Planning Advisory Board Zoning Commission

JUNE 24, 2014

Case Number

ZON2014-4
ABN2014-2

Applicant/Owner

Harold Poulsen

Property Location

Southeast corner of 13th Street South and 24th Avenue South

Parcel ID Numbers

2639335, 2639325, and 2639330

Requested Action

Rezone property from PUD Planned Unit Development to R-5 Multi-family medium density
Vacate the northern portion of Castle Pines Drive

Neighborhood Council

Neighborhood Council #6

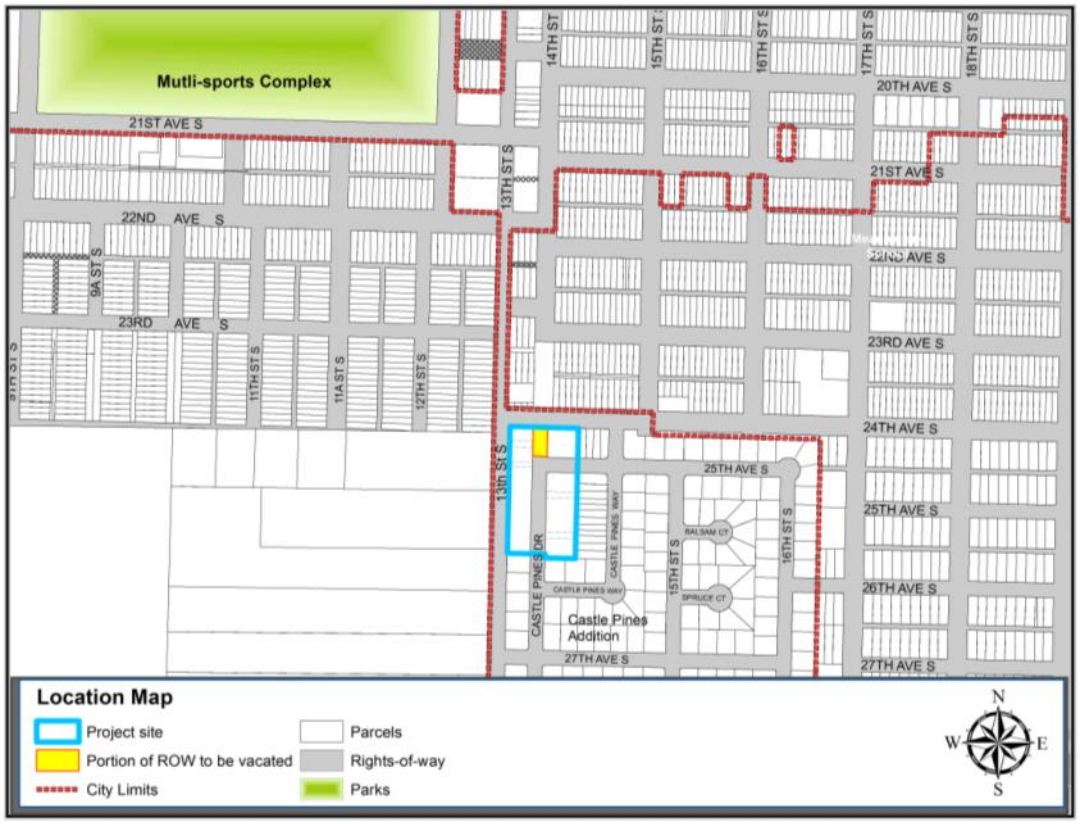
Recommendation

Continue the Public Hearing until July 8, 2014

Project Planner

Galen Amy

New Castle Addition: Rezone and Vacation of Right-of-Way



Summary

The subject property is located in the northeast corner of the Castle Pines Addition development. The applicant is requesting rezoning of the property and vacation of a portion of the Castle Pines Drive right-of-way in order to construct four 12-plexes and one 8-plex, resulting in 56 multi-family rental units.

- Legal description: Lot 1, Block 1, Lot 1, Block 2, and Lot 1, Block 3, New Castle Addition, SW¼ SW¼ of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana
- Total Area: ±3.5125 acres

Agency Comment

Representatives from the City's Public Works, Parks and Recreation, 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 applicant or in the conditions of this report.

Subject Property Conditions

Existing Use: Vacant undeveloped land **Proposed Use:** Four 12-plexes and one 8-plex

Existing Zoning: PUD Planned Unit Development **Proposed Zoning:** R-5 Multi-family high density

Adjacent Land Use: The property is located in a neighborhood that has gradually been developing with R-3 Single-family high density residences to the east and south. Abutting properties to the north and west are located in the County and consist of a mix of commercial, residential and vacant properties.

Project Overview and Background

On November 18, 2008, the City Commission approved annexation and establishment the PUD Planned Unit Development zoning district for the subject property. Originally the owner proposed development of condominiums on the subject property. The owner and developer are now requesting rezoning and approval to vacate the northernmost undeveloped portion of Castle Pines Drive in order to develop multi-family apartments with garages. The vacation of right-of-way would provide safer traffic flows for the development and create a larger lot for the proposed apartments. The majority of the subject property is surrounded by a decorative concrete privacy fence. The owner intends on keeping this fence and installing a vinyl privacy fence along the portion of the property without fencing.

Please refer to the Exhibits for more information.

