

# PLANNING ADVISORY BOARD ZONING COMMISSION

**FEBRUARY 22, 2011**

*Case Number*

ANX2011-1  
ZON2011-2  
SUB2011-4

*Applicant*

Harold Poulsen

*Owners*

Harold Poulsen

*Property Location*

13th Street South & 29th  
Avenue South  
±3.137 Acres

*Parcel ID Number*

2639350

*Requested Action*

**Annexation** of ±3.137  
acres from Cascade County  
to the City of Great Falls.

**Rezone** the property from  
County Urban Residential  
to R-3 Single Family High  
Density Residential.

**Subdivision** of one lot into  
11 lots.

*Neighborhood Council*

Neighborhood Council # 6  
did not support or oppose  
the proposed development.

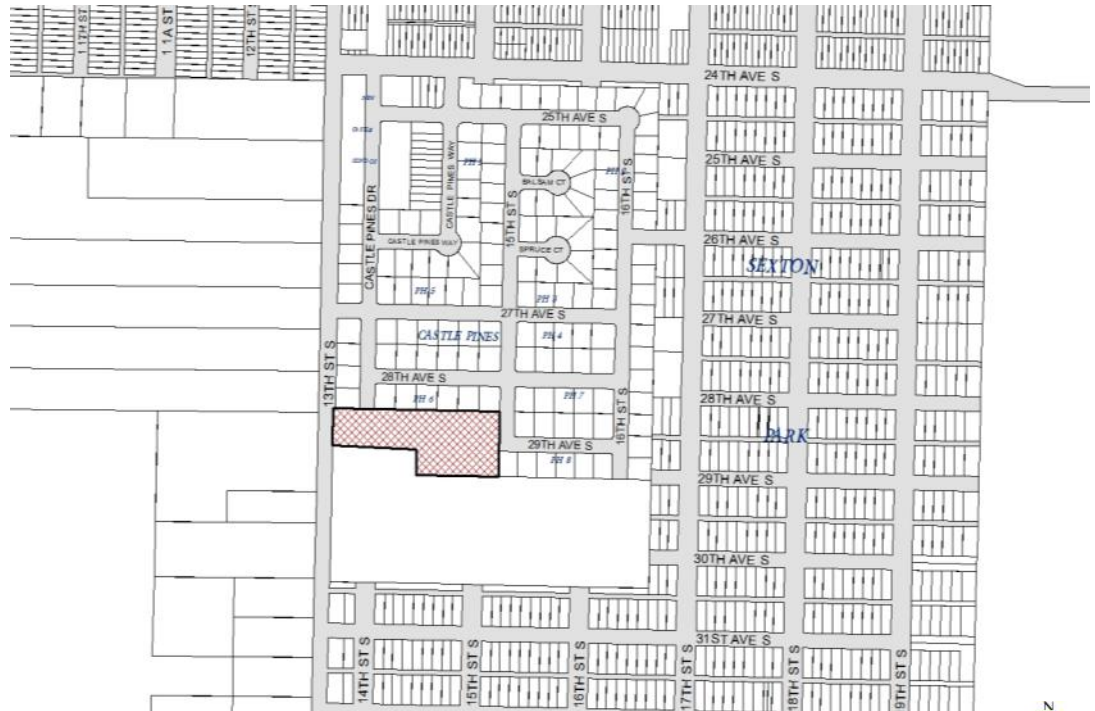
*Recommendation*

Approval of the requests  
with Conditions.

*Project Planner*

Jana Cooper

## CASTLE PINES ADDITION PHASE IX



**Location Map**

 **Subject Site**



### Summary

#### **Project Description**

The ±3.137 acre subject property is generally located at 13th Street South & 29th Avenue South. The developer is requesting approval of the annexation, rezoning and final plat Castle Pines Addition, Phase IX. The subdivision consists of 11 single-family residential lots ranging in size from 7,500 to 9,559 square feet.

#### **Background**

- Legal Description of property: Portion of Mark 1A, Section 19, Township 20N, Range 4E
- Area of Property;  $\pm 204' \times \pm 667' = 136,647 = 3.137$  acres

#### **Agency Comment**

Representatives from the City's Public Works, Planning and Community Development and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the client or in the conditions of this report.

## Project Overview

During a meeting held September 15, 2009, the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition Phases VII-IX, as recommended by the Planning Board.

The developer is now requesting approval for the annexation, rezoning and final plat of Castle Pines Addition, Phase IX.

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, V, VI, VII and VIII, the developer is working with NeighborWorks, which intends to acquire 10 lots in the subdivision to accommodate construction of “self-help” program homes. The remaining lot will be sold by the developer to others to build a single-family residence. All of the lots will be annexed simultaneously with the filing of the final plat.

## **Proposed Improvements**

Phase IX of Castle Pines shall extend 29th Ave South to the west and connect to 13th Street South. Castle Pines Drive and 15th Street South will also be extended south to 29th Ave South. Roadways within the subdivision will be improved to the City standards with paving, curb and gutter.

## **Parking**

Residential property owners are required to provide two paved off-street parking spaces per dwelling unit.

## **Utilities**

City water (12”) and sewer (8”) mains will be extended from the existing, nearest suitable City location. Easements will be provided within the plat for the installation of private utilities.

## **Stormwater Management:**

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

## **Parkland**

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid 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 IX is included within that original master plan area.

## **Landscaping**

Single family dwellings in the development are required to provide a canopy tree or evergreen tree for each lot and turf grass covering at least 50% of the net lot area.



View South from Castle Pines Drive into the proposed subdivision.



View South from 15th Street South into the proposed subdivision.

### Annexation Request

The developer is requesting annexation of ±3.137 acres from Cascade County into the City of Great Falls. According to the Master Plan Agreement, any annexation within the Castle Pines Subdivision may not alter or vary the terms of the Master Plan Agreement without written consent of all parties. In addition, the developer must meet the applicable terms from the Master Plan Agreement. (Please contact City Staff for a copy of the original Master Plan Agreement)

### Rezone Request

Subject to approval of the Final Plat and annexation of Phase IX, the property shall upon annexation be zoned as set forth in the Preliminary Plat. The current zoning on the property is classified as County - Urban Residential, the proposed City of Great Falls zoning classification is “R-3” Single Family High Density Residential. All of the proposed lots in Phase IX meet the standards for an “R-3” zoning classification.

It is anticipated the planned single-family residential use of the property will be compatible with neighboring uses. The subject property borders Castle Pines Addition Phase VI to the North, Castle Pines Addition Phase III to the East, vacant land with a proposal for Victory Christian Center, a worship facility, to the South and 13th Street South to the West. Castle Pines Addition IX generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with the master plan for Castle Pines Addition.

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### Major Subdivision Request

Upon annexation and rezoning the developer requests a major subdivision of the property generally located at 13th Street South & 29th Avenue South and is approximately ±3.137 acres. The developer proposed to subdivide the property into 11 single-family residential lots ranging in size from 7,500 to 9,559 square feet. The standard lot dimensions for the proposed lots are 75' x 100'. The subdivision must adhere to the zoning requirements for the property, which are listed here:

- Minimum lot size: 7,500 sq. ft.
- Minimum lot width: 60'
- Lot proportion for newly created lots (max depth to width): 2.5:1
- Maximum building height of principal building: 35'
- Maximum building height of detached garage: 24', but may not be higher than the uppermost elevation of the principal building.
- Maximum building height of other accessory buildings: 12'
- Front Yard Setback: 20'
- Side Yard Setback: Principal building: 6' each side; accessory building 2' provide the front of the building is at least 40' from the front lot line.
- Rear Yard Setback: 10' for lots less than 150' in depth; 15' for lots 150' in depth and over.
- Maximum lot coverage of principal & accessory buildings: Corner lot: 55% Other lots: 50%

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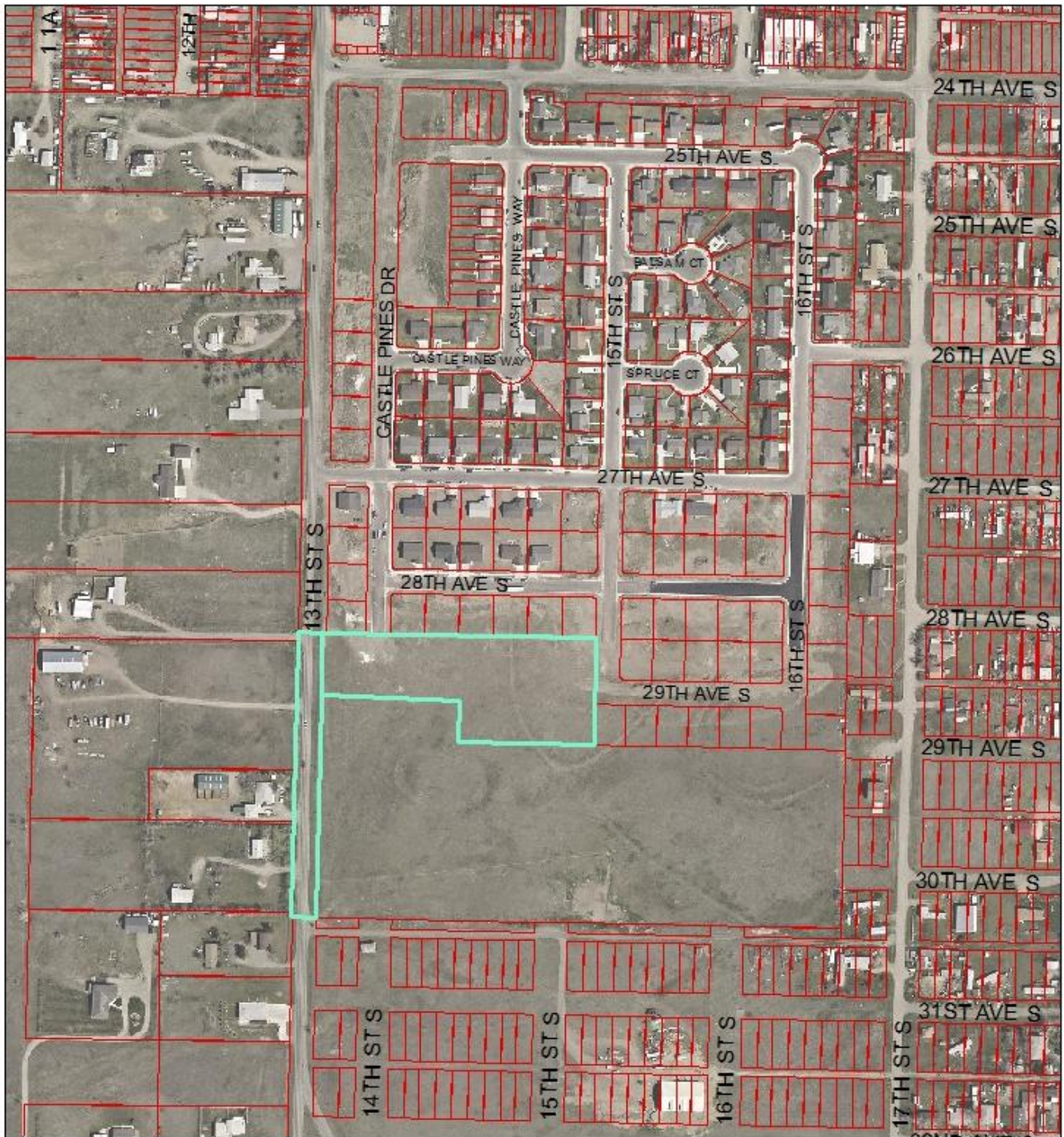
### Neighborhood Council Input


The developer has not met with Neighborhood Council #6 since the first Phases of Castle Pines Addition. The following is the feedback that has been received from this Council regarding new development in District 6:


- Concern regarding increased traffic from future developments would put additional strain on the lack of paved streets in the Sunnyside area and would add nothing to improving them.
- Concern regarding increased traffic on 13<sup>th</sup> Street South, which does not have curbs and gutters.
- Concern regarding future development of the area and if there would be water pressure issues with expanded demands on already heavily used system.



# EXHIBIT A - AERIAL PHOTO / ANNEXATION MAP



 Proposed Castle Pines Addition Phase IX and adjacent 13th Street South Right of Way to be annexed into the City of Great Falls. Castle Pines Phase IX to be assigned a City Zoning Classification of "R-3" Single Family High Density Residential and 13th Street South to be dedicated to the City of Great Falls upon annexation to the City.

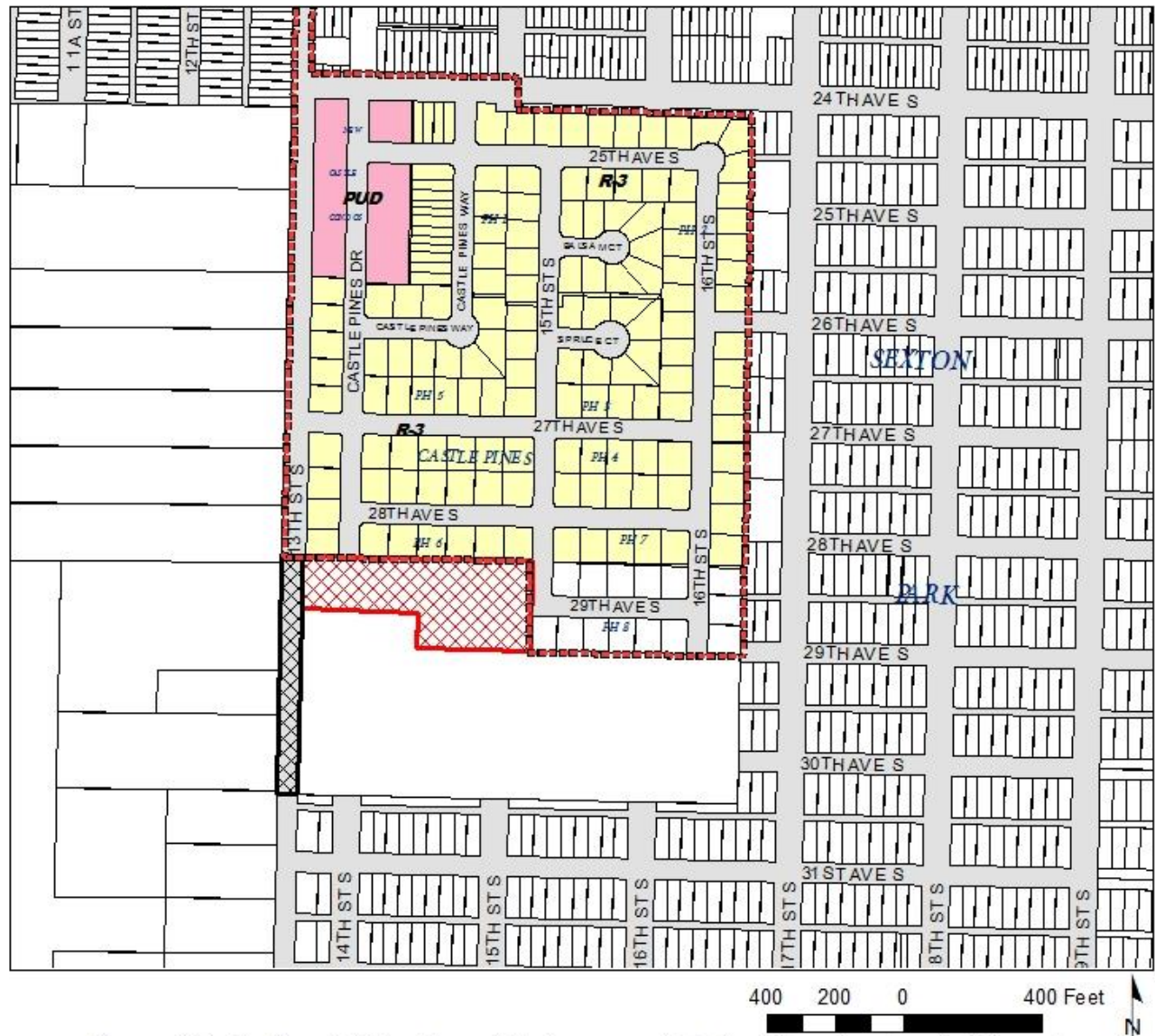
 Parcels


350 175 0 350 Feet







# EXHIBIT B - VICINITY / ZONING MAP




 Proposed Castle Pines Addition Phase IX to be annexed into the City and assigned a City zoning classification of "R-3" Single-Family High Density Residential upon annexation to the City.


 Proposed annexation of 13th Street South adjacent to Castle Pines Phase IX and Victory Christian Additions to be annexed simultaneously with Castle Pines Phase IX.


 City Limits


## Zoning


 AI Airport Industrial

 C-1 Neighborhood commercial


 C-2 General commercial

 C-3 Highway commercial


 C-4 Central business core

 C-5 Central business periphery


 I-1 Light industrial

 I-2 Heavy industrial


 M-1 Mixed-use district


 M-2 Mixed-use transitional

 PLI Public lands institutional


 POS Park Open Space


 PUD Planned unit development


 R-1 Single-family suburban

 R-10 Mobile home park


 R-2 Single-family medium density

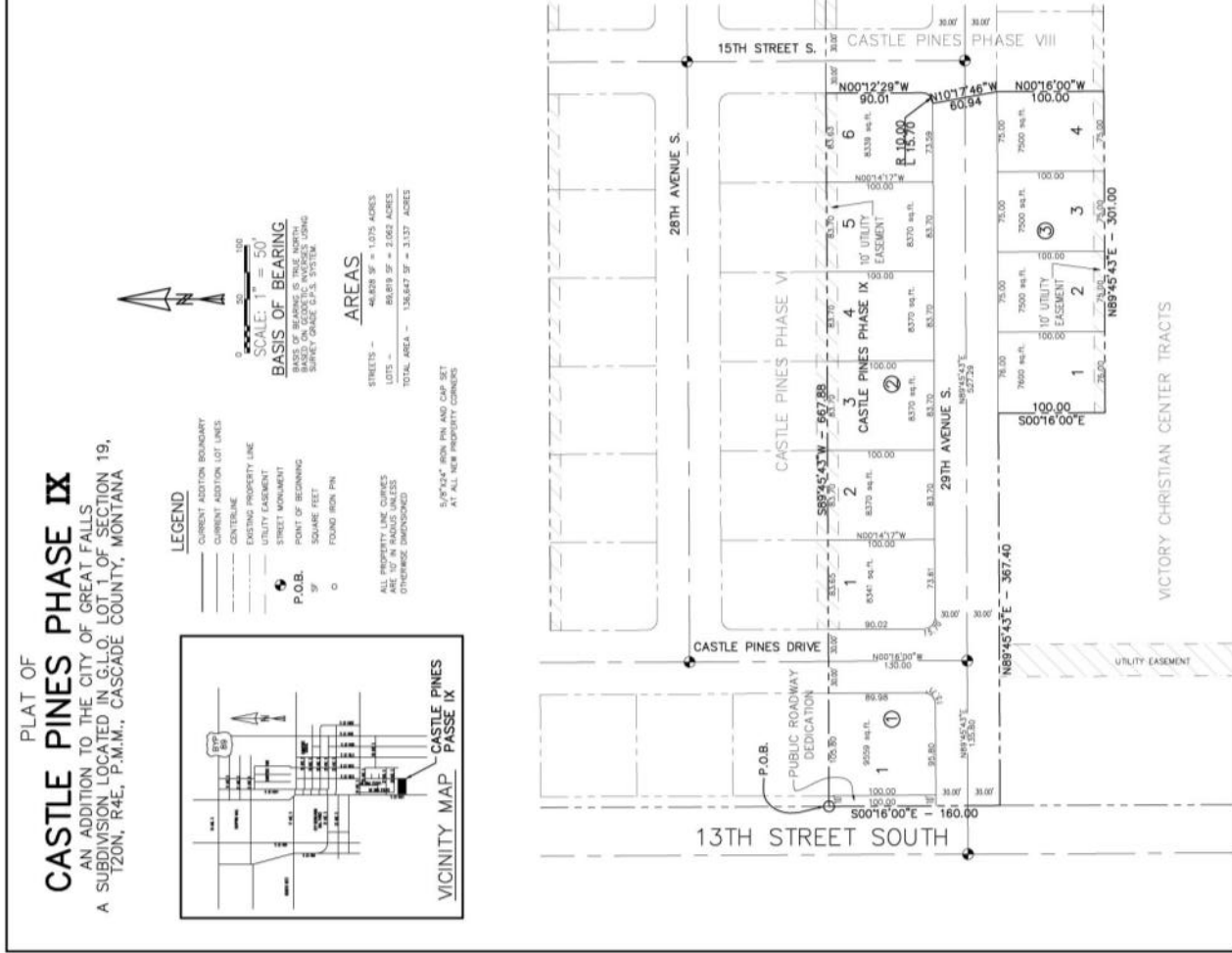
 R-3 Single-family high density

 R-5 Multi-family medium density

 R-6 Multi-family high density

 R-9 Mixed residential

 Unincorporated



## Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

### **PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** The tract of land within the Final Plat is not currently being utilized for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that do exist in the vicinity include vacant, undeveloped land.

**Effect on Local Services:** The area within the Final Plat is being annexed into the City of Great Falls, it will be served by City water and sewer systems. The developer of the project has established an agreement with the City of Great Falls to pay for and install all utilities to the proposed lots. The City should not experience an appreciable increase in maintenance and operating costs. The lots within the Final Plat will pay regular water and sewer charges.

The Final Plat will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is 2.39 miles from the subject parcel. Providing these services to the proposed additional 11 lots is expected to be a negligible cost to the City. Tax revenues from the proposed lots will likely cover any share of costs.

Paved public roadways border the property and additional roadways will be built at the developers expense in the proposed Phase IX of Castle Pines Addition, these roads will be maintained by the City of Great Falls.

**Effect on the Natural Environment:** The Final Plat is not expected to adversely affect soils or the quality or quantity of ground water. A storm drainage plan will be prepared and submitted to the City Public Works Department for review and approval prior to final approval of the Minor Plat.

**Effect on Wildlife and Wildlife Habitat:** The Final Plat is located adjacent to an area containing urbanized development. The Final Plat is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

**Effect on Public Health and Safety:** Based on available information, the Final Plat is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines.

### **REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

### **EASEMENT FOR UTILITIES**

Developer is to provide necessary utility easements to accommodate water and sanitary sewer service lines to serve all lots of the Final Plat.

### **LEGAL AND PHYSICAL ACCESS**

Paved public roadways boarder the Final Plat and provide legal and physical access to the subdivision.



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## Recommendation

The Planning Board has the responsibility to review and make recommendations on subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the three recommendations presented below are to be considered and acted upon separately by the Commission and Board:

**RECOMMENDATION I:** It is recommended the Zoning Commission recommend the City Commission approve annexation of the property within said Final Plat from Cascade County into the City of Great Falls.

**RECOMMENDATION II:** It is recommended the Zoning Commission recommend the City Commission approve rezoning the property within said Final Plat from the existing Urban Residential to R-3 Single Family High Density Residential.

**RECOMMENDATION III:** It is recommended that the Planning Advisory Board recommends the City Commission approve the Final Plat of Castle Pines Addition, Phase IX, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I & II (above) and subject to the conditions below.

## Conditions of Approval

1. The Final Plat of Castle Pines Addition, Phase IX shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings and specifications for the required public improvements to serve Castle Pines Addition Phase IX shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
3. Annexation Agreement shall be prepared containing terms and conditions for annexation of Castle Pines Additions Phase IX including agreement by application to:
  - a) install within two years of the date of annexation, the public improvements reference in Paragraph two above;
  - b) adhere to the Agreement dated November 7, 1995, pertaining to the Off-Site Improvement Trust Fund; and,
  - c) Indemnify the City for any damages attributable to adverse soil or groundwater conditions.
4. All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation of Castle Pines Addition Phase IX, including:
  - a) annexation resolution fee
  - b) annexation agreement fee
  - c) final plat fee
  - d) storm sewer fee
  - e) recording fees for annexation documents

## Review/Approval Process

### **Next Steps**

- The Planning Advisory Board recommendation will be presented to the City Commission.
- City Commission will approve or deny the Annexation, Rezoning and Final Plat.
- If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Records Office.

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Woith Engineering Inc., 1725 41<sup>st</sup> Street South, Great Falls, Mt 59405

Harold Poulsen, PO Box 1376, Great Falls, MT 59403

Al Henry, NeighborWorks, 509 1<sup>st</sup> Ave South, Great Falls, MT, 59405

## EXHIBIT D - APPLICATION



P.O. Box 5021, 59403-5021

Planning Department

## DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: Castle Pines Addition Phase IXOwner(s): Harold PearsonMailing Address: PO Box 1370, 676 MT 59403

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Agent(s): Woith Engineering Inc.Mailing Address: 1725 41st Street SouthPhone: (406) 761-1955 FAX: (406) 761-1546E-mail: spencerwoith@woithengineering.comLegal Description: Portion of Map 1A in NW 1/4Section 19 Township: 20N Range: 4EStreet Address: 13<sup>th</sup> STREET SOUTH & 29<sup>th</sup> AVENUE SOUTHZoning: Current: COMM - DR Proposed: R-3 SINGLE-FAMILYLand Use: Current: VACANT Proposed: RESIDENTIALCovenants or Deed Restriction on Property: Yes ☐ No ☐  
(If yes, please attach to application)

## Application Type (please check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Subdivision Preliminary Plat-\$800            | <input checked="" type="checkbox"/> Annexation-\$400             |
| <input type="checkbox"/> Subdivision Minor Plat-\$600                  | <input type="checkbox"/> Zoning Map Amendment-\$700              |
| <input type="checkbox"/> Conditional Use Permit-\$700                  | <input checked="" type="checkbox"/> Subdivision Final Plat-\$300 |
| <input type="checkbox"/> Establishment of Zoning with Annexation-\$700 |  |

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that fee fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: [Signature] Date: 1-3-11

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_