



Item: Ordinance 3020 to Assign City Zoning to New Castle Condominiums Subdivision

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 3020 on first reading and set a public hearing for November 18, 2008, to consider adoption of Ordinance 3020.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3020 on first reading and set a public hearing for November 18, 2008.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held August 26, 2008, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of PUD Planned unit development district upon New Castle Condominiums Subdivision, upon annexation to the City.

Background: The Planning Office is in receipt of applications from Harold Poulsen regarding the following:

- 1) Subdivision Plat of New Castle Condominiums Addition, in the SW¹/₄SW¹/₄ Section 18 and Government Lot 1, Section 19, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the area contained in said plat, consisting of 3.51 acres to the City.
- 3) Establishing a City zoning classification of PUD Planned unit development district to said Subdivision Plat, upon annexation.

Said parcel is located at the southeast corner of the intersection of 13th Street South and 24th Avenue South. The parcel is presently vacant and the owner intends to construct 27 residential condominiums.

For additional information, please refer to the attached Vicinity/Zoning Map, preliminary Subdivision Plat and PUD Site Plan attached to Ordinance 3020 as Exhibit "A".

Access to the subdivision would be via 24th Avenue South and its connection to Castle Pines Drive. An additional access would involve the westerly extension of 25th Avenue South. No access or private drives will be allowed directly onto 13th Street South or 24th Avenue South. The developer will be required to install standard City paving, curb and gutter for the roadways within the subdivision. City water mains and sanitary sewer mains are proposed to be installed in the public roadways within the subdivision. Easements will be provided around the boundary and within the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision flows north and east within the proposed roadways to the existing inlet in 25th Avenue South. A storm drainage plan is required and the developer's engineer will work with City staff to develop the plan.

According to the Master Plan Agreement, the developer of Castle Pines Phase 1 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. New Castle Condominiums Subdivision was 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 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area. Owner has agreed to deposit, as each condominium is sold in Subdivision, \$893.70 in to the referenced trust fund. Said monetary amount was agreed upon by the Owner and the City.

The applicant has requested the subject property be zoned PUD Planned unit development 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 an unincorporated enclave created by the development and annexation of the surrounding single-family residences on two sides of the property and the annexation of

adjoining roadway rights-of-way. The proposed single story condominiums would provide an additional ownership option and a good mix with other residences being built in the area. Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include: 1) residential land uses should be planned and located so that they do not result in adverse impacts upon one another; 2) annexation eliminates an unincorporated enclave; and 3) annexation results in efficient use of City services. Therefore, staff concludes the criteria are substantially met.

At the public hearing held August 26, 2008, one neighboring owner spoke, as an opponent, with concerns about vehicle access, increased traffic, noise and dust from the construction site. At the conclusion of the hearing, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of PUD Planned unit development district to the subject property, upon annexation to the City.

The request to annex the property will also be addressed during the proposed City Commission public hearing on November 18, 2008.

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 proposed project is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Alternatives: The City Commission could deny acceptance of Ordinance 3020 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Ordinance 3020
3. Reduced preliminary plat of New Castle Condominiums Subdivision

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
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