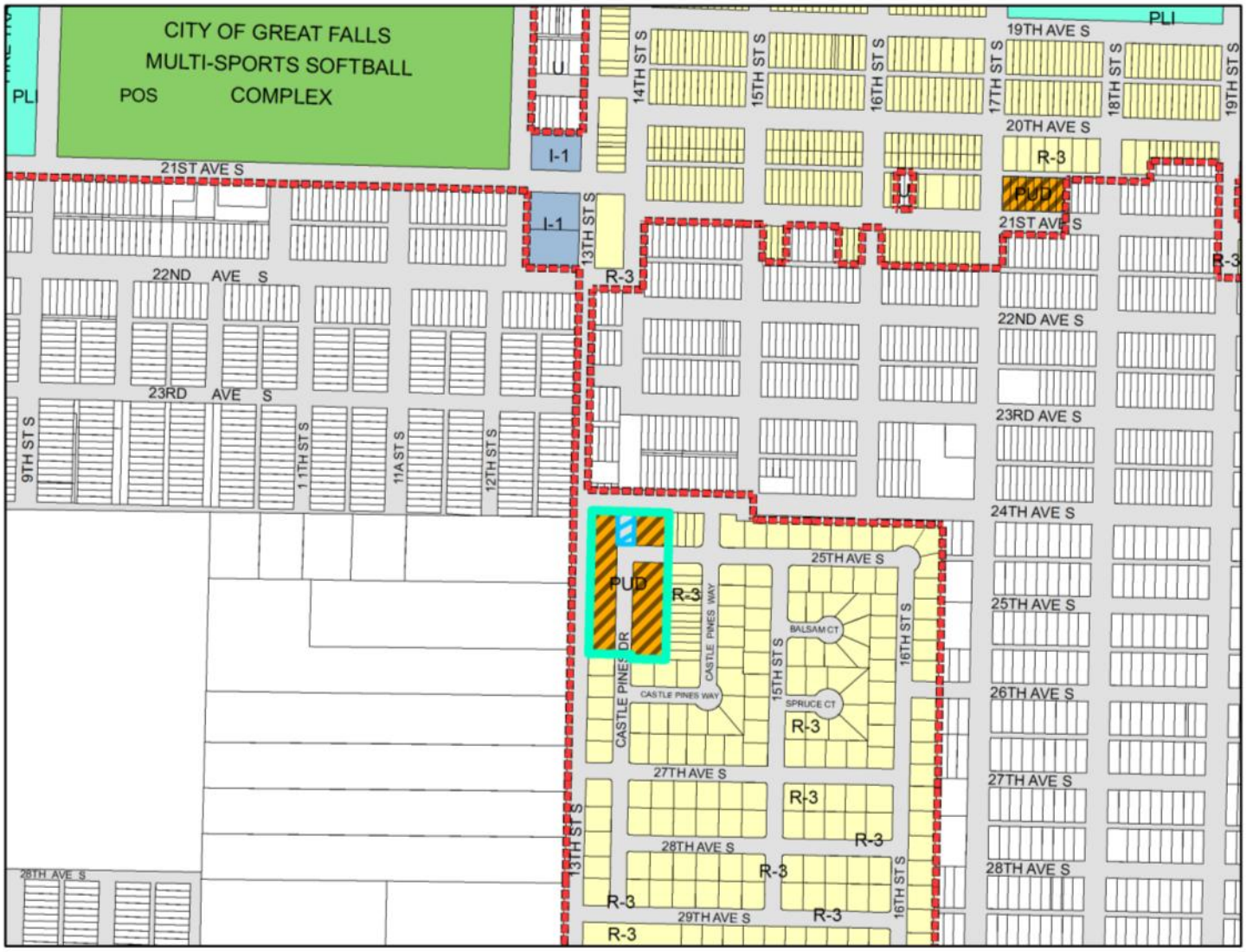
View west from 24th Ave S at the subject property.

View south, along the east property line, from 24th Avenue South.

View east along the south property line across the property.

View slightly northwest, from Castle Pines Drive, across the subject property at the fenced west property line.

Exhibit A - Zoning Map



- Project site
- Portion of ROW to be vacated
- City Limits
- Tracts of Land

ZONING

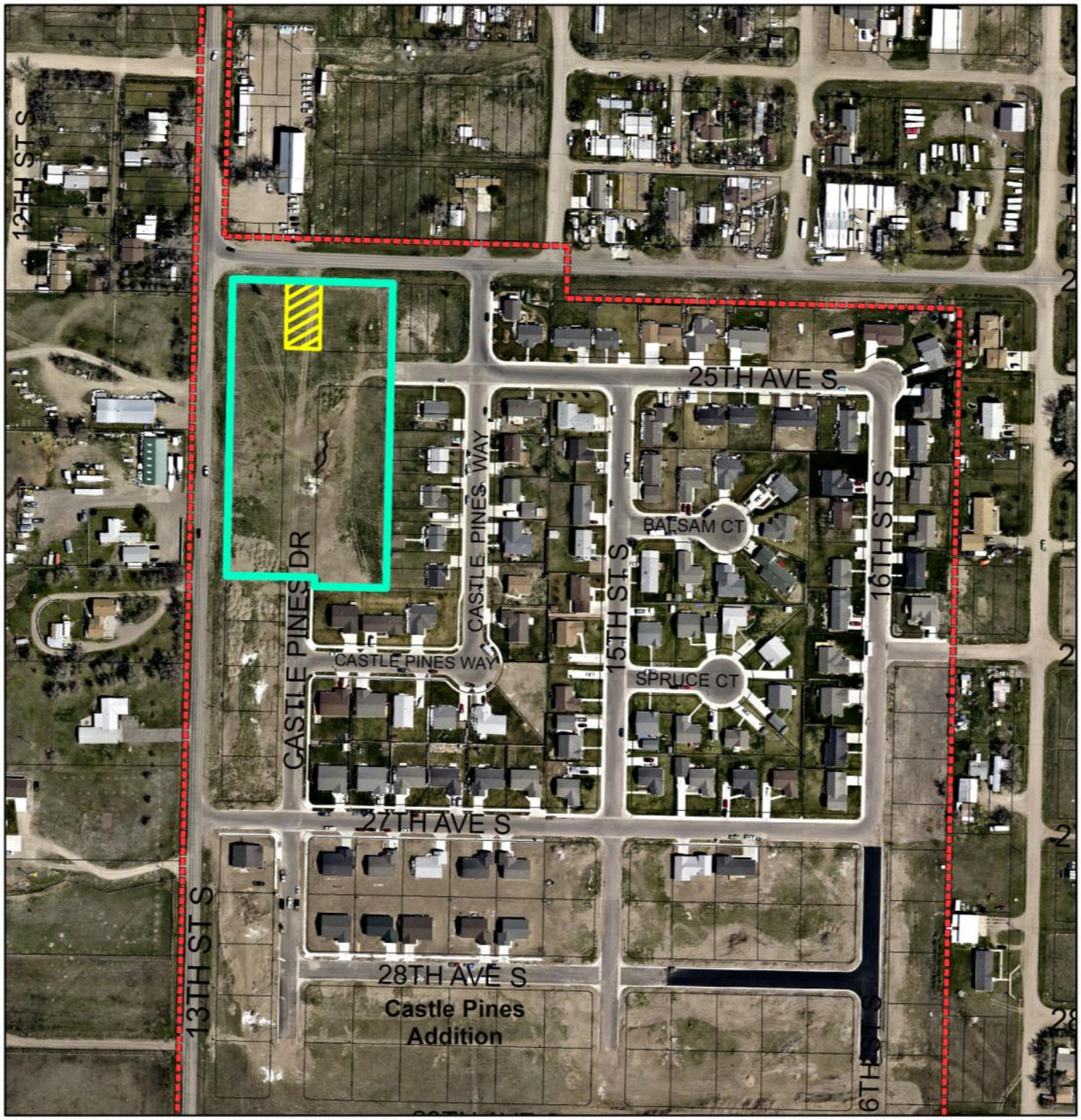
- R-1 Single-family Suburban
- R-2 Single-family Medium Density
- R-3 Single-family High Density
- R-5 Multi-family Medium Density
- R-6 Multi-family High Density
- R-9 Mixed Residential
- R-10 Mobile Home Park
- PUD Planned Unit Development
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Highway Commercial
- C-4 Central Business Core
- C-5 Central Business Periphery
- M-1 Mixed-use District
- M-2 Mixed-use Transitional
- I-1 Light Industrial
- I-2 Heavy Industrial
- PLI Public Lands and Institutional
- POS Parks and Open Space
- AI Airport Industrial
- U Unincorporated Enclave
- right-of-way

