

PLANNING ADVISORY BOARD ZONING COMMISSION

JUNE 26, 2012

Case Number

ANX2012-7
ZON2012-7
SUB2012-7

Applicant

Jim and Kathy Workman

Owners

Jim Workman Const. Co.

Property Location

9th Street NE &
“Northview Avenue”

Parcel ID Number

2577275

Requested Action

Annexation of ±2.652 acres from Cascade County to the City of Great Falls.
Amend PUD from the previously approved preliminary plat and site plan.
Subdivision of 12 lots.

Neighborhood Council

Neighborhood Council #3

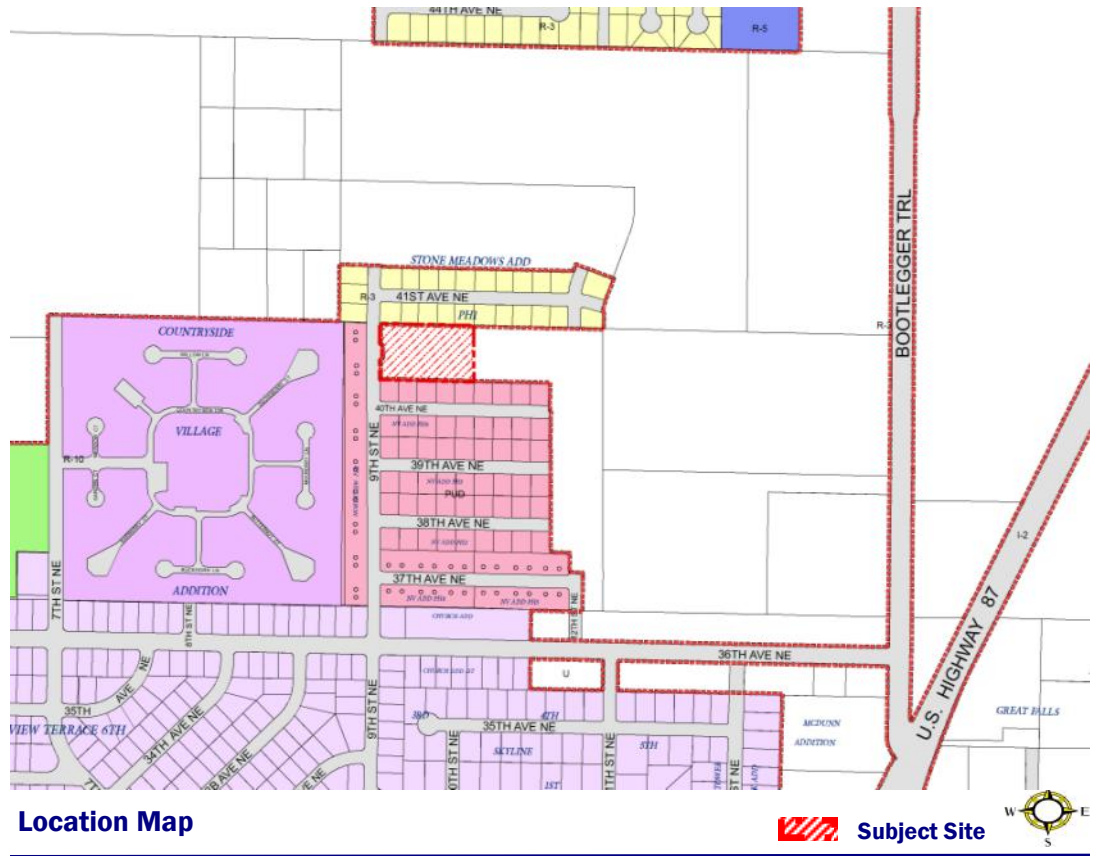
Recommendation

Approval of the requests with Conditions.

