

PLANNING ADVISORY BOARD ZONING COMMISSION

FEBRUARY 11, 2014

Case Number

ZON2014-1
SUB2014-1

Applicant/Owner

Tim Murphy
Stone Meadows, Inc.

Property Location

9th Street Northeast and
41st Avenue Northeast

Parcel ID Numbers

1476220 - 1476222 and
1476236 - 1476238

Requested Action

Rezone property from R-3
Single-family high density
to PUD Planned Unit De-
velopment

Minor Subdivision request
to create 8 lots from the
existing 6 lots

Amend PUD to include
subject property and spe-
cific development standards

Neighborhood Council

Neighborhood Council #3

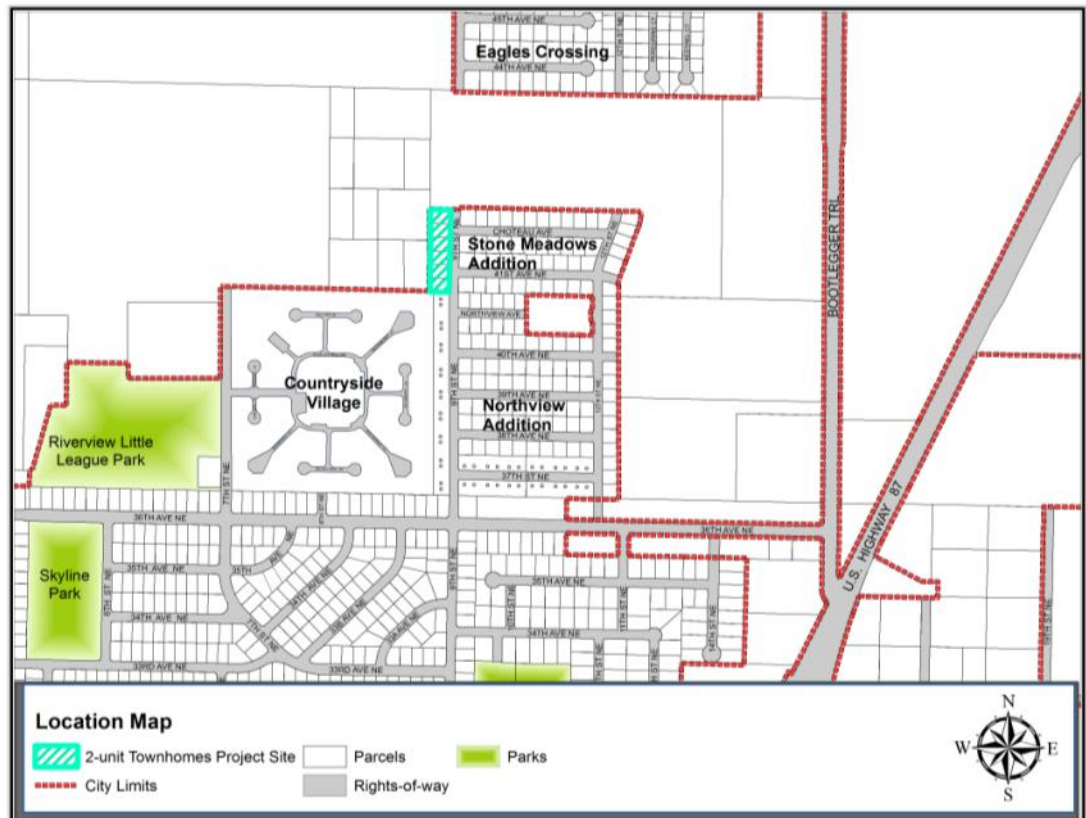
Recommendation

Approval of the request
with Conditions

Project Planner

Galen Amy

STONE MEADOWS: REZONE AND SUBSEQUENT MINOR SUBDIVISION



Summary

The subject property is located on the west side of 9th Street Northeast, in the vicinity of 41st Avenue Northeast and Choteau Avenue, just north of the Northview Addition Subdivision.

