

PLANNING ADVISORY BOARD ZONING COMMISSION

JANUARY 11, 2011

Case Number

ZON2011-1
SUB2011-1

Applicants

James McIntyre and Timothy Murphy

Owners

McIntyre Enterprises, Inc.
and Murphy Real Estate

Property Location

9th Street Northeast and
41st Avenue Northeast
± 0.768 Acres
Neighborhood Council 3

Parcel ID Numbers

1476220, 1476221 &
1476222

Requested Action

Minor Subdivision of Lots
1, 2 & 3, Block 3, Stone
Meadows and rezone same
from R-3 to PUD zoning
district.

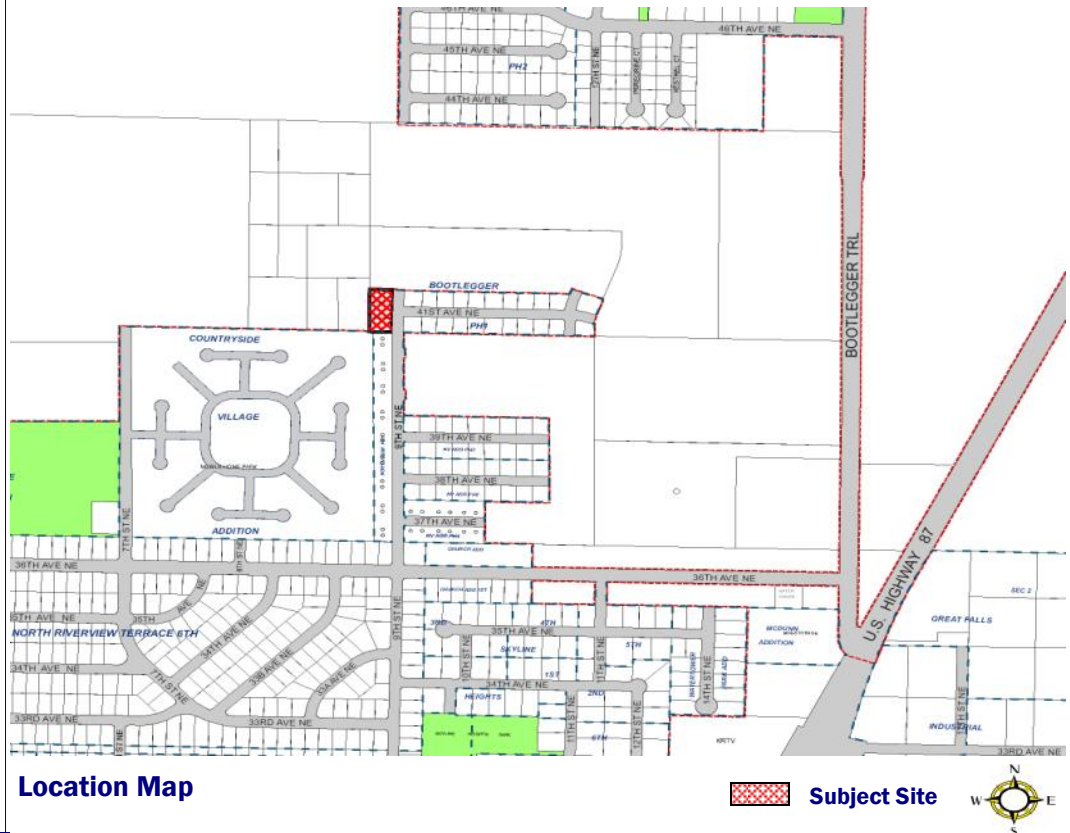
Recommendation

Approval of the Amended
Plat and rezoning subject to
the conditions contained in
this report.

Project Planner

Charlie Sheets

MINOR SUBDIVISION AND REZONE



SUMMARY

Project Description

The applicant is proposing that the subject property be rezoned from R-3, Single-family high density to PUD, Planned unit development.

The applicant is seeking the rezoning to PUD in order to subdivide the three existing lots to create six lots of ±5,500 square feet, and construct a housing type which requires the flexibility of the PUD zone district. The lots will have fee simple single-family units (each dwelling unit being located on a separately platted lot), with a shared wall.

