

# PLANNING ADVISORY BOARD ZONING COMMISSION

FEBRUARY 26, 2013

## NORTHVIEW ADDITION, PHASE 10

*Case Number*

ANX2013-2  
ZON2013-3  
SUB2013-2

*Applicant*

Jim and Kathy Workman

*Owners*

Jim Workman Const. Co.

*Property Location*

Generally, east of 9th Street Northeast and north of 36th Avenue Northeast

*Parcel ID Number*

2577275

*Requested Action*

**Annexation** of ±6.46 acres from Cascade County to the City of Great Falls.

**Amend PUD** from the previously approved site plan.

**Subdivision** of 20 single-family residential lots.

*Neighborhood Council*

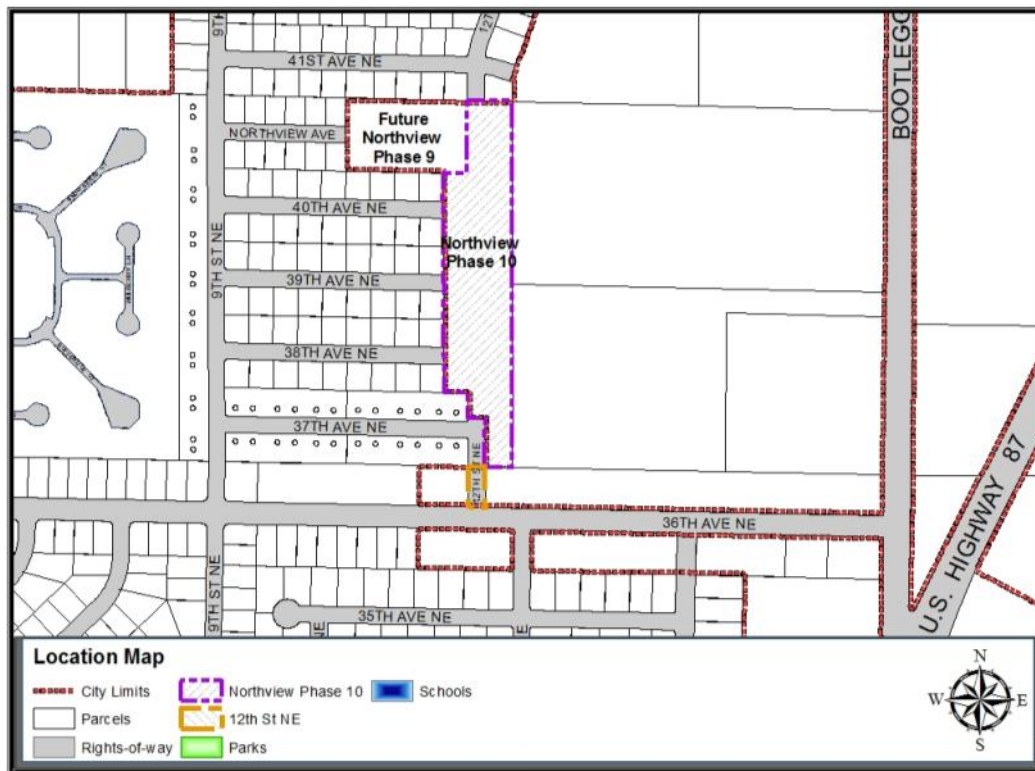
Neighborhood Council #3

*Recommendation*

Approval of the requests with Conditions.

*Project Planner*

Jana Cooper, RLA



### Summary

#### Project Description

The ±6.26 acre subject property is located generally east of 9th Street Northeast and north of 36th Avenue Northeast, on the proposed 12th Street Northeast extension. The developer is requesting approval of the annexation, amendment to the approved PUD and associated site plan, and final plat of Northview Addition, Phase 10. The subdivision consists of 20 single-family residential lots.

In conjunction, the City is proposing annexation of a portion of 12th Street Northeast consisting of ±0.2 acres.

