

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JUNE 23, 2015**

**Case Number**

AMD2015-2

**Owner**

Soroptimist Village, LLP

**Representative**

Dan Kenczka, TD&H  
Engineering

**Property Location**

The city block located between 13th Ave S, 14th Ave S, 25th St S, and 24th St S, addressed as 2400 13th Ave S

**Requested Action**

**Amended Plat** to  
Aggregate 28 lots, including  
the vacated alley, into 1 lot.

**Neighborhood Council**

Neighborhood Council #5

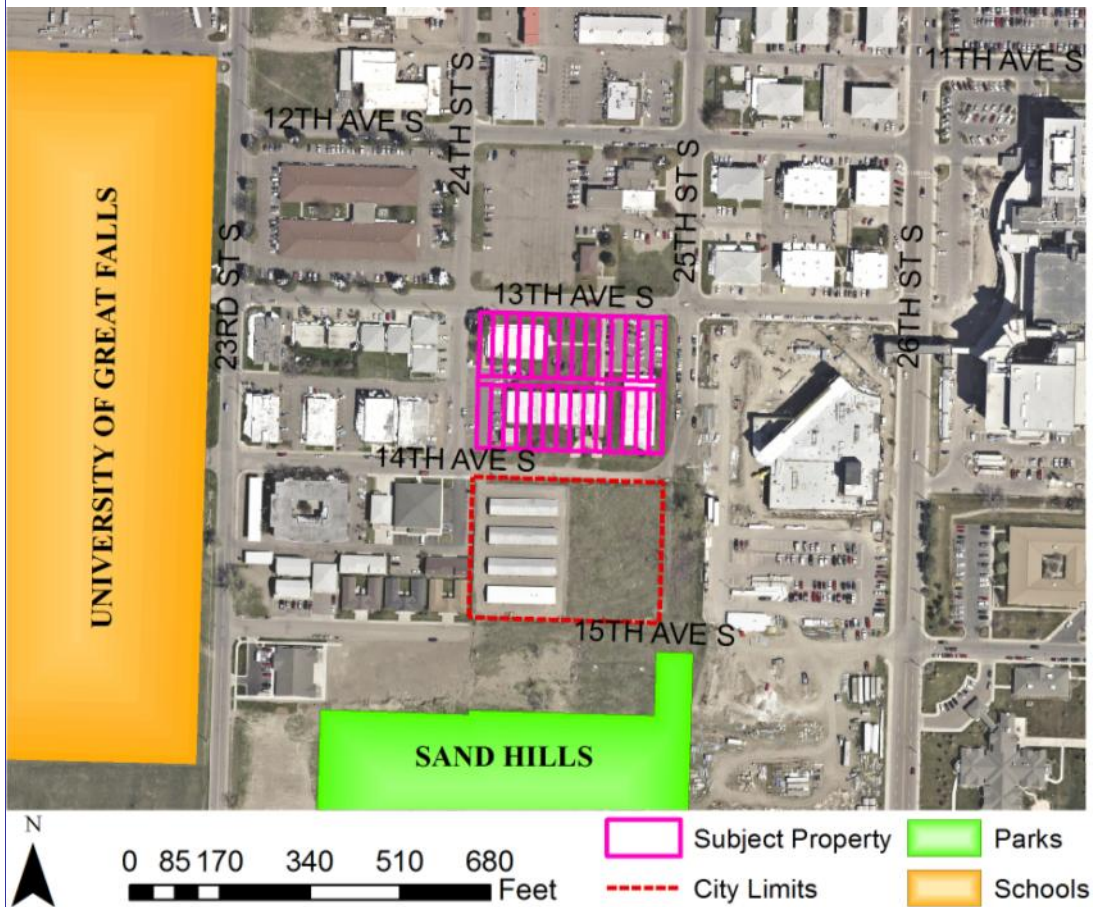
**Recommendation**

Approval of the request  
with Conditions

**Project Planner**

Garrett Norman

## AMENDED PLAT OF THE REPLAT OF LINCOLN HEIGHTS (SOROPTIMIST VILLAGE)



Summary

The owner is requesting approval of the Amended Plat of the Replat of Lincoln Heights, to aggregate 1 city block which comprises 28 lots, including vacated 14th Alley South, into 1 parcel.

- Legal Description: Lots 1-28 and the Vacated Alley of Block 27, Replat of Lincoln Heights, Located in the NE 1/4 of Section 18, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana
- Area of subject Lots: ±2.057 acres

Existing Conditions

**Existing Use:** Multi-family housing

**Existing Zoning:** R-5 Multi-family medium density

Amended Plat Request

A draft of the requested Amended Plat is attached to this report as Exhibit D.

The request to aggregate the lots was initiated by the Planning and Community Development Department when the owner applied for a building permit to construct a solar array on their southern property boundary along 14th Avenue South. It is City policy that structures cannot be constructed over property lines in order to help reduce any unwanted complications in the event of title transferring of property to separate owners.

