

PLANNING ADVISORY BOARD ZONING COMMISSION

NOVEMBER 8, 2011

NORTHVIEW ADDITION, PHASE 7

Case Number

ANX2011-12
ZON2011-16
SUB2011-14

Applicant

Jim and Kathy Workman

Owners

Jim Workman Const. Co.

Property Location

9th Street NE & 40th Avenue NE
±3.2 Acres
Neighborhood Council #3

Parcel ID Number

2577275

Requested Action

Annexation of ±3.2 acres from Cascade County to the City of Great Falls.

Rezone the property from County Suburban Residential to PUD Planned Unit Development.

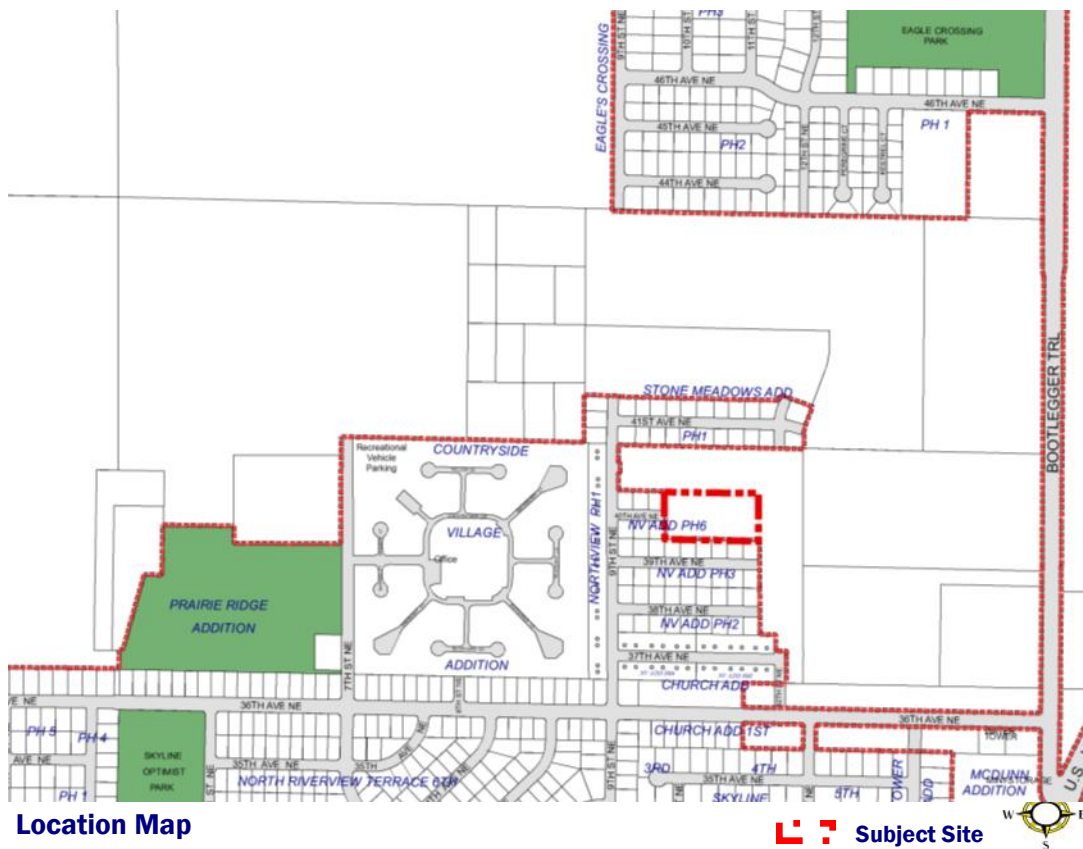
Subdivision of six lots.

Recommendation

Approval of the requests with Conditions.

Project Planner

Jana Cooper, RLA



Location Map

 **Subject Site**

Summary

Project Description

The ±3.2 acre subject property is located east of 9th Street Northeast and 40th Avenue Northeast. The developer is requesting approval of the annexation, rezoning and final plat Northview Addition, Phase 7. The subdivision consists of 12 single-family residential lots that are ±8,976 square feet.

