

A G E N D A R E P O R T

DATE March 1, 2005

ITEM Ordinance No. 2903 to Rezone Lot 1, Block 1, Jewel Addition

INITIATED BY Jerry Bass and Julie Bass, Property Owner and Developer

ACTION REQUESTED Commission Accept Ordinance No. 2903 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Ben Rangel, Planning Director

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RECOMMENDATION:

The City-County Planning Board has recommended the City Commission rezone Lot 1, Block 1, Jewel Addition, from 1st Industrial, “D” Area District, to “PUD” Planned Unit Development District.

MOTION:

“I move the City Commission accept Ordinance No. 2903 on first reading and set a public hearing for April 5, 2005, to consider adoption of Ordinance No. 2903.”

SYNOPSIS:

Ordinance No. 2903 rezones Lot 1, Block 1, Jewel Addition, from 1st Industrial, “D” Area District, to “PUD” Planned Unit Development District. Subject Lot 1 is 90 acres in area and is presently occupied by the Emerald Greens Golf Course.

BACKGROUND:

Jerry Bass and Julie Bass have submitted an application to rezone Lot 1, Block 1, Jewel Addition to the City of Great Falls, Cascade County, Montana, from First Industrial District, “D” Area District, to “PUD” Planned Unit Development District. The purpose of rezoning the 90 acre site is to permit construction of 32 residential condominium units, a 64 unit assisted living facility, a 9,400 square foot exercise facility, and an 8,000 square foot maintenance building. The application also includes subdividing said Lot 1 into three lots.

Subject property requested to be rezoned is presently occupied by the Emerald Greens Golf Course facility in Section 10, Township 20 North, Range 3 East, Cascade County, Montana. The golf course facility will continue to operate with the addition of the above noted improvements.

Attached is the following material:

- Vicinity Zoning Map
- Reduced copy of drawing portion of 1st Amended Plat of Lot 1, Block 1, Jewel Addition
- Reduced copy of preliminary site plan showing the proposed condominium units, assisted living facility, exercise facility and maintenance building

General Information:

1. A planned private roadway system connected to what is commonly referred to as American Avenue will provide access to the development. Three approaches are proposed to American Avenue. The private interior road serving the 32 residential condominium units on proposed Lot 3 will consist of 22 to 24 feet of improvement width with no on-street parking.
2. A 12 inch City water main will be extended easterly from 14th Street Southwest along the proposed private frontage road paralleling American Avenue. The City will pay the cost difference between an 8 and 12 inch main. Lateral 8 inch water mains will serve the westerly and club house areas of the project.

An 8 inch City sanitary sewer main will parallel the 12 inch water main. Lateral 8 inch sanitary sewer mains will serve the westerly and club house areas of the project which may necessitate a lift station.
3. Storm drainage from the development will be directed towards drainage swales which will discharge runoff into ponds on the abutting golf course.
4. Including the golf course in the PUD has a twofold purpose. First, it satisfies the open space requirement of the PUD Ordinance. Second, the golf course could not convert to another use unless reviewed by the Planning Board and approved by the City Commission.
5. To shield/buffer the 32 residential condominium units and the assisted living facility from the railroad switchyard to the north, the developer is proposing a 6 foot high solid fence paralleling the south side of American Avenue. The same fence will be installed part way down the western property line of the PUD to screen the existing trucking operation on 14th Street Southwest. However, no other details including a cross section or planned side view of the fence or landscaping accompanied the submittal.
6. A proposed homeowner's association will assume responsibility for maintenance of the private road, screening fence and landscaping associated with the 32 residential condominium units on proposed Lot 3.
7. Each of the residential condominium units will have a two car garage with an accompanying driveway creating a total of four parking spaces per unit.
8. A pedestrian path to serve the 32 residential condominium units will be integrated with the cart paths serving the abutting golf course.

Traffic Analysis:

American Avenue, extending between 6th Street Southwest and 14th Street Southwest, is the sole source of access to the subdivision. The roadway, except for the far easterly segment, is on property owned by Burlington Northern Santa Fe Railroad and the City possesses neither an easement nor deed for the access corridor. One of the primary criteria that is a basis for a governing body approving a subdivision is that legal and physical access are provided to each parcel within the subdivision. Once the right of way issue is resolved, a program for improvement and maintenance of the Avenue needs to be developed.

Estimated trip generation for the Emerald Greens PUD is:

- Proposed land uses: 32 residential condominium units, a 64-unit assisted living facility, and a 9,400 square foot exercise facility
- Trip rates: Residential condominiums (5.9 trips per unit)
Assisted living facility (3.3 trips per unit)

Exercise facility (24 trips per 1,000 sq. ft.)

- Trip generation: 32 x 5.9 trips per unit = 189 trips per day
64 x 3.3 trips per unit = 211 trips per day
9.4 x 24 trips per 1,000 sq. ft. = 225 trips per day
- Total trips: 625 trips per day

It is assumed a majority of the trips will access the general area via 6th Street Southwest.

Vicinity traffic counts are:

	<u>Count</u>	<u>Year</u>
6 th Street Southwest, just north of American Avenue	16,880	(01)
American Avenue (Assumed)	1,200-1,500	(02)

The functional classification of roadways in the immediate area that would serve the proposed project is as follow:

6 th Street Southwest	Principal Arterial
American Avenue	Local

The intersection of American Avenue and 6th Street Southwest is unsignalized, with stop control on the west approach of American Avenue.

