

CITY OF GREAT FALLS, MONTANA      AGENDA # 20

A G E N D A   R E P O R T                      DATE September 6, 2005

ITEM Amended Plat of Lots 23 and 24, Block 1, Nilson Addition

INITIATED BY Pheasant Run, L.L.C., Property Owner and Developer

ACTION REQUESTED Commission Approve Amended Plat and  
Accompanying Findings of Fact

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

The Great Falls Planning Board has recommended the City Commission approve the Amended Plat of Lots 23 and 24, Block 1, Nilson Addition, together with the necessary variance for public roadway frontage for Lots 23B and 23C and the accompanying Findings of Fact.

**MOTION:**

“I move the City Commission approve the Amended Plat of Lots 23 and 24, Block 1, Nilson Addition, together with the necessary variance for public roadway frontage for Lots 23B and 23C and the accompanying Findings of Fact.”

**SYNOPSIS:**

Subject Amended Plat subdivides Lots 23 and 24, Block 1, Nilson Addition, into three lots.

**BACKGROUND:**

Pheasant Run, L.L.C., has submitted a petition to subdivide Lots 23 & 24, Block 1, Nilson Addition, into three lots. The property is located at 1101 9<sup>th</sup> St NW, just east of Valley View School.

The owner has started construction of three 12-plex apartment buildings on Lot 23, which is the northern parcel. The southern parcel, Lot 24, will primarily be used for parking. The applicant desires to subdivide the property to place each of the apartment buildings and accompanying parking onto separate lots. Each of the apartment buildings will be owned separately by members of Pheasant Run, L.L.C. The southern 120 feet of each lot will be used as a common access and parking area. The owner has provided the Community Development Department with a parking plan of 12 single stall garages and 44 exterior parking spaces. The Board of Adjustment has approved a zero side yard variance for the garages. City code requires a minimum of 54 off street parking spaces for all three apartment buildings. The three lots will have one common 25 foot access approach onto 9<sup>th</sup> Street NW.

The amended plat creates utility easements across the three lots to accommodate water lines, sanitary sewer and storm drainage for the three 12-plex apartment buildings and parking lot.

Subject property is presently zoned “GC” General Commercial Use District, “D” Area District. The Unified Land Development Code under consideration by the City Commission would classify the area as “R-6” Multi-family residential high density.

Approval of the Amended Plat will necessitate consideration of a variance to the City Subdivision Regulations which require each lot to front upon a public street. Proposed Lots 23B and 23C do not meet this standard although the south 120 feet of each lot, including Lot 23A, is designated as an easement for common access to 9<sup>th</sup> St. NW. The regulations allow the Planning Board to vary or waive regulations if it finds hardship and absence of detriment exist. Although somewhat created by the owner, the orientation of the apartment buildings makes it difficult to establish separate ownership and to provide each lot with roadway frontage. Staff does not believe the resubdivision as proposed would be materially detrimental to the public welfare or injurious to surrounding properties.

After reviewing the matter during a meeting held August 9, 2005, the Great Falls Planning Board passed a motion recommending the City Commission approve the Amended Plat of Lots 23 and 24, Block 1, Nilson Addition, together with the necessary variance for public roadway frontage for Lots 23B and 23C and the accompanying Findings of Fact, subject to fulfillment of the following conditions:

- 1) correction of any errors or omissions on the Amended Plat that may be noted by staff;
- 2) preparation of a certificate of title by a title company to be filed with the Amended Plat.

Attachments: Vicinity Map  
Reduced copy of the Amended Plat  
Findings of Fact

cc: Pheasant Run L.L.C., P.O. Box 1989, Great Falls, MT 59403