Background

- Legal Description of property; Lots 1, 2 & 3, Block 3, Stone Meadows, Section 25, Township 21 North, Range 3 East, Cascade County, Montana.

Public Comment

Courtesy notices were mailed to adjoining property owners, the property was posted and the notice of public hearing ran in the Great Falls Tribune on December 26, 2010. No public comment has been received to date.

REZONE OVERVIEW

Rezone Overview

The applicants are developing Stone Meadows Subdivision. When development began in 2008, they planned for single-family residences on $\pm 11,000$ square foot lots. In response to changing market conditions and customer feedback, the applicant is seeking approval of a rezoning of the property to construct smaller homes on the newly created lots.

Zoning Analysis

The purpose of the PUD district is to provide a special type of zoning district that can account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.

The special standards which will be applied as a part of this rezoning are:

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with municipal zoning regulations:

- 1) Zoning regulations must be:
 - a) made in accordance with a growth policy (comprehensive plan);
 - b) designed to:
 - i) secure safety from fire and other dangers;
 - ii) promote public health, public safety, and the general welfare; and
 - iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- 2) The governing body shall consider:
 - a) reasonable provision of adequate light and air;
 - b) the effect on motorized and nonmotorized transportation systems;
 - c) promotion of compatible urban growth;
 - d) the character of the district and its peculiar suitability for particular uses; and
 - e) conserving the value of buildings and encouraging the most appropriate use of the land throughout the jurisdictional area.



View looking north along 9th Street Northeast. Subject property to the left.



View looking east across 9th Street Northeast, down 41st Avenue Northeast.



View looking south of subject property along 9th Street Northeast of Northview Condominiums.

REZONE OVERVIEW

Two primary goals of the land use element of the City of Great Falls Growth Policy are:

- ◆ To support and encourage efficient, sustainable development and redevelopment throughout the community.
- ◆ To preserve and enhance the character, quality, and livability of existing neighborhoods.

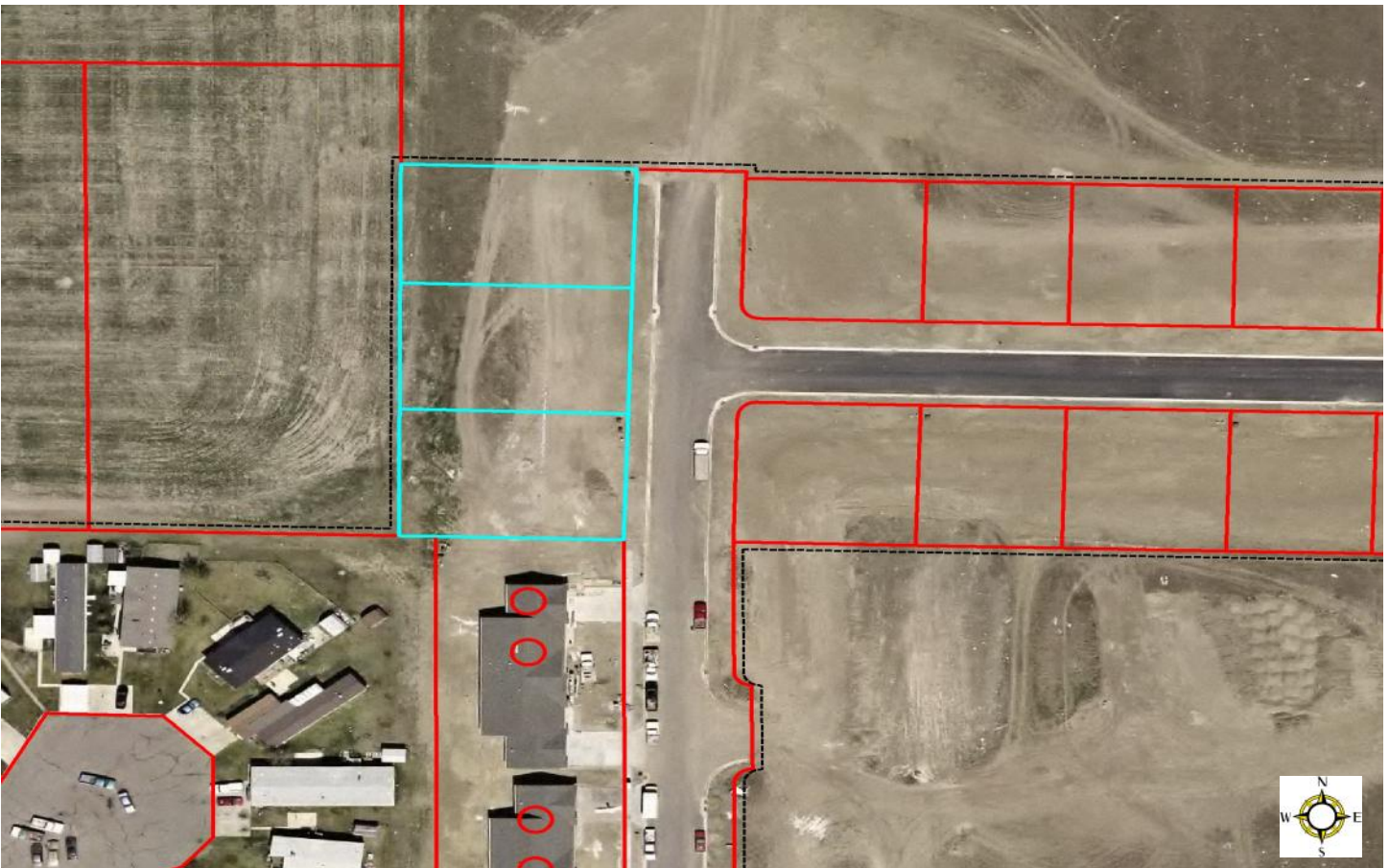
A goal of the housing element of the Growth Policy is to provide a diverse supply of safe and affordable housing for residents of all ages, needs, and income levels.

