



Item: Amended Plat, Variances and Findings of Fact, all related to Lot 6, Block 3, Community Hall Addition

From: Charles Sheets, Planner I

Initiated By: Fred W. and K. Joan Maeder, Property Owner

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission approve the Amended Plat, Variances and Findings of Fact

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/disapprove) the following: 1) the Amended Plat of Lot 6, Block 3, Community Hall Addition; 2) variances allowing a lot width of 64.10 feet and a depth to width ratio of 3.66 to 1 for proposed Lot 6B; and 3) Findings of Fact.”

2. Mayor calls for a second, inquires from the public and calls the motion and vote.

Planning Board Recommendation: The Planning Board, during a meeting held August 11, 2009, passed a motion recommending the City Commission approve: 1) the Amended Plat of Lot 6, Block 3, Community Hall Addition; 2) variances allowing a lot width of 64.10 feet and a depth to width ratio of 3.66 to 1 for proposed Lot 6B and 3) 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) provision of a notification clause to lot purchasers regarding soil conditions; and 3) preparation of a certificate of title by a title company for each lot, to be filed with the Amended Plat.

Background: Fred and Joan Maeder have submitted an application to subdivide Lot 6, Block 3, Community Hall Addition into two parcels. Said Lot 6 is 40,000 square feet and is occupied by a single-family residence, addressed as 2025 2nd Avenue Southwest. The residence is on the westerly 100 feet of Lot 6 (proposed Lot 6A) and the owners intend to sell the easterly 64.10 feet (proposed Lot 6B).

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of drawing portion of proposed Amended Plat.

The Amended Plat fronts upon 2nd Avenue Southwest which is a public right-of-way that is paved and maintained by the City to a rural standard. The public roadways serving the suburban residential neighborhood contain no curb, gutter or sidewalk. The property is on the protected side of the Sun River Levee.

City water and sanitary sewer mains are available in 2nd Avenue Southwest to serve the proposed parcel. Any new construction upon proposed Lot 6B would be required to pay City utility tapping and connection fees. The residence on proposed Lot 6A is connected to City water and sanitary sewer.

Subject parcel is presently zoned R-1 Single-family suburban district, wherein the minimum parcel size is 15,000 square feet, the minimum lot width is 90 feet and the maximum depth to width ratio is 3 to 1. The Lots within the proposed Amended Plat meet the size requirement, but variances will be necessary to accommodate the lot width of 64.10 feet for Lot 6B and the depth to width ratio of 3.66 to 1. The Land Development Code provides a dimensional variance shall only be granted when the evidence shows a finding can be made that each of the following conditions exists:

1. The variance is not contrary to the public interest.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
3. The spirit of the Land Development Code would be observed and substantial justice done by granting the variance.

As the existing development on Lot 6 restricts the subdivision options and the configuration of proposed Lot 6B will not be out of character with the majority of the existing parcels in the neighborhood, staff concludes the above cited conditions are substantially met.

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

Fiscal Impact: The City should not experience any additional fiscal impact as a result of approving the requested action.

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

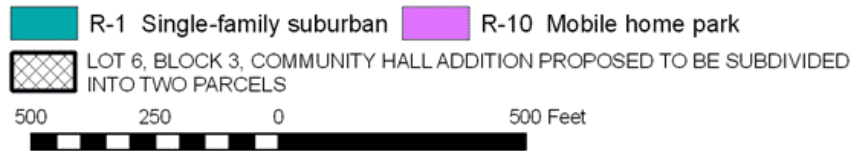
Attachments/Exhibits: Vicinity/Zoning Map, Reduced copy of Amended Plat and Findings of Fact

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Fred and Joan Maeder, P.O. Box 2707, Great Falls, MT 59403-2707

