## PLANNING ADVISORY BOARD ZONING COMMISSION

#### JULY 9, 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

Final Plat of 8 heavy industrial zoned lots

Neighborhood Council

Neighborhood Council #3

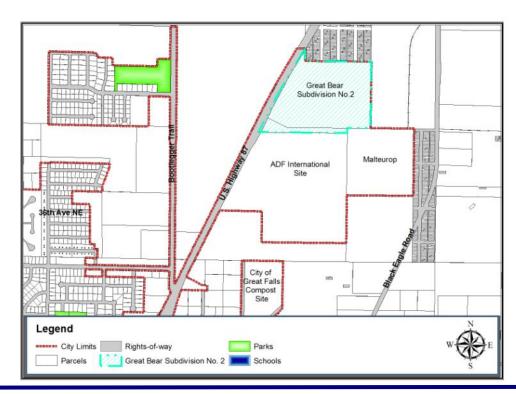
Recommendation

Approval of the requests with Conditions

Project Planner

Jana Cooper, RLA

#### GREAT BEAR NO. 2 SUBDIVISION - PHASE I FINAL PLAT



#### **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 final plat of Great Bear No. 2 Subdivision - Phase I. The proposed subdivision consists of 8 heavy industrial zoned lots.

#### **Background**

 Legal Description of property: Great Bear No. 2 Subdivision - Phase I, 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: ±60.088