430 215 0 430 Feet

N

New Castle Rezone/Vacate ROW

Exhibit B - Aerial Map



Project site
Portion of ROW to be vacated
City Limits
Tracts of Land

200 100 0 200 Feet

N

New Castle Rezone/Vacate ROW

Rezoning Analysis

The current PUD Planned Unit Development zoning on the subject property has development standards that are specific for the two and three unit condominium structures that were originally proposed. The owner is now proposing development of multi-family apartments that consist of four 12-plexes and one 8-plex, totaling 56 units. Though this project is more dense than what was originally proposed, the size of the property, ±3.5125 acres, initially appears to provide enough area for the development to meet all of the R-5 district development standards for setbacks, height, lot coverage, and landscaped area.

The 12-plexes and an 8-plex are proposed to be 95 feet by 70 feet (6,650 square feet) and five garages that range in size from 24 feet by 20 feet (480 square feet) to 140 feet by 40 feet (5,600 square feet). City Code requires no more than 70% lot coverage of principal and accessory buildings in R-5 districts for corner lots. Both lots are considered corner lots. The proposed structures and garages would create a total of ±38% lot coverage for Lot 1, Block 1 (abutting 24th Avenue South and 13th Street South) and would create 41% lot coverage for Lot 1, Block 2 (see Exhibit F). Further review is necessary for the preliminary site plan and Staff has been meeting with developer. Upon Commission Approval of the application, the site plan will be finalized and approved before construction.

The use of adjacent properties to the north and west, commercial businesses in the County, and the traffic on 13th Street South and 24th Avenue South make multi-family housing an appropriate use. Over the past fifty years of development throughout the City, there have been several two or three story multi-family medium density buildings constructed in the R-5 district. Many of these buildings were constructed prior to the 2005 code change, but some were constructed more recently. The majority are part of, or adjacent to, R-2 Single-family medium density and R-3 Single-family high density neighborhoods, built as a transition between residential and other, more intense, land uses.

Additionally, the location of the property along a Minor Arterial, 13th Street South, and a Collector roadway, 24th Avenue South, is not ideal for single-family housing, as it would not be safe to create multiple curb cuts for driveways to individual homes (see Exhibit G - Traffic Analysis).

Findings for the Basis of Decision:

The basis for decision on zoning map amendments is listed in Section 17.16.40.030 of the Land Development Code. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to; 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.

Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.

Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.

Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time encourages the development of underutilized or vacant land.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #6. The applicant's representative met with that Council on June 11, 2014. The Council's minutes are attached as Exhibit H.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The area that this project is located in does not have a set of planning documents beyond the Growth Policy that assess existing conditions and/or provide recommendations for the area. Though there is not currently a designated bike/pedestrian trail system in the immediate vicinity of the subject property, the South Central Urban Area Arterial Improvement Project (2016) will reconstruct three segments of roadway to two-lane collector street standards, with additional capacity, at the following locations: 24th Avenue South between 13th Street South and 26th Street South; 13th Street South between 21st Avenue South and 27th Avenue South; and 26th Street South between 18th Avenue South and 24th Avenue South, which includes installation of a sidewalk and/or trail system to which the development shall connect.

There are no other plans or sub-area plans relevant to this project.

4. The code with the amendment is internally consistent.

The proposed rezoning is within the City limits. The subject property is located in an area that is a combination of both residential and commercial uses, as well as a mix between City and County properties. Adjacent properties to the south and east are zoned R-3 Single-family high density. If approved, this project would be a multi-family development that shall be consistent with applicable code and the Growth Policy.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

The subject property is located in a developing residential neighborhood along the southern fringes of the city. Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review.

This project was originally zoned for residential condominium development, yet after following the current housing market and tracking development in the area, the applicant would like to amend their original development plans. Rezoning ultimately allows the applicant to address the need for diverse housing options in the City and will have no negative effect on the public health, safety and welfare.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Completion of the full project proposal, contingent on rezoning, will have beneficial financial impact for the City due to the creation of two additional lots for property taxes to be assessed on. There is adequate staffing to administer and enforce the amendment.

