

AGENDA REPORT

DATE February 7, 2006

ITEM Public Hearing – Resolution No. 9544 to Annex and Ordinance No. 2927 to Establish City Zoning Upon Castle Pines Addition, Phase III

INITIATED BY Harold Poulsen, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9544 and Ordinance No. 2927 and Approve Final Plat and Agreement all related to Castle Pines Addition, Phase III

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the final plat and annexation of Castle Pines Addition, Phase III, and assign a zoning classification of R-3 Single-family high density district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9544 and approve the final plat of *Castle Pines Addition, Phase III* and the accompanying Annexation Agreement incorporating a provision entitling the owner reimbursement for a portion of the infrastructure cost in 27th Avenue South.” ~~all related to Castle Pines Addition, Phase III.~~”

and

“I move the City commission adopt Ordinance No. 2927.”

SYNOPSIS:

Resolution No. 9544 annexes Castle Pines Addition, Phase III, which consists of 16 single-family residential lots located in the vicinity of 27th Avenue South and 15th Street South. Ordinance No. 2927 assigns a zoning classification of R-3 Single-family high density district, to Castle Pines Addition, Phase III, upon annexation of same to City.

BACKGROUND:

Last September, the City Commission conditionally approved the preliminary plat of Castle Pines Phase III, a 16 lot single family residential subdivision located in the vicinity of 27th Avenue South and 15th Street South.

For review purposes, please refer to the vicinity map attached to Resolution No. 9544 as Exhibit “A” and the reduced copy of the final plat of Castle Pines Phase III.

Neighborhood Housing Services (NHS) is working with NeighborWorks to acquire at least twelve and possibly all 16 of the lots in the subdivision to accommodate construction of self-help homes. Funding arrangements stipulate the homes be constructed outside the City Limits, but NHS has indicated once the homes are completed and ready for occupancy, they can be annexed. Therefore, although the subdivision and annexation will be processed simultaneously, upon filing the final plat, the lots will be sold, homes constructed and infrastructure installed, with annexation becoming effective when the homes are ready for occupancy.

Access to the lots in the subdivision will be through the extension of 15th Street South from Castle Pines Phase I and the extension of 27th Avenue South from Castle Pines Phase II. The subdivision will eventually be connected to 13th Street South through the westerly extension of 27th Avenue South.

A City water main exists in 15th Street South and in 27th Avenue South between 15th and 16th Streets South. A water main will be stubbed into Big Sandy Court and City sanitary sewer mains will be installed in 15th Street, 27th Avenue and Big Sandy Court. Roadways in the subdivision will be improved to City standards with paving, curb and gutter.

According to the contours, subject area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of Multi-Sports Complex) and storm drain piping in 13th Street South to serve the area being developed as Castle Pines.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261.00 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Phase III is included within that original master plan area.

The final engineering documents relative to the final plat of Phase III have been prepared by the project engineer and reviewed and approved by the City Engineer's Office. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Phase III.

Subject property is presently zoned in the County as R-2 Low Density Residential District and the applicant has requested the property be zoned R-3 Single-family high density 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 borders both Castle Pines Phases I and II, a developing single-family residential subdivision. 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 August 9, 2005, unanimously recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District (or R-3 Single-family high density should the new Unified Land Development Code be in effect) to Castle Pines Phase III, at such time the City approves the final plat of the Addition and the annexation of the area contained therein. The Planning board during a meeting held December 13, 2005, passed a motion recommending the City Commission approve the final plat of Castle Pines Addition, Phase III and the annexation of the property contained therein subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.

The above Conditions 1 & 2 have been fulfilled and Condition 3 will be fulfilled prior to filing of the plat.

Attach: Resolution No. 9544
Ord. No. 2927
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement

cc w/o attach: Harold Poulsen, P O Box 1376
Jack Fisher, TD&H, 1200 25th St S
Sheila Rice, NHS, 509 1st Ave S