



Item: Public Hearing – Resolution 9777 to Annex and Ordinance 3020 to Assign City Zoning to New Castle Condominiums Subdivision

From: Charles Sheets, Planner I

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9777 and Ordinance 3020.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9777 and approve the Plat, Findings of Fact and Annexation Agreement, all related to New Castle Condominiums Subdivision.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3020.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation, subdivision plat and findings of fact. The Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development district to the Subdivision Plat, 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 SW¼SW¼ 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 26 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 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. 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 into 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 developments on two sides of this property and the annexation of adjoining 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 Planning Board/Zoning Commission public hearing on August 26, 2008, one neighboring owner spoke as an opponent with concerns about vehicle access, increased traffic, noise and dust from the construction of the 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 Planning Board recommended the City Commission approve the Subdivision Plat and Findings of Fact, subject to fulfillment of the following conditions by the applicant:

- 1) The plat of New Castle Condominiums Addition shall incorporate correction of any errors or omissions noted by staff including: a) provision of a notification clause to lot purchasers regarding soil conditions; b) provision of easements as recommended by the City Engineer; c) dedication of 10 feet along the western boundary to be added to 13th Street South; and d) prohibiting access directly from 13th Street South and 24th Avenue South to the condominiums.
- 2) The final engineering drawings and specifications for the required public improvements to serve New Castle Condominiums Addition shall be submitted to the City Public Works Department for review and approval prior to the City Commission considering the annexation.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of New Castle Condominiums Addition, including agreement by applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) to develop the subdivision substantially in accordance with the attached site plan; and,

- d) agreeing to adhere to the intent of Agreement dated November 7, 1995, pertaining to the previously mentioned Off-Site Improvement Trust Fund.
- 4) In addition to the Plat Fee of \$300.00, Zoning Fee of \$400.00, Annexation Application Fee of \$100.00, Annexation Agreement Fee of \$200.00 and Resolution of Annexation Fee of \$100.00, which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

a) storm sewer fee (\$250/acre x 3.51 acres)	\$877.50
b) recording fees for annexation documents (\$11 per page x 11 pages)	\$121.00
Total	\$998.50

At the time of writing this report items 3) and 4) have been completed by the applicant and items 1) and 2) will be completed prior to filing the final plat.

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 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: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Resolution 9777
2. Ordinance 3020
3. Vicinity/Zoning map
4. Reduced copy of drawing portion of the subdivision plat
5. Annexation Agreement (Not available online; on file in City Clerk’s Office.)
6. Findings of Fact

Cc: Jim Rearden, Public Works Director
 Dave Dobbs, City Engineer
 Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
 Woith Engineering, Inc., 1725 41st St S. Great Falls, MT 59405