Request to Vacate Castle Pines Drive

Concurrent to the rezoning request, the applicant is also processing a request to vacate the unimproved northernmost portion of the Castle Pines Drive public right-of-way (ROW). The subject ROW is approximately 9,559.60 square feet or ±0.219 acres. Vacation of said right-of-way would allow the applicant to construct access to two of the 12-plexes and provide some parking. The City will retain a portion of ROW for use as a public utility easement. The City supports this request as Castle Pines Drive is located very close to the intersection of 24th Avenue South and 13th Street South, and it will be safer to have traffic from the development access the site south from Castle Pines Drive and 27th Avenue South or from the east off 25th Avenue South and Castle Pines Way (see Exhibit B - Aerial Map).

City's Right to Sell Right-of-Way

Generally land in the right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner.

The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed, and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of right-of-way.

Streets & Traffic Analysis

Vehicles accessing the proposed development would use either Castle Pines Way from 24th Avenue South, or 27th Avenue South from 13th Street South. The adjoining major roadways have ample capacity for the additional traffic, and no additional traffic control would be necessary. Using a trip generation rate from the ITE Trip Generation Manual (9th Edition), a development of this size and type (56 Low-Rise Apartments) would be expected to generate an average of 6.59 trips per occupied dwelling unit on a weekday, for a total of 369 trips per day. The current approved development, a PUD for 27 residential condominium units, would generate an average of 5.81 trips per occupied dwelling unit on a weekday, for a total of 157 trips per day. The total additional trips generated by the proposed development would be 212 trips above what is currently approved. See Exhibit G for full traffic analysis information.

Utilities & Stormwater

Public Works has provided the following comments from their preliminary review for utilities and stormwater:

- The Amended Plat shall include the City retaining an easement in the vacated portion of the Castle Pines Drive right-of-way for existing public utilities.
- Easements shall be established for all new water and sewer service lines installed.
- The developer is required to provide a storm water management plan in compliance with the City of Great Falls Storm Design Manual and City standards. The plan will be reviewed and approved by the Public Works Department prior to the issuance of building permits for the development. Also, the applicant will need to work with the City Fire Department regarding the turning radius for fire truck access throughout the project, location of fire hydrants and fire connections. All final plans will be approved by the City.

Amended Plat

Concurrent to the rezoning request, the applicant is also processing an Amended Plat that aggregates Lot 1, Block 1 and Lot 1, Block 3 into one lot with the vacation of the northernmost portion of Castle Pines Drive (see Exhibit E - Draft Amended Plat). Creation of this larger lot would allow for the construction the 12-plexes, driveway and parking without the need for a shared parking, access, and maintenance agreement for the properties, especially since the ownership is the same for all lots. The total area of all eight lots in the Amended Plat is ±1.585 acres and establishes the rezoning boundary for the project.

Recommendation

Based on information Staff received regarding the interpretation of covenants that need to be resolved by the owner/applicant and a request for a continuation from the owner's representative, Staff recommends the Planning Advisory Board/Zoning Commission continue the hearing until July 8, 2014 (see Exhibit C).

Alternatively, if the Planning Advisory Board/Zoning Commission chooses to hold the public hearing, each of the recommendations presented below are to be considered and acted upon separately by the Commission and Board:

Recommendation I:

The Zoning Commission, based on the findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described in this staff report, from the existing PUD Planned Unit Development to R-5 Multi-family medium density, subject to the Conditions of Approval being fulfilled by the applicant.

Recommendation II:

The Planning Advisory Board recommends the City Commission approve the request to vacate the northern portion of Castle Pines Drive, consisting of ±0.219 acres, as shown on the draft amended plat, subject to the Zoning Commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval

1. **General Code Compliance**. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff. In addition, the Amended Plat shall include the City retaining a portion of the vacated width of Castle Pines Drive for public utilities.
3. **Land Use & Zoning**. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned unit development district designation.
4. **Pedestrian Access** be provided between the proposed development and 24th Avenue South, either through an easement and sidewalk along the abandoned ROW, or through construction of a sidewalk east along the north side of 25th Avenue South to Castle Pines Way, then north to 24th Avenue South.
5. **Subsequent modifications and additions.** If after establishment of townhouses, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Review/Approval Process

Next Steps

1. The Planning Advisory Board/Zoning Commission recommendation will be presented to City Commission.
2. City Commission will approve or deny the rezoning and vacation of right-of-way.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Spencer Woith, Woith Engineering, spencer@woitheng.com
Robert Stone, Stone Inc., superiorcabinets@hotmail.com

EXHIBIT C -LETTER REGARDING HEARING CONTINUATION

Planning & Community Development Dept.

CITY OF GREAT FALLS MONTANA

P.O. Box 5021 Great Falls, MT 59403

June 19, 2014

Great Falls Planning Advisory Board
Civic Center, Room 112
Great Falls, MT 59403

Board Members:

Most of you are aware of the public interest in the proposed final phase of the Castle Pines development, known as New Castle Addition. Discussion of this project has been complicated by the applicant and others becoming aware of language in the covenants that may affect the project.

The interpretation and enforcement of covenants are a private matter, in which the City of Great Falls has no role. It seems wasteful, however, to expend everyone's energy in a hearing on this project before the issue with the covenants is resolved. Staff and the applicant are, therefore, asking the Board to continue consideration of the matter to a date certain - July 8, 2014 - at which time the applicant promises to have resolved the issue with the covenants.

17.16.6.040 OCCGF provides for the continuation of matters at the request of an applicant. It says that continuations may be made "during the proceedings," so the presiding member should open the hearing, as noticed; note that we have a request for continuation from the applicant; call for a motion to continue the hearing on July 8, 2014; get the motion; get a second; call for a vote, and move on to the next agenda item.

Staff will inform interested parties of this recommendation.