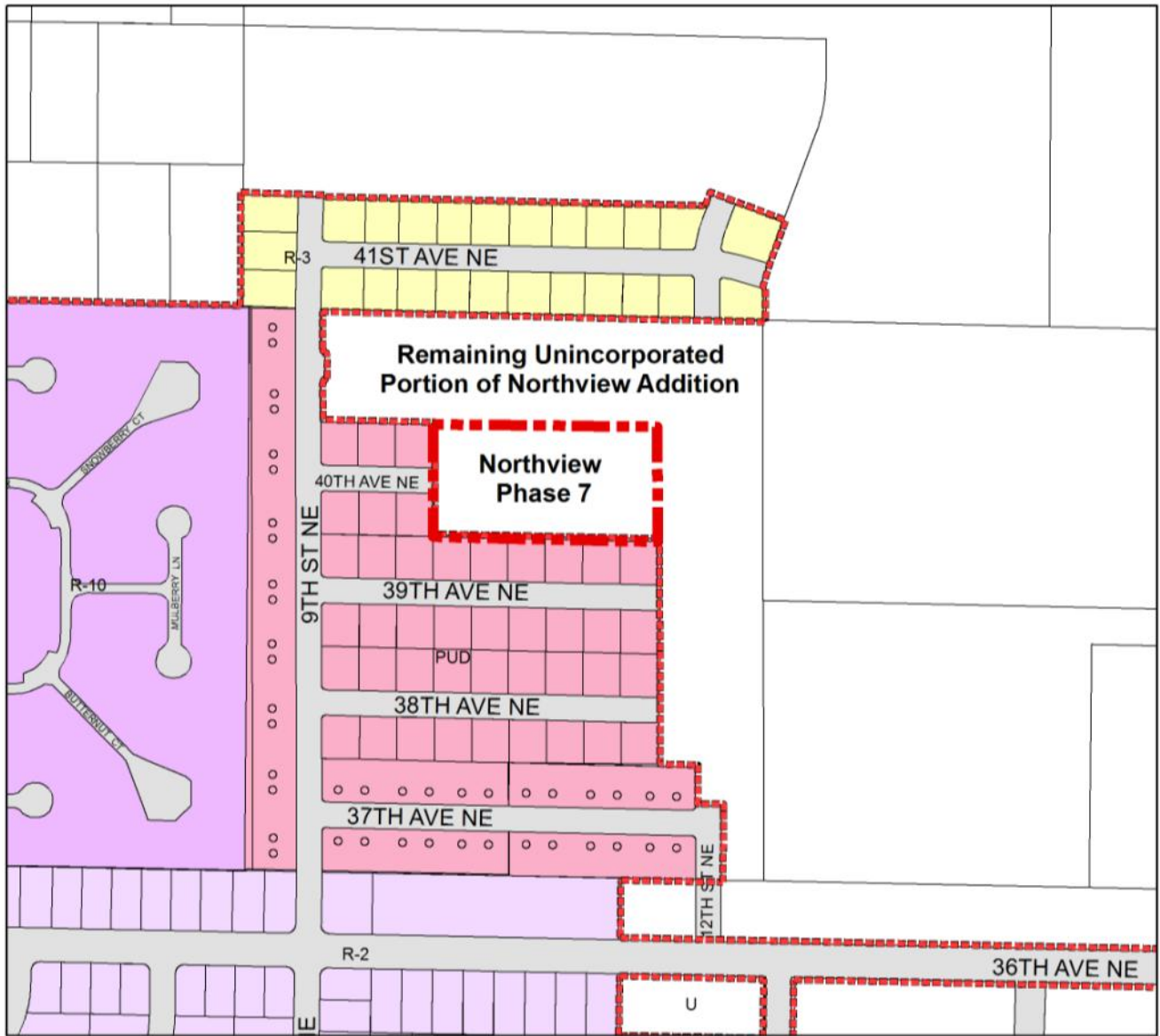
Background

- Legal Description of property: Portion of Mark 5B, in SE/4, Section 25, Township 21N, Range 3E, PMMT, Cascade County, Montana
- Area of Property; ±264' x ±528' = 139,392 = 3.2 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



- | | | |
|-----------------------------|--------------------------------|----------------------------------|
| Northview Phase 7 | C-5 Central business periphery | R-2 Single-family medium density |
| City Limits | I-1 Light industrial | R-3 Single-family high density |
| Tracts of Land | I-2 Heavy industrial | R-5 Multi-family medium density |
| ZONING | M-1 Mixed-use district | R-6 Multi-family high density |
| AI Airport Industrial | M-2 Mixed-use transitional | R-9 Mixed residential |
| C-1 Neighborhood commercial | PLI Public lands institutional | R-10 Mobile home park |
| C-2 General commercial | POS Park Open Space | Unincorporated Enclave |
| C-3 Highway commercial | PUD Planned unit development | |
| C-4 Central business core | R-1 Single-family suburban | |

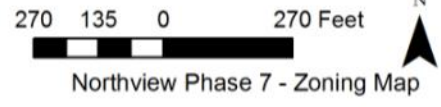
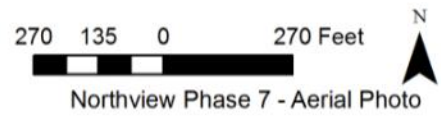


EXHIBIT B - AERIAL PHOTO / ANNEXATION MAP



- Northview Phase 7
- City Limits



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 on the south and west of the property and vacant undeveloped land to the north and east.

Project Overview

Background

During a meeting held February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition, as recommended by the Planning Board. Northview Addition, Phase 7 is a portion of the preliminary plat.

The owner/developer is now requesting approval for the annexation, rezoning and final plat of Northview Addition, Phase 7.

For additional information, please refer to the attached Vicinity/Zoning Map and preliminary lot plan.

