

PLANNING ADVISORY BOARD ZONING COMMISSION

JUNE 24, 2014

Case Number

ANX2014-2
ZON2014-5
SUB2014-3

Applicant/Owner

Damon Carroll & Lee
Janetski

Property Location

36th Ave NE, between
11th St NE and 14th St NE

Parcel ID Number

2608245

Requested Action

Final Plat 7 lots - 6 residential lots and 1 lot for storm water detention

Zoning from County SR1-Suburban Residential 1 to City R-5 Multi-family medium density residential

Annexation of ±1.82 acres from Cascade County to the City of Great Falls

Neighborhood Council

Neighborhood Council #3

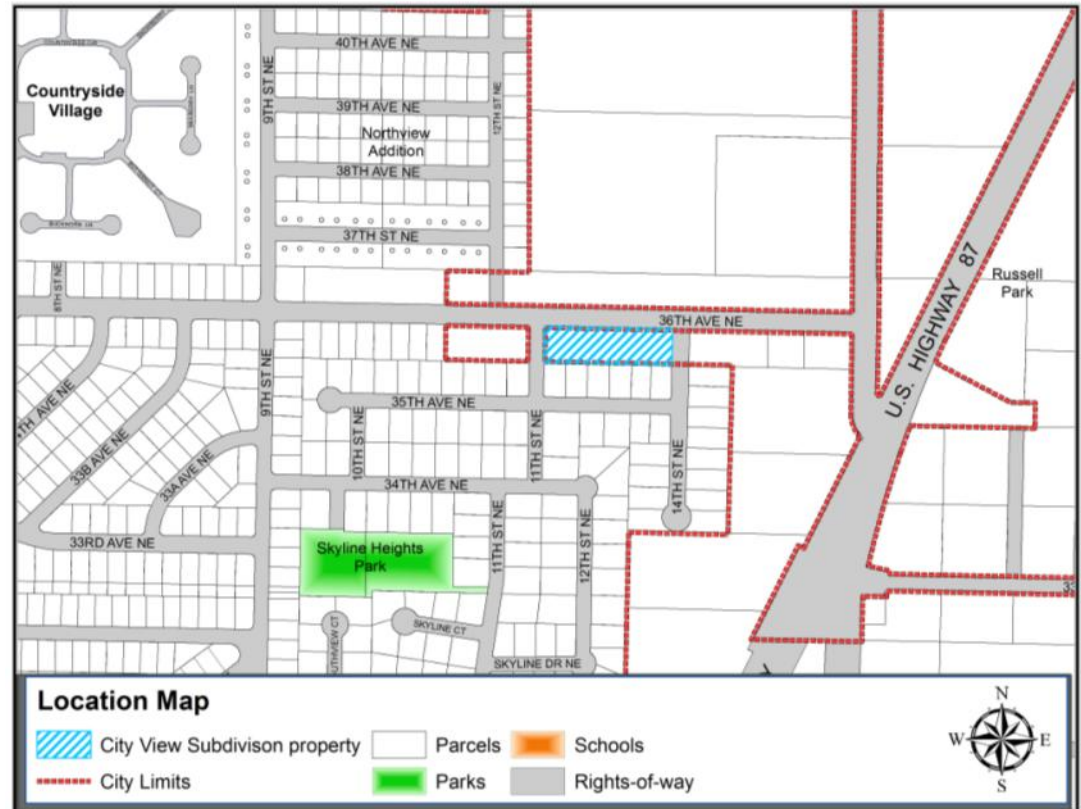
Recommendation

Approval of the request with Conditions

Project Planner

Galen Amy

CITY VIEW SUBDIVISION - FINAL PLAT



Summary

The subject property is abutting 36th Avenue Northeast on the south side, between 11th Street Northeast and 14th Street Northeast.

The developer is requesting approval of the Preliminary Plat, City zoning and annexation of City View Subdivision. The subdivision consists of 7 lots.

- Legal Description: Tract 2 in the N½ NE¼ Section 36, Township 21 North, Range 4 East, Cascade County, Montana

- Area of Property: ±1.82 acres

Agency Comment

Representatives from the City's Public Works, Park & Recreation 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: Vacant undeveloped land.

Existing Zoning: The property currently is located in Cascade County and zoned SR1-Suburban Residential 1.