Yours truly,

Lee Nellis, FAICP
Deputy Director

Exhibit D - Application

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

Submittal Date: _____

Application Number: _____

Paid (Official Use ONLY): ☐

- ☐ Annexation: $400
- ☐ Establish City Zoning: $700
- ☐ Zoning Map Amendment: $700
- ☐ Conditional Use Permit: $700
- ☐ Planned Unit Development: $700
- ☐ Subdivision Preliminary Plat: $800
- ☐ Subdivision Minor Plat: $600
- ☐ Subdivision Final Plat: $300
- ☐ Amended Plat (6 or more lots): $600
- ☒ Vacate Public Right of Way: $200
- ☐ Public Hearing Notice

NEW CASTLE ADDITION
Name of Project / Development:

HAROLD POULSEN
Owner Name:

PO BOX 1376, GREAT FALLS, MT 59403
Mailing Address:

(406) 788-6441 _____
Phone: **Email:**

WOITH ENGINEERING
Representative Name:

P.O. BOX 7326, GREAT FALLS, MT 59406
Mailing Address:

(406) 761-1955 SPENCERWOITH@WOITHENGINEERING.COM
Phone: **Email:**

PROPERTY DESCRIPTION / LOCATION:

G.L.O. LOT 1	19 & 18	20N	4E
Mark/Lot:	**Section:**	**Township/Block:**	**Range/Addition:**

INTERSECTION 13TH ST. S. & 24TH AVE. S.
Street Address:

ZONING: LAND USE:

PUD	PUD	MULTI FAMILY DWELLING	MULTI FAMILY DWELLING
Current:	**Proposed:**	**Current:**	**Proposed:**

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

_____
Property Owner's Signature: **Date:**

_____
Representative's Signature: **Date:**

Form Updated: 08.2.2012

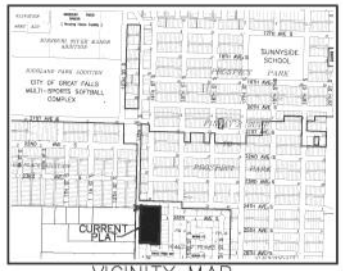
Exhibit E - Draft Amended Plat

PLAT OF

NEW CASTLE ADDITION

TO THE CITY OF GREAT FALLS
A SUBDIVISION LOCATED IN G.L.O. LOT 1 OF SECTION 19, AND IN THE SW1/4 SW1/4, SECTION 18, T20N, R4E, P.M.MT, CASCADE COUNTY, MONTANA

AN AMENDMENT OF THE PLAT OF NEW CASTLE CONDOMINIUMS



VICINITY MAP

LEGEND

13|18 / 24|19 FOUND SECTION CORNER	0°00'00" – 10.00' MEASURED BEARING & DISTANCE
FOUND MONUMENT	PUBLIC UTILITY EASEMENTS
SET IRON PIN AND CAP	ADDITION BOUNDARY
STREET MONUMENT	NEW PROPERTY LINES
P.O.B. POINT OF BEGINNING	EXISTING PROPERTY LINES
T.P.O.B. TRUE POINT OF BEGINNING	EXISTING SECTION LINE
sq. ft. SQUARE FEET	STREET CENTER LINES
EASEMENT DIMENSIONS	VACATED STREET RIGHT-OF-WAY
(0°00'00" – 10.00') RECORD BEARING & DISTANCE	

THE PURPOSE OF THIS PLAT IS TO VACATE A SECTION PUBLIC RIGHT-OF-WAY AND TO AGGREGATE TWO LOTS INTO ONE.

0 50 100
SCALE: 1" = 50'

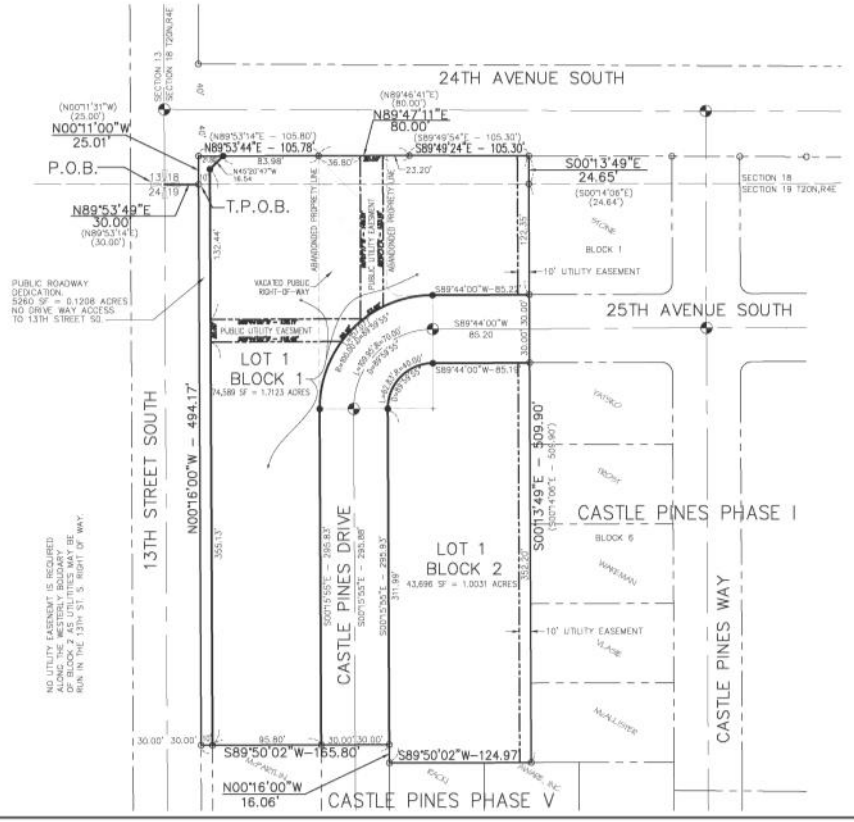
BASIS OF BEARING

BASIS OF BEARING IS TRUE NORTH BASED ON GEODETIC INVERSES USING SURVEY GRADE G.P.S. SYSTEM.

