

PLANNING ADVISORY BOARD ZONING COMMISSION

MARCH 26, 2013

Case Number

SUB2013-3

Applicant/Owner

Joe Stanek, Dali, Inc.

Property Location

Generally, east of U.S. Highway 87 in the north portion of the City

Parcel ID Number

1029675

Requested Action

Preliminary Plat of 8 heavy industrial zoned lots

Neighborhood Council

Neighborhood Council #3

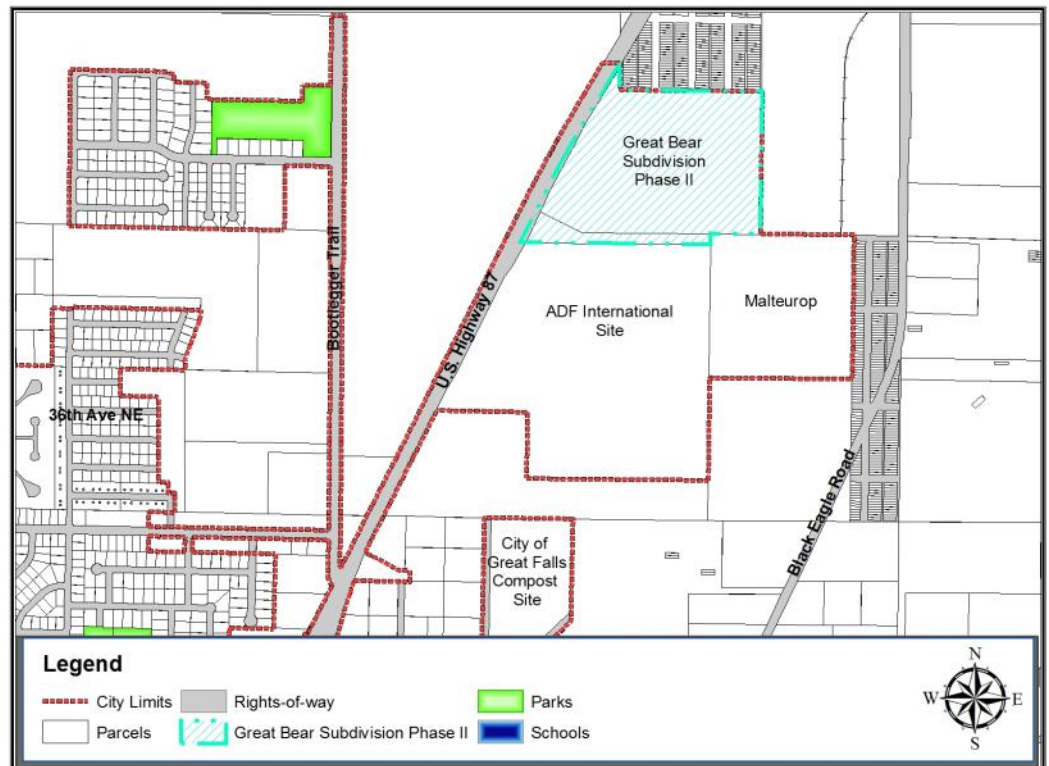
Recommendation

Approval of the requests with Conditions

Project Planner

Jana Cooper, RLA

GREAT BEAR SUBDIVISION - PHASE II



Summary

Project Description

The ±60.088 acre subject property is located east of U.S. Highway 87 in the northern portion of the City of Great Falls. The applicant is requesting approval of the preliminary plat of Great Bear Subdivision - Phase II. The proposed subdivision consists of 8 heavy industrial zoned lots.