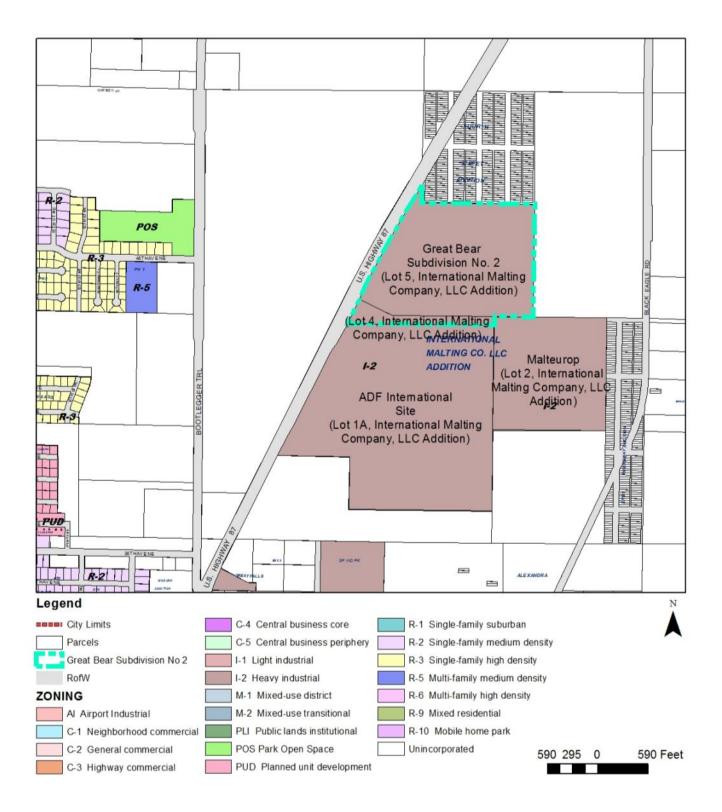
Lot 5: 54.863 acres

Lot 4 (Great Bear Ave.): 5.225 acres

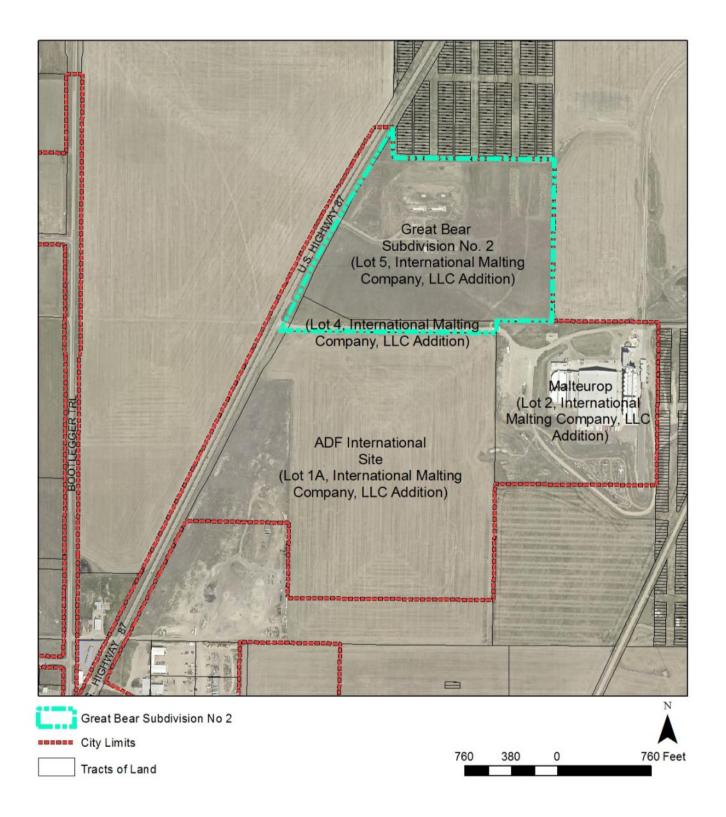
#### **Agency Comment**

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



#### EXHIBIT B - AERIAL PHOTO



#### **Existing Conditions**

Existing Use: Vacant undeveloped land that has been used for agriculture.

Existing Zoning: The property is 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 easement to all of the lots within the International Malting Company, LLC Addition.

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

#### Final Plat Request

City Commission approved the Preliminary Plat of Great Bear No. 2 Subdivision - Phase I on June 4, 2013. The applicant is now requesting approval of the Final Plat of the subject property which would subdivide Lot 5 into 8 heavy industrial zoned lots. The applicant submitted a Final Plat (Exhibit D), which shows the layout for the industrial lots. Lot 8, the remainder, would be expected to be further subdivided in future phases. In the preliminary Plat Phase of the project, Planning Staff 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. The applicant has stated that if the lots are not big enough to suit an end user, he could file boundary line adjustments or combine lots if necessary.

Public Works, during the Preliminary Plat phase of the project, raised the 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. The applicant has provided various general plans for future phases of the subdivision, but has not provided an overall master plan; therefore, Public Works will have to make some 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 ease-

ment (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 and roadway improvements. The applicant has shown this dedication of right-of-way on the Final Plat of the subdivision. The City Commission approved a TIF application for funding improvements to the right-of-way on July 2, 2013.

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 Public Works Department 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  $\pm 3.0$  miles from the subdivision site. The Fire Department has provided a memo stating a concern for travel time (approximately 7 minutes) to the proposed subdivision (see Exhibit E - Fire 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 park land 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 critical 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 and is being dedicated as public right-of-way as part of the subdivision process, provides access from the Highway. Internal access to each lot will be provided from a standard local street, a roadway proposed to be dedicated as a part of the subdivision.

#### <u>Improvements</u>

#### Roadways

Access to the proposed subdivision is from U.S. Highway 87, a controlled access highway, which is maintained by the State of Montana. Currently, there is an existing gravel 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 roadway, Great Bear Avenue, is being dedicated as a part of the Final Plat. A small portion of said Lot 4 shall be retained by the applicant as a part of Lot 1 of the proposed subdivision. It should be noted that the City Commission approved expenditures of TIFID dollars for roadway improvements to Great Bear Avenue at their July 2, 2013 meeting. If these improvements are not installed by the City the applicant shall be responsible for improvements to the roadway.

The internal roadways within the subdivision are proposed to be dedicated as public right-of-way and maintained by the City. Public Works is requiring paving, curb and gutter on the internal roadways. Additionally, due to potential of large truck traffic, Public Works is requiring a 100-foot diameter temporary graveled cul-de-sac at the north terminus of Innovation Street.

#### **Utilities**

There is an existing 16-inch water transmission main located on the north edge of Great Bear Avenue. 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 has reviewed the water system design reports and plans for compliance with design requirements and regulations. Consideration of adjacent service areas and future main extensions was part of the review. Because the City does not have an overall plan for the entire property, the City may require the applicant to extend additional water mains within the development.

There is an existing sanitary sewer force 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 portion of the property. A portion of this extension is a requirement in Malteurop's annexation agreement. The City Commission approved funding for the sewer extension from existing funds in the CMATP TIFID on July 2, 2013. It is anticipated that these improvements will be completed this year.