AREAS

STREETS –	34,721 SF	= 0.7971 ACRES
LOTS –	118,285 SF	= 2.7154 ACRES
TOTAL AREA –	153,006 SF	= 3.5125 ACRES

5/8"X24" IRON PIN AND CAP "5206ES" SET AT ALL NEW PROPERTY CORNERS



CERTIFICATE OF DEDICATION

I, the undersigned property owner, do hereby certify that I have caused to be surveyed and platted into lots, blocks, streets and avenues as shown by the attached plat, the tract of land to be known as the PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, a subdivision in G.L.O. Lot 1 of Section 19, and in the SW1/4 SW1/4, Section 18, T20N, R4E, P.M.MT, Cascade County, Montana, more fully described as follows:

Beginning at the northwest corner of Section 19, T20N, R4E, P.M.MT; thence N89°53'49"E, 30.00 feet along the northerly section line of said Section 19 to the easterly right of way line of 13th Street South and the TRUE POINT OF BEGINNING; thence N00°11'00"W, 25.01feet along said right of way; thence N89°53'44"E, 105.78 feet; thence N89°47'11"E, 80.00 feet; thence S89°49'24"E, 105.30 feet, the previous three courses being along the southerly right of way line of 24th Avenue South; thence S00°13'49"E, 24.65 feet to a point on the northerly section line of said Section 19; thence S00°13'49"E, 509.90 feet, the previous two courses being along the Westerly boundary of Castle Pines Phase I an addition to the City of Great Falls, MT as filed in the office of the Clerk and Recorder of Cascade County, MT; thence S89°50'02"W, 124.97 feet, thence N00°16'00"W, 16.06 feet; thence S89°50'02"W, 165.80 feet, the previous three courses being along the Northerly boundary of Castle Pines Phase V an addition to the City of Great Falls, MT as filed in the office of the Clerk and Recorder of Cascade County, MT; thence N00°16'00"W, 494.17 feet along the easterly right of way line of 13th Street South and to the TRUE POINT OF BEGINNING, containing 3.5125 acres

The above described tract of land is to be known and designated as the PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, and the land included in all streets, avenues and the 10 foot wide strip of land adjacent to the eastern right of way of 13th Street South shown on said plat are hereby granted and donated to the use of the public forever.

HAROLD POULSEN

STATE OF MONTANA)
: ss
County of Cascade)

On this_____day of_____, 2014, before me, a Notary Public, in and for the State of Montana, personally appeared , HAROLD POULSEN , known to me to be the person who executed the foregoing Certificate of Dedication and he acknowledged to me that he executed the same.

SEAL

NOTARY PUBLIC, State of Montana
Residing at Great Falls, Montana
My Commission Expires_____

Print Notary Public Name

CERTIFICATE OF SURVEYOR

I, DALE E. SCHAEFFER, Professional Engineer and Land Surveyor, Montana Reg. No. 5206ES, do hereby certify that in April, 2014, I supervised the survey of the tract of land shown on the attached PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Dedication, and that the survey was made in accordance with the provisions of Title 76, Chapter 53, Part 4, MCA.

SEAL

DALE E. SCHAEFFER, PEGLS
Montana Reg. No. 5206ES

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, NATHAN WEISENBURGER, Chairman of the said Great Falls Planning Board, Great Falls, Cascade County, Montana, and CRAIG RAYMOND, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, has been submitted to the said Great Falls City Planning Board for examination by them and was found by them to conform to law and was approved at a meeting held on the_____day of_____, 2014.

ATTEST:

NATHAN WEISENBURGER, Chairman, Great Falls Planning Board — CRAIG RAYMOND, Secretary of the Great Falls Planning Board

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

I, JIM REARDEN, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, and the survey that it represents, and I find the same conforms to the regulations governing the platting of land and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same on this___day of_____, 2014.

JIM REARDEN, Public Service Director, City of Great Falls

CERTIFICATE OF CITY COMMISSION

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that this PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, was duly examined and approved by the Commission of the City of Great Falls at its regular meeting held on the_____day of_____, 2014.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the facilities of the City of Great Falls, Cascade County, Montana, and that this certificate is made pursuant to Section 76-4-124, MCA, thereby permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying minor plat. Dated this_____day of_____, 2014.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

CERTIFICATE OF PARK DEDICATION

I, GREGORY T. DOYON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, has determined that the required park dedication for this subdivision has been satisfied pursuant to Section 76-3-621, MCA. Dated this_____day of_____, 2014.

GREGORY T. DOYON, City Manager, City of Great Falls, Montana

CERTIFICATE OF COUNTY TREASURER

I, JAMIE BAILEY, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying PLAT OF NEW CASTLE ADDITION, to the City of Great Falls, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. Dated this_____day of_____, 2014.

JAMIE BAILEY, Cascade County Treasurer

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
P.O. BOX 7328, GREAT FALLS, MONTANA 59406