Project Planner

Jana Cooper, RLA

NORTHVIEW ADDITION, PHASE 8



Summary

Project Description

The ±2.652 acre subject property is located on an unnamed Avenue, herein referred to as Northview Avenue, east of 9th Street Northeast. The developer is requesting approval of the annexation, amendment to the approved PUD, preliminary plat and site plan and final plat of Northview Addition, Phase 8. The subdivision consists of 12 single-family residential lots that are ±7,500 square feet.

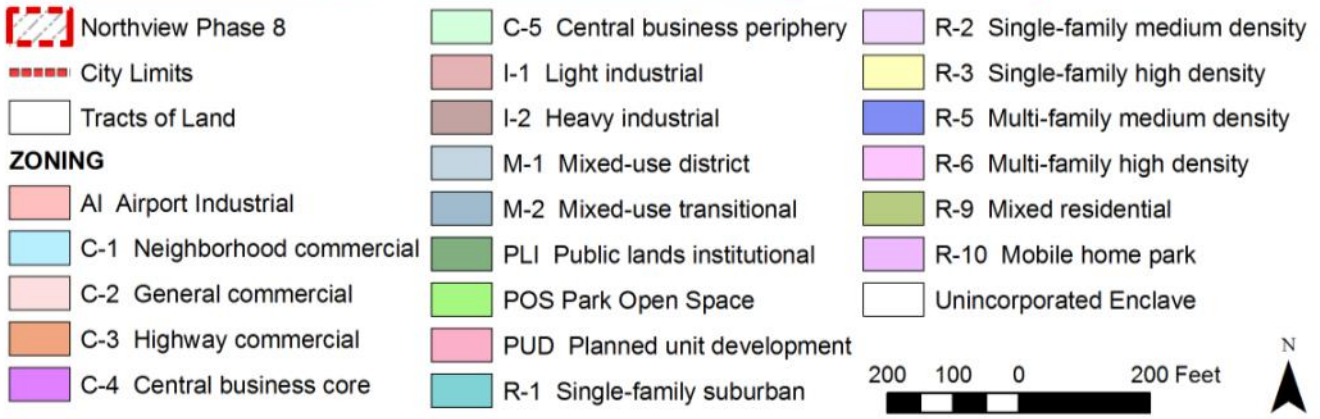
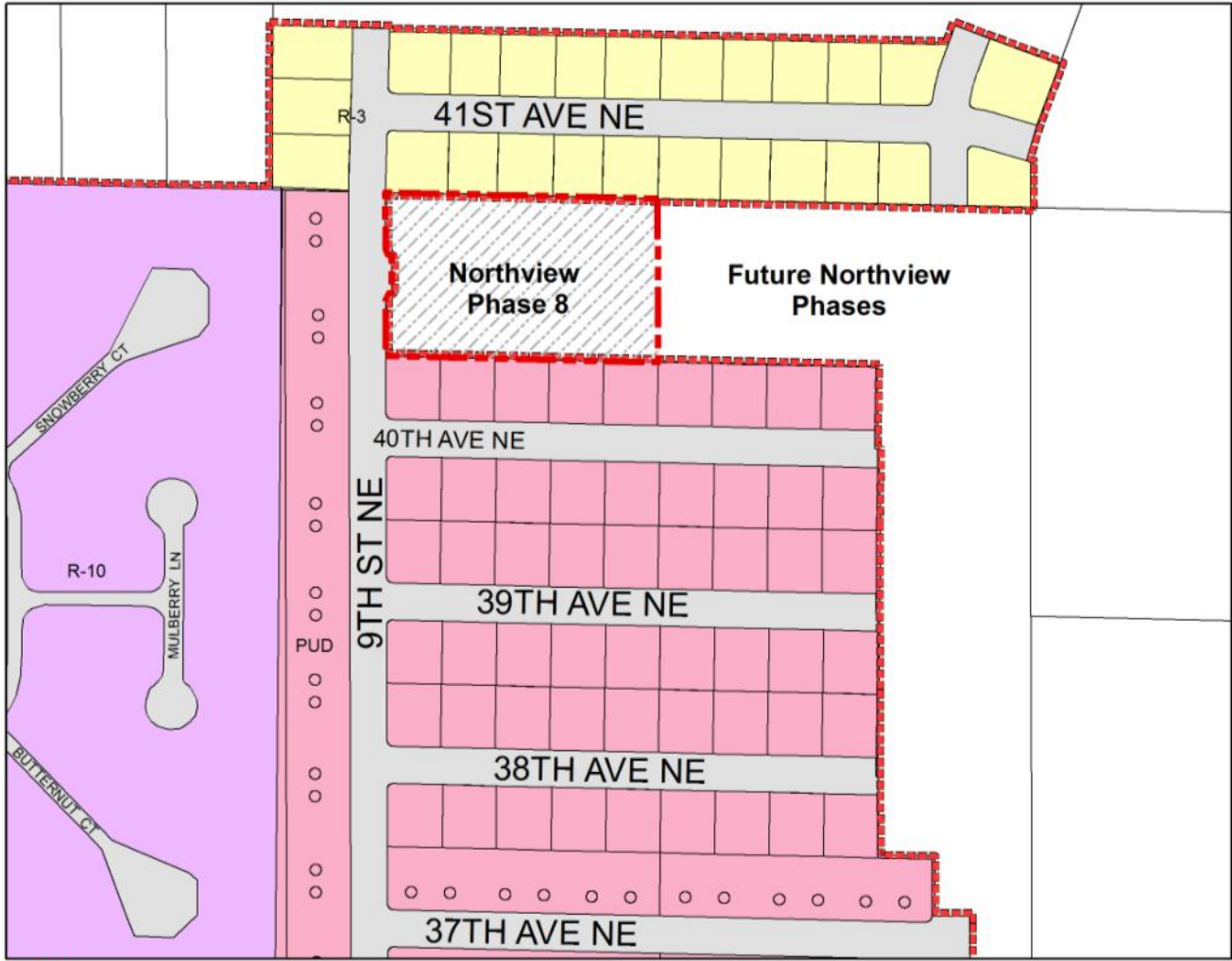
Background