Adjacent Land Use: The property is located on the north side of a developing residential neighborhood with existing single-family homes immediately to the south, west and northwest. Immediately across 36th Avenue Northeast is a mini-storage facility located in the County. A 24-unit multi-family development will be constructed to the east.

Project Overview and Background

The property immediately to the east is also owned by the applicant, who recently went through the annexation and zoning approval process with the City Commission for the Skyline Heights Apartments development. Commission approved the 24-unit multi-family residential development on October 1, 2013.

The R-5 Multi-family medium density zoning district was approved for that property, and in order to address concerns of the Neighborhood Council, the owner voluntarily committed to filing a restrictive covenant on the property for the current application, Tract 2, that would restrict the type of structure and density of development (see Exhibit F).

Even though the City does not enforce covenants, the owner has followed this commitment and is proposing 4-plexes and consistent R-5 zoning. For additional information, please refer to the attached zoning map and draft preliminary plat.



View east from 11th St NE at the subject property, with 36th Ave NE on the left and the water tower in the background.



View southeast from 36th Ave NE at the subject property and the existing residential development to the south.

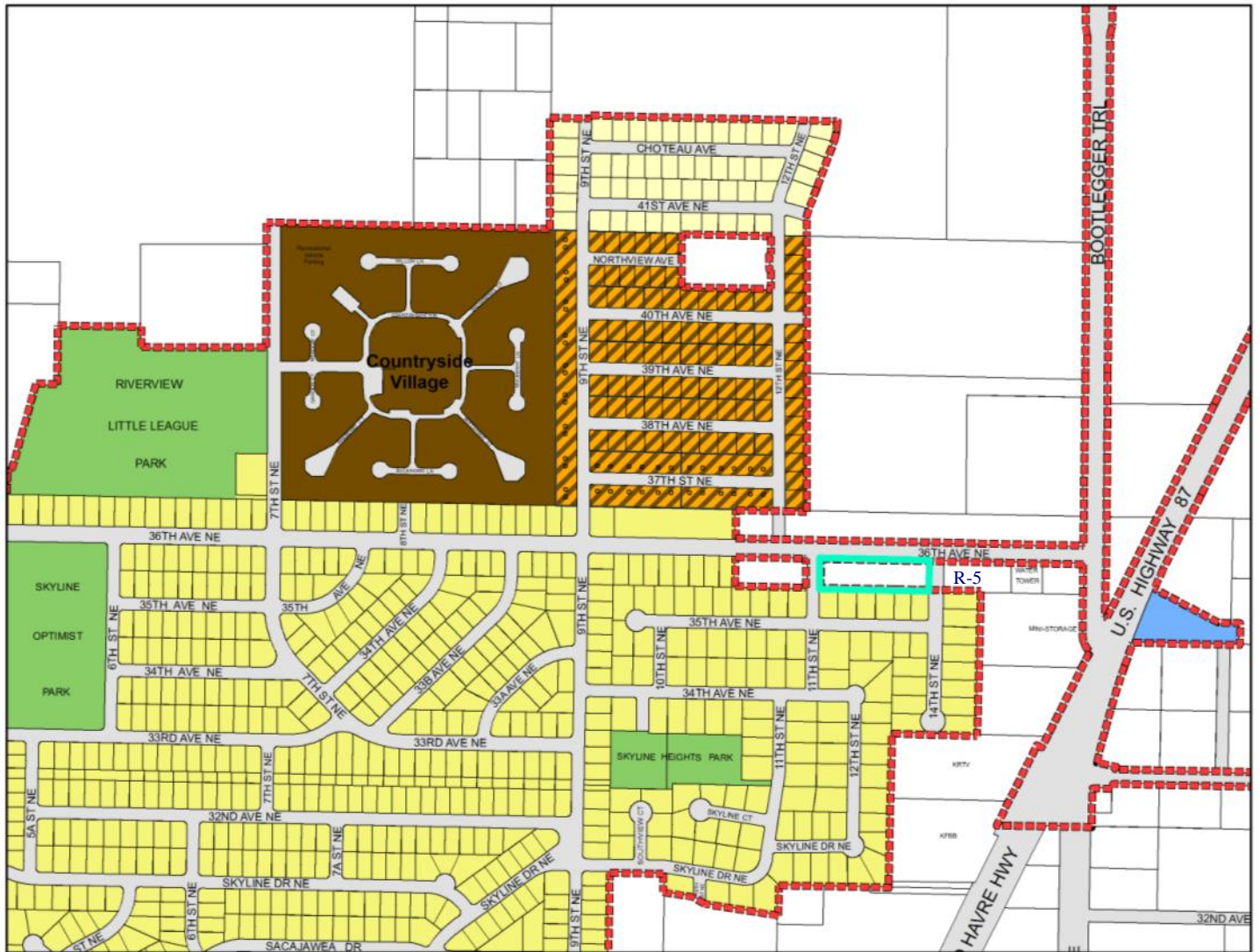


View northeast from the southwest corner of the subject property at the existing mini-storage units and telecommunication towers located across 36th Ave NE.



View west from where 14th St NE will be extended, with the subject property beyond.