The applicant is requesting rezoning from R-3 Single-family high density to PUD Planned Unit Development concurrently with a subsequent minor subdivision in order to construct four 2-unit “townhome” structures, resulting in 8 single-family residential units, each located on a fee simple lot.

- Legal description of subject property: Lots 1-6, Block 3, Stone Meadows Addition, N½SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana
- Total Area: ±1.585 acres

Agency Comment

Representatives from the City’s Public Works, Parks and 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.

Subject Property Conditions

Existing Use: Vacant undeveloped land

Proposed Use: Four 2-unit townhome residences

Existing Zoning: R-3 Single-family high density

Proposed Zoning: PUD Planned unit development

Adjacent Land Use: The property is located in a developing residential neighborhood with condominiums directly to the south and recently completed single-family homes to the east and southeast. Construction of additional single-family homes is currently underway to the northeast.

Project Overview and Background

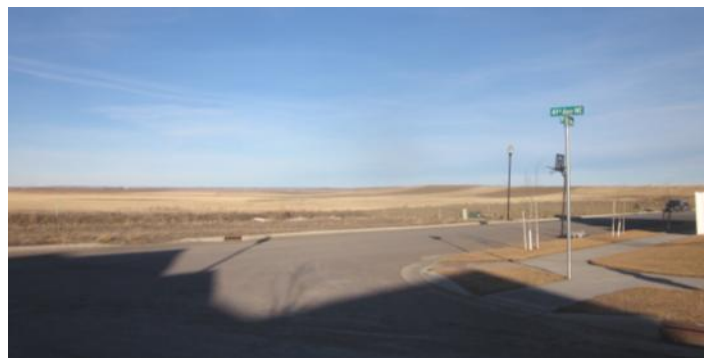
On January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Stone Meadows Addition Phase I and Phase II (previously known as Bootlegger Addition Phases I & II). Since that time, the Final Plat of Phase I, consisting of 25 lots, was approved by City Commission on June 3, 2008 and the Final Plat of Phase II, consisting of 30 lots, was approved on July 17, 2012.

The owner/developer is now requesting rezoning and approval of an amended plat of a portion of both phases in said subdivision, which includes Lots 1-3, Block 3, Stone Meadows Addition - Phase I and Lots 4-6, Block 3, Stone Meadows Addition - Phase II. For additional information, please refer to Exhibit B - Aerial Map, Exhibit D & E - Draft Amended Plats, and Exhibit F - Subject Property Buildable Lot Area.

Similar to Northview Addition, Phase 8, to the southeast of the subject property, the applicant seeks the above request in order to create an alternative housing option to allow for the construction of 2-unit structures, with the units separated by a lot line where the shared wall is located.



View north along 9th St NE towards the subject property on the left and the neighborhood to the right.



View slightly northwest from 41st Ave NE, across 9th St NE, at the subject property.

