

**AGENDA REPORT**

**DATE** July 5, 2005

**ITEM** Resolution No. 9478 to Annex and Ordinance No. 2915 to Establish City Zoning Upon Lots 1 & 2, Block 1, Forest Glen South

**INITIATED BY** Forest Glen, LLC, Property Owner and Developer

**ACTION REQUESTED** Remove from Table and Adopt Resolution No. 9478, Ordinance No. 2915, the Minor Plat of Forest Glen South, the Accompanying Findings of Fact and the Annexation Agreement Pertaining to Lots 1 and 2 Contained Therein

**PREPARED BY** Bill Walters, Senior Planner

**APPROVED & PRESENTED BY** Benjamin Rangel, Planning Director

**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission approve the minor plat of Forest Glen South Subdivision and annex Lots 1 and 2 contained therein and assign a zoning classification of "C" Residence Use, "A" Area District, to Lot 1, with a conditional use allowing multiple office buildings and "C" Residence Use, "B" Area District to Lot 2, Block 1, upon annexation to the City.

**MOTIONS** (Each motion to be separately considered)

"I move the City Commission remove from the table Resolution No. 9478, Ordinance No. 2915, the Minor Plat of Forest Glen South, the accompanying Findings of Fact, and the Annexation Agreement pertaining to Lots 1 and 2 contained therein."

"I move the City Commission adopt Resolution No. 9478 and approve the Minor Plat of Forest Glen South, the accompanying Findings of Fact, and the Annexation Agreement pertaining to Lots 1 and 2 contained therein."

and

"I move the City Commission adopt Ordinance No. 2915."

**SYNOPSIS:**

Forest Glen South is a four lot subdivision located between the MSU College of Technology and 26<sup>th</sup> Street South. Resolution No. 9478 annexes the easterly two lots in the subdivision (Lots 1 and 2) and Ordinance No. 2915 assigns a zoning classification of "C" Residence Use, "B" Area District, to Lot 1, with a conditional use allowing multiple office buildings and "C" Residence Use, "B" Area District to Lot 2, upon annexation of same to City. The Annexation Agreement contains terms and conditions associated with annexation of subject Lots 1 and 2.

On June 7, 2005, the City Commission conducted a public hearing on this item and passed a motion, at the petitioner's request, to table it until an issue regarding reimbursement costs for public improvements on 26<sup>th</sup> Street South could be addressed. The petitioner has agreed to participate in one-half of the reimbursement costs. In turn, the City would waive the other half of the reimbursement costs for consideration of the petitioner providing permanent public utility easements through the Forest Glen South Subdivision.

**BACKGROUND:**

Forest Glen LLC has submitted applications regarding the following:

- 1) Minor Plat of Forest Glen South Subdivision, containing 20.0 acres located between MSU College of Technology and 26<sup>th</sup> Street South.
- 2) Annexation of Lots 1 & 2 of Forest Glen South Subdivision to the City of Great Falls. (The applicant originally requested the entire subdivision be annexed at one time.)
- 3) Rezoning the area within Forest Glen South Subdivision upon annexation to the City from the current County "R-2" Low Density Residential District to:
  - ? "C" Residence Use, "B" Area District, for Lots 2, 3 & 4 of Subdivision;
  - ? "C" Residence Use, "A" Area District, for Lot 1 of Subdivision with a conditional use for multiple office buildings.

Said 20 acres requested to be subdivided will consist of the southerly extension of 23<sup>rd</sup> Street South and four lots including:

- a) Lot 1, comprising 5.342 acres, located along the west side of 26<sup>th</sup> Street South which will contain multiple office buildings;
- b) Lots 2, 3, and 4 located east of the southerly extension of 23<sup>rd</sup> Street South which will contain 74 residential condominium units.

For additional information, please refer to the Vicinity Map (attached to Res. No. 9478 as Exhibit "A") and Minor Plat of Forest Glen South Subdivision.

Although it is proposed the entire project will be platted at one time, annexation and development will occur in three phases proceeding from east to west with the initial annexation including Lots 1 and 2.

Near term access to subject property will be from 26<sup>th</sup> Street South. A 60-ft private road and utility easement (through proposed Lot 1) will connect the condominium portion of the Subdivision to 26<sup>th</sup> Street South. The roadway system serving most of the proposed 74 condominium units in Lots 2, 3 and 4 will be private with one connection to 23<sup>rd</sup> Street and one connection to 26<sup>th</sup> Street. The applicant, as a condition of approval of the annexation of Lots 1 and 2, has reimbursed the City for the cost of the existing public improvements in the abutting portion of 26<sup>th</sup> Street South and has escrowed his proportionate share of the costs of remaining public infrastructure in 26<sup>th</sup> Street currently being installed. Improvement of 23<sup>rd</sup> Street South within the Subdivision will be further addressed at the time Lot 4 is annexed unless it is improved prior to that time by the City or another entity to enhance access to the Medical Tech Park Subdivision.

City water, sanitary sewer, and storm sewer mains will be extended through the Subdivision in May and June by the City in order to serve the Centene project immediately to the south. As each phase of Forest Glen South is annexed and developed, the applicant will be responsible for installing any remaining public infrastructure to serve the involved segment of the project. The existing water mains in 23<sup>rd</sup> and 26<sup>th</sup> Streets will be extended into the subdivision and eventually looped. Sanitary sewer is proposed to discharge at two points into the existing City sewer interceptor paralleling the north boundary of the subdivision. The site generally slopes from the southeast corner to the northwest corner. Storm drainage will be collected at five locations within the subdivision and discharged towards the City's regional storm water detention facility in Sand Hills Park.

Although the subdivision consists of only three actual residential lots, it is providing permanent multiple spaces for 74 condominium units. Therefore, the applicant intends to fulfill the development's park obligation by paying cash in lieu of dedicating land for park. The City Park and Recreation Board has endorsed accepting cash to fulfill park obligations.

The project was presented to Neighborhood Council No. 5 on June 1, 2004. The Council, although taking no formal position, mentioned the project should be a positive addition to the community.

### Traffic Analysis:

When fully developed, this project will generate about 1,000 trips per day, which consists of 400 trips from the 74 condominium units and 600 trips from the office buildings. In that the developer has not yet provided information on the number and size of the proposed office buildings, staff assumed there could be as many as four 12,000 square foot buildings, based on parcel size and developable area after landscaping and parking areas were removed.

Due to the configuration of the existing street system in the area, it is assumed that a majority of the trips generated by the project will access the site via 23<sup>rd</sup> and 26<sup>th</sup> Streets South. To the north, both of these streets intersect 10<sup>th</sup> Avenue South, which are signalized and can accommodate all intersection turning movements.

There aren't any representative traffic counts available for this immediate area. The primary roadways that would serve the site are functionally classified as: 23<sup>rd</sup> Street (local, but is beginning to serve as a collector) and 26<sup>th</sup> Street (minor arterial).

The various intersections on these roadways are either stop sign controlled or uncontrolled, depending upon traffic conditions and related circumstances. No traffic signals exist in the immediate area.

Very few congestion problems or traffic flow complaints currently exist in the immediate area of the proposed development.

Twenty-Sixth Street was reconstructed to a four lane minor arterial in 1996. The project also included signal modifications and the addition of a separate right turn lane on 10<sup>th</sup> Avenue to accommodate eastbound to southbound turns onto 26<sup>th</sup> Street.

A channelization project is currently being designed for the intersection of 23<sup>rd</sup> Street and 10<sup>th</sup> Avenue South, where the south approach will be modified to add a separate right turn lane. This work is scheduled for 2006-07.

These recent and proposed roadway improvements should satisfactorily accommodate newly generated trips in the area, as it continues to grow. Additionally, the existing system of streets in the area should be able to accommodate the additional trips to be generated by the proposed project. Streets in the area should be monitored as this project and others become more fully developed and as traffic patterns become better established.

### Zoning Analysis:

Subject property is presently zoned in the County as "R-2" Low Density Residential District. The applicant has requested, upon annexation to the City, Lot 2 be zoned "C" Residence Use, "B" Area District, and Lot 1 be zoned "C" Residence Use, "A" Area District, with a conditional use for multiple office buildings.

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 bordered on the north by a high-density residential apartment complex, a park, and a juvenile detention facility; on the east by a retirement facility for priests and lay people associated with the Catholic Church; on the west by the campus of the Montana State University College of Technology; and on the south by property recently acquired by Centene Corporation whereon a medical billing processing center is under construction.

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

Subject development site on the edge of the City is a natural progression for growth of the community.

A goal from the Land Use Element of the adopted Growth Policy is “to support and encourage a compatible mix of land uses in newly developing areas.” A stated policy encourages a variety of residential uses and housing types planned and located so that they do not result in adverse impacts upon one another. Higher density residential uses should be located in areas with ready access to transit, commercial services, and employment opportunities.

Proposed Lot 1 is the planned site for multiple office buildings. Such use in close proximity to a regional medical facility and fronting on a minor arterial (26<sup>th</sup> Street South) would not be out of character for the district.

The planned residential use of Lot 2 and office use on Lot 1 should be compatible with existing neighboring uses. Therefore, staff concludes the above-cited criteria are substantially met.

The City-County Planning Board conducted a public hearing on the subdivision, annexation and rezoning on June 22, 2004. Mr. Jim Cummings spoke on behalf of the applicant/developer. No proponents or opponents spoke. Ms. Mary Ellen Baukol, representing the MSU College of Technology, asked that the developer assume the responsibility of improving approximately 150 feet of 23<sup>rd</sup> Street immediately south of 16<sup>th</sup> Avenue South. Staff noted the Annexation Agreement for Vo-Tech Addition obligates that owner (currently the State) for participating in the cost of that segment of 23<sup>rd</sup> Street. At the conclusion of the public hearing, the Planning Board passed a motion recommending:

- A) the governing bodies approve the minor plat of Forest Glen South Subdivision and the accompanying Findings of Fact;
- B) the City Commission approve the annexation of the area within Forest Glen South Subdivision together with the unincorporated abutting segment of 26<sup>th</sup> Street South right-of-way; and
- C) the City Commission assign a zoning classification of “C” Residence Use, “B” Area District, for Lot 2 and “C” Residence Use, “A” Area District, for Lot 1 with a conditional use allowing multiple office buildings

subject to the following conditions being fulfilled by the applicant:

- 1) The minor plat shall incorporate correction of any errors or omissions noted by staff including designation of a block number.

- 2) The final engineering drawings and specifications for the required public improvements to service development within the Subdivision shall be submitted to the Public Works Department for review and approval prior to governing body approval of the minor plat.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of Subdivision including agreement by the applicant to install the public improvements: 1) in Phase 1 within two years of the date of annexation; 2) in Phase 2 within four years of the date of annexation; and 3) in Phase 3 within six years of the date of annexation. (The latter two portions of this condition are no longer applicable as the developer is presently only annexing Phase 1 (Lots 1 and 2)).
- 4) Preparing and submitting revised drawings for the minor plat and utility plan providing building envelopes for Lot 2 conforming to the "B" Area building setback requirements.
- 5) Preparing and submitting a metes and bounds description of unincorporated abutting segment of right-of-way for 26<sup>th</sup> Street South to be annexed simultaneously with Subdivision.
- 6) All applicable fees owed as a condition of plat or annexation shall be paid prior to governing body approval of the minor plat, including
 

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|----|---|------------|
| a) | annexation agreement fee  | \$200.00   |
| b) | annexation resolution fee   | 100.00     |
| c) | storm sewer fee<br>(\$250/acre x 9.307 acres)   | 2,326.75   |
| d) | fee in lieu of parkland dedication<br>(11% x \$20,000/acre x 13.564 acres)  | 29,832.00  |
| e) | reimbursement to City for Subdivision's proportionate share of the costs of the Sand Hills Detention Pond                   | 10,646.39  |
| f) | reimbursement to City for existing public infrastructure in 26 <sup>th</sup> Street South right-of-way abutting Subdivision | 35,219.81* |
| g) | recording fees for annexation documents<br>(\$6 per page)   | 72.00      |
- 7) A financial surety (i.e. certificate of deposit) shall be established in the name of the owner/developer and City to cover the Subdivision's proportionate share of the costs for future roadway and remaining water main in the abutting portion of 26<sup>th</sup> Street South. The amount of said surety shall be based upon 50 percent of the estimated costs of a standard City minor roadway section and 8-inch water main bordering the east boundary of Subdivision.
- 8) Obtaining, prior to initiating development of Lot 1, approval of the Planning Department, Community Development Department, Public Works Department and City Forester of the final site and landscaping plans.
- 9) No more than two vehicular approaches shall be permitted to Lot 1 of Subdivision from 26<sup>th</sup> Street South.

\*Figure to be reduced by 50%

The above Conditions 2, 3, 5, and 6 have been fulfilled, Conditions 7, 8, and 9 are addressed in the Annexation Agreement, Condition 1 will be fulfilled prior to filing of the Minor Plat and Condition 4 will be addressed as part of any building permitting on Lot 2.

Attach: Resolution No. 9478  
Ordinance No. 2915  
Reduced Copy of Minor Plat  
Findings of Fact  
Annexation Agreement  
cc: Forest Glen, LLC, P O Box K, Black Eagle MT 59414