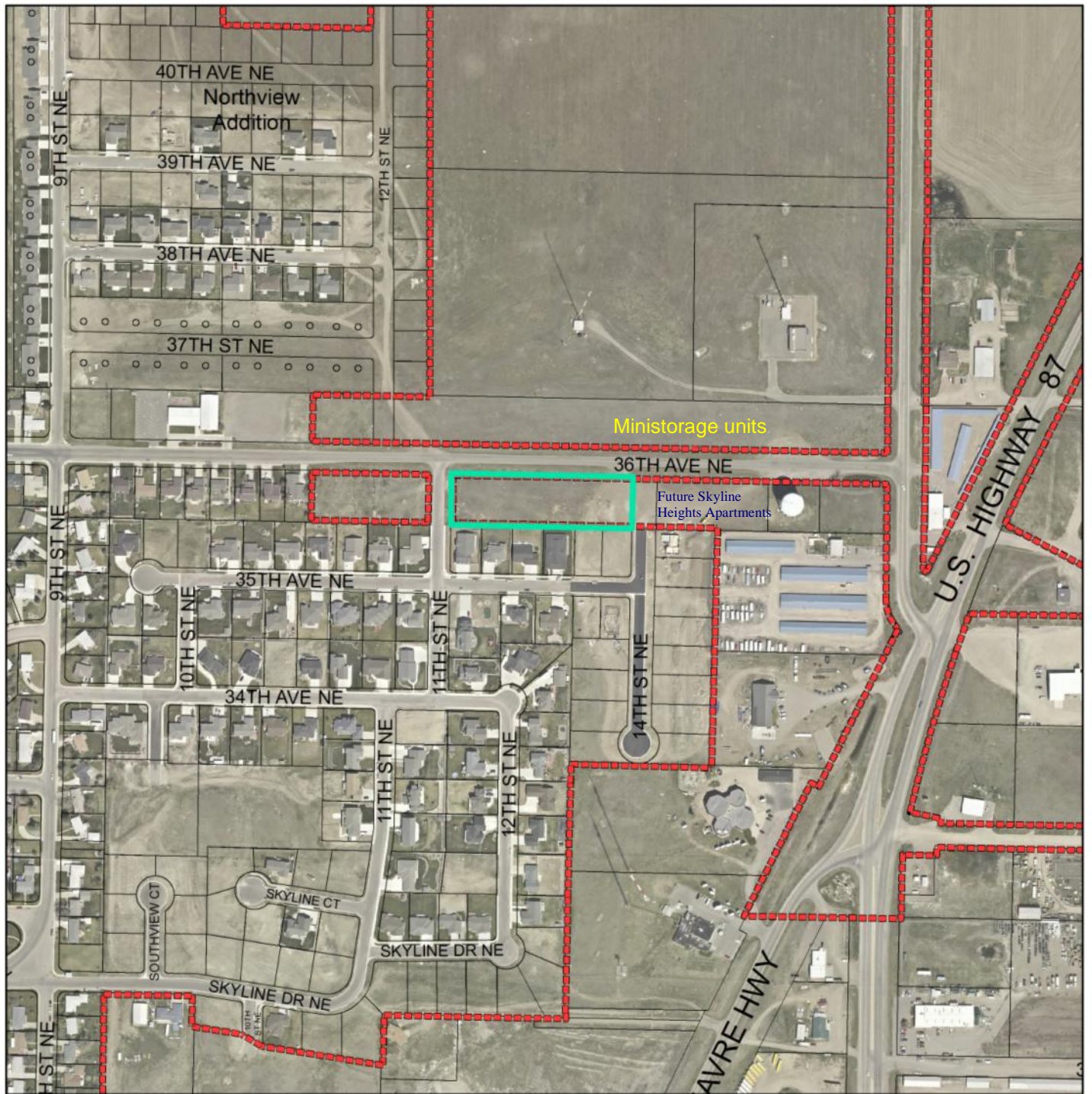
EXHIBIT A - ZONING MAP






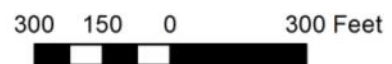
- | | | | | | |
|---------------|----------------------------------|--|--------------------------------|--|------------------------------------|
| | City View Subdivision property | | R-6 Multi-family High Density | | M-1 Mixed-use District |
| | City Limits | | R-9 Mixed Residential | | M-2 Mixed-use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



EXHIBIT B - AERIAL MAP



-  City View Subdivision property
-  City Limits
-  Tracts of Land



Final Plat Request

The applicant is requesting the Final Plat of the subject property, which would subdivide the property into 7 lots. One lot would be dedicated to the City for the development of a storm water detention pond, and the remaining 6 lots will be residential lots. The applicant submitted a Draft Final Plat (Exhibit D), which shows the layout for the proposed subdivision.

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 findings of fact that weigh the criteria of 76-3-608 (3) MCA.

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

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The subject property is not being used for agricultural purposes. Dry land crop production in the immediate vicinity has decreased due to residential development. Approval of the subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: Lots in the subdivision will connect to City water and sewer mains. The developer will pay the cost of extending these utility mains. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of the 4-plexes 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. Providing these services to the 4-plexes in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties may cover increased costs.

A private drive aisle will be constructed along the south property line to serve the proposed 4-plexes, and the maintenance of that drive aisle will be the shared responsibility of the future property owners. The subdivision will have a negligible impact on the cost of abutting public road maintenance. The developer will have the responsibility to install curb, gutter, sidewalks and any necessary paving of the roadways adjoining the subdivision. The developer shall escrow funds for future improvement to 36th Avenue Northeast.

Effect on the Natural Environment: The subdivision, which consists of 7 lots, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will generally flow to the northwest of the subject property. The developer has worked with the City Public Works Department in order to dedicate Lot 1 of the subdivision to the City for construction of a detention pond for storm water drainage from the development as well as off of 36th Avenue Northeast.