The Growth Policy encourages compatible infill and redevelopment which offer the community the highest degrees of efficiency and sustainability. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

Rezone Findings

Staff concludes no significant negative aspects, associated with the above mentioned criteria, should result from the approval of the rezoning, provided the applicants otherwise develop the property in compliance with City Code. The approval of the rezoning will result in three additional residential units within Stone Meadows Addition.

AERIAL PHOTO



SUBDIVISION OVERVIEW

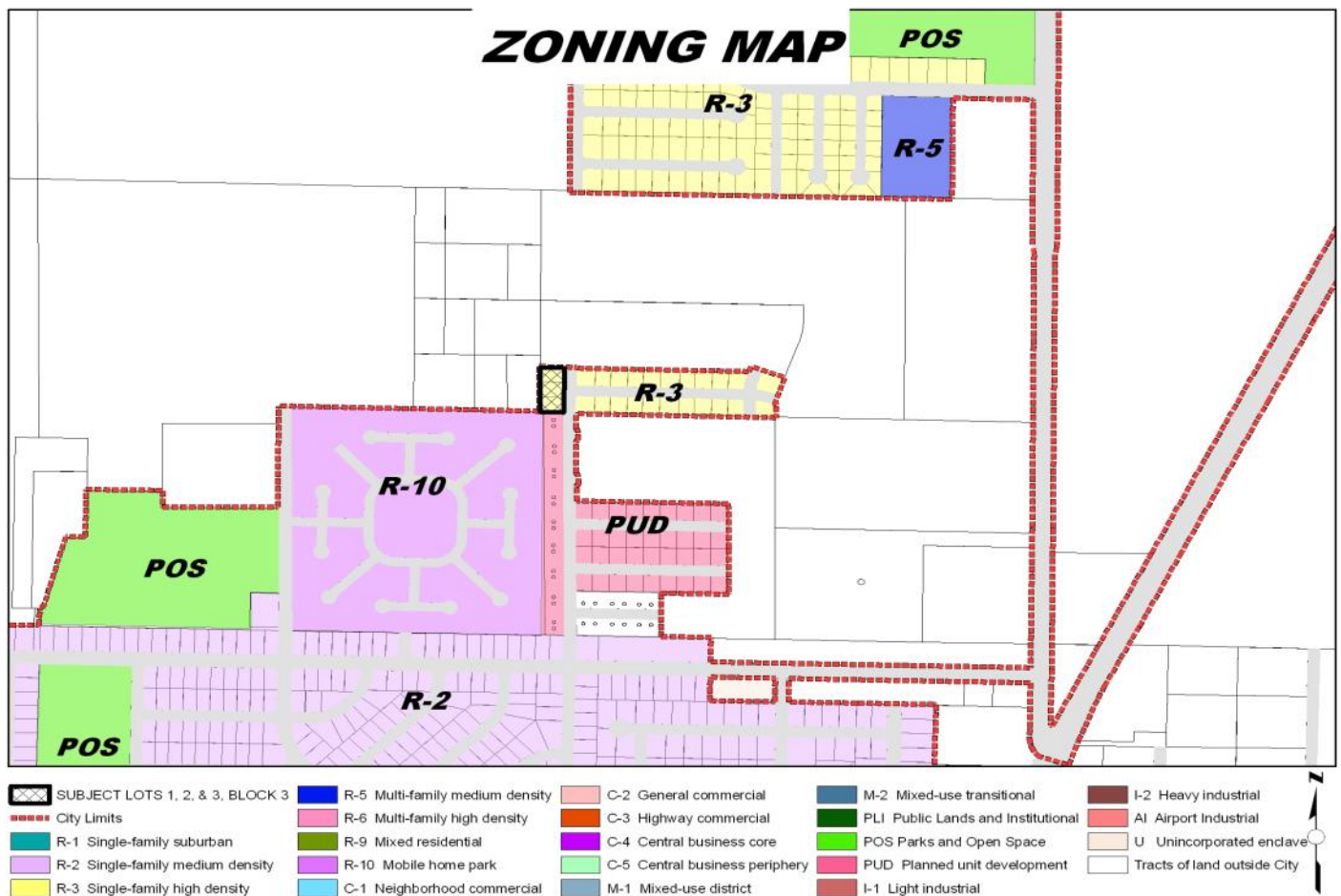
Northeast will connect to Eagles Crossing Addition, about a 1/3 of a mile north of subject project. Sidewalks will be required as a part of the building permit and will be installed before the occupancy of the residence.