Similar to Northview Addition, Phases 2, 3 and 6, the developer is creating single-family lots that are then sold for development. There are 42 lots in Phases 2, 3 and 6, with the majority of Phases 2 and 3 built out. Northview Addition Phases 1, 4 and 5 are being developed with 42 condominiums by the owner.

Proposed Improvements

Phase 7 of Northview Addition will include extension of 40th Avenue Northeast to the east. 40th Avenue Northeast will eventually connect with 12th Street Northeast (as part of a future phase) which connects back to 36th Avenue Northeast. The roadway within the subdivision will be improved to the City standards with paving, curb and gutter.

Utilities

City water (12") 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. Additionally, the developer will provide a temporary easement for the City utility mains that are being extended onto the property not yet developed.



View east down the proposed extension of 40th Ave NE.



View east of the vacant land proposed for Northview Phase 7.



View west of Northview Phase 6 and 40th Ave NE.

Storm Water Management:

Based on land contours, the area generally slopes to the north. 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 the estimated proportionate share.

Parkland

The developer will fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land, which is acceptable to the Park and Rec. Department.

Annexation Request

The developer is requesting annexation of ± 3.2 acres from Cascade County into the City of Great Falls. The developer is working to complete all the stipulated conditions that were approved as a part of the Preliminary Plat approved by the City Commission on February 6, 2007.

Rezone Request

Subject to approval of the Final Plat and annexation of Phase 7, 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 "PUD" Planned Unit Development. The primary reason the applicant is requesting the "PUD" Planned Unit Development district zoning classification is to provide a mix of uses in the subdivision. There are portions of the subdivision that are being developed with single-family lots and portions that are being developed with condominium units. These two uses would fall into different traditional zoning districts by using the PUD district. A mix of residential uses can be established within close proximity to one another. In addition, some of the dimensional standards for the single-family lots are different than traditional zoning districts. These lots will provide a front yard setback of 25 feet, which is larger than what is required in the R-3 zoning district (20 feet). The developer has submitted the attached building envelope plan to be adopted for the "PUD" Planned Unit Development.

It is anticipated the planned single-family residential use of the properties will be compatible with neighboring residential uses (single-family and condominiums). The subject property borders Northview Addition Phases 3 and 6, which are nearing complete build out of single-

family residential homes and adheres to the conceptual plan that was prepared in 2007 for Northview Addition.

Major Subdivision Request

The developer is requesting annexation, rezoning and subdivision of the property generally located east of 9th Street Northeast and 40th Avenue Northeast and approximately ± 3.2 acres. The development proposes the creation of 12 single-family residential lots.

The subdivision must adhere to the PUD site plan submitted as a part of the Northview Addition Preliminary Plat, which requires the following:

- Lot size range: 8,953 to 8976 sq. ft.
- Minimum lot width: 88'
- Lot proportion for newly created lots (max depth to width): 1.6:1
- Maximum building height of principal building: 35'
- Maximum building height of accessory detached buildings: 24', but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25'
- Side Yard Setback: Principal building and accessory buildings: 6' each side.
- Rear Yard Setback: 10'
- 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 presented information to Council #3 on November 3, 2011. At the time this staff report was written there were no comments from the neighbors regarding the application.

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 and condos 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 two and a half 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. The subdivider will also incur an obligation of escrowing the cost of City roadway section and 8-inch water main in the future 12th Street Northeast to 36th Avenue Northeast, across Mark 14E1, Section 36, Township 21 North, Range 3 East.

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. Any excess surface runoff will flow northwesterly ultimately to private retention ponds that the subdivider has paid a proportionate share of the design and construction.

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 does border 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 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 said Final Plat 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 to PUD Planned Unit Development and development in compliance with the submitted zoning requirements stated within this report and in compliance with the submitted building envelopes and setbacks.

RECOMMENDATION III: It is recommended that the Planning Advisory Board recommend the City Commission approve the Final Plat of Northview Addition, Phase 7, 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 Northview Addition, Phase 7 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 in 40th Avenue Northeast 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 Paragraph 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) to adhere to the attached PUD Site Plan in conjunction with the development of Phase 7;
 - d) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Northview Addition; and,
 - e) pay all applicable fees owed as a condition of annexation or plat approval, as determined in annexation agreement.
4. A financial surety in the amount determined by the Public Works Department (i.e. personal check or certificate of deposit) shall be established in the name of the applicant and City for Phase 7's proportionate share of the cost of roadway and 8-inch water main in the segment of 12th Street Northeast to cross Mark 14E1, Section 36, Township 21 North, Range 3 East.

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 Corrdinator

Jim Workman Construction Co., 1024 36th Avenue Northeast, Great Falls, MT 59404

Woith Engineering, 1725 41st St S, Great Falls, MT 59405

NORTHVIEW ADDITION PLANNED UNIT DEVELOPMENT BUILDING ENVELOPES, SETBACKS AND HEIGHT