Background

- Legal Description of property: Great Bear Subdivision - Phase II, Being Lots 4 & 5, Block 1, of the International Malting Company, LLC Addition, located in Section 30, Township

21 North, Range 4 East, P.M.M., Cascade County, Montana

Area of Property:

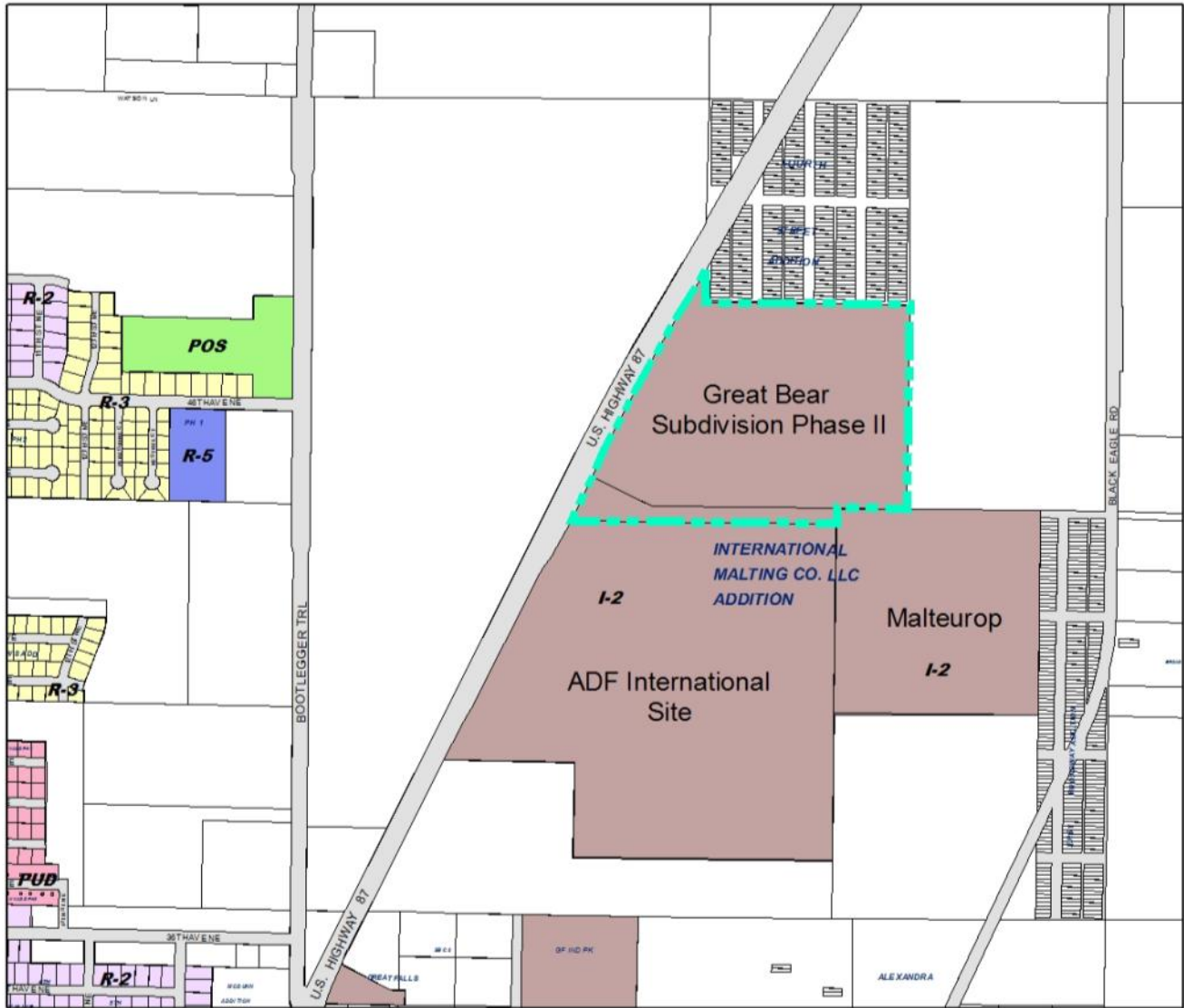
Lot 5: 54.863 acres

Lot 4: 5.225 acres

Agency Comment

Representatives from the City's Public Works, Park & Recreation 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 applicant or in the conditions of this report.