The 2000-2020 Great Falls Urban Area Transportation Plan doesn't include any recommendations for improvement to either 6th Street Southwest or American Avenue. Sixth Street Southwest was reconstructed and widened during the 1980s and continues to provide an adequate service life. American Avenue provides local public access even though it isn't a public dedicated facility. The roadway is in dire need of repair or reconstruction.

No congestion, traffic flow problems or complaints currently exist on the segment of 6th Street Southwest near the proposed project. However, there have been numerous complaints and issues with the roadway condition of American Avenue. With increased traffic from the proposed project, it is anticipated that the project, when fully developed, will compound many of these issues. Should American Avenue become a dedicated public roadway, the proposed project should be required to participate in improvements to bring the roadway up to acceptable design standards. The project should also be required to participate in its proportionate share of a traffic signal at the intersection of American Avenue and 6th Street Southwest, when and if warranted.

Zoning Analysis:

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in a proposed zoning or rezoning of land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;

- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

The attached vicinity map also reflects the current City zoning.

Subject property (the existing 90 acre golf course) is bordered on three sides by 1st Industrial zoning district and industrial land uses and on a fourth side (to the west) by predominately Suburban Residential zoning district and single family residences.

Subject property requested to be rezoned was previously owned by the Great Northern Railroad but was purchased several years ago by the party who developed it into an 18-hole executive golf course which is the primary rationale for the proposed residential condominium units and assisted living facility.

The existing railroad switching yard to the north and trucking operation to the west offer conflicts to the proposed residential elements of the project. Some visual and noise related conflicts can be mitigated to some extent with proper buffering along the north and west boundaries of the development which would include a minimum 6 foot high solid decorative fence.

Staff concludes the application does not conflict with a majority of the above criteria. Justifying the application based upon existing land uses can be varied considering the neighboring railroad switchyard is a detriment while the accompanying golf course is an asset.

Conclusion:

It is difficult to judge the appropriateness of approving proposed Lots 2 and 3 for residential use. The application can be construed as creating a situation for potential conflicts between residential and industrial uses. On the other hand, the existence of the 90 acre golf course is a substantial land use which can provide some protection for a residential development. The applicant proposes to mitigate potential conflicts of the industrial use with a 6 foot high solid screening fence.

Planning Board Recommendation:

The Planning Board on June 10, 2003, conducted a public hearing to consider the Amended Plat and rezoning for Lot 1, Block 1, Jewel Addition. Citizens speaking at the Hearing included Jerry Bass, Patrick Keim, Director, Government Affairs for BNSF Railroad and Sandy Mares, representing the West Great Falls Flood Control and Drainage District. At the conclusion of the Hearing, the Planning Board passed a motion recommending the City Commission approve the Amended Plat of Lot 1, Block 1, Jewel Addition, and the accompanying Findings of Fact and rezone the property therein from 1st Industrial, "D" Area District, to "PUD" Planned Unit Development District, subject to the following conditions:

- 1) short of a dedication or deed to the City for sufficient right of way for American Avenue between 6th and 14th Streets Southwest, City at a minimum be provided or be included in an easement for the right-of-way corridor;
- 2) the applicant causing to be prepared a final Amended Plat correcting any errors or omissions which may be noted by staff including therein any appropriate utility easements deemed necessary to serve the project;
- 3) preparation of a certificate of title by a title company to be filed with the Amended Plat;
- 4) the applicant entering into an improvements agreement with the City which will:

- a) provide that development of the PUD shall be in substantial compliance with the accompanying site plan,
 - b) require that water and sanitary sewer mains to serve the PUD shall be installed within two years of the date of the agreement in accordance with plans and specifications approved by the City Public Works Department,
 - c) owner/developer and his assigns waive right to protest and agree to pay for proportionate share of standard City improvements including roadway lighting and railroad crossing facilities on American Avenue,
 - d) owner/developer and his assigns hold the City and the Great Falls Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal operations associated with Great Falls International Airport, and owner/developer establish an avigation easement encompassing the PUD to the benefit of the Airport Authority.
 - e) owner/developer and his assigns indemnify the BNSF Railroad regarding any negative impact resulting from the operation of a switchyard along the north side of American Avenue;
- 5) owner/developer paying the following applicable fees:
- | | |
|----------------------------|------------------|
| Improvements Agreement Fee | \$200.00 |
| Recording Fees (\$6/page) | to be determined |
- 6) recording in the Clerk and Recorder's Office, the legal documents pertaining to the Emerald Green's Homeowner's Association, including articles of incorporation, bylaws and covenants; and,
- 7) provision of appropriate offsite easements to accommodate public utility extension.

The applicant is working with BNSF Railroad to fulfill Condition 1), Conditions 4) and 5) will be fulfilled prior to the Commission hearing on April 5, and Conditions 2), 3), 6) and 7) will be fulfilled prior to or in conjunction with filing of the final documents in the Clerk and Recorder's Office. It is anticipated the above mentioned improvements agreement, Findings of Fact, copies of any communications regarding the project received to date, and minutes of the June 10, 2003, Planning Board Hearing will be provided to the Commission prior to the April 5 hearing.

Attach: Ordinance No. 2903
Vicinity Zoning Map
Amended Plat
Preliminary Site Plan

cc: Jerry Bass, 1100 American Ave