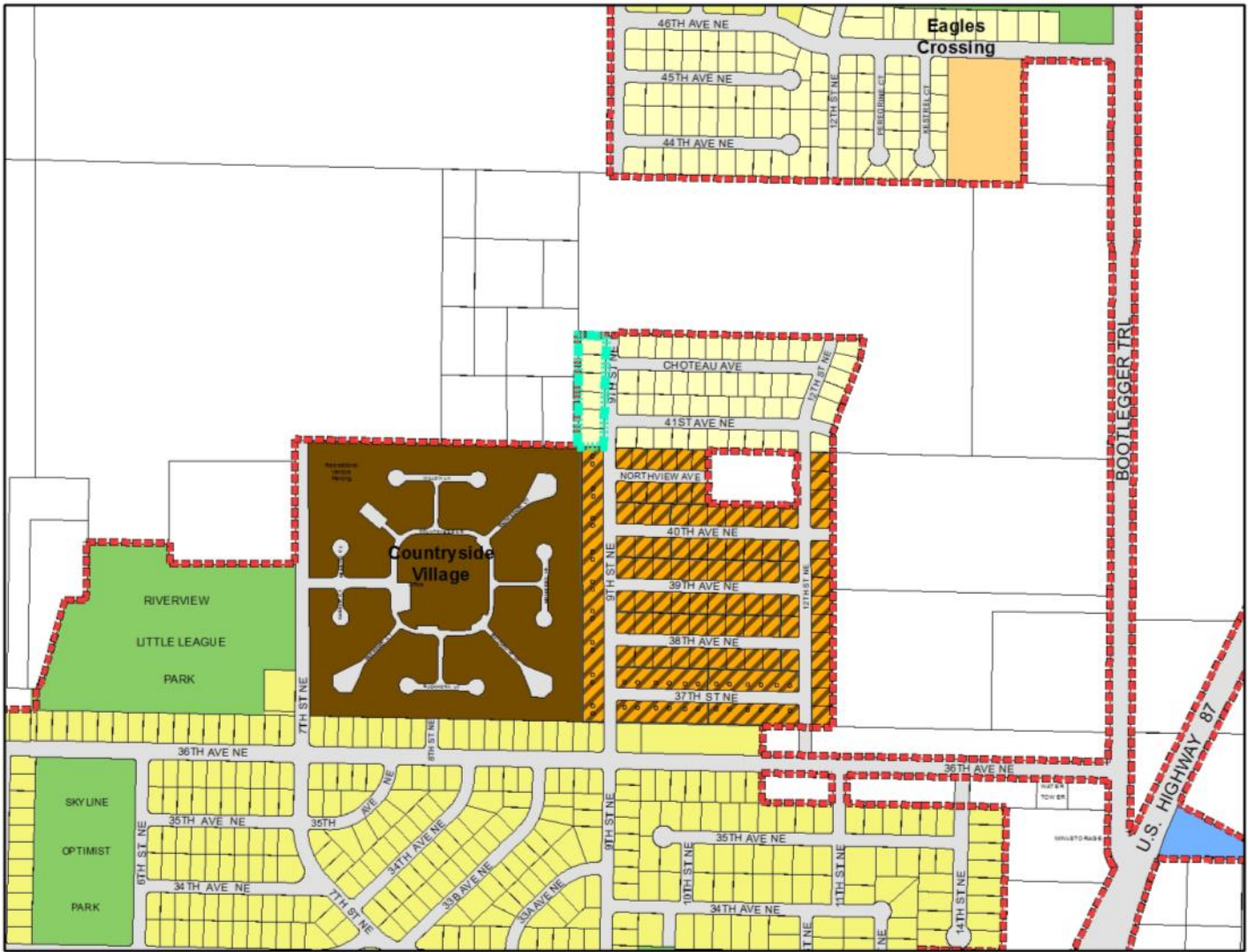


View east from the subject property at development occurring along Choteau Ave, which is part of Stone Meadows Addition, Phase II.



View south along 9th St NE at the abutting condominium development in the Northview Addition PUD.