EXHIBIT A - VICINITY / ZONING MAP



Legend

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

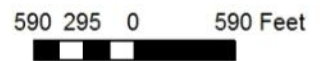
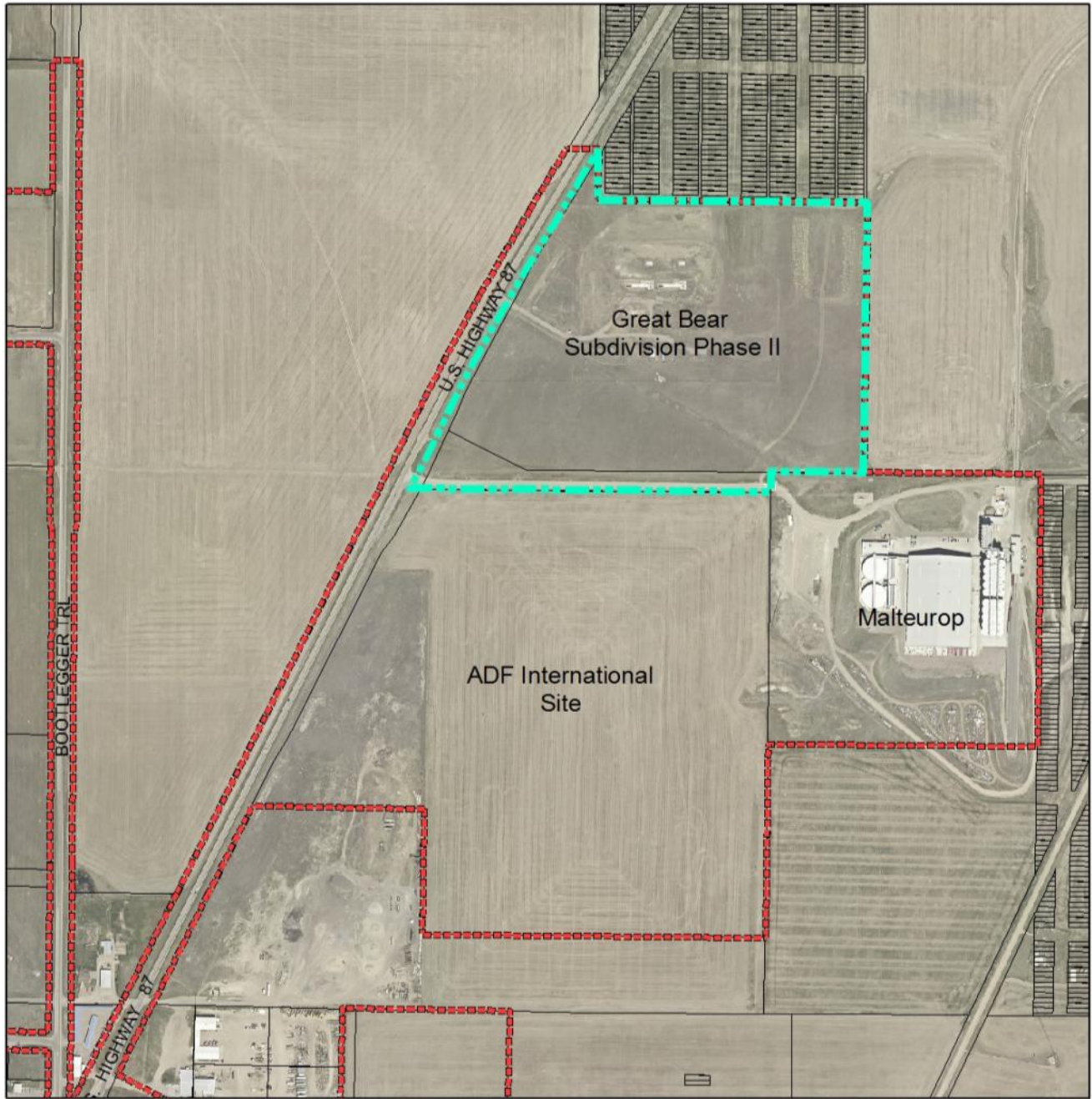



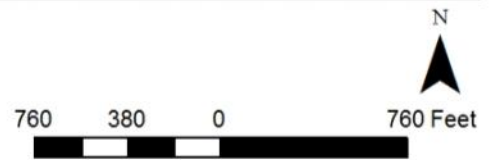


EXHIBIT B - AERIAL PHOTO



-  Great Bear Subdivision Phase II
-  City Limits
-  Tracts of Land



Existing Conditions

Existing Use: Vacant undeveloped land.