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 subdivision.

LEGAL AND PHYSICAL ACCESS

All lots abut 36th Avenue Northeast, a public right-of-way. However, physical access to the lots will be a through 20-foot wide drive aisle that goes from 11th Street Northeast to 14th Street Northeast, across the south property line of each lot. This will be a private road, maintained by the property owners, that connects to the aforementioned public right-of-ways maintained by the City of Great Falls.

Rezone Request

In conjunction with the Preliminary Plat, the applicant is requesting that the subject property be rezoned from County SR1-Suburban Residential 1 to R-5 Multi-family medium density district upon annexation into the City of Great Falls. The proposed zoning is compatible with the existing zoning on the surrounding properties. Construction of 4-plexes with garages for multi-family development on the vacant undeveloped property is reasonable, and it is one of the most appropriate land uses given the context of the site.

The R-5 zoning to the east and the commercial mini-storage immediately to the north make this site unattractive for single-family units. Anywhere there is a confluence of multiple zoning districts, mindful development and compatible land uses should be precedent. The proposed multi-family housing development meets all other R-5 district development standards for setbacks, density, height, and parking. The size of the subject property provides sufficient space for the buildings, off-street parking, landscaping, and storm water detention area.

Annexation Request

In conjunction with the Final Plat and establishment of City zoning, the developer is requesting annexation of ±1.82 acres from Cascade County into the City of Great Falls.

Improvements

Roadways

The common use drive aisle abutting the south property line will be required to be graded and curbed so as to prevent storm water runoff onto residential properties to the south. A shared maintenance agreement shall be established for said drive aisle between property owners within the subdivision. The applicant shall install boulevard style sidewalks in the public right-of-way fronting the subject property. Also, the developer will be required to escrow funds for future improvements to 36th Avenue Northeast. Finally, 14th Street Northeast will be constructed this year with funds escrowed by the prior subdivision.

