

PLANNING ADVISORY BOARD ZONING COMMISSION

FEBRUARY 26, 2013

PANDA EXPRESS—MINOR SUBDIVISION

Case Number

SUB2013-1

Applicant

Representative: Lupe Sandoval, CRM Architects & Planners, Inc.

Owner

HD Development of Maryland, Inc.

Property Location

1500 Market Place Drive in the northeast corner of the Home Depot parking lot.

Parcel ID Number

898100

Requested Action

Minor Subdivision:
Subdivide 1 lot into 2 lots

Neighborhood Council

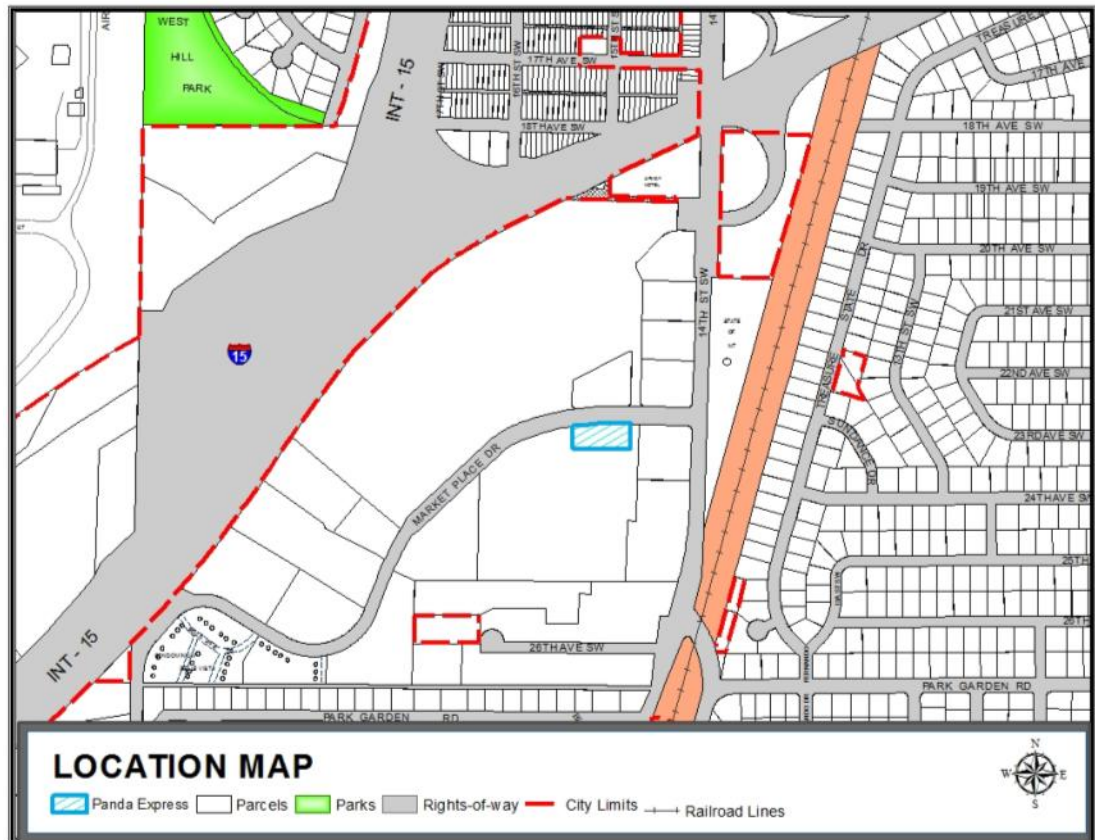
Neighborhood Council #1

Recommendation

Approval of the requests with Conditions.

Project Planner

Galen Amy



Summary

Project Description

The subject property is generally located south of Market Place Drive, west of 14th Street Southwest. The applicant is requesting approval of a minor subdivision of the subject property from one lot into two commercial lots in order to construct a Panda Express Restaurant.

Background

- Legal Description of property: Amended Plat of Lot 1, Block 2 of the Amended Plat of the Amended Plat of Lot 1 and Lot 4, Block 2,

Great Falls Market Place Subdivision, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana.

- Proposed lot: ±0.755 acres
- Home Depot lot: ±10.907 acres, after subdivision.

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.

Existing Conditions

Existing Use: Excess Home Depot parking lot.

Existing Zoning: The property is zoned C-2 General commercial. This district is primarily intended to accommodate high traffic businesses that focus on vehicle traffic.

Adjacent Land Use: The property is located in a C-2 general commercial shopping area that abuts Interstate 15 to the northwest. There is R-5 Multi-family medium density development to the south, as well as R-2 Single-family medium density further south and to the east of the shopping area.