Existing Zoning: The property currently located within City limits and zoned I-2 Heavy industrial.

Adjacent Land Use: The property is located in a developing industrial area. The land north, east, and west of the subject property is vacant undeveloped land; to the southeast is the existing Malteurop barley malting plant. South of the property is the proposed ADF International steel fabrication plant.



View east from U.S. Highway 87 across the subject property with Malteurop in the background.



View north across subject property.



View west of the existing gravel access road to the subject property.



View northwest across subject property.

Project Overview

Lot 5 of subject property, consisting of 54.863 acres, was annexed in 2007 by Montana Megawatts I LLC (Montgomery Energy). The site was proposed to be a natural gas fired electric generator site. This project was never initiated and ultimately the land was purchased by the applicant.

Lot 4 of the subject property, consisting of 5.225 acres, was annexed in 2005 as a part of the annexation for the International Malting Company, LLC (now Malteurop). Malteurop, which is located on Lot 2 of the International Malting Company LLC Addition, is a barley malting plant. Lot 4 is the access roadway to the all the lots within the International Malting Company, LLC Addition.

The subject property is located in an existing Tax Increment Financing Industrial District (TIFID), the Central Montana Agriculture and Technology Park (CMATP). An expansion of this TIFID is currently being requested to incorporate the property to the south of the subject property for the proposed ADF International project. City Commission will take action on the expansion on May 7, 2013. There are existing funds in the TIFID; all of the property owners in the TIFID understand that funds are limited, must be spent on public infrastructure improvements, and the expenditure of any TIFID funds are at the discretion of the City Commission.

Preliminary Plat Request

The applicant is now requesting a preliminary plat of the subject property which would subdivide Lot 5 into 8 heavy industrial zoned lots. The applicant submitted a DRAFT Preliminary Plat (Exhibit D), which shows the layout for the industrial lots. Lot 8 would be expected to be further subdivided for future phases. Staff has noted to the applicant a concern for the size of the proposed industrial lots on the west side of the proposed Innovation Street. The proposed lots meet the standards for I-2 Heavy industrial zoning, but development will be limited due to other code requirements and concerns, such as parking, service areas, setbacks, an existing 40-foot gas easement, etc. Staff has advised the applicant to consider how these lots will function.

Additionally, Public Works has a concern that there is not an overall master plan for the project. In order to efficiently design for public improvements including water, sewer and storm drain, it is helpful to have an understanding of the overall plan for an area. Because the applicant has not provided a firm Master Plan for all of Lot 5, Public Works will have to make assumptions on future needs for the development. This may cause additional cost to the applicant due to over- or under-sizing of improvements.

The basis for decision to approve, conditionally approve or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. The governing body shall issue written finding of fact that weigh the criteria in of 76-3-608 (3) MCA.

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

Primary Review Criteria:

Effect on Agriculture/Agricultural water user facilities: The subject property is not currently being utilized for dry land crop production. No effects on agricultural water user facilities have been identified for this project. The applicant does not anticipate any impacts to the downstream irrigation water users due to this subdivision.

Effect on Local Services:

Access to the proposed subdivision is from U.S. Highway 87, an access controlled highway, which is maintained by the State of Montana. There is an existing access and utility easement off of U.S. Highway 87 (Lot 4), which will be utilized to access the lots in the proposed subdivision. The City is requiring the 100-foot access and utility easement (Lot 4) be dedicated as public right-of-way, per an obligation of a previous agreement, prior to final approval of the proposed subdivision by City Commission. Once the roadway is dedicated, the City of Great Falls will be responsible for maintenance.

Access to municipal infrastructure and public services is available in the vicinity of the subject property. The applicant shall be responsible for extending the utility mains. The City should not experience an appreciable increase in maintenance and operating costs. As development occurs in the subdivision, owners will pay regular water and sewer charges.

