 currently has a single-family residence on the property and the applicants intend to provide an additional lot suitable for an addition residence on the westerly portion of the property.

### **Zoning:**

Property is zoned R-1 Single-family suburban. The proposed lots will be over the required 15,000 square foot minimum lot size for the R-1 zoning district. The existing single-family residence will be located on the newly created eastern lot and it will meet all setback requirements for the R-1 zoning district. Construction of the proposed single-family residence on the newly created western lot will also meet the standard setbacks for the R-1 zoning district. Any future building on the newly created lot will be subject for review and be required to meet all City standards and codes.

## Improvements

The applicant proposes to install water and sanitary sewer services from the City mains located in the abutting right-of-way of Lower River Road. The applicants will pay their proportionate share of the tapping and connection fees as established by the Upper/Lower River Water and Sewer District Board. The Amended Plat will establish an ingress/egress and utility easement along the southern boundary of subject property. The proposed subdivision has been reviewed and approved by the Fire Department regarding access for emergency services to the proposed lots.

### **Stormwater Management:**

The proposed development will not have impervious surfaces of more than 15,000 square feet; therefore, the applicant is not required to provide a stormwater management plan.

### **Flood Plain**

The applicant submitted a FEMA Letter of Map Amendment for the property. The property was removed from the Special Flood Hazard Area, as shown on FEMA Map Panel Number 3000080406.

### **Traffic Analysis**

A typical single-family dwelling unit generates around 10 trip-ends per day. The addition of one single family dwelling will not adversely impact the road network. The applicant will be required to provide a paved driveway apron from the property line to the existing roadway to mitigate gravel and debris from entering Lower River Road and causing damage to the roadway. The properties will have a shared driveway; an agreement binding to the land shall be developed regarding maintenance and access for the two properties.



View across newly created lot.



View of existing home and driveway on site.

## Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

### **PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** The subject property is not currently being utilized for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses in the area is classified and urban residential in nature.

**Effect on Local Services:** The area within the project is located within the City of Great Falls. The site will be served by City water and sewer systems. The City should not experience an appreciable increase in maintenance and operating costs. The lots within the Amended Plat will pay the established ULRWS District reimbursement for water and sewer mains installed as a part of the ULRWS District #1 and pay regular water and sewer charges.

The site receives law enforcement and fire protection services from the City of Great Falls. The nearest fire station is  $\pm 3$  miles from the site. Providing these services to the existing and proposed new single-family uses within the project is expected to be a negligible cost to the City. Tax revenues from the properties will likely cover any share of costs.

Lower River Road is paved to a rural standard and maintained by the City of Great Falls. A ingress/egress easement is provided on the Amended Plat for the proposed new single-family residence. The fire department has reviewed the proposal and agreed the proposed lot layout will be satisfactory for emergency services.

**Effect on the Natural Environment:** The proposed subdivision is not expected to adversely affect soils or the quality or quantity of ground water.

**Effect on Wildlife and Wildlife Habitat:** The site is in an area of urban residential development. The proposed development 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 and the FEMA Letter of Map Amendment, the site 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, nearby commercial business activity or high traffic volumes. The FEMA Letter of Map Amendment is on file at the Planning and Community Development Department.

### **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 subdivisions regulations.

### **EASEMENT FOR ACCESS/EGRESS AND UTILITIES**

The Amended Plat provides easements for ingress/egress and utilities to serve the subdivision. Previously established offsite utility and access easements will be not be affected by the proposed development.

### **LEGAL AND PHYSICAL ACCESS**

Lower River Road, a paved public roadway, borders the site and provides legal and physical access to the subdivision. The fire department has reviewed the proposed subdivision and approved the layout for emergency service vehicles.

### Neighborhood Council Input

Patty Cadwell, Neighborhood Council Coordinator presented the project to Neighborhood Council #6 on June 1, 2011, Neighborhood Council #6 made no comments on the proposed subdivision.

### Recommendation

It is recommended that the Planning Advisory Board recommend the City Commission approve the Amended Plat of a Portion of Lot 2, McLean Garden Tracts based on the Findings of Fact and subject to the conditions below:

### Conditions of Approval

1. The amended plat of Lot 2, McLean Garden Tracts, shall incorporate correction of any errors or omissions noted by staff.
2. A geotechnical investigation and report prepared by a Professional Engineer (and indemnifying the City) with recommended building foundation design shall be submitted to the Planning and Community Development department for review and approval prior to issuance of building permits.
3. A Development Agreement shall be prepared containing terms and conditions for development on the subject property.

### 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 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 and Youth Council Coordinator  
Lewis Zanto, 3000 Lower River Road #2, Great Fall, MT 59404  
Lyle Meeks, 4509 N Star Blvd, Great Falls, MT 59405-1048

# EXHIBIT C - APPLICATION



P. O. Box 5021, 59403-5021

Planning & Community Development

## DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: 2712 Lower River Road

Owner(s): Lewis + Kandy Zanto

Mailing Address: 3000 Lower River Road #2

Phone: 406-727-7334 FAX: \_\_\_\_\_

E-mail: lewzanto@msu.com

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

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

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

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

Legal Description: See attached PARCEL # 2102400

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

Street Address: \_\_\_\_\_

Zoning: Current: R1 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
- Annexation-\$400
- Subdivision Minor Plat-\$600
- Zoning Map Amendment-\$700
- Conditional Use Permit-\$700
- Subdivision Final Plat-\$300
- Establishment of Zoning with Annexation-\$700

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: 12-5-10

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