JOB NO.: 1403
F.B.NO.: G.P.S.
FILE:1403-NC-MLAT
DRAWN: D.C.
DATE: 4-14

1

Exhibit F - Preliminary Site Plan

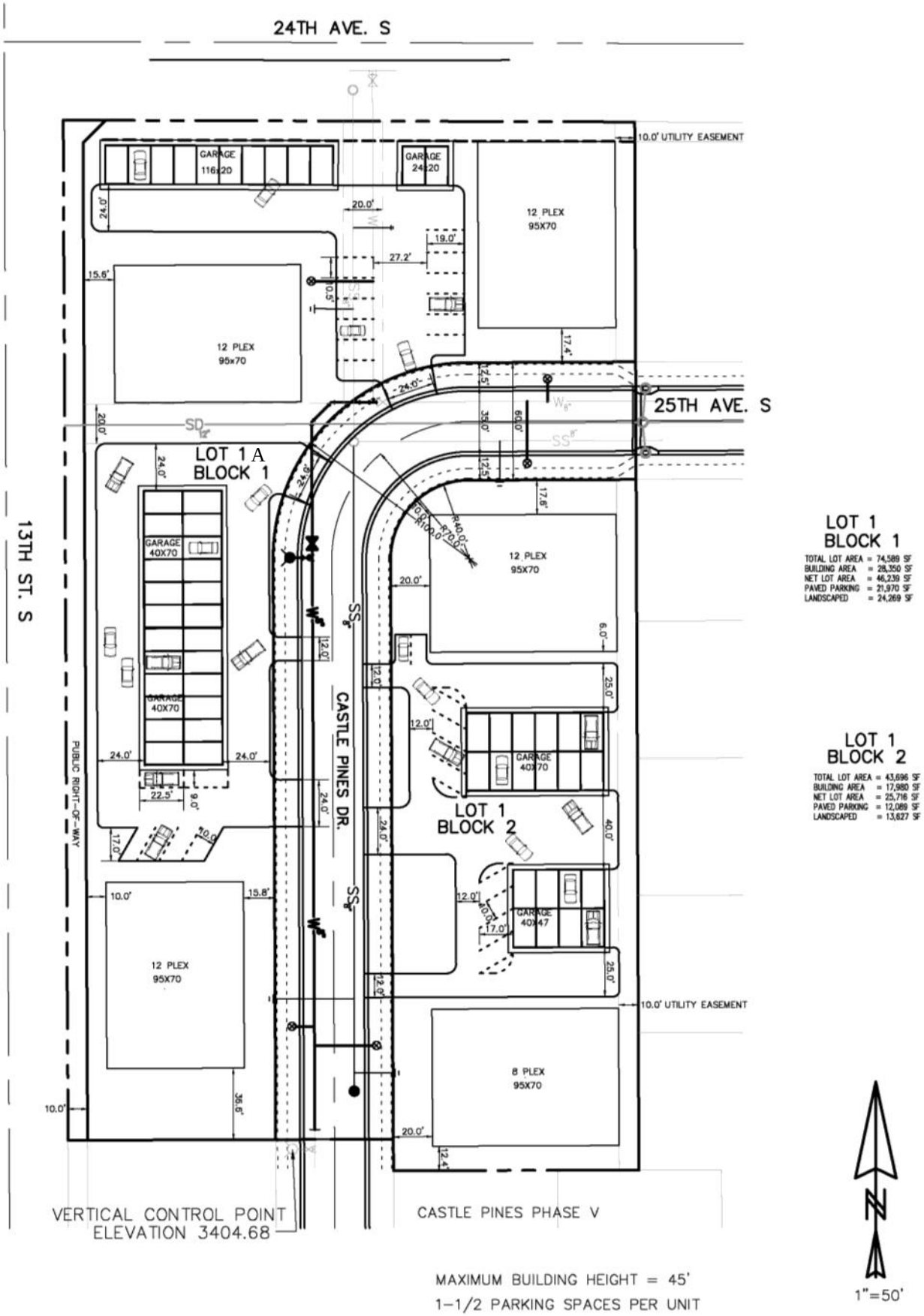


EXHIBIT G - TRAFFIC ANALYSIS

6/19/14

Traffic Analysis for New Castle Multi-Family Re-Zone, ROW Vacation and Re-Plat

The proposed property is currently zoned Planned Unit Development (PUD) for 27 residential condominiums in two and three unit structures. The new proposed site plan for the subject property would accommodate 56 multi-family units in five structures. The proposed development would also vacate a short segment of the platted (but unbuilt) Castle Pines Drive between 24th and 25th Avenues South to eliminate a potentially dangerous intersection.

Future Improvements: The South Central Urban Area Arterial Improvement Project is a public, federal-aid project adjoining the subject property will be constructed in 2016, improving the roadways of 24th Avenue South and 13th Street South, and installing sidewalks. These improvements would be performed at no cost to the developer. However, the developer would donate a small segment of the corner of the property (outside the existing wall) to accommodate the roadway improvement project.

Trip Generation: Using a trip generation rate from the ITE Trip Generation Manual (9th Edition), a development of this size and type (56 Low-Rise Apartments) would be expected to generate an average of 6.59 trips per occupied dwelling unit on a weekday, for a total of 369 trips per day. The current approved development, a PUD for 27 residential condominium units, would generate an average of 5.81 trips per occupied dwelling unit on a weekday, for a total of 157 trips per day. The total additional trips generated by the proposed development would be 212 trips above what is currently approved.

Area Traffic Counts: Traffic Counts are taken bi-yearly at locations around the Great Falls community. Nearby counts are:

13th St S, just south of 22nd Ave S	4,850 (2012)
13th St S, just south of 24th Ave S	3,225 (2012)
8th St NE, between 27th and 28th Sts NE	1,743 (2012)

Trip Distribution: Vehicles accessing the proposed development would use either Castle Pines Way from 24th Avenue South, or 27th Avenue South from 13th Street South. Depending on the origin and destination of the trip, the driver will likely use the most convenient access point. It is assumed that Castle Pines Way will attract a few more trips, because most of the trips will be to and from the north. A 60/40 distribution would add 221 trips to Castle Pines Way (north of 25th Ave S) and 148 to 27th Avenue South (west of Castle Pines Drive). This includes all trips, not just the trips above those that would be generated by the approved PUD. Because these trips would be distributed over the day, there would be only a small impact upon the subject streets. At peak hour, residents may notice a slight increase in traffic, but the overall impact will be minimal.

The adjoining major roadways have ample capacity for the additional traffic, and no additional traffic control would be necessary.

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Driveway Access: Although the draft site plan shows proposed driveway accesses, further refinement of the parking and accesses would be performed before a final site plan would be approved.

Pedestrian Access

Through a federal-aid roadway reconstruction project, sidewalks will be constructed adjacent to the subject property at no cost to the developer. However, the developer must provide a clear and direct pedestrian connection to either 13th Avenue South or 24th Avenue South, to give future residents a safe pedestrian connection to 24th Avenue South. The developer will be given two options – a public pedestrian easement across the abandoned section of Castle Pines Drive, or construction of sidewalk across the full frontage of the vacant parcel at the northwest corner of Castle Pines Way and 25th Avenue South.