The City Engineer is requiring the development to restrict off-site flows to predevelopment levels by developing retention and/or detention systems on each lot, which will be reviewed by the City's Public Works Department. In addition, the applicant will be responsible as a condition of the subdivision to mitigate all downstream impacts caused by the development.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ± 3.0 miles from the subdivision site. The Fire Chief has provided a memo stating a concern for travel time (approximately 7 minutes) to the proposed subdivision (see Exhibit E - Fire Chief Memo). Staff has coordinated with the Fire Department, which supports the project, but want to clarify to the applicant that response times are longer than what is recommended, which could ultimately effect insurance rates in the area. Providing these services to the lots in the subdivision is expected to be a negligible cost to the City.

Per Montana Code Annotated 76-21-621(3)(b), park dedication is not required for subdivisions that are all nonresidential, therefore no parkland or payment in lieu of park land is required.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils, the water quality or quantity of surface or ground waters. Surface runoff will flow easterly ultimately to an existing retention pond located in the County, east of the subject property. The City's Public Works Department has completed a preliminary draft stormwater study for the area, and noted improvements to the existing drainage system are needed. The applicant shall be responsible for his proportional share of improvements to the drainage system.

Effect on Wildlife/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 traffic volumes, or mining activity. The subdivision does have a high-pressure gas line that runs from north-south on the western portion of the site. The Applicant will be required to demonstrate the necessary easements and proper safety measures to protect the public health and safety from this hazard.

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 applicant shall provide necessary utility easements to accommodate water mains, sanitary sewer mains, stormwater easements and private utilities to serve all lots in the subdivision.

LEGAL AND PHYSICAL ACCESS

The main legal and physical access to the subdivision is provided by U.S. Highway 87. Lot 4, which is an access and utility easement provides access from the Highway, and the applicant is proposing to dedicate "Innovation Street" to provide the direct access to each lot.

Improvements

Roadways

Access to the proposed subdivision is from U.S. Highway 87, a controlled access highway, which is maintained by the State of Montana. There is an existing access and utility easement off of U.S. Highway 87 (Lot 4), which will be utilized to access the lots in the proposed subdivision. The access is gravel and privately maintained. The access roadway is owned by the applicant at this time and is not dedicated as public right-of-way. There is an existing agreement between the applicant and the City of Great Falls requiring dedication of a 100-foot roadway from U.S. Highway 87 easterly to the western boundary of Malteurop at such time as the City deems necessary. The City is requiring the obligation of the previous agreement be met by the applicant prior to approval of the proposed Preliminary Plat by City Commission. The applicant shall be responsible for improvements to the roadway. Since the attached Draft Preliminary Plat does not show all of Lot 4 as being dedicated, Staff will require an updated Plat prior to moving the project forward to City Commission.

The internal roadways within the Preliminary Plat are proposed to be dedicated as public right-of-way and maintained by the City. Public Works is requiring the paving of these internal roadways. Curb, gutter and sidewalk are not required at this time. Additionally, due to potential of large truck traffic, Public Works is requiring a 100-foot diameter temporary cul-de-sac at the terminus of the proposed Innovation Street.

Utilities

There is an existing 16-inch water transmission main located on the north edge of Lot 4. The applicant's engineer has prepared a preliminary overall site plan showing a water distribution main layout for the proposed subdivision. The City Public Works Department and the Montana Department of Environmental Quality will be reviewing the water system design reports and plans for compliance with design requirements and regulations. Consideration of adjacent service areas and future main extensions will be part of the review. Because there is not an overall master plan for the area, the City may require the applicant to extend additional water mains within the development.

There is an existing sanitary sewer trunk main and sewage lift station located on the east side of the Malteurop property east of the subject property and adjacent to Black Eagle Road. A sewer main will be extended from this lift station along the north side of the Malteurop property to the southeast corner of the property. This extension is a requirement in Malteurop's annexation agreement. The funding or portion of funding for this extension may be derived from the Tax Increment Financing District in this area.

The applicant's engineer has prepared construction plans for the sanitary sewer main installation. The City Public Works Department and the Montana Department of Environmental Quality will be reviewing the preliminary and final sewer system design reports and plans for compliance with design requirements and regulations. Consideration of adjacent service areas and future main extensions will be part of the review. Because there is not an overall master plan for the area, the City may require the applicant to extend additional sanitary sewer mains within the development.

