



**Item:** Ordinance 3006 to Assign City Zoning to Castle Pines Addition Phase VI

**From:** Charles Sheets, Planner 1

**Initiated By:** Harold Poulsen, Property Owner and Developer

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission accept Ordinance 3006 on first reading and set a public hearing for June 3, 2008, to consider adoption of Ordinance 3006.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3006 on first reading and set a public hearing for June 3, 2008.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

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**Zoning Commission Recommendation:** At the conclusion of a public hearing held February 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition Phase VI, upon annexation to the City.

**Background:** During a meeting held March 4, 2008, the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition Phases VI - VIII, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Phase VI of the Preliminary Plat. Said Final Plat consists of 23 lots ranging in size from 7,500 sq ft to 8,971 sq ft along the east side of 13<sup>th</sup> Street South and along 28<sup>th</sup> Avenue South.

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

Similar to Castle Pines Addition Phases III and V, NeighborWorks proposes to acquire 10 lots in the subdivision to accommodate construction of “self-help” program homes. Funding arrangements stipulate the homes be constructed outside the City Limits. 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, probably next spring, when the homes are ready for occupancy. The remaining 13 lots will be sold by the developer to others to build single-family residences. These 13 lots will be annexed simultaneously with the filing of the final plat.

Within the subdivision, streets and avenues will connect to 27<sup>th</sup> Avenue South, which in turn connects directly to 13<sup>th</sup> Street South. Roadways in the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be installed in the southerly extensions of Castle Pines Drive, 15<sup>th</sup> Street South and 16<sup>th</sup> Street South and in 28<sup>th</sup> Avenue South.

Based on land contours, the area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Addition Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13<sup>th</sup> Street South to serve the area being developed as Castle Pines Addition. City storm drainage has been extended south, with inlets in 27<sup>th</sup> Avenue South.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Addition Phase VI is included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase 1 wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13<sup>th</sup> Street South and 24<sup>th</sup> Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Subject property borders Castle Pines Addition Phases II - V, which are being developed as single-family residential subdivisions. Castle Pines Addition Phase VI generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with a master plan for Castle Pines Addition.

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 residential use of the property will be compatible with neighboring uses.

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.

At the conclusion of a public hearing held February 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition Phase IV, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on June 3, will consider annexation resolutions, an annexation agreement and final plat for Castle Pines Phase VI, simultaneously with Ordinance No. 3006.

**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 single-family lots 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.

**Alternates:** The City Commission could deny acceptance of Ordinance 3006 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided in City Code and State Statute.

**Attachments/Exhibits:**

- 1. Ordinance 3006
- 2. Vicinity/Zoning Map
- 3. Reduced copy of final plat

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
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Al Henry, NeighborWorks, 509 1<sup>st</sup> Ave S