EXHIBIT A - ZONING MAP



























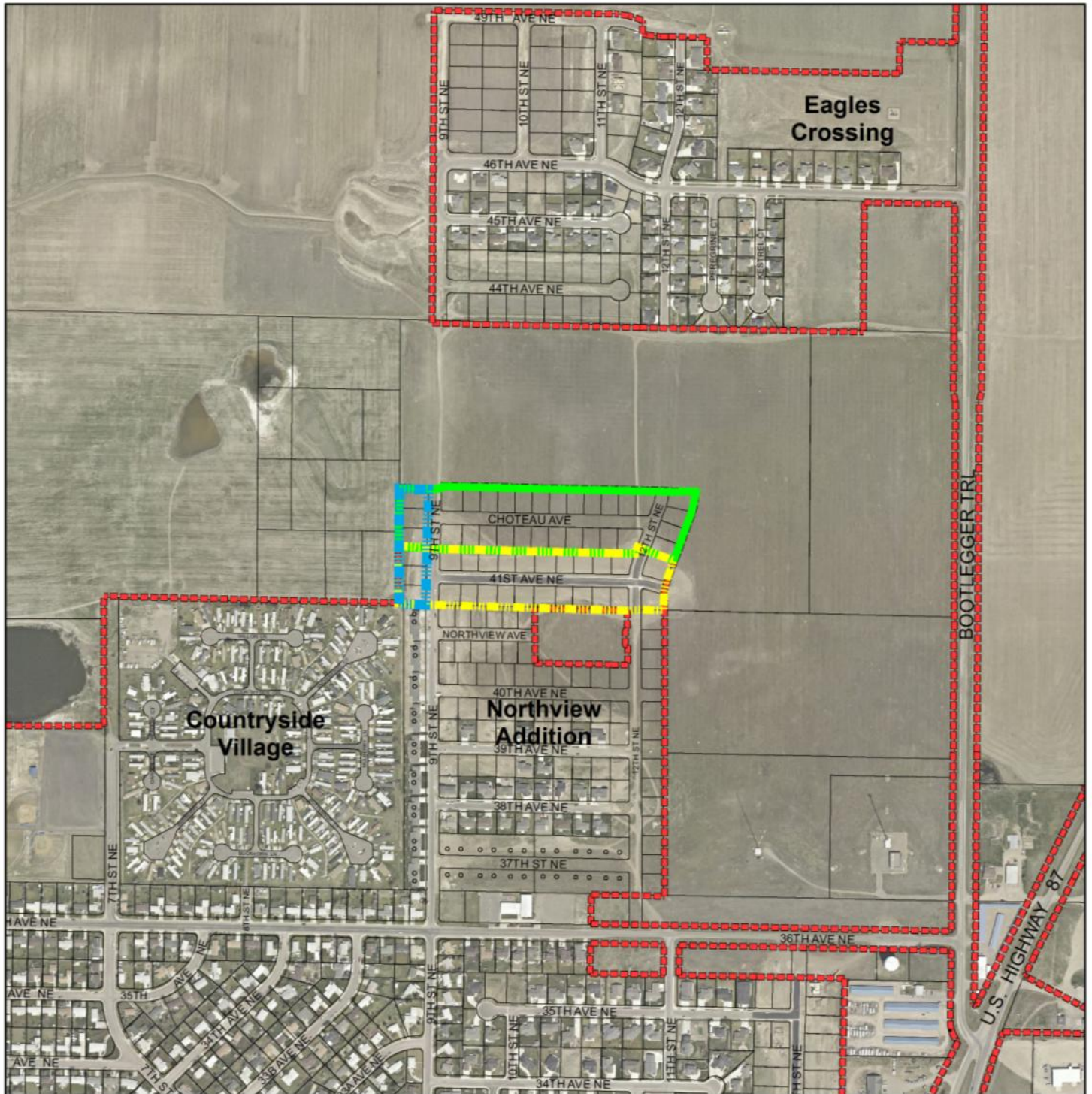





- | | | |
|---|--|--|
|  2-unit Townhomes Project Site |  R-9 Mixed Residential |  M-1 Mixed-use District |
|  City Limits |  R-10 Mobile Home Park |  M-2 Mixed-use Transitional |
|  Tracts of Land |  PUD Planned Unit Development |  I-1 Light Industrial |
| ZONING | | |
|  R-1 Single-family Suburban |  C-1 Neighborhood Commercial |  I-2 Heavy Industrial |
|  R-2 Single-family Medium Density |  C-2 General Commercial |  PLI Public Lands and Institutional |
|  R-3 Single-family High Density |  C-3 Highway Commercial |  POS Parks and Open Space |
|  R-5 Multi-family Medium Density |  C-4 Central Business Core |  AI Airport Industrial |
|  R-6 Multi-family High Density |  C-5 Central Business Periphery |  U Unincorporated Enclave |
| | |  right-of-way |



EXHIBIT B - AERIAL MAP



-  2-unit Townhomes Project Site
-  Stone Meadows Addition - Phase I
-  Stone Meadows Addition - Phase II
-  City Limits
-  Tracts of Land



Stone Meadows Rezone/Minor Subdivision

Rezoning Analysis

The Land Development Code permits townhouses (similar to the proposed “townhome” units) in the R-3 zoning district with a conditional use permit, but only in groups of 3 to 8 attached units. However, along Northview Avenue, immediately to the southwest of the subject property, PUD zoning was established for 2-unit buildings that have a lot line dividing the structures, through the middle where the shared wall is located.

