

**A G E N D A   R E P O R T**

**DATE** December 7, 2004

**ITEM** Public Hearing - Ordinance No. 2890 to Establish City Zoning Upon Castle Pines Addition, Phase II

**INITIATED BY** Harold Poulsen, Property Owner and Developer

**ACTION REQUESTED** After Conducting Joint Public Hearing on Annexation of Phase II and Ordinance No. 2890, Commission Adopt Ordinance No. 2890

**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 assign a zoning classification of “A” Residence Use, “B” Area District, to Castle Pines Addition, Phase II, upon annexation to the City.

**MOTION:**

“I move the City Commission adopt Ordinance No. 2890.”

**SYNOPSIS:**

Ordinance No. 2890 assigns a zoning classification of “A” Residence Use, “B” Area District, to Castle Pines Addition, Phase II, upon annexation of same to City. Subject development consists of a 28 lot single-family residential subdivision along segments of 25<sup>th</sup> Avenue South and 16<sup>th</sup> Street South.

**BACKGROUND:**

In March, the City and County Commissions conditionally approved the preliminary plat of Castle Pines, Phase II, a 28 lot single-family residential subdivision along segments of 25<sup>th</sup> Avenue South and 16<sup>th</sup> Street South.

Subject property is presently zoned in the County as R-2 Low Density Residential District and the applicant has requested the property be zoned “A” Residence Use, “B” Area District, upon annexation to the City.

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.

Subject property is situated between a developing single-family residential subdivision (Castle Pines, Phase I) and an older predominately single-family residential neighborhood (Sexton Park). The subdivision generally adheres to a conceptual plan for the area that was prepared in 1995 in conjunction with Castle Pines, Phase I.

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

It is anticipated the planned single-family use of the property will be compatible with neighboring uses. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board, at the conclusion of a public hearing held March 16, 2004, recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to Castle Pines, Phase II, upon annexation to the City.

Attach: Ord. No. 2890  
Vicinity Map

cc: Harold Poulsen, P O Box 1376  
Jack Fisher, TD&H, 1200 25<sup>th</sup> St S