Due to the number of lots being affected in this Amended Plat, the project is subject to approval by the governing body, as stated in Montana Code Annotated 76-3-207(2)(a). The State statute citation is attached to this report and is highlighted in yellow in Exhibit E.

Improvements

There are no infrastructure improvements associated with this project. Water and sewer utilities already exist.

Neighborhood Council Input

The subject property is located in Neighborhood Council #5. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to Council #5 as a courtesy on June 15, 2015. The Council did not express any concerns.



View north from 14th Ave S



View west along 13th Ave S



View south from 13th Ave S

**FINDINGS OF FACT  
FOR AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF  
LINCOLN HEIGHTS, LOCATED IN NE¼ OF SECTION 18, TOWNSHIP 20 NORTH,  
RANGE 4 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA  
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

**I. PRIMARY REVIEW CRITERIA**

**Effect on Agricultural**

The aggregation is in an urban neighborhood that is not used for agricultural purposes. The aggregation will not interfere with any irrigation system or present any interference with agricultural operations.

**Effect on Local Services**

The aggregation of the subject property will not have any effects on local services within the subdivision, as City utility services already exist to the existing multi-family residential structures. The aggregation is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments.

**Effect on the Natural Environment**

The aggregation is not expected to adversely affect soils or the water quality or quantity of surface or ground waters.

**Effect on Wildlife and Wildlife Habitat**

The aggregation is within the existing developed urban area of the City of Great Falls. The aggregation 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 aggregation is not subject to other abnormal potential natural hazards such as wildfire, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, high traffic volumes, or mining activity.

**II. 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 with the approval of subdivision will conform to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the review and approval procedures set forth in the local subdivision regulations.

**III. EASEMENT FOR UTILITIES**

Utilities easements are provided within said aggregation and can be accommodated in the existing abutting public rights-of-way.

**IV. LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the aggregation is provided by the dedicated abutting public road rights-of-way, maintained by the City of Great Falls.

## Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on subdivisions. Planning staff is in support of this project and recommends approval.

### Recommendation for a Motion:

The Planning Advisory Board recommends the City Commission approve the Amended Plat of Lots 1-28 and the Vacated Alley of Block 27, Replat of Lincoln Heights, located in the NE 1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County Montana, the Findings of Fact, 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.** The Amended Plat of the subject property shall incorporate corrections of any errors or omissions noted by Staff.

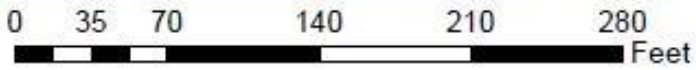
## **Next Steps**

1. The Planning Advisory Board recommendation will be presented to the City Commission.
2. City Commission will approve or deny the 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  
City Addressing Department  
Dan Kenczka, TD&H Engineering, dan.kenczka@tdhengineering.com