Storm Water Management

The applicant is working with the Public Works Department regarding requirements for stormwater discharge, storage, conveyances, and on-and off-site improvements. The applicant's engineer has prepared a preliminary overall site plan showing storm drainage system layout. The City Public Works Department will be reviewing the preliminary and final storm drainage system design reports and plans for compliance with the City's Storm Drainage Design Manual. Consideration of upstream and downstream properties and future storm drain extensions will be part of the review. The applicant shall be required to provide an easement, sized as necessary per Public Works, for stormwater conveyance across the property in an existing drainage channel. Because there is not an overall master plan for the area, the City may require the applicant to construct drainage improvements within the development.

Park land

Park land dedication is not required for the proposed subdivision per MCA 76-3-621 (3)(b); a park dedication may not be required for a subdivision into parcels that are all nonresidential.

2005 City of Great Falls Growth Policy

The Great Bear Subdivision Phase II application is part of what is envisioned as a planned comprehensive industrial development center for residents and businesses in the City and the County. This project is a step toward the creation of a much desired primary job and employment center for the City of Great Falls. Recent surveys have found that the City's residents recognize the need for, and strongly support, actions toward the creation of new and diverse forms of employment in Great Falls.

Although infrastructure is limited at this time, the City of Great Falls has formed a Tax Increment Finance Industrial District (TIFID) to assist in making the road, water and sewer, utility, stormwater and general infrastructure improvements necessary toward the creation of a long-term industrial park and employment center. These improvements will help attract and develop new and expanded value added industries to the area.

This project is consistent with the 2005 Growth Policy. Specifically, the Economic element of the 2005 policy calls for: 1) the diversification of the local economy, 2) steps to enhance and strengthen the City's economic base, and 3) attracting new businesses and supporting the expansion of existing businesses that tend to raise the median income level. It further states that large industrial areas and employment centers should be planned and located based on site requirements, ease of access, environmental impacts, long-term relationships to residential areas and the potential for generating growth. This location, although on the City's periphery, is advantageous for industrial development in that it is separate, but reasonably accessible, from residential areas.

The Growth Policy also makes allowable actions to proactively direct development through public investment in infrastructure and to encourage businesses and industries that will utilize existing (and planned for) infrastructure. This application is consistent with the implementation of these policies.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. A representative for the applicant attended the Council meeting on March 7, 2013. The Council asked questions about a proposed rail spur from Malteurop's property and if Montana Specialty Mills would be relocating to the Great Bear Industrial Park. The applicants representative did not have information on timing of the rail spur or if Montana Specialty Mills would be relocating. The Neighborhood Council did not vote on the proposed project.

Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on subdivisions. As such, the following recommendation shall be acted upon by the Planning Advisory Board:

RECOMMENDATION: The Planning Advisory Board recommends the City Commission approve the Preliminary Plat of Great Bear Subdivision Phase II, and the accompanying Findings of Fact, subject to the conditions listed in the staff report.

Conditions of Approval

1. The Preliminary Plat of Great Bear Subdivision Phase II shall incorporate correction of any errors or omissions noted by staff, including dedication of the abutting access and utility easement (Lot 4) as public road right-of way and designation of an easement traversing Phase II, accommodating an existing drainage channel, as required by Public Works.
2. The final engineering drawings and specifications for the required public improvements to serve the Preliminary Plat shall be submitted to the City Public Works Department for review and approval prior to consideration of the Final Plat by the City Commission.

3. Arriving at a mutually acceptable position with the City Public Works Department prior to consideration of the Final Plat by the City Commission regarding the extent of required storm water improvements in Phase II and whether same should be publicly or privately owned and maintained.
4. A development agreement shall be prepared containing terms and conditions for development of subject Preliminary Plat including agreement by the applicant:
 - A) to install, within two years of the date of Preliminary Plat approval, the public improvements referenced in Condition 2) above;
 - B) to adhere to all provisions emanating from the resolution of Condition 3) above;
 - C) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - D) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement; and,
 - E) assign the obligation for installing and paying for all remaining public infrastructure in future phases of Great Bear Subdivision.
5. Provide City all necessary easements for public improvements necessary to install improvements, including sanitary sewer mains, water mains and storm drainage facilities to serve lots in subdivision prior to approval of the final plat of Subdivision.