In addition, the PUD zoning immediately south of the subject property provided for the construction of condominium duplex structures. Use of the PUD zoning district allows for this mix of residential uses to be established within close proximity to one another, per Section 17.20.2.040 Establishment and purpose of districts, which states:

“A Planned Unit Development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.”

Because similar housing and lot configurations exist in the immediate vicinity, with similar look, function and impact, it would not be inappropriate to establish PUD zoning and adopt similar building envelope and dimensional standards for the subject property.

PUD zoning district classification is subject to building envelopes and setbacks. The specific development standards for this project site shall be as follows:

- Lot size range: 6,800 to 9,100 square feet
- Minimum lot width: 65 feet
- Lot proportion for newly created lots (max depth to width): 2.5:1
- Maximum building height of principal building: 35 feet
- Maximum building height of accessory detached buildings: 24 feet, but may not be higher than the uppermost elevation of the principal building.
- Front Yard Setback: 25 feet
- Side Yard Setback: Principal Buildings: 6 feet on detached side; 0 feet on attached side
- Side Yard Setback: Accessory Buildings: 2 feet and must meet building code
- Rear Yard Setback: 10 feet
- Maximum lot coverage of principal and accessory buildings: Corner lot: 55%; Other lots: 50%
- Creation of 2-unit townhomes on the west side of 9th Street Northeast.

The proposed development standards for the subject property PUD site plan are primarily consistent with the adjacent Northview Addition PUD standards.

Findings for the Basis of Decision:

The basis for decision on zoning map amendments is listed in Section 17.16.40.030 of the Land Development Code. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time sets the task to review the zoning districts in which townhomes are permitted in order to expand this use, either by allowing it in more zoning districts or improving the review standards so as to make it more suitable for other zoning districts.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #3. The applicant's representative will meet with that Council on February 6, 2014. An account of any applicable discussion and comments will be reported at the scheduled Planning Advisory Board/Zoning Commission public hearing on February 11, 2014.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The area that this project is located in does not have a set of planning documents beyond the Growth Policy that assess existing conditions and/or provide recommendations for the area. However, the 2009 Transportation Plan established the following policy for new development:

New development on the urban fringes or in rural areas should be planned and designed to achieve a high level of self-containment and a live-work-play orientation so that external vehicle trips are minimized. In addition, new development should give primary consideration to non-motorized circulation and to transit service.

There is not a designated bike/pedestrian trail system in the immediate vicinity of the subject property to which the development could connect. However, the applicant has proposed a project that is compliant with installation of City standard sidewalks. Due to the location of the project, routine vehicle trips are necessary for residents in this area to access work, shopping, and other recreational opportunities.

There are no other plans or sub-area plans relevant to this project.

4. The code with the amendment is internally consistent.

The proposed rezoning is within the city limits. Adjacent properties to the south and southeast, located in the established PUD, have similar residential uses and development standards. If approved, this project development would be an extension of said PUD, which is consistent with the intent of the PUD, and shall be consistent with applicable code.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

The subject property is located in a developing residential neighborhood along the northern fringes of the city. Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review.

According to the U.S. Census Bureau's *American Community Survey*, Great Falls home owner vacancy rates are estimated at 1.2%, with a margin of error of $\pm 0.1\%$, which confirms the local demand for an increase in available housing stock. This project was originally zoned for single-family residential development, yet after following the current housing market and tracking development in the area, the applicant would like to amend their original development plans. As stated earlier, because the zoning code restricts development of 2-unit townhome development, rezoning ultimately allows the applicant to address the need for diverse housing options in the City and will have no negative effect on the public health, safety and welfare.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Completion of the full project proposal, contingent on rezoning, will have beneficial financial impact for the City due to the creation of two additional lots for property taxes to be assessed on. There is adequate staffing to administer and enforce the amendment.