Proposed Improvements

The applicants own Lots 1, 2 & 3, Block 3, Stone Meadows Addition, located on the northeast fringe of the City, along 9th Street Northeast, at 41st Avenue Northeast. The property was annexed in 2008 and assigned a zoning classification of R-3 Single-family high density district.

The proposed project primarily involves subdividing the existing three lots into six lots and rezoning the area therein to allow construction of three duplex structures; each structure containing two fee simple single-family units (each dwelling unit being located on a separately platted lot).

The lots front on 9th Street Northeast. Four of the proposed lots are 45' x ±123', (±5500 square feet) and two lots are 42'-6" x 129'-4", (±5500 square feet). The proposed three duplex structures will have a 20 front setback from the front property line, a zero lot line setback between the duplex structures and a 6' foot side yard on the open side of the duplex. This configuration will be very similar to the existing condominiums south of this development (Northview Condominiums). The City water and sanitary sewer mains are located in the abutting portion of 9th Street Northeast. Utility stubs were installed for the three lots and the applicant is required to install three additional service stubs in order for each lots to have their own separate utility



SUBDIVISION OVERVIEW

connections. Private utilities such as cable TV, power, telephone and gas are all available to the lots. 9th Street Northeast is improved to City standards with paving, curb and gutter. It is anticipated as development progresses north, 9th Street Northeast will connect to Eagles Crossing addition, about 1/3 of a mile north of the subject site. Sidewalks will be required as part of the building permit and will be installed before the occupancy of the residence.

FINDING OF FACT (PREPARED IN RESPONSE TO 76-3-608(3)MCA)

PRIMARY REVIEW CRITERIA

Effect on Agricultural Lands: The subdivision site is in a suburban residential neighborhood and is not used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations.

Effect on Local Services: The subdivision is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is 3 miles. City water and sanitary sewer mains exists in the abutting portion of 9th Street Northeast. The lots front on 9th Street Northeast, which have a paved and are maintained by the City.

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. Subject subdivision is presently vacant. The Amended Plat subdivides three existing lots into six lots, to allow construction of three duplex structures with each dwelling unit being located on a separately plotted lot.

Effect on Wildlife and Wildlife Habitat: The subdivision is a part of urban development on the fringe of the City. The subdivision 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 other abnormal potential natural hazards such as wildfire, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, high traffic volumes, or mining activity.