See Exhibit G for full Traffic Analysis.

Utilities

The water services will be tapped off of the 16-inch water main in 36th Avenue Northeast directly in front of each building, one service and one meter per building. The sanitary sewer services will be installed to the south and connect to a public sewer main that will be installed by the developer in the utility easement south of the buildings, one sewer service per building. The public sanitary sewer main will need to be extended on 11th Street Northeast to connect to the existing main. A public utility easement for this main will be necessary.

Storm Water Management

The applicant has worked with the City Public Works Department in order for Lot 1 of City View Subdivision to be dedicated for the development of a storm water detention pond. This detention pond will be a public facility owned and operated by the City that will serve the lots in City View Subdivision as well as runoff from 36th Avenue Northeast. The proposed development will have total impervious surfaces of more than 15,000 square feet; therefore, the developer is required to provide a storm water management plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public

Works Department prior to the issuance of building permits for the development; however, some preliminary review comments include:

1. The developer will be responsible for constructing all of the storm water conveyance improvement to drain the site to the pond, whether they be surface conveyance and/or inlets and pipe.
2. The developer shall install a fire hydrant off the existing water main on 11th Street Northeast and 36th Avenue Northeast.
3. Each lot/building shall have an individual water and sewer service in accordance with City standards and code.

Park Land

The developer will fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land, which is acceptable to the Park and Recreation Department.

City of Great Falls Growth Policy Update

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 encourages the development of underutilized or vacant land.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. The applicant presented information to Council #3 on April 3, 2014. The following is from Council's meeting minutes:

Mr. Carroll spoke about why this council should support this project. Has another project on hold because of storm drain issues. One issue is to have a storm detention pond off 14th street. A contract has been issued by the city to design this pond. His projects are currently in the hands of the city engineers and will not proceed until the city signs off on it. He is trying to address neighborhood concerns early in the process so delays are kept to a minimum. He showed elevation drawings and driveway approaches to 36th street. A requirement is the units must be designed to look like single family homes. He has worked on getting the city to approve this project for over 3 years. He is putting \$150,000 into improvements to the area and 36th street and would like the blessing of this council. Terry made a motion that NC#3 support the annexation/ zoning lot and Rich seconded. Terry commented that she supports this 100% because of the lack of affordable housing in the area. Motion passed unanimously.

To date, staff has received multiple phone calls from residents with questions and voicing their concerns about the proposed development. There was also one "Citizen Request" from the City's webpage that stated opposition to the project. This communication was provided to the City Commission on June 17, 2014 by Craig Raymond, the Planning and Community Development Director.

Recommendation

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

RECOMMENDATION I: The Planning Advisory Board recommends the City Commission approve the Final Plat of City View Subdivision, legally described in the staff report, and the accompanying Findings of Fact, subject to the Planning Advisory Board adopting Recommendation II and the Zoning Commission adopting Recommendation III, and subject to the Conditions of Approval being fulfilled by the applicant.

RECOMMENDATION II: The Planning Advisory Board recommends the City Commission approve the Annexation of City View Subdivision, legally described in the staff report, subject to the Zoning Commission adopting Recommendations III, and subject to the Conditions of Approval being fulfilled by the applicant.

RECOMMENDATION III: The Zoning Commission recommends the City Commission approve rezoning property within City View Subdivision from the existing County Suburban Residential 1 to R-5 Multi-family medium density, upon annexation to the city, subject to the Planning Advisory Board adopting recommendations I and II.

