



**Item:** Public Hearing – Resolution 9828 to Annex and Ordinance 3037 to Assign City Zoning to Northview Addition, Phase 4

**From:** Charles Sheets, Planner I

**Initiated By:** Jim Workman Construction Co., Property Owner and Developer

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt/approve Resolution 9828, Ordinance 3037, the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 4.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motions:** (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9828 and (approve/disapprove) the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 4.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3037.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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**Planning Board and Zoning Commission Recommendations:** The Planning Board has recommended the City Commission approve the annexation and the Final Plat of Northview Addition, Phase 4. The Zoning Commission has recommended to the City Commission that Northview Addition, Phase 4 be zoned PUD Planned unit development district, upon annexation to the City.

**Background:** At the conclusion of a public hearing held January 9, 2007 the Planning Board conditionally approved the preliminary plat of Northview Addition, Phases 2-7 and the Zoning Commission approved assigning a zoning classification of PUD Planned unit development

district to each phase upon annexation to the City. During a meeting held February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition Phases 2-7, as recommended by the Planning Board.

To date, the applicant has completed development of the first three phases of Northview Addition. The applicant now requests approval of the final plat of Phase 4 and the modified site plan that deviates from the previously approved preliminary plat and site plan. The subdivision is located along a segment of 37<sup>th</sup> Avenue Northeast immediately east of 9<sup>th</sup> Street Northeast.

Within the area covered by Phase 4, the previously approved preliminary plat and site plan provided for 5 conventional single-family residential lots along the north side of 37<sup>th</sup> Avenue Northeast and 6 condominium units along the south side of 37<sup>th</sup> Avenue Northeast. With the market for condominium units being more attractive than that for conventional units, the applicant proposes to replace the 5 conventional residential lots along the north side of 37<sup>th</sup> Avenue Northeast with a single lot to contain 6 residential condominium units.

For additional information, please refer to the attached Vicinity/Zoning Map, reduced copy of the Final Plat and reduced copy of the PUD Site Plan.

Access to subject property will be by 9<sup>th</sup> Street Northeast. It is anticipated 37<sup>th</sup> Avenue Northeast will eventually be accessible via an extension of 12<sup>th</sup> Street Northeast, as future phases and other properties in the vicinity are subdivided and developed.

The roadway within the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be installed. Easements will be provided within the plat for the installation of private utilities.

Based on land contours, the area generally slopes to the north. The City Engineer is in the process of creating a regional storm water detention pond to serve this and future development in the area.

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.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is proposed that the PUD Planned unit development district site plan submitted with the preliminary plat be modified to allow construction of 6 condominiums on each side of 37<sup>th</sup> Avenue Northeast, instead of the 5 single-family lots on the north side of the Avenue and 6 condominiums on the south side of the Avenue.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in conjunction with establishing municipal zoning on 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 proposed single story duplex condominiums would provide an additional ownership option and a good mix with other residences being built in the area.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include “residential land uses should be planned and located so that they do not result in adverse impacts upon one another” and “Annexations should be logical and efficient extensions of the City’s boundaries and service areas”. Therefore, staff concludes the above-cited criteria are substantially met.

At the conclusion of a public hearing held March 24, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of PUD Planned unit development to Northview Addition, Phase 4, and the Planning Board passed a motion recommending the City Commission approve the Final Plat of Northview Addition, Phase 4, and annexation of the property contained therein, subject to fulfillment of the following conditions by the applicant:

- 1) The Final Plat of Northview Addition, Phase 4, 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 in 37<sup>th</sup> Avenue Northeast shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including agreement by applicant to:
  - a) install, within two years of the date of annexation the public improvements referenced in Paragraph 2) above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) to adhere to the attached PUD Site Plan in conjunction with the development of Phase 4.
- 4) All applicable fees owed as a condition of annexation or plat approval shall be paid.

- 5) A financial surety in the amount of \$ 2,123.00 (i.e. personal check or certificate of deposit) shall be established in the name of the applicant and City for Phase 4's proportionate share of the cost of roadway and 8-inch water main in the segment of 12<sup>th</sup> Street Northeast to cross Mark 14E1, Section 36, Township 21 North, Range 3 East.

At the time of writing this report, Items 2), 3), 4) and 5) have been completed by the applicant and Item 1) will be completed prior to filing the final subdivision plat.

**Concurrences:** Representatives from the City's Public Works, Community Development, Park and Recreation, and Fire Departments have been involved throughout the review and approval process for this project.

**Fiscal Impact:** Providing services to the condominium units in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

**Alternatives:** If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

**Attachments/Exhibits:**

1. Resolution 9828
2. Ordinance 3037 with attached Exhibit "A"
3. Vicinity/Zoning map
4. Final Plat
5. Annexation Agreement (This attachment not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
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Woith Engineering, 1725 41<sup>st</sup> St S, Great Falls, MT, 59405