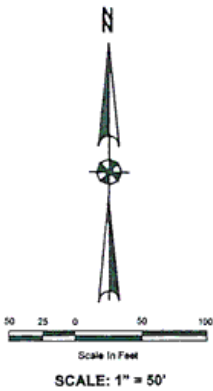
VICINITY/ZONING MAP



ZONING

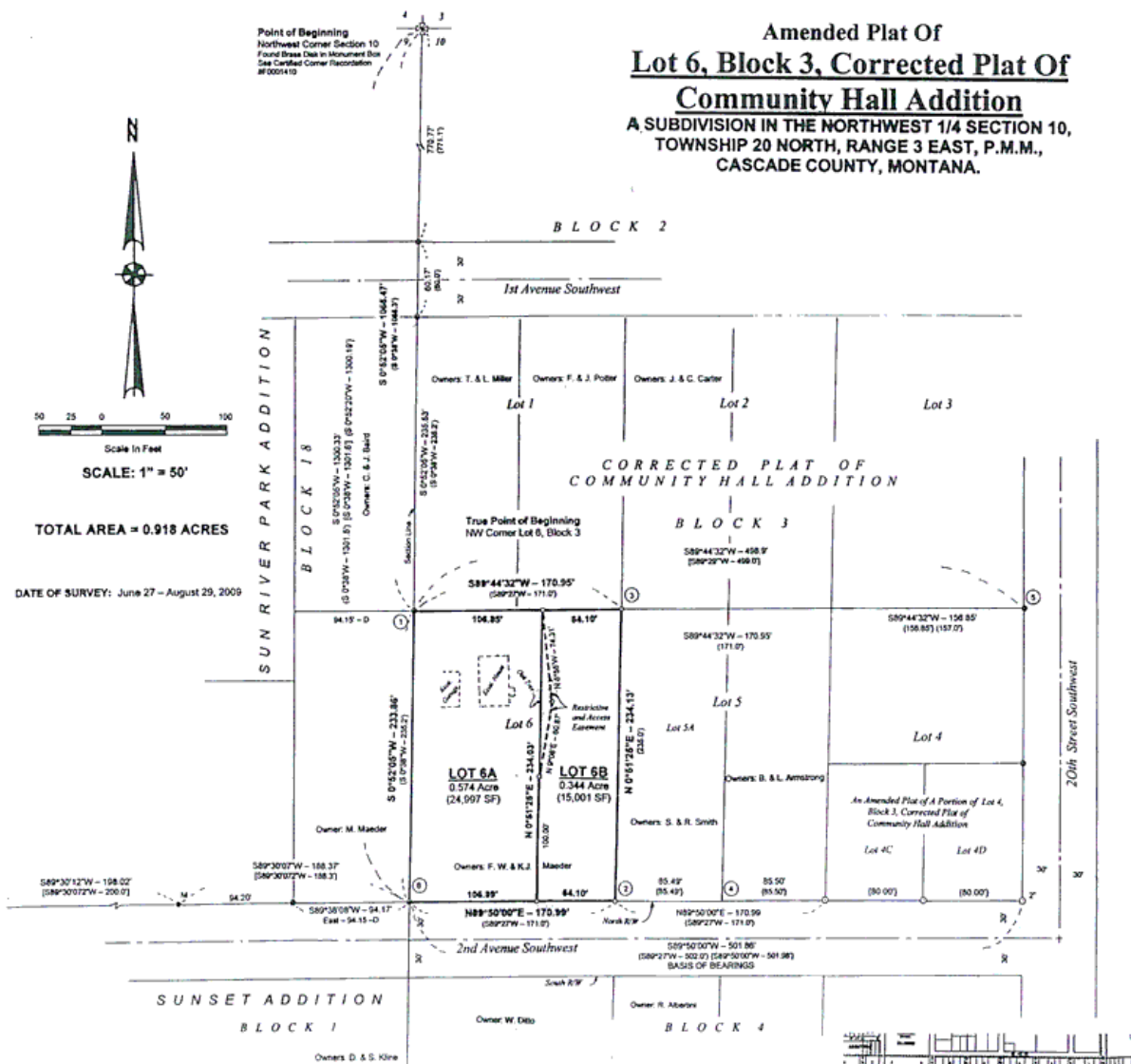


**Amended Plat Of
Lot 6, Block 3, Corrected Plat Of
Community Hall Addition**
A SUBDIVISION IN THE NORTHWEST 1/4 SECTION 10,
TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M.,
CASCADE COUNTY, MONTANA.