Conditions of Approval

1. The Final Plat of City View Subdivision shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements for City View Subdivision shall be submitted to the City Public Works Department for review and approval, prior to consideration of the Final Plat.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
 - a) install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
 - b) indemnify and hold the City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) grade and install curbing along the south property line and establish a shared maintenance agreement between the properties for the 20-foot wide shared drive aisle abutting the south property line;
 - d) construct all of the storm water conveyance improvement to drain the site to the pond, whether they be surface conveyance and/or inlets and pipe;
 - e) install a fire hydrant off the existing water main on 11th Street Northeast and 36th Avenue Northeast.
 - f) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

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
Susan Conell, Cascade County, sconell@casadecountymt.gov
Damon Carroll, owner/developer, carrollholdings@gmail.com
Lee Janetski, owner/developer, pheasantrunbuilders@gmail.com
Dan OLeary, builder, signaturehomesmt@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

City View Subdivision

Name of Project / Development:

Damon Carroll

Owner Name:

1110 Stackey Rd

Mailing Address:

406-799-0519

Phone:

Email:

Damon Carroll

Representative Name:

Same

Mailing Address:

Phone:

Email:

PROPERTY DESCRIPTION / LOCATION:

Tract 2 COS 4705 N 1/2 NE 1/4 Sec 36 T21 N R3E

Mark/Lot:

Section:

Township/Block:

Range/Addition:

Street Address:

ZONING:

County

Current:

R-5 multi family

Proposed:

LAND USE:

vacant

Current:

4-plexes w/ garages

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 public hearing notice requirements and associated costs for land development projects are my (our) responsibility. 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.

Damon Carroll

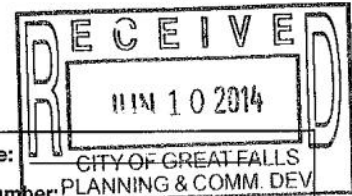
Property Owner's Signature:

8-10-14

Date:

Representative's Signature:

Date:

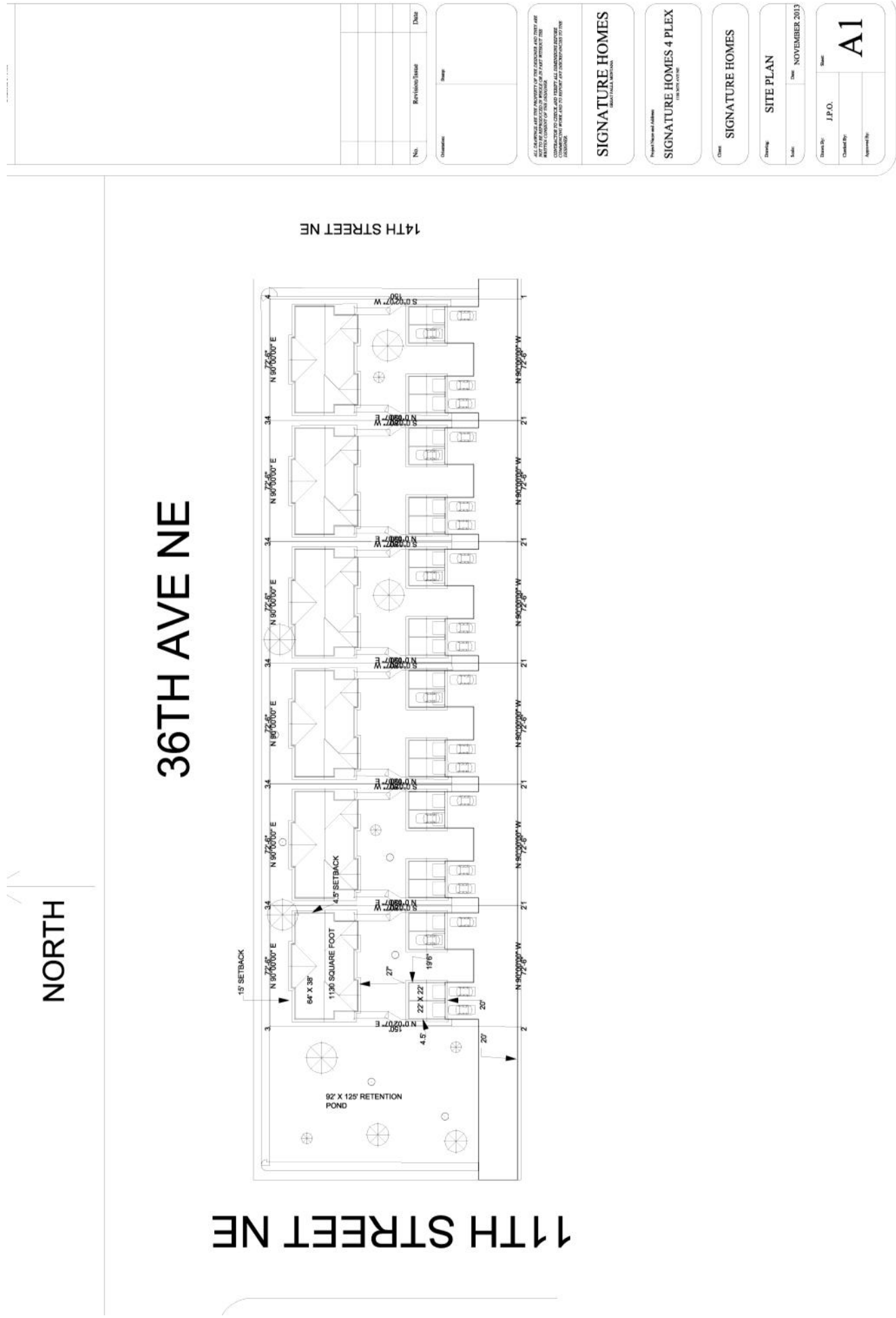


Submittal Date:

Application Number:

Paid (Official Use ONLY):

- Annexation: \$500
- Preliminary Plat, Major: \$1,500 + \$50/lot
- Revised Preliminary Plat: \$1,000
- Final Plat, Major: \$1,500 + \$25/lot *1/675*
- Minor Subdivision: \$1,250
- Amended Plat, Administrative: \$200
- Amended Plat, Non-administrative: \$1,000
- Zoning Map Amendment: \$2,000
- Conditional Use Permit: \$1,500
- Planned Unit Development: \$2,000
- Vacate Public Right-of-Way: \$1,250
- Public Hearing Notice



NORTH

36TH AVENUE NE

11TH STREET NE

14TH STREET NE

No.	Revisions/Date	Date

Signature Homes
 11000 14TH AVENUE NE
 ALBUQUERQUE, NM 87112
 TEL: 505.833.1100
 WWW.SIGNATUREHOMES.COM

Project Name and Address
SIGNATURE HOMES 4 PLEX
 11000 14TH AVENUE NE

Client
SIGNATURE HOMES

Drawing
SITE PLAN
 Scale: Date: NOVEMBER 2013

Drawn By: J.P.O.
 Checked By: Date: **A1**
 Approved By: Date: **A1**

EXHIBIT F - RESTRICTIVE COVENANTS LETTER

May 7, 2013

Great Falls Planning Advisory Board/Zoning Commission

**RE: Pheasant Run Builders (Damon Carroll)
Annexation of ±1.3 acres (Tract 1 and Tract 3)
Certificate of Survey 4705
N½ NE¼, Section 36, T21N, R3E, P.M.M.,
Cascade County, Montana**

To All Interested Parties:

In regards to the above referenced land and annexation, I offer the following proposal.

Contingent upon approval from the City of Great Falls and the GF Planning Board of the annexation of lots and construction of the 24-Plex in question (Tract 1 - rental housing project), I will put a restrictive deed on the opposing lot that no high-rise, multi-family dwelling will be constructed. What could be constructed would be a single-family dwelling, duplex, 4-plex, or townhouse.

I respectfully request consideration of this 24-plex construction by all parties.

Sincerely,



**Damon Carroll
Pheasant Run Builders**

EXHIBIT G - TRAFFIC ANALYSIS

5/15/14

City View Apartments – 36th Ave NE

Traffic Analysis

Existing Conditions: The proposed development includes 6 lots with 4-plexes (24 total housing units) located on 36th Ave. NE between 11th and 14th Streets NE. 36th Ave. NE is classified as a Collector roadway, while the streets abutting the development are Local roadways. The function of a Collector is to serve shorter local trips and feed traffic from local properties to the larger, higher-capacity Arterial roadway network. The function of a Local roadway is to primarily provide access to adjoining properties. A Collector is typically a low to moderate capacity two-lane roadway, with travel speeds generally less than 35 mph. A Local road is also two-lane with limited capacity and with speeds not exceeding 25 mph.

Future Improvements: While the abutting segment of 36th Ave. NE has a rural, sub-standard cross-section, it is expected to be upgraded to urban roadway standards as development occurs and funding becomes available. The extension of 14th St. NE has funding and will be constructed by the City of Great Falls as an urban local roadway with curb, gutter and sidewalks during the 2014 construction season.