- Legal Description of property: Portion of Mark 5B, in SE/4, Section 25, Township 21N, Range 3E, PMMT, Cascade County, Montana
- Area of Property: ±2.652 acres

Agency Comment

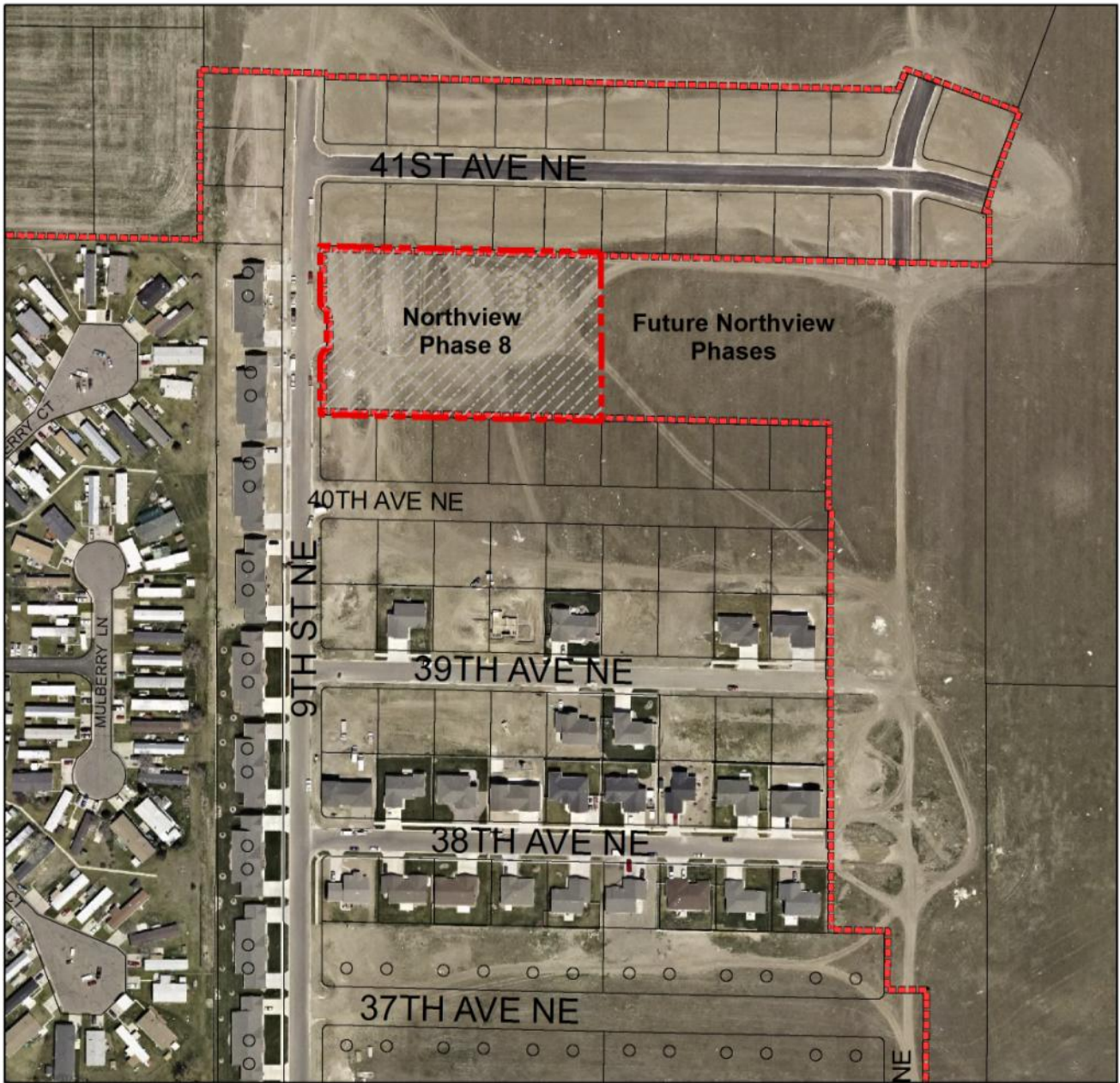
Representatives from the City’s Public Works, Park & Rec. Department and Fire Department have been involved in the review process for this application. All comments made by the above parties have been addressed by the client or in the conditions of this report.




EXHIBIT A - VICINITY / ZONING MAP



Northview Phase 8

EXHIBIT B - AERIAL PHOTO



-  Northview Phase 8
-  City Limits
-  Tracts of Land



Existing Conditions

Existing Use: Vacant undeveloped land.

Existing Zoning: The property currently is in Cascade 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 north, south and west of the property and vacant undeveloped land to the 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 8 is a portion of the preliminary plat.

The owner/developer is now requesting approval for the annexation, amendment to the approved PUD, preliminary plat and site plan and final plat of Northview Addition, Phase 8.

For additional information, please refer to the attached Vicinity/Zoning Map and DRAFT final plat.

Similar to Northview Addition, Phases 1, 4 and 5, the developer is creating attached condominium units. There are 42 units in Phases 1, 4 and 5, and the majority of these are built out. Northview Addition, Phases 2, 3, 6 and 7 are being developed as single-family residences.

Proposed Improvements

Phase 8 of Northview Addition will include extension of Northview Avenue to the east. Northview Avenue 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 Northeast. 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.

Storm Water Management

Based on land contours, the area generally slopes to the



View east of Northview Phase 8.



View west of Northview Phase 8.



View of an existing condominium unit from a previous phase of Northview. Similar units are proposed for Phase 8.

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, the developer 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 ±2.652 acres from Cascade County into the City of Great Falls. The developer shall comply with all of the stipulated conditions that were approved as 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 8, 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 1, 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 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. The developer is proposing an amendment to the preliminary plat and original PUD site plan with Phase 8 of the subdivision. The approved plan called for condominium units on the north side of Northview Avenue and single-family lots to the south. The proposed plan requests condominium units on separate lots for all of Phase 8. The developer has submitted the attached revised PUD site plan to be adopted.