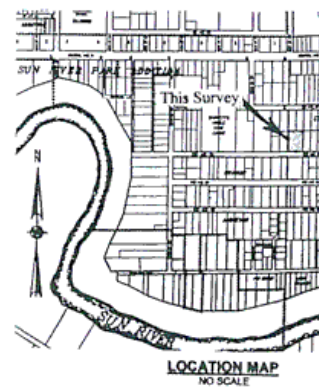
TOTAL AREA = 0.918 ACRES

DATE OF SURVEY: June 27 - August 29, 2009



- NOTES:**
1. FOUND 1-1/2" IRON PIPE S89°44'32"W - 0.17 FEET FROM CORNER LOCATION
 2. FOUND 5/8" IRON PIN WITH YPC "MONTANA 23765" - S29°55'W - 1.14 FEET FROM SET MONUMENT AT CORNER LOCATION
 3. FOUND 5/8" IRON PIN WITH NO CAP S35°12'E, 0.35 FEET FROM SET MONUMENT AT CORNER LOCATION
 4. FOUND 5/8" IRON PIN WITH YPC "MONTANA 23765" - S22°58'W - 0.88 FEET FROM CORNER LOCATION
 5. FOUND 3/4" IRON PIPE N89°44'32"E - 0.16 FEET FROM CORNER LOCATION PER AN AMENDED PLAT OF A PORTION OF LOT 4, BLOCK 3, CORRECTED PLAT OF COMMUNITY HALL ADDITION
 6. FOUND 5/8" IRON PIN WITH YPC "MONTANA 23765" - S 9°14'W - 0.99 FEET FROM FOUND 1-1/2" IRON PIPE MONUMENT AT CORNER LOCATION
 7. IT WAS NOT THE INTENT OF THIS SURVEY TO LOCATE OR SHOW ALL EASEMENTS WHICH MAY AFFECT THE SUBJECT PROPERTY.

- LEGEND**
- Set 5/8" Iron Pin With YPC "1000ES 4543E"
 - Found 1/2" Iron Pin With Orange Plastic Cap "96225"
 - Found 5/8" Iron Pin With YPC "12065"
 - Found 3/4" Iron Pipe
 - Found 1-1/2" Iron Pipe
 - Found Aluminum Cap "BARB LS11870" - 1.114" Unless Otherwise Noted
 - 1 Record Plat Corrected Plat of Community Hall Addition to Great Falls
 - 1 Record Plat Sun River Park Addition to Great Falls plat
 - 1 Record Plat An Amended Plat of A Portion of Lot 4, Block 3, Corrected Plat of Community Hall Addition
 - Record Plat Deed
 - ② See Note 2
 - YPC Yellow Plastic Cap



**FINDINGS OF FACT
FOR AMENDED PLAT OF LOT 6, BLOCK 3,
COMMUNITY HALL ADDITION, LOCATED IN NW¼ SECTION 10,
TOWNSHIP 20 NORTH, RANGE 3 EAST, GREAT FALLS
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is in a suburban residential neighborhood and is not used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations.

Effect on Local Services

The subdivision is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is 2.25 miles. City water and sanitary sewer mains exist in the abutting portion of 2nd Avenue SW. Access to subject property is provided by the abutting 2nd Avenue SW which is maintained as a paved rural roadway by the City.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Subject property is presently occupied by a single-family residence. The purpose of the subdivision is to create a second parcel that would accommodate a new dwelling unit.

Effect on Wildlife and Wildlife Habitat

The subdivision is surrounded by urban 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

The subdivision is protected from flooding of the Sun River by the levees of the West Great Falls Flood Control District. Based on available information, the subdivision 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 two variances; 1) the minimum lot width and 2) the depth to width ratio, the 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 are and can be accommodated in the existing abutting public right-of-way for 2nd Avenue SW.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 2nd Avenue SW which is a dedicated roadway, maintained by the City of Great Falls.