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 with the approval of PUD Planned Unit Development Site Plan, the subdivision will conform to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the review and approval procedures set forth in the local subdivision regulations.

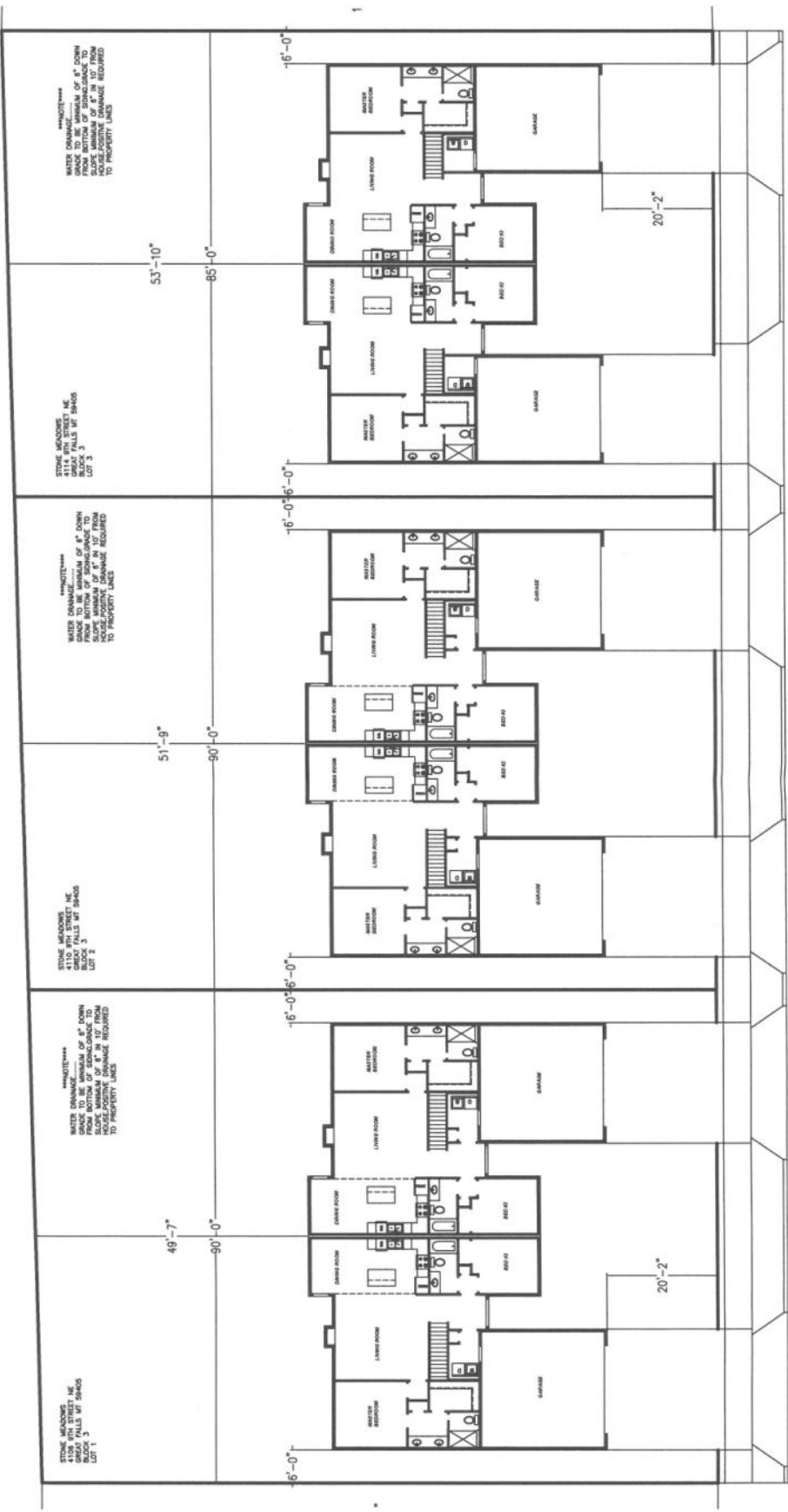
Easement for Utilities

Utilities are and can be accommodated in the existing, abutting public rights-of-way.