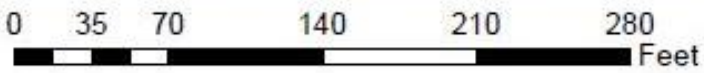
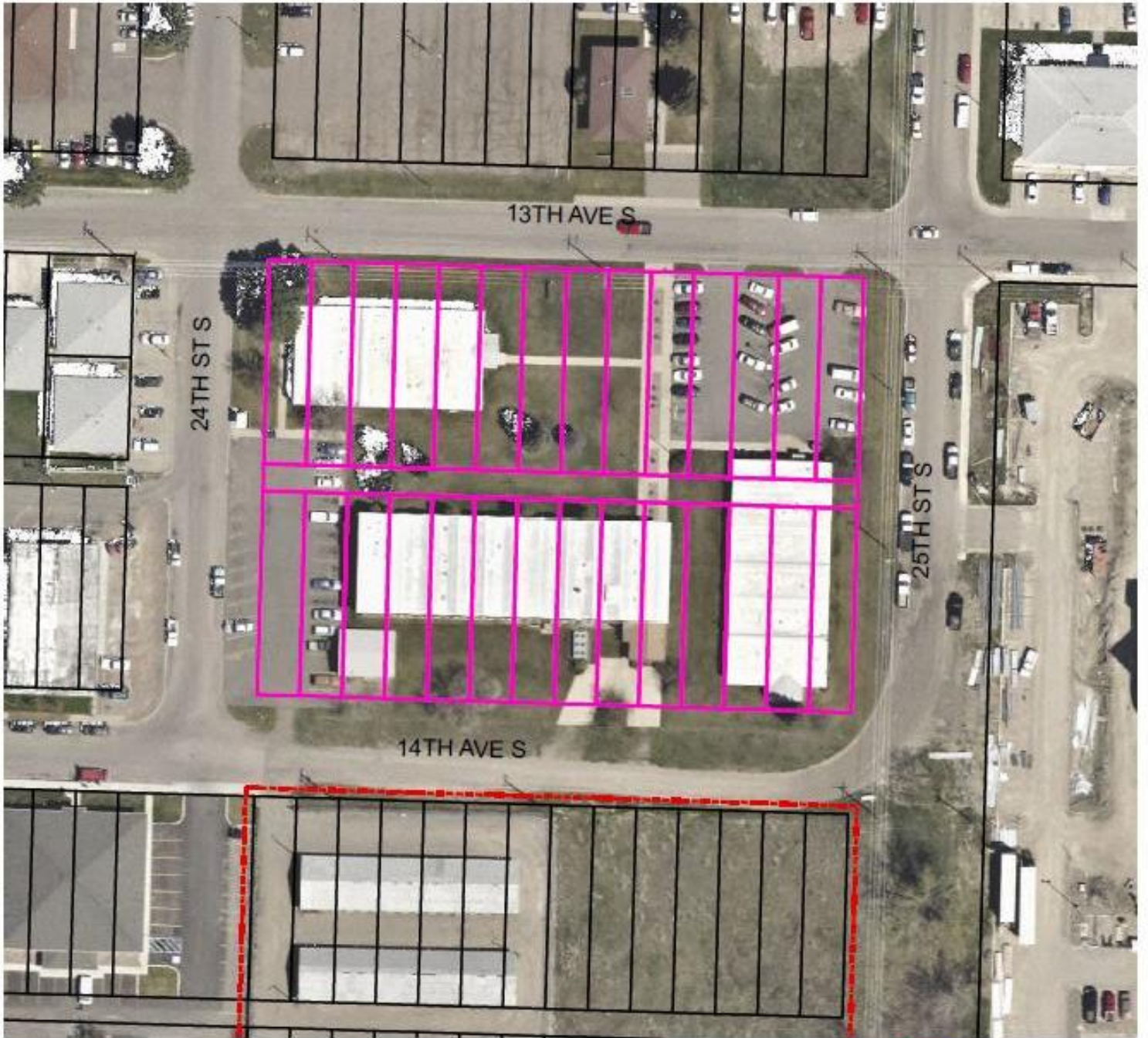





# EXHIBIT A - ZONING MAP



-  Subject Property
-  Parcels
-  City Limits
-  R-5 Multi-family Medium Density
-  C-2 General Commercial
-  PLI Public Lands and Institutional
-  U Unincorporated Enclave

# EXHIBIT B - AERIAL MAP



-  Subject Property
-  City Limits
-  Parcels



# 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: \_\_\_\_\_  
 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  
 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

Amended Plat Block 27, Replat of Lincoln Heights

Name of Project / Development:

Soroptomist Village, a Montana Corporation

Owner Name:

1535 Liberty Lane, Suite #116A, Missoula, MT 59808

Mailing Address:

Phone:

Email:

Dan Kenczka, TD&H Engineering

Representative Name:

1800 River Dr No., Great Falls, MT 59401

Mailing Address:

406-761-3010

dan.kenczka@tdhengineering.com

Phone:

Email:

### PROPERTY DESCRIPTION / LOCATION:

Lots 1-28

Block 27

Replat Lincoln Heights

Mark/Lot:

Section:

Township/Block:

Range/Addition:

2400 13th Ave So., Great Falls, MT 59405

Street Address:

### ZONING:

### LAND USE:

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 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.

Property Owner's Signature:

*Dan Kenczka*

Date:

*5/26/2015*

Representative's Signature:

Date:





## EXHIBIT E - MONTANA CODE ANNOTATED

### **76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division.**

- (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of [76-3-401](#) for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:
  - (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;
  - (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;
  - (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;
  - (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;
  - (e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
  - (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
- (2) Notwithstanding the provisions of subsection (1):
  - (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;
  - (b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter.
- (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.
  - (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.
    - (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
- (3)(b) as a partial payment of the total tax that is due.
- (4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

**History:** En. Sec. 4, Ch. 500, L. 1973; amd. Sec. 2, Ch. 334, L. 1974; amd. Sec. 19, Ch. 213, L. 1975; amd. Sec. 2, Ch. 552, L. 1977; R.C.M. 1947, 11-3862(6); amd. Sec. 1, Ch. 379, L. 1985; amd. Sec. 1, Ch. 569, L. 1989; amd. Sec. 4, Ch. 272, L. 1993; amd. Sec. 3, Ch. 366, L. 1993; amd. Sec. 3, Ch. 468, L. 1995; amd. Sec. 2, Ch. 436, L. 2003; amd. Sec. 2, Ch. 563, L. 2003; amd. Sec. 1, Ch. 252, L. 2005; amd. Sec. 12, Ch. 446, L. 2009; amd. Sec. 1, Ch. 351, L. 2013.