The applicant is responsible for the extension of the on-site sewer main for the subject property. The applicant's engineer has prepared construction plans for the sanitary sewer main installation. The City Public Works Department has reviewed the preliminary sewer system design reports and plans for compliance with design requirements and regulations. Consideration of adjacent service areas and future main extensions was a part of the review. Because the City does not have an overall plan for the entire property, 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 for Phase 1. The City Public Works Department has reviewed the preliminary storm drainage system design plans. Consideration of upstream and downstream properties and future storm drain extensions was a part of the review. The applicant has provided a 30-foot drainage easement on the Final Plat for stormwater conveyance across the property in an existing drainage channel. Because the City does not have an overall plan for the entire property, the City may require the applicant to construct additional 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 No. 2 Subdivision - Phase I 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, 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:

<u>RECOMMENDATION</u>: The Planning Advisory Board recommends the City Commission approve the Final Plat of Great Bear No. 2 Subdivision - Phase I, and the accompanying Findings of Fact, subject to the conditions listed in the staff report.

#### Conditions of Approval

- 1. The Final Plat of Great Bear Subdivision No. 2-Phase 1 shall incorporate correction of any errors or omissions noted by staff.
- 2. The Final Plat of Great Bear Subdivision No. 2-Phase 1 shall dedicate the southerly 100-feet of Lot 4 of the International Malting Company, LLC Addition, which currently exists as an access and utility easement, as public right-of way to the City of Great Falls. Additionally, if TIF funding is not approved, the developer shall be responsible for the paving Lot 4 per a previous annexation agreement related to said Lot.

- 3. The Final Plat of Great Bear Subdivision No. 2-Phase 1 shall show the dedication of a drainage easement, which shall traverse said plat to accommodate an existing drainage channel. This easement shall be sized and designed as required by Public Works.
- 4. The final engineering drawings and specifications for the required public improvements to serve the subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the Final Plat by the City Commission.
- 5. The final engineering drawings and specifications for storm drain improvements to serve the subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the Final Plat by the City Commission.
- 6. As a condition for Final Plat approval the applicant shall:
  - A) install or provide a bond or other reasonable security for the installation of the public improvements referenced in Condition 2) above;
  - B) adhere to all provisions emanating from the resolution of Condition 4) above;
  - C) by separate agreement 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 development;
  - E) provide reasonable security for any transfer to another person or entity of the obligation for installing and paying for all remaining public infrastructure in future phases of Great Bear Subdivision No. 2; and,
  - F) dedicate to the City all necessary easements for public improvements necessary to install and maintain improvements, including sanitary sewer mains, water mains and storm drainage facilities to serve lots in subdivision and show these easements on the Final Plat.

Please note the applicant has shown on the Final Plat of Great Bear Subdivision No. 2-Phase 1 the dedication of Lot 4 as public right-of-way. Additionally, the City Commission on July 2, 2013 approved funding for improvements to said right-of-way to be financed from existing CMATP TIFID funds. Therefore, Condition 2 above has been substantially met subject to the above dedication being finalized and said improvements being installed and funded.