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 Preliminary 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
Joe Stanek, joestanek@westernamericanretail.com
Dustin Nett, TD&H, Dustin.Nett@tdhengineering.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

Great Bear Subdivision - Phase I

Name of Project / Development:

Dahi, LLC

Owner Name:

P.O. Box 443 Holualoa, Hawaii 96725

Mailing Address:

808-756-0901

Phone:

joestanek@westernamericanretail.com

Email:

Mr. Joe Stanek

Representative Name:

same as above

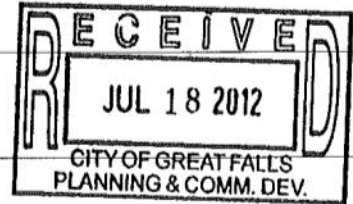
Mailing Address:

same as above

Phone:

same as above

Email:



Submittal Date: 7.18.12

Application Number: _____

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

PROPERTY DESCRIPTION / LOCATION:

Block 1, Lots 4 & 5 30 21N 4E
 Mark/Lot: Section: Township/Block: Range/Addition:

435 US Highway 87, Great Falls, MT 59404

Street Address:

ZONING:

heavy industrial I-2 heavy industrial I-2 agricultural heavy industrial
 Current: Proposed: Current: Proposed:

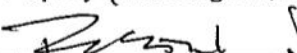
LAND USE:

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:

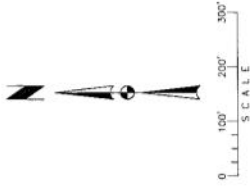
7/12/2012
 Date:


 Representative's Signature:

7/12/12
 Date:

GREAT BEAR SUBDIVISION - PHASE I
BEING LOTS 4 & 5 (LESS HIGHWAY R/W), BLOCK 1, OF THE INTERNATIONAL MALTING COMPANY, LLC ADDITION
LOCATED IN SECTION 30, T21N, R4E, P.M.M., CASCADE COUNTY, MONTANA

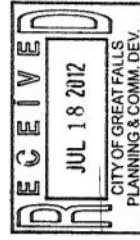
LAND OWNER: IMC, LLC



AREA OF LOTS: 57,487 ACRES
AREA OF BLOCK: 7,100 ACRES
TOTAL AREA: 58,587 ACRES

LEGEND

- SUBDIVISION BOUNDARY
- SET "N" BEAR WITH "ISEDELS-KOZICKA" VPC
- FOUND MONUMENT AS NOTED
- FOUND SECTION CORNER
- FOUND QUARTER CORNER
- PARCEL LINE
- LOT LINE
- SECTION LINE
- FIELD MEASUREMENT
- PLATTED MEASUREMENT (P)



SHEET 1 OF 2

PREPARED BY: DRS DATE: 3-2-11 QUALITY CHECK: DRS
 SURVEYED BY: DRS LAYOUT: 05/27/10 FIELDBOOK: DRS
THOMAS, DEAN & HOSKINS, INC.
 ENGINEERING CONSULTANTS
 GREAT FALLS - BOZEMAN - GARDEN - HELENA
 MONTANA