Trip Generation: Using a trip generation rate from the ITE Trip Generation Manual, a development of this size and type (Low-Rise Apartments) would be expected to generate an average of 6.59 trips per occupied dwelling unit on a weekday, for a total estimated daily trips of 158 trips per day.

Area Traffic Counts: Traffic Counts are taken bi-yearly at locations. Nearby counts are:

36 th Ave NE, west of Bootlegger Tr.	3,501
8 th St NE, between 27 th and 28 th Sts NE	3,740

Trip Distribution: Because the most convenient access route is along 36th Ave. NE from and to the east, it is estimated that 65% of the traffic would travel to the east, with the remaining 35% either using 36th Ave. NE, westward, or taking a more circuitous route on 14th or 11th St. NE to the south and then west. Further traffic dispersion would occur onto 9th/8th St. NE, or continue west on 36th Ave NE.

While some of the trips generated by the proposal would take 9th/8th St. NE, the volume is not anticipated to adversely impact the operation of the roadway. Taking the 35% alluded to above, a maximum 55 vehicles per day would use the roadway – but likely less, since a portion of the traffic would use 36th Ave. NE further west, depending upon the origin or destination. As sated above, the majority of the trips are expected to use 36th Ave. NE to the east (65% of trips, or, approximately 103 vehicles per day). The anticipated impact of the development upon 36th Ave. NE is reviewed in more detail below.

Impact upon Traffic Flow and Delay on 36th Ave. NE: The 2012 traffic volume on 36th Ave. NE just west of the intersection of Bootlegger Trail was measured at 3,501 average vehicles per day. This volume is average for a roadway that collects traffic from such a large area - comparing closely

EXHIBIT G - TRAFFIC ANALYSIS CONTINUED

5/15/14

to such other major Collector roadways as Park Drive near Gibson Park; 1st Ave. N at 37th Street; 8th Ave. N at 8th Street; 13th Street south of 24th Ave. S; and, 32nd St, south of 10th Ave. S.

Anecdotally, the intersection of 36th Ave. NE and Bootlegger Trail has been noted as the area intersection with the longest delays during the morning rush hour. Traffic generated by the development during “peak hour” – that is, the hour of the day generating the highest traffic – is expected to be generated at the rate of .46 vehicles per occupied dwelling unit for a one hour period generally between 7 and 9 AM. Even if all the traffic generated by the development headed east on 36th Ave. NE during the peak hour, this would only equate to 11 additional trips distributed over the hour – or, on average, one every 5½ minutes. With such little traffic being distributed over 60 minutes, there would be little to no observed impact upon congestion at the intersection of 36th Ave. NE and Bootlegger Trail.

Driveway Access: The developer has proposed garage access from a common driveway shared by all the lots, running east-west along the rear of the lots from 11th St. NE to 14th St. NE. The driveway will function like an alley and will be 20 feet wide, which is the standard width for a public alleyway. This is an ideal location for a driveway, eliminating unsafe backing movements that would occur if driveways were provided off of 36th Ave. NE. In addition, the private drive reduces the number of possible curb cuts from a maximum of six (one for each lot), down to two. This reduces the number of potential points of conflict between vehicles entering/exiting the development and vehicles already upon the street. Finally, it maximizes the safety of pedestrians by also reducing the number of points of conflict between sidewalk users and vehicles entering/exiting the development.

The through-driveway will act as a private alleyway, providing easy through-movements for larger vehicles such as sanitation and fire/emergency response vehicles, and also allow for more than one exit point in the case of an evacuation. The two driveway accesses will serve to better disperse traffic to lessen congestion at any particular access point. Finally, the private driveway will provide for a more attractive streetscape, allowing the on-site paving, garages and residential dumpsters to be out of sight in the rear of the lots.

Pedestrian and Bicycle Facilities: Pedestrian access and circulation will be improved through the construction of sidewalks along the adjoining streets. If improvements to 36th Ave. NE are delayed beyond the development of the site, staff would recommend the cost for sidewalks along 36th Ave. NE be escrowed by the developer and constructed at the same time as the street. No specific bicycle improvements are necessary, although the developer is encouraged to consider placement of bike racks on-site.