Amended Plat/Subdivision Request

Concurrent to the rezoning request, the applicant is also processing an Amended Plat that subdivides and reconfigures the existing 6 lots into 8 lots (See Exhibit D & E - Draft Amended Plat). Creation of eight lots would allow for the construction of four 2-unit townhome structures, resulting in eight single-family residences, each located on a fee simple lot. Lot sizes range from approximately 6,838.80 square feet or ± 0.188 acres up to approximately 9,057.86 square feet or ± 0.208 acres. The total area of all eight lots in the Amended Plat is ± 1.585 acres and establishes the rezoning boundary for the project.

Improvements

Streets & Traffic Analysis

The subject property abuts 9th Street Northeast, which is improved to City standards and provides adequate safe access to the site. The pavement in 9th Street Northeast, adjacent to the subject property, shall be chip sealed at the completion of the sanitary sewer/water service and storm drain inlet work.

The subject property was previously approved for development of six single-family residences. According to the ITE Trip Generation Manual (7th Edition), a single-family dwelling generates an average of 9.57 trips per day. A residential condominium or townhouse generates a bit more than half that amount – 5.86 trips per day. At the most, the two additional lots will generate 19.14 trips per day. Distributed throughout the day, this will have no noticeable impact upon the road network or neighborhood.

Utilities & Stormwater

Public Works has provided the following comments from their preliminary review for utilities and stormwater:

Portion of the subject property in Stone Meadows Addition - Phase I:

- Lots 1, 3, and 3A appear to be okay for water and sewer services.
- Lot 2 will require a new water and sewer service.
- All open cut excavations in the existing roadway section shall include backfill with flowable fill (1-sack) from the top of pipe to bottom of pavement. The asphalt pavement shall be replaced to existing thickness and compaction. All pavement cuts shall be by saw cutting and shall be in straight and right angle horizontal lines. Contractor may contact the City Street Division to perform pavement patch.

- There will be a storm inlet (curb box style) located in the middle of Lot 3. The driveway for this lot will need to be located toward the north or south property lines and/or the inlet casting will need to be modified to accommodate a driveway. Disturbed curb and gutter and pavement will need to be replaced.

Portion of the subject property in Stone Meadows Addition - Phase II:

- Lot 5 and 6A appear to be okay for an existing water and sewer service.
- Lot 6 will need to have a water service extended.
- An existing water service appears to be located on the re-platted common lot line between Lots 4 and 5. It appears that service line can be moved a short distance to the south to locate the curb box in the boulevard area adjacent to Lot 4. If possible, a splice or coupling in the existing pipe should be avoided. This modification shall be confirmed with the City's Senior Plumbing Inspector, Bob Skiba.
- Lot 4 will need a new sewer service. To accomplish this, it will be necessary to extend the existing sewer main south approximately 25 feet, including relocating the manhole and installing a new service line.
- All open cut excavations in the existing roadway section shall include backfill with flowable fill (1-sack) from the top of pipe to bottom of pavement. The asphalt pavement shall be replaced to existing thickness and compaction. All pavement cuts shall be by saw cutting and shall be in straight and right angle horizontal lines. Contractor may contact the City Street Division to perform pavement patch.
- There will be a storm inlet (curb box style) located in the middle of Lot 6. The driveway for this lot will need to be located in the south half of this lot or the inlet casting will need to be modified to accommodate a driveway on the north half of this lot. Disturbed curb and gutter and pavement will need to be replaced.

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

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.

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The subject property is not currently being used for agricultural purposes as it was previously annexed as part of a subdivision in a developing area in the City. The existing subdivision abuts rural cropland to the north and east which has been identified as part of possible future residential development. Approval of the subdivision will not interfere with any agricultural 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 and shall incur the cost of installing individual service lines to each lot. The developer initially paid the cost of extending the utility mains for the original subdivision, but will incur additional cost to extend the sewer main approximately 25 feet, including relocating the manhole. 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 ± 3 miles from the subdivision site. The Fire Department does have concerns about the project interfacing open farmland. In the even of a crop fire, the Fire Department would have trouble stopping the fire due to northwest prevailing winds, crop fire load and openness (no streets or fire breaks) to the townhomes. However, the Fire Department has not recommended any conditions relating thereto.