Legal and Physical Access

Legal and physical access to the subdivision is provided by the dedicated abutting public road rights-of-way, maintained by the City of Great Falls.

SITE PLAN



9th Street Northeast



SINGLE-FAMILY DUPLEX FLOOR PLAN EXHIBIT

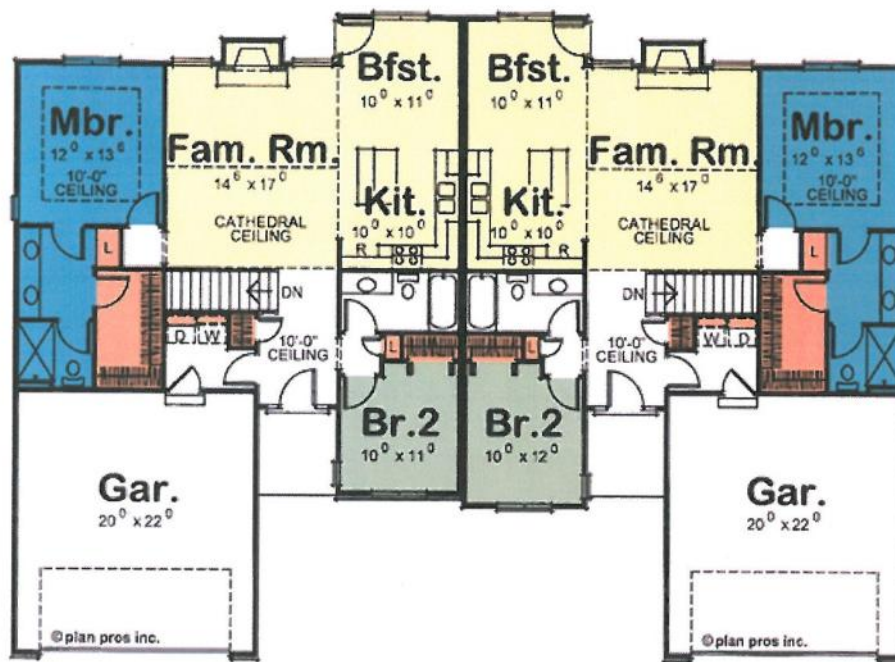


Design 29084

1209' Total Finished Square Feet

1 Story with 2 bedroom(s)
Footprint: 76' 0" wide by 54' 4" deep
Design Type: Traditional

PDF Price \$1600 || 1 Set Price \$1675
4 Set Price \$1750 || 8 Set Price \$1825



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RECOMMENDATION

The Planning 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 two 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 rezoning the property within said Amended Plat from the existing R-3 Single-family high density district to a PUD Planned unit development district.

RECOMMENDATION II: It is recommended that the Planning Board recommends the City Commission approve the Minor Amended Plat of Lots 1, 2 and 3, Block 3, Stone Meadows Addition, all located in Section 25, Township 21 North, Range 3 East, Cascade County, Montana and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II (below) and subject to the conditions below.

CONDITIONS OF APPROVAL

1. **Filing of Amended Plat.** The applicants shall have prepare and file the Amended Plat incorporating correction of any errors or omissions noted by staff including provision of a notification clause to lot purchasers regarding soil conditions.
2. **Prior Agreements.** The applicants shall adhere to all conditions of the Annexation Agreement covering the property.
3. **Home Owners Association.** The applicants shall have prepare and file a covenants addressing maintenance of any common element of the duplex structures.
4. **Setbacks.** The applicants shall development subject property by adhering to the site plan showing building envelopes and setback.
5. **General Code Compliance.** 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.
6. **Subsequent modifications and additions.** If after establishment of the PUD Planned Unit Development, the Applicants proposes to expand or modify the development, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed change would alter a finding, the proposal shall be submitted for review as a new zoning application. If such proposed change would not alter a finding, the applicants shall obtain all other permits as may be required.

REVIEW / APPROVAL PROCESS

Next Steps

1. The recommendations of the Planning Advisory Board and Zoning Commissions will be presented to the City Commission as a first reading of the Ordinance and a public hearing date shall be set.
2. City Commission will conduct a public hearing and act on the Amended Plat and Ordinance.
3. Applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Records Office.