Project Overview

The City Planning and Community Development Department received an application to subdivide the northeast corner of the subject property, where Home Depot is located, in order to accommodate a proposed Panda Express restaurant. The Panda Express restaurant is a faster, more casual representation of the more upscale Panda Inn restaurant, from which the chain concept was derived. In 1997, the company began opening stand-alone restaurants with drive-through windows, such as the proposed project. It is the largest chain of Chinese fast food restaurants in the United States with 1,536 restaurants covering 44 States and Puerto Rico. Its headquarters are located in Rosemead, California.



View south toward subject property with Home Depot beyond.





View west down Market Place Drive toward subject property.

EXHIBIT A - AERIAL PHOTO



 Proposed Panda Express Site

 City Limits

 Tracts of Land

Panda Express

Subdivision Request

The applicant is requesting a minor subdivision of the subject property, which comprise ± 11.662 acres. The request is to subdivide the property into two lots. The proposed northeastern lot (Lot 1-A) for the proposed Panda Express restaurant, adjacent to Market Place Drive, will consist of $\pm 32,876$ square feet, or ± 0.755 acres. The remaining lot (Lot 1) where Home Depot is located will consist of $\pm 475,118$ square feet, or ± 10.907 acres. (See Exhibit D - Draft Amended Plat.)

Home Depot is an existing retail space in the Market Place Subdivision that meets Land Development Code standards. Consideration of a minor subdivision application of the subject property for the proposed development requires a parking space analysis. Per City Code, retail home improvement centers are required to have 1 parking space per 300 s.f. of gross floor area. Home Depot is 130,442 s.f., so 435 parking spaces are required. In addition, City Code requires 9 of these spaces be ADA accessible when the total number of required parking spaces is between 401 and 500.

Currently the Home Depot parking lot has 549 parking spaces, 10 ADA accessible parking spaces, and 7 parking spaces that have been converted into shopping cart corrals. The proposed development would eliminate 94 of the existing parking spaces, leaving 455 total parking spaces, which is still a 20 space surplus for Home Depot's required 435 parking spaces.

Zoning Analysis

The subject property is located in the C-2 General Commercial zoning district. Panda Express is proposing development of a restaurant with a drive-through on the subject property, which is permitted in the C-2 district. The newly created lot and said development will conform to the zoning requirements outlined in the Land Development Code and Development Standards.

In addition, it is understood by the property owners that they will be responsible for all current and future maintenance issues related to their own lots and will not hold the City responsible for any maintenance conflicts. The property owners shall share access to Market Place Drive via the existing driveways. The property owners will have cross-access between lots and the developer shall enter into a mutual access agreement between the owners of the proposed lot and parent lot for full access to and egress from the subject site.

Any future development of any lot shall meet require-

ments for the C-2 General commercial zoning district and shall be reviewed by the Planning and Community Development and Public Works Departments for consistency with all relevant code sections.

Infrastructure

Streets & Utilities

The applicant will not be required to provide improvements to Market Place Drive as it is an existing roadway that was built to City standards. There is an existing 2-inch water service and 4-inch sewer service located in Market Place Drive. As development occurs on the newly created lot, the owners will be required to pay to connect service lines to those mains.

Stormwater Management

Market Place Subdivision is subject to an overall stormwater master plan, so a storm drainage plan and report is not required. Any disturbed improvements in the public boulevards would need to be restored, and any public sidewalk, curb or gutter, driveway improvements need to be permitted and done according to City requirements and standards. Lastly, any excavation in public right-of-way needs a permit, and excavation in Market Place Boulevard shall be back-filled with flowable fill, and the pavement section shall be replaced.

Traffic Analysis

The proposed subdivision would accommodate construction of a 2,210 square foot fast-food restaurant with limited seating (48 seats) and a drive-through. The Institute of Traffic Engineers' Trip Generation Manual provides an average trip generation figure for a use of this type and size of 1,097 trip ends per day.

Although no traffic count is available for Market Place Drive, the roadway serves as the primary feeder for a busy commercial area. The roadway appears to have capacity to carry additional traffic, although the additional trips and turning movements may generate complaints from area drivers. However, dispersing access to the site between the driveway on the east side and the driveway on the west side of the site will help reduce vehicle stacking and delay that might otherwise be concentrated at one location.

No additional driveways/curb cuts onto Market Place will be allowed to the subject property, and because the site will be accessed through the property from which the lot is being created, a mutual access agreement must be in place. The private drive adjacent to the east property line of the proposed lot is missing a stop sign, and

must be replaced by the developer.