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.

The subdivision will have a negligible impact on the cost of road maintenance. Public streets have been extended to the subdivision to serve the proposed residential units, but the developer shall cover the cost for any open cut

excavations in the existing roadway and shall coordinate with City Public Works for all work in the public right-of-way. The developer has also installed curb and gutter which will be replaced if disturbed. Sidewalks will also be installed.

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. As this project is located in a previously approved, and partially built out subdivision, there shouldn't be any need for any further public storm drainage improvements other than a storm inlet (curb box style) located in the middle of Lot 3, and a storm inlet (curb box style) to be located in the middle of Lot 6, both of which Public Works will review and approve.

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

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the Amended Plat.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 9th Street Northeast, which is a public right-of-way maintained by the City of Great Falls.

Recommendations

The Planning Board has the responsibility to review and make recommendations on subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the recommendations presented below are to be considered and acted upon separately by the Commission and Board:

Recommendation I:

The Zoning Commission, based on the Findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described as Lots 1-6, Block 3, Stone Meadows Addition, N½SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, from the existing R-3 Single-family high density to PUD Planned unit development, subject to the Conditions of Approval being fulfilled by the applicant.

Recommendation II:

The Planning Advisory Board, based on the Findings of Fact, recommends the City Commission approve the Amended Plat of the subject property, legally described as Lots 1-6, Block 3, Stone Meadows Addition, N½SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, subject to the Zoning Commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff
3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned unit development district designation.
5. **Subsequent modifications and additions.** If after establishment of townhouses, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

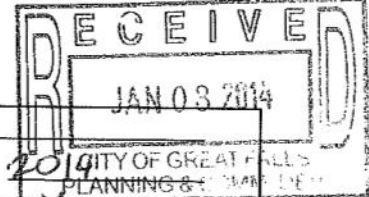
Review/Approval Process

Next Steps

1. The Planning Advisory Board/Zoning Commission recommendation will be presented to City Commission.
2. City Commission will approve or deny the rezoning request and Amended 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
 Tim Murphy, Stone Meadows, Inc., tmmurphy55@yahoo.com
 Joe Murphy, Big Sky Civil & Environmental, Inc., jmurphy@bigskyce.com or bscejoe.murphy@gmail.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: _____

Application Number: 2014

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

Stone Meadows Phase 2A - Townhouses

Name of Project / Development:

Murphy Real Estate, LLC

Owner Name:

P.O. Box 2972, Great Falls, MT 59403

Mailing Address:

406-899-1100 Phone: tmmurphy55@yahoo.com Email:

Phone: Email:

Big Sky Civil & Environmental, Inc. - Joseph Murphy, P.E.

Representative Name:

PO Box 3652, Great Falls, MT 59403

Mailing Address:

406-727-2185 Phone: jmurphy@bigskyce.com Email:

Phone: Email:

PROPERTY DESCRIPTION / LOCATION:

<u>Lots 1-6</u>	<u>25</u>	<u>T21N / Block 003</u>	<u>R3E / Stone Meadows Addition Phase 1 & 2</u>
Mark/Lot:	Section:	Township/Block:	Range/Addition:

9th St. NE from 41st Ave to Choteau Ave, Great Falls, MT 59404

Street Address:

ZONING: LAND USE:

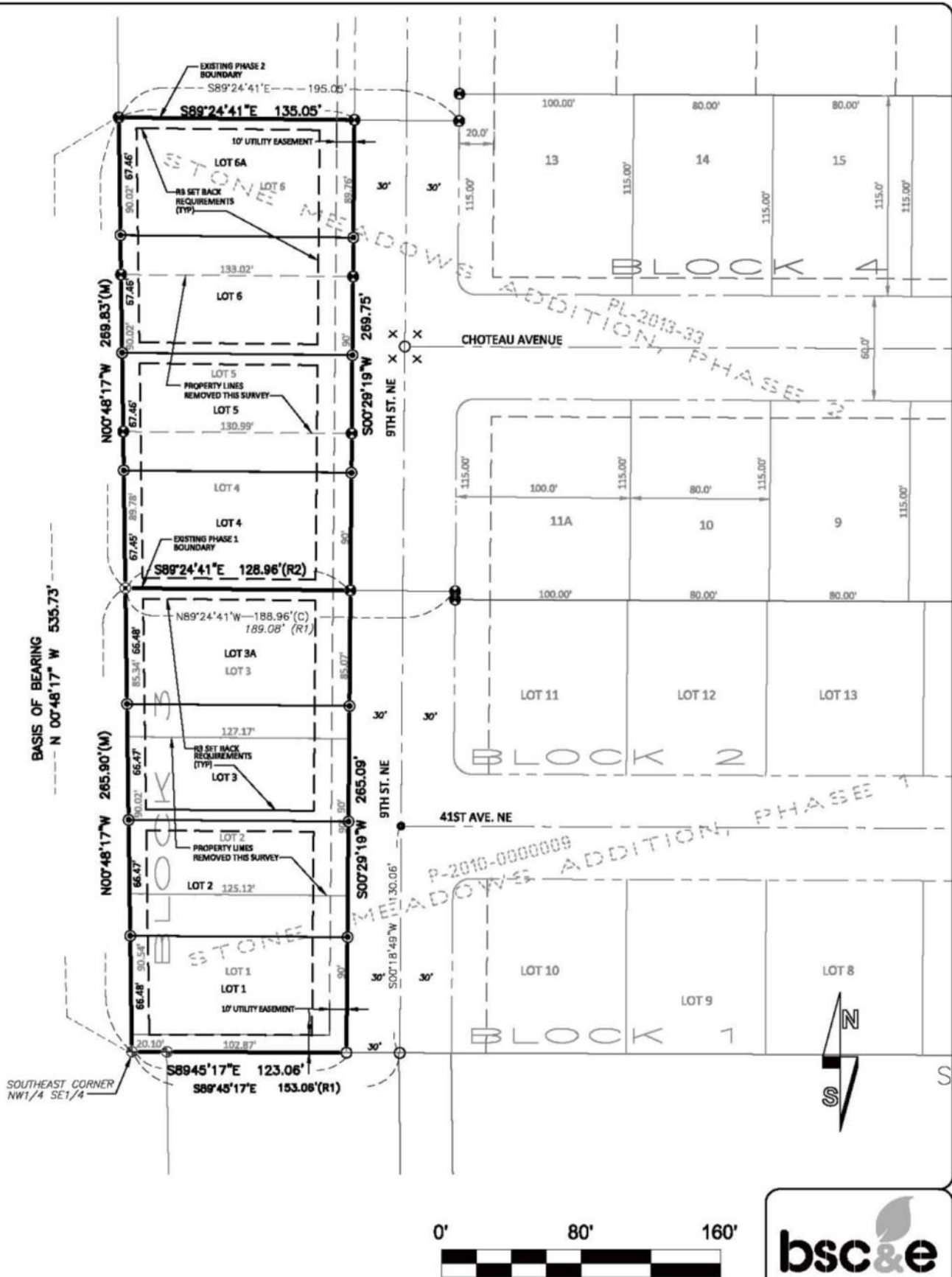
<u>R-3</u>	<u>PUD</u>	<u>Vacant</u>	<u>Townhouses</u>
Current:	Proposed:	Current:	Proposed:

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.

[Signature]
Property Owner's Signature: JAN 2, 2014
Date:

[Signature]
Representative's Signature: JAN 2, 2014
Date:

EXHIBIT F - SUBJECT PROPERTY BUILDABLE LOT AREA



**SILVERSTONE
ENTERPRISES
406-868-2923**

**PROPOSED TOWN HOUSE
SITE MAP**

**ADDRESS:
9th STREET N.E.
GREAT FALLS, MT 50404**

**LEGAL:
STONE MEADOWS ADDITION
PHASE 1 AND 2
LOT , BLOCK**



9th STREET N.E.