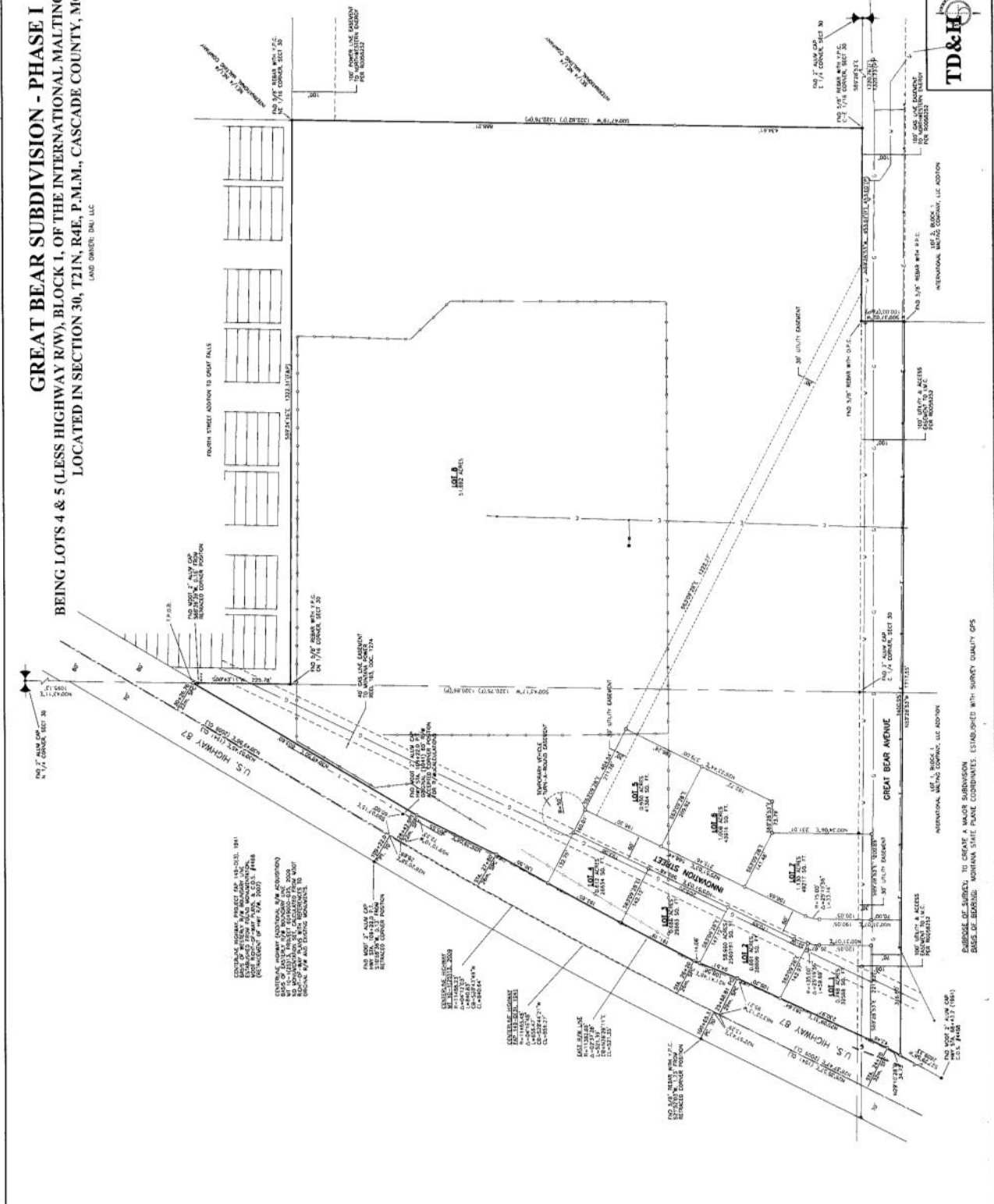


EXHIBIT E - FIRE MEMO

Memorandum

Great Falls Fire Rescue

TO: Jana Cooper
FROM: Fire Chief Randy McCamley
DATE: July 31, 2012
RE: Great Bear Phase II



Thank you for the opportunity to comment on the Great Bear Development project. Great Falls Fire Rescue would like to share with the developer and prospective business owners our concerns with the emergency response distance associated with this project. Due to the distance of the proposed development to the closest city fire station, we determine the travel time to be approximately seven (7) minutes or greater. This emergency travel time is calculated by using a generally accepted emergency travel time formula and historical response time data when available.

The National Fire Protection Agency (NFPA) 1710 5.2.4.1.1 *"The fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within 240-second travel time to 90 percent of the incidents as established in Chapter 4"*

Based on the travel distance and the corresponding travel time, Great Falls Fire Rescue is concerned with meeting the developer's emergency response performance outcomes and expectations. If you have any questions concerning this information please contact my office.

Sincerely,

A handwritten signature in black ink that reads "Randall McCamley".

Fire Chief
Randall McCamley