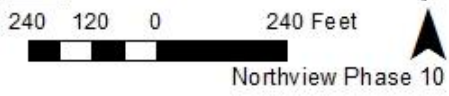
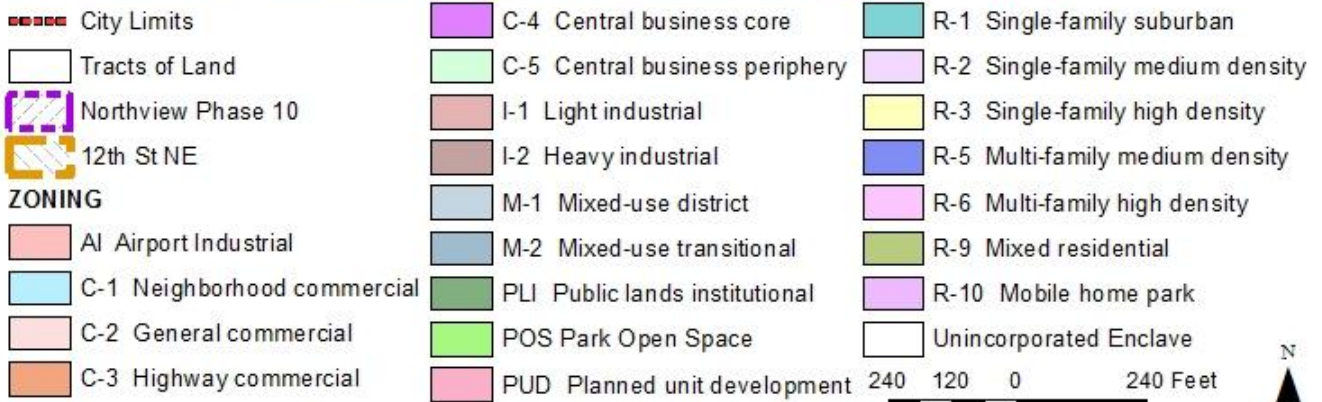
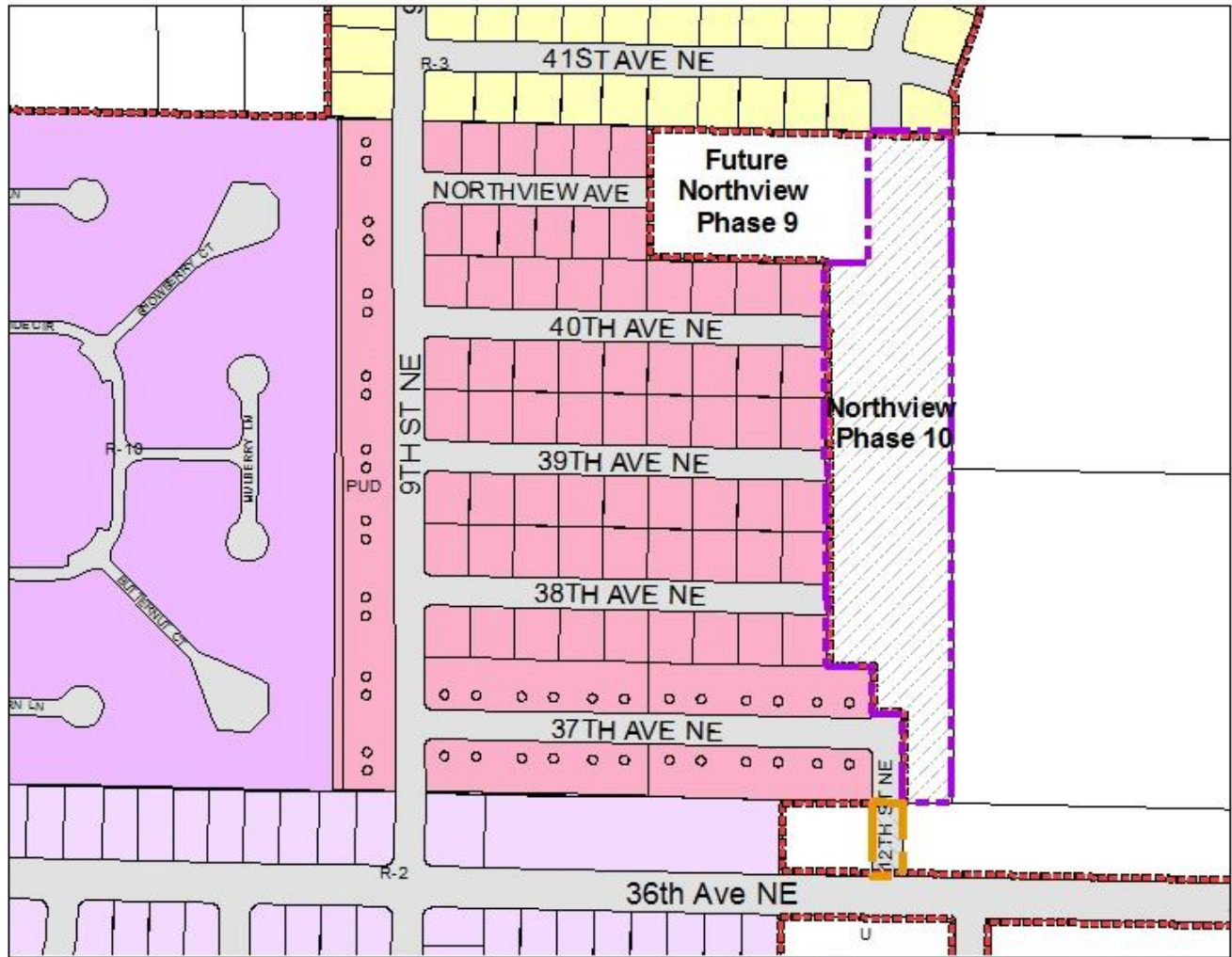
#### Background

- Legal Description of property: Portion of Mark 5B, in SE 1/4, and portion of 12th St NE ROW all located in Section 25, Township 21 North, Range 3 East, PMM, Cascade County, Montana
- Area of Property: ±6.46 acres

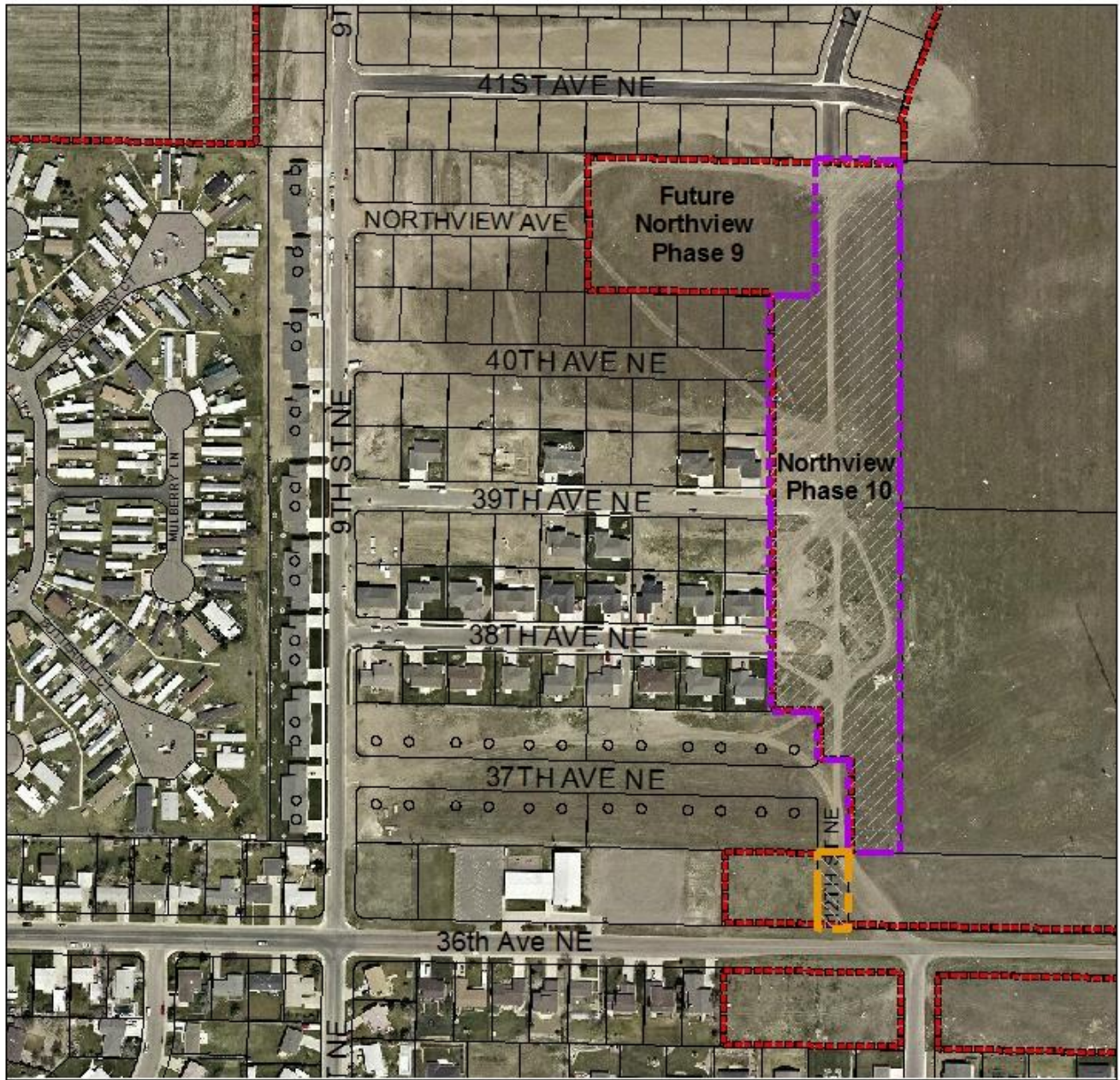
#### Agency Comment

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



# EXHIBIT B - AERIAL PHOTO



-  City Limits
-  Tracts of Land
-  Northview Phase 10
-  12th St NE



Northview Phase 10

## 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 and duplex homes to 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 Advisory Board. Northview Addition, Phase 10, is a portion of the preliminary plat.

The owner/developer is now requesting approval for the annexation, amendment to the approved PUD and associated site plan, and final plat of Northview Addition, Phase 10. In conjunction, the City is proposing to annex a portion of 12th Street Northeast right-of-way.

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

Similar to Northview Addition, Phases 2, 3, 6 and 7, Phase 10 will create single-family lots that are then sold for development. There are 48 lots in Phases 2, 3, 6 and 7, with the majority of these Phases built out. Northview Addition Phases 1, 4, 5 and 8 are being developed with 54 condominiums by the developer.

### Annexation Request

The developer is requesting annexation of  $\pm 6.26$  acres from Cascade County into the City of Great Falls. The developer shall comply with all of the stipulated conditions that were part of the Preliminary Plat approved by the City Commission on February 6, 2007.

Preliminary plans for Phase 9, which will be the final phase of Northview, have been submitted to the City, but the developer is not moving forward with Phase 9 at this time. Annexation and development of Northview Phase 10 will leave Phase 9 as an unincorporated enclave. The Planning and Community Development Department has received a memo from the Fire Department (Exhibit F) stating their concerns regarding unincorporated enclaves. The Planning and Community Development Department shares the Fire Department's concern about unincorp-



View north down the proposed 12th St NE and Northview Phase 10.



View west of Northview Phase 10 and previously completed phases of Northview beyond.



View south of proposed 12th St NE extension to 36th Ave NE.

orated enclaves. However, because the development is consistent with the Growth Policy, staff is in support of this application. In addition, the developer has committed to finishing the final phase of Northview within a reasonable period of time and Phase 10 will be substantial completion of the street network, which will be a significant benefit to traffic flow in the area.

The City is proposing to annex  $\pm 0.2$  acres of unincorporated 12th Street Northeast right-of-way in order to extend 12th Street Northeast from 36th Avenue Northeast to 37th Avenue Northeast. Funds for this extension have been escrowed over time as a part of the development of previous Northview Phases.

A total of  $\pm 6.46$  acres will be annexed into the City.

### Rezone Request

Subject to approval of the Final Plat and annexation of Phase 10, 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 housing types in the subdivision. There are portions of the subdivision that are being developed with single-family homes 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 10 of the subdivision. The approved plan called for condominium units on the east side of the proposed 12th Street Northeast and single-family lots to the west. The proposed plan requests single-family units on all of Phase 10. The developer will use the previously approved single family portion of the PUD site plan for Phase 10. (Exhibit E - PUD Site Plan)

The planned single-family residential use of the subject property is compatible with neighboring residential uses (single-family and condominiums). The subject property borders Northview Addition Phases 2, 3, 5 and 7 of which all are nearing complete build-out. As a part of the application, the developer 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 10 which include:

- Lot size range: 8,700 to 9,700 sq. ft.
- Minimum lot width: 75 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.
- 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 single-family units in lieu of condominium units on the east side of 12th Avenue Northeast.

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 intent 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. Since there is new information for the proposed development, Staff has determined that holding a Public Hearing would meet the Public Notice requirements of State Statute and provide 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 ±6.26 acres, which is proposed to be subdivided into 20 single-family residential lots. The applicant submitted the attached DRAFT Final Plat, which shows 21 residential lots. Since that time Public Works has reviewed the plat and has determined that an easterly roadway connection is necessary at 40th Avenue Northeast. Public Works has determined this extension is necessary in order to accommodate future development to the east and provide greater overall roadway connectivity in the area. In addition, the connection would provide better surface conveyance for storm water runoff from the property situated to the east and south of Northview Addition. The developer shall provide an updated Final Plat prior to the project moving forward to City Commission.

## Improvements

### **Roadways**

Phase 10 of Northview Addition will include extension of 12th Street Northeast from 36th Avenue Northeast to 41st Avenue Northeast. The completion of 12th Street Northeast will also connect the other avenues within the subdivision, which will help complete the road network in the area. The roadways within the subdivision will be improved to the City standards with paving, curb and gutter. The timing for improvements to 12th Street Northeast from 36th Avenue Northeast to 37th Avenue Northeast have not been determined.

### **Utilities**

City water (12") mains will be extended from the stubbed lines off of 37th Avenue Northeast. The proposed water main in 12th Street Northeast will connect to the existing mains located in the right-of way of the avenues within Northview. City sewer (8") mains will be extended from the current location in Northview Avenue east through the proposed Northview Phase 9 to 12th Street Northeast to serve Phase 10. The developer will provide a temporary easement for the City utility mains that are being extended onto the property not yet developed. Easements will be provided within the plat for the installation of private utilities.

### **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, the developer is required to pay the estimated proportionate share. Additionally, the developer shall design a temporary stormwater system to convey stormwater through the undeveloped Phase 9 of Northview, until that phase is developed.

### **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.

## 2005 City of Great Falls Growth Policy

Northview Phase 10 is consistent with the general goals and desires of the 2005 Growth Policy in that it is a planned development. The Growth Policy provides that a variety of residential uses and housing types should be available throughout the urbanized area to provide choices in location and pricing to meet the needs of the community. In addition, current policy states that land uses should be planned and located so they do not result in an adverse impacts to other residential uses, and should be designed to discourage urban and suburban sprawl through incentives, regulations, and other public policies. Finally, it states that development should proactively be directed to where there is public investment in infrastructure.

In addition the Growth Policy states that we should coordinate efforts to resolve urban services issues and provide a smooth planning transition when jurisdictional issues occur. The creation of unincorporated enclaves should be addressed and eliminated as soon as feasible.

## Neighborhood Council Input

The subject property is located in Neighborhood Council #3. Patty Cadwell, Neighborhood Council Coordinator, presented information to Council #3 on February 7, 2013. The Council commented that they are in favor of the 12th Street Northeast connection because it will alleviate some traffic pressure on 9th Street Northeast, and that having it paved will reduce the amount of dirt being brought onto 36th Avenue Northeast. The Council was also in favor of changing the PUD from the condominium units to single-family units, and voted in favor of the project.

## 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. Approval of the subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** Lots in 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 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  $\pm 2.7$  miles from the subdivision site. Providing these services to the homes 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 shall 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 37th, 38th, 39th, 40th and Northview Avenues Northeast, which are 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:** The Planning Advisory Board recommends the City Commission approve annexation of Northview Addition, Phase 10, and a portion of 12th Street Northeast right-of-way, containing ±6.46 acres, as described in the staff report.

**RECOMMENDATION II:** The Zoning Commission recommends the City Commission approve rezoning property within Northview Addition, Phase 10, 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 develop in compliance with the submitted building envelopes and setbacks, attached hereto in Exhibit E.

**RECOMMENDATION III:** The Planning Advisory Board recommends the City Commission approve the Final Plat of Northview Addition, Phase 10, 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 10, 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 for Northview Addition, Phase 10, 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 Condition 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 10;
  - 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 the proportionate share of the cost of roadway and 8-inch water main, for Phase 10, in the segment of 12<sup>th</sup> 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@cascadecountymt.gov](mailto:sconell@cascadecountymt.gov)

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

Woith Engineering, [woithengineering@yahoo.com](mailto:woithengineering@yahoo.com)

# EXHIBIT C - APPLICATION

**CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
406.455.8415 • WWW.GREATFALLSMT.NET**

**DEVELOPMENT APPLICATION**

Submittal Date: 2.5.13  
 Application Number: Anx2013-2  
 Paid (Official Use ONLY):   
 Annexation: \$400  
 Establish City Zoning: \$700  
 Zoning Map Amendment: \$700  
 Conditional Use Permit: \$700  
 Planned Unit Development: \$700  
 Subdivision Preliminary Plat: \$800  
 Subdivision Minor Plat: \$600  
 Subdivision Final Plat: \$300  
 Amended Plat (6 or more lots): \$600  
 Vacate Public Right of Way: \$200

North View Phase 10

Name of Project / Development:

Jim Workman Construction

Owner Name:

1024 36 Ave NE Great Falls, MT 59404

Mailing Address:

406-799-1555

kworkin@yahoo.com

Phone:

Email:

Woith Engineering

Representative Name:

1725 41st Street South Great Falls, MT 59405

Mailing Address:

406-761-1955

spencerwoith@woithengineering.com

Phone:

Email:



PROPERTY DESCRIPTION / LOCATION:

Mark/Lot:	Section:	Township/Block:	Range/Addition:
12th Street NE			
Street Address:			

ZONING:

LAND USE:

Agricultural	PUD	Agricultural	PUD
Current:	Proposed:	Current:	Proposed:

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) further understand that other fees may be applicable per City Ordinances.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Jim Workman  
 Property Owner's Signature: 2-15-13  
Date:

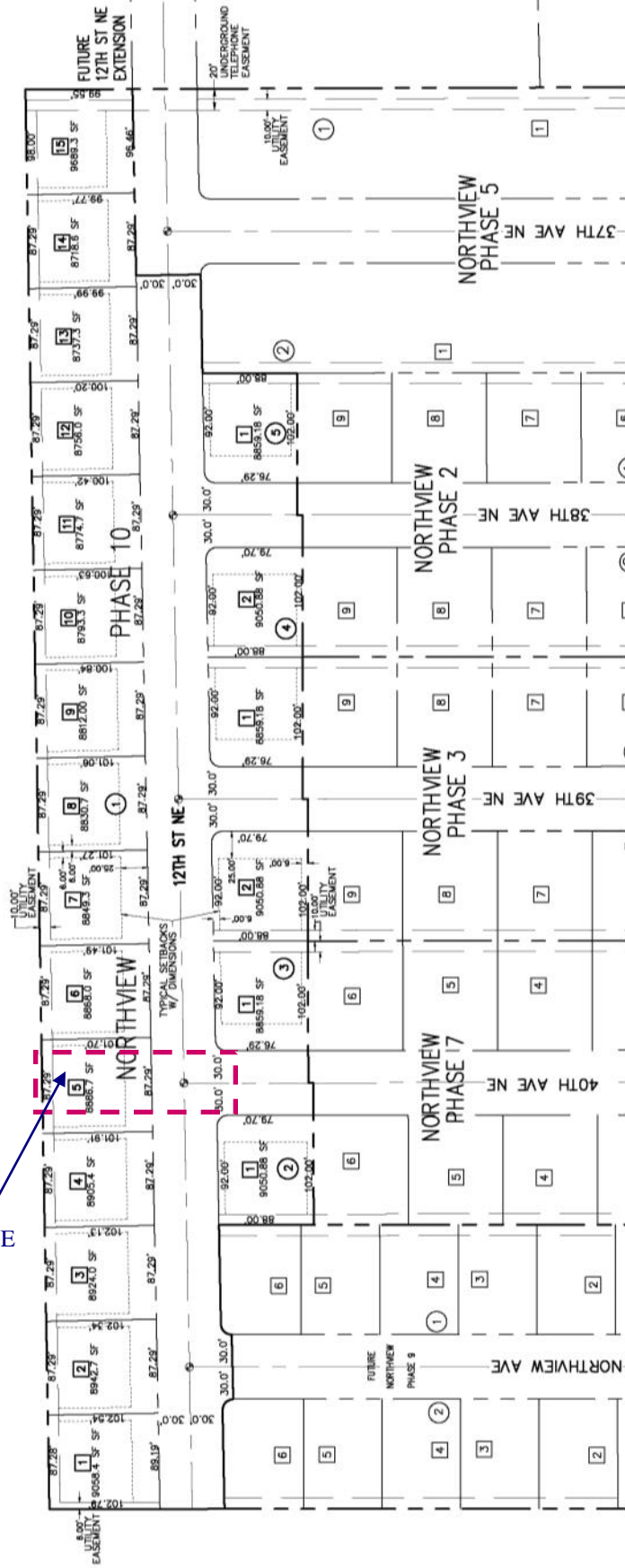
Spencer Woith  
 Representative's Signature: 2-5-13  
Date:



# NORTHVIEW ADDITION - PHASE 10 TO THE CITY OF GREAT FALLS

P.U.D. SITE PLAN

Required  
40th Ave NE  
Extension



FRONT SETBACK = 25'  
 SIDE SETBACK = 6'  
 REAR SETBACK = 10'

BUILDING HEIGHTS SHALL BE RESTRICTED TO A MAXIMUM OF 35'.  
 MAXIMUM BUILDING HEIGHT OF DETACHED ACCESSORY BUILDINGS IS 24 FEET.  
 MAXIMUM LOT COVERAGE WILL BE 57%

PHASE 10 AREA  
 6.26 ACRES



WOITH ENGINEERS, INC.  
 ENGINEERS & SURVEYORS  
 P.O. BOX 7326, GREAT FALLS, MONTANA 59406

EXHIBIT F - FIRE MEMO



GREAT FALLS FIRE RESCUE

105 9th Street South  
Great Falls, MT 59401

Phone: 406-727-8070  
Fax: 406-454-2454

February 1, 2013

To: Planning Director Mike Haynes

From: Stephen A. Hester, Assistant Chief of Operations

Re: Annexation, Zoning (Amending PUD) and Final Plat of North-view Phases 10

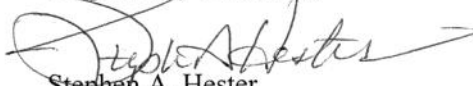
Thank you for the opportunity to review the proposed annexation. While the Fire Department is generally in support of growth, we feel it's important to go on the record with our public safety concerns.

While this annexation shall increase the department's jurisdiction area it should not have much of an impact on response times because the proposed annexation is within or inside of existing city boundaries.

However, this annexation shall create response problems due to the unincorporated enclaves that it will create. With each unincorporated enclave that the City creates, it also creates jurisdictional and response conflict with regard to emergency response from both the City's emergency responders and County's emergency responders.

In order to prevent the creation islands of property that require County emergency responder to cross into the City's jurisdiction and to prevent the City from responding to incidents in these areas, it is our recommendation that both the properties be incorporated into this annexation.

Respectfully submitted,



Stephen A. Hester  
Assistant Chief, Operations