Sidewalk currently exists adjacent to Market Place Drive, and the developer must place curb-stops in parking spaces adjacent to the sidewalk to prevent vehicles overhanging and blocking sidewalk movements. Although not mandatory, the developer may wish to consider sidewalk on the west side of the private drive adjoining the eastern edge of the proposed lot. The proposed drive-through is well designed, providing adequate stacking and safe internal vehicle circulation through the site (see Exhibit E - Site Plan and Exhibit G - Building Rendering).

2005 City of Great Falls Growth Policy

The project is generally consistent with the overall aims and goals of the 2005 Growth Policy. The project is an infill opportunity within an existing shopping center which was designed with surplus parking. By utilizing the surplus parking and the existing infrastructure, the project promotes the more efficient use of existing development resources and expands dining choices for the consuming public.

Specifically, the project is consistent with the Growth Policy goals related to the Economic Development. The Growth Policy's Economic goals call for diversifying the base economy, enhancing, strengthening and expanding the existing economic base and encouraging businesses and industries that will utilize existing infrastructure.

The Growth Policy also calls for promoting redevelopment and infill as the primary community development mechanism. The Growth Policy states that the City should regulate new development to achieve a high degree of self containment. This regulation is encompassed in the approval process being sought by this applicant as a result of this request.

Neighborhood Council Input

Per Montana Code Annotated and the Official Code of the City of Great Falls (OCCGF 17.16.4.010 Table 16-2), minor subdivisions do not require public notice notification. As a courtesy, Patty Cadwell, Neighborhood and Youth Council Coordinator, provided information regarding the proposed project to Neighborhood Council #1 on January 8, 2013. There were general questions about the project, but no comments, and the Council did not make a recommendation for or against the project.

Finding of Fact - Prepared in Response to 76-3-608(3) MCA (2011)

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The lots within the subdivision are not currently being used for agricultural purposes. The proposed subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: When development occurs on the lots within the subdivision, they will connect to City water and sewer mains. There is no required extension of utility mains as a part of this request. The City shall provide water and sewer service to the lots, which will be required to pay standard City fees for these services.

The lots within the subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ± 1.4 miles from the subdivision site. Providing these services to the proposed restaurant 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.

The subdivision will have a negligible impact on the cost of road maintenance as the subdivision and roads are already established. The developer will not be required to improve Market Place Drive because it has existing curb, gutter and sidewalks.

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 into existing storm drains.

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.

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

There are no new easements required to accommodate public water mains or sanitary sewer mains and owner shall provide necessary utility easements to accommodate any private utilities to serve all lots of the minor subdivision.

LEGAL AND PHYSICAL ACCESS

Market Place Drive is public right-of-way maintained by the City of Great Falls. Legal and physical access to the proposed development is via the existing driveways off of Market Place Drive. The property owners will have cross-access between lots and the developer shall enter into a mutual access agreement between the owners of the proposed lot and parent lot for full access to and egress from the subject site.

Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. Based on the Findings of Fact, Staff recommends approval of the minor subdivision for Panda Express.

Recommendation I: The Planning Advisory Board recommends the City Commission approve Amended Plat of the subject property, as legally described in this staff report, subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval

1. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff, including provision of a notification clause to purchasers regarding soil conditions.
2. Any future development in the subdivision is subject to review and approval by the City of Great Falls as necessary, and applicant shall be required to submit any plans including architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board.
3. Developer shall enter into a mutual access agreement between the owners of the proposed lot and parent lot.

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 & Youth Council Coordinator

Lupe Sandoval, CRM Architects & Planners, Inc., Lupes@crmarchitects.com

Brian Cannard, HD Development of Maryland, Inc., brian_cannard@homedepot.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

Amended Plat of Lot 1, Block 2, Great Falls, MT

Name of Project / Development:

HD Development of Maryland Inc.

Owner Name:

Brian Cannard

Mailing Address:

370 Corporate Drive N

brian_cannard@homedepot.com

Phone:

Email:

Lupe Sandoval- CRM Architects & Planners, Inc.

Representative Name:

5921 Folsom Boulevard, Sacramento CA 95819

Mailing Address:

(916) 451-1500

Lupes@crmarchitects.com

Phone:

Email:

PROPERTY DESCRIPTION / LOCATION:

Lot 1, Block 2	18	20 North	3 East
Mark/Lot:	Section:	Township/Block:	Range/Addition:

1500 Market Place Drive

Street Address:

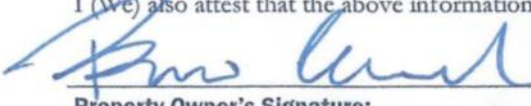
ZONING:

LAND USE:

"C-2 GEN. COMM."	"C-2 GEN. COMM."	SERVICE/PARKING	RSTAURANT
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.

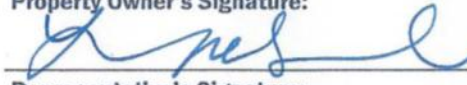
I (We) also attest that the above information is true and correct to the best of my (our) knowledge.



Property Owner's Signature:

2.5.13

Date:



Representative's Signature:

02/05/13

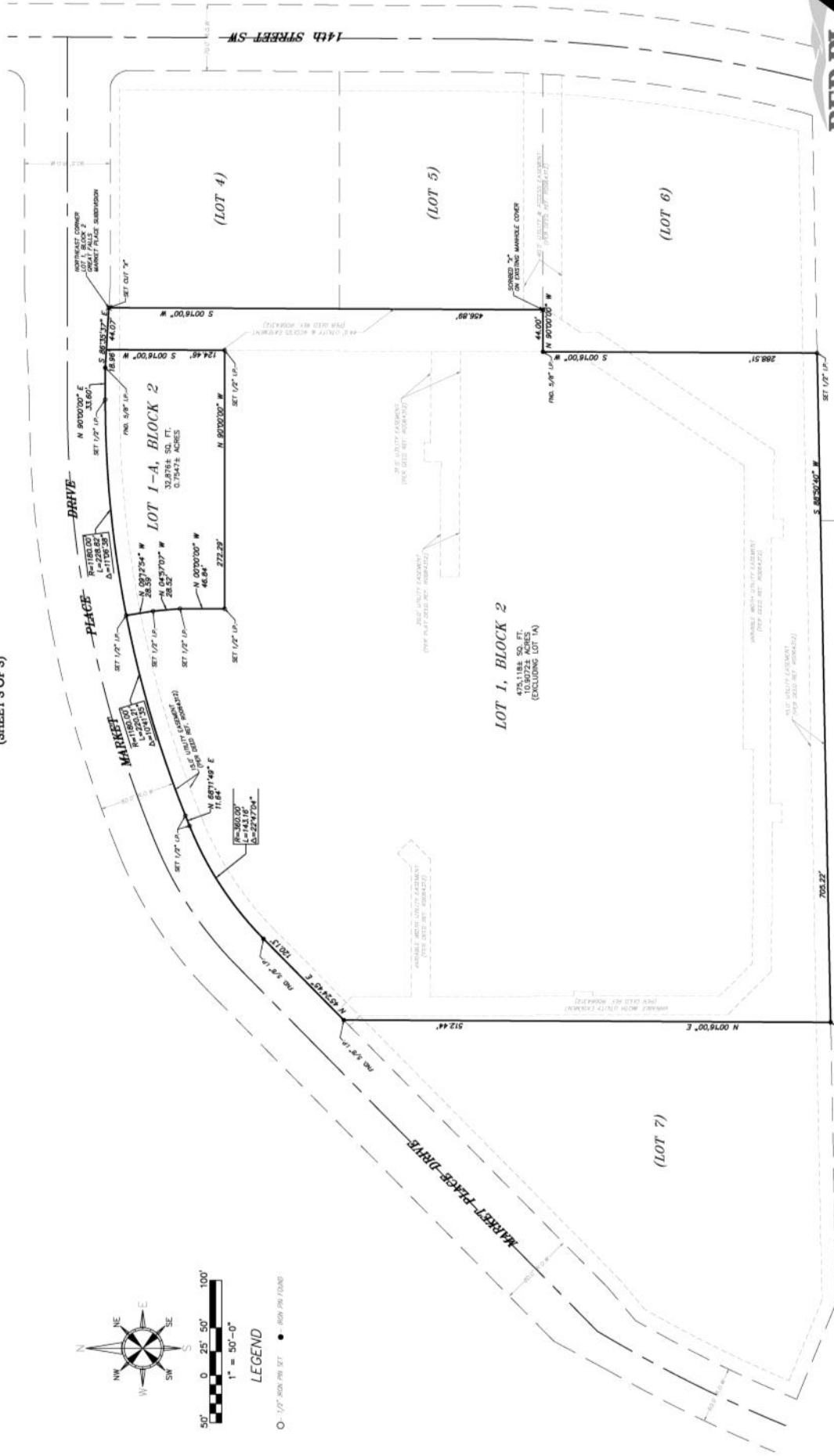
Date:

EXHIBIT D - DRAFT AMENDED PLAT

AMENDED PLAT OF LOT 1, BLOCK 2

OF THE AMENDED PLAT OF LOT 1 AND 4, BLOCK 2, GREAT FALLS MARKET PLACE SUBDIVISION, AN ADDITION TO THE CITY OF GREAT FALLS, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M., CASCADE COUNTY, MONTANA.

DEED REFERENCE: DOCUMENT NO. R0064312
(SHEET 3 OF 3)



(PRELIMINARY DRAWING-PROPOSED)

EXHIBIT G - BUILDING RENDERING