It is anticipated the planned condominium residential use of the properties will be compatible with neighboring residential uses (single-family and condominiums). The subject property borders Northview Addition, Phases 1, 6 and 7, which are nearing complete build out of single-family and condominium homes and adheres to the conceptual plan that was prepared in 2007 for

Northview Addition.

The applicant is proposing to amend the original PUD site plan as submitted as a part of the Northview Addition Preliminary Plat. The original PUD site plan required the following:

- Lot size range: 8,953 to 8,976 sq. ft.
- Minimum lot width: 88 ft.
- 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 and accessory buildings: Corner lot: 55% Other lots: 50%

The applicant proposes to make amendments to the PUD site plan for Phase 8 which include:

- Lot size range: 7,446' to 7,673'
- Minimum lot width: 73 ft.
- Lot proportion for newly created lots (max depth to width): 1.25:1
- Maximum building height of principal building: 35 ft.
- 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 ft.
- Side Yard Setback: Principal Buildings: 6 ft. on detached side; 0 ft. on attached side
- Side Yard Setback: Accessory Buildings: 2 ft and must meet building code
- Rear Yard Setback: 10 ft
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%
- Creation of condominium units in lieu of single-family units on the southern side of Northview Avenue.
- Parcelizing the condominium units into separate lots.

Montana State Code Annotated 76-3-615 allows consideration of new information by the governing body related to a proposed subdivision. The proposed amendments to the PUD site plan are consistent with the in-

tent of the previously approved preliminary plat and PUD site plan. Typically, the Planning Advisory Board/Zoning Commission would not hold a Public Hearing on the final plat recommendation of a subdivision. In this case, being there is new information, Staff has determined that holding a Public Hearing would meet the Public Notice requirements of State statute and provide ample opportunity for public comment.

Major Subdivision Request

The developer is requesting a final plat along with annexation and the PUD zoning amendment. The final plat consists of ±2.652 acres, which is proposed to be subdivided into 12 lots with 12 condominium units.

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 May 31, 2012. There were two questions from the Neighborhood Council. The first was regarding when 12th Street Northeast would be completed. The Council was informed that the City has no control over how the developer wishes to annex the property, but that they agree it would be helpful to get 12th Street Northeast finished. The second was why portions of 9th Street Northeast and 36th Avenue Northeast were being repaved. Engineering stated the paving was failing in those areas, so the streets were in need of a repaving.

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 developer 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 ± 3.2 miles from the subdivision site. Providing these services to the 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 developer will have responsibility to install curb, gutter and paving in the roadways within the subdivision. The developer 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 developer has paid a proportionate share of the design and construction.

Effect on Wildlife and Wildlife Habitat: The subdivision is located adjacent to an area containing urbanized development. 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 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

The developer 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 annexations and 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 Planning Advisory Board recommend the City Commission approve annexation of Northview Addition, Phase 8, located in the SE/4, Section 25, Township 21N, Range 3E, PMMT, Cascade County, Montana containing ± 2.652 acres.

RECOMMENDATION II: It is recommended the Zoning Commission recommend the City Commission approve rezoning property within Northview Addition, Phase 8 from the existing County Suburban Residential 1 to PUD Planned Unit Development and develop in compliance with the submitted zoning requirements stated within this report and in compliance with the submitted building envelopes and setbacks, attached hereto in Exhibit D.

RECOMMENDATION III: It is recommended that the Planning Advisory Board recommend the City Commission approve the Final Plat of Northview Addition, Phase 8, and the accompanying Findings of Fact, subject to the Planning Advisory Board / Zoning Commission adopting Recommendations I & II (above) and subject to the conditions below.

Conditions of Approval

1. Review: The Final Plat of Northview Addition, Phase 8, 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 Northview Avenue 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 8;
 - 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, 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 8'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 Coordinator

Susan Conell, Cascade County, sconell@casadecountymt.gov

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

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

EXHIBIT D - PUD SITE PLAN PHASE 8