#### 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 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

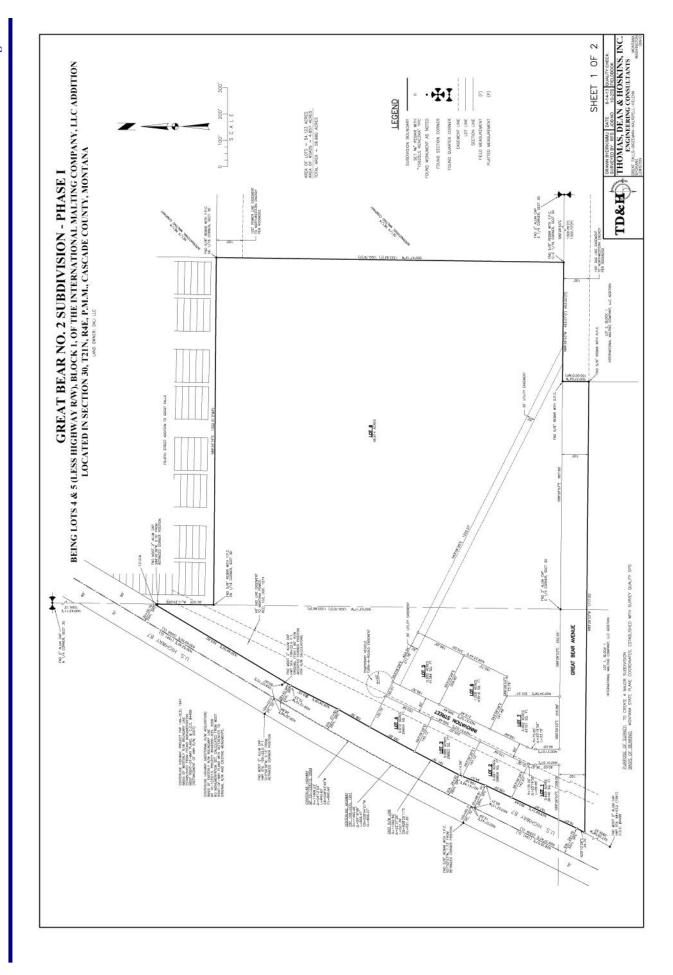
Joe Stanek, joestanek@westernamericanretail.com

John Juras, TD&H, John.Juras@tdhengineering.com

#### EXHIBIT C - APPLICATION

Property Owner's Sig	Silature.		Date.	
	anature.		Date:	
understand that the fapplication. I (we) fu	fee pays for the cost of procesurther understand that other t	fee accompanying this application ssing, and the fee does not constitu fees may be applicable per City Or ne and correct to the best of my (or	ite a payment for approval of the dinances.	
Current:	Proposed:	Current:	Proposed:	
I-2	<u>l-2</u>	Industrial	Industrial	
ONING:		LAND USE:	LAND USE:	
Street Address:				
Great B	ear Avenue			
Mark/Lot:	Section:	Township/Block:	Range/Addition:	
ROPERTY DES	scription / Loc Addn 30	CATION: T21N	R4E	
Phone:		Email:		
406-761-3010			john.juras@tdhengineering.com	
Mailing Address:				
1800 Rive	r Dr. North, Gr	eat Falls, MT 594	101	
Representative Nam				
TD&H En	aineerina.			
Phone:		Email:	joestanek@westernamericanretail.com  Email:	
Mailing Address: 808-756-09	01	ioestanek@wes	ternamericanretail.com	
	3, Halualoa, HI 96	5725		
Owner Name:			te Public Right of Way: \$200	
Dali, LLC		☐ Ame	livision Final Plat: \$300 nded Plat (6 or more lots): \$600	
Name of Project / Development:		Subd	□ Planned Unit Development: \$700 □ Subdivision Preliminary Plat: \$800 □ Subdivision Minor Plat: \$600	
Great Bear Subdivision No. 2, Phase 1		Phase 1 Plan		
DEVELOPMENT APPLICATION		CATION	<ul> <li>Establish City Zoning: \$700</li> <li>Zoning Map Amendment: \$700</li> </ul>	
P.o. Box 5021, Great Falls, MT, 59403-5021 406.455.8415 • www.greatfallsmt.net		Paid (Office	cial Use ONLY):	
P.o. Box 5021, Gr	REAT FALLS. MT. 59403-50	021		

Form Creation Date: 08.25.2011



## EXHIBIT D - FINAL PLAT (2 OF 2)

# GREAT BEAR NO.2 SUBDIVISION - PHASE I BEING LOTS 4 & 5 (LESS HIGHWAY RAY), BLOCK 1, OF THE INTERNATIONAL MALTING COMPANY, LLC ADDITION LOCATED IN SECTION 30, T21N, R4E, P.M.M., CASCADE COUNTY, MONTANA

## CERTIFICATE OF DEDICATION

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Residing at Great Falls, Montana
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## CERTIFICATE OF CREAT FALLS PLANNING ADVISORY BOARD

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A.D., 20

Dated this \_\_\_\_\_\_ day of \_\_\_\_\_ City Manager, City of Greet Falls, Montana

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Michael Haynes Secretory, Great Falls Planning Advisory Board CERTIFICATION COTY COMMISSION

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City Manager - City of Great Folls, Montana

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THOMAS, DEAN & HOSKINS, INC.

#### 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 240second 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

Fire Chief

Randall McCamley