Bicycle Facilities

24th Avenue South will be re-constructed with 5 foot shoulders to accommodate bicycle connections to destinations within the City of Great Falls. Such a facility will encourage residents of the Castle Pines subdivision to own and utilize bicycles. Although not required, the developer will be encouraged to provide on-site bicycle racks for the benefit and convenience of its tenants and their visitors.

RECOMMENDATION:

That pedestrian access be provided between the proposed development and 24th Avenue South, either through an easement and sidewalk along the abandoned ROW, or through construction of a sidewalk east along the north side of 25th Avenue South to Castle Pines Way, then north to 24th Avenue South.

EXHIBIT H - NEIGHBOHOOD COUNCIL MINUTES

NEIGHBORHOOD COUNCIL #6 MEETING
June 11, 20144 Gibson Room, Civic Center

COUNCIL MEMBERS PRESENT: Robin Baker, Carl Donovan, Darrell Beauchamp, and Cherry Loney

COUNCIL MEMBERS ABSENT: Julie Parker

There were approximately 25 neighborhood residents of Castle Pines Addition in attendance.

The meeting was called to order at 7:00 p.m. followed by the Pledge of Allegiance.

Old Business:
Minutes of the May 7, 2014 meeting were approved as written.

Committee Reports: None

Robin reported on the successful ice cream social held by the Council to celebrate the new playground equipment at Verde Park. At least 100 people were in attendance.

New Business:
Castle Pines Addition: Residents spoke of their concerns about a proposed zoning change that, if approved, will change current zoning to allow for multiunit apartment complexes. Currently plans are underway to construct a 50-unit, 3-story apartment complex on the west end of Castle Pines. Several property owners voiced concerns about placing this type of structure in their neighborhood, which was originally intended for single family dwellings and condos. Spencer Woith, Woith Engineering, has been engaged by Robert Stone, builder, as the project engineer. He was in attendance and addressed questions from property owners. Spencer said the type of apartments will be market driven (high end vs lower monthly rent, garages, etc.) He noted everything would need to go through the public hearing process beginning with the request for a zoning change at the Planning Board meeting on June 24 at 3 pm. The following property owners voiced various concerns.

Josh Racki, 2544 Castle Pines Way
Martin Edwards, 1500 25th Ave. So.
Dale Yatsko, 674 Stockett Rd speaking for his son Orin Yatsko, 2500 Castle Pines Way
Donna McPartlin, 2524 Castle Pines Way
Dave Delaney, 1415 25th Ave. So.
Kevin May, 2536 Castle Pines Way
Jessica Vlasie, 2512 Castle Pines Way
Daniel Arnold, 1505 25th Ave. So.
Jerry Dennis, 1512 25th Ave. So.
Nick and Lynn Porter, 2504 15th St. So. via email
Darlene Dennis, 1512 25th Ave. So.
Jason Olthoff, 2513 Castle Pines Way
Lonnie McAllister, 2516 Castle Pines Way

Concerns brought forward include:

1. Zoning and Property Use as Represented When Property Was Developed: The property is zoned for single family dwellings and condos, not multi-unit apartment buildings. There was no mention of multi-unit apartment buildings at the time of purchase. Some property owners indicated they would not have purchased property if they had known multi-unit apartments could eventually be constructed in the neighborhood.
2. Increased Traffic: The 50 units would each have 1.5 parking spaces. At a minimum, this means 75 more cars in the area making an estimated 3 – 4 trips daily to work, shop, etc. raising the traffic level considerably. There is already a lot of traffic in the area and traffic issues (speeding, no stop signs, missing the turn and running up on the grass). Increased traffic will only exacerbate this problem.

EXHIBIT H - NEIGHBOHOOD COUNCIL MINUTES

3. Safety: Many families who live there are young families with small children who play in the area and also walk to Sunnyside School. Increased traffic will present added safety issues. Also, there are road improvements planned for 13th St. and 24th Ave. So., which will result in more traffic moving faster than it currently does. This too will add to safety issues, particularly for children.
4. Parking Issues: It was noted that 1.5 parking spaces per unit does not provide enough parking space and apartment tenants would probably have at least two vehicles and possibly a recreational vehicle. This will lead to parking along the street as has happened in other Great Falls neighborhoods. Pictures of apartment complexes near the soccer fields were provided as a case in point.
5. Increased Crime: The apartments will likely be lower rent units as the economy in Great Falls does not support a market for higher end units. This may attract a segment of the population that is not compatible with a family neighborhood and could mean crime rates in the neighborhood would increase.
6. Decreased Property Values: Many raised concerns about the effect it would have on their property values noting Castle Pines is a subdivision of homes. "Why are we driving property values down? If this type of apartment complex is needed, it should be placed in an area more suited for this type of living. The area planned for the apartment complex would better serve the neighborhood if it was converted to a park."
7. Fundamentally Changes the Neighborhood: People bought property from Robert Stone with the understanding it would be for condos and single family dwellings, not multi-unit apartments. This changes the neighborhood and is an issue of fundamental fairness.
8. Privacy: The privacy and seclusion of backyards will be jeopardized by a multi-story apartment structure, which will enable tenants of upper stories to see into neighbors' yards.

By unanimous ballot, the **Council voted against a zoning change** and to formally request that the Planning Board and Great Falls City Commission deny the request. Robin Baker will attend the June 24 meeting and present the Council's request.

Neighborhood residents were encouraged to attend meetings and to fully participate in the public process.

The Council asked Cherry Loney to contact Jerry McKinley about conducting traffic studies at 15th St. So./25th Ave. So. and Castle Pines Way/25th Ave. So. to determine if and where traffic control and signage is needed.

Other Business:
Donna McPartlin, 2524 Castle Pines Way noted there were problems with snow removal on Castle Pines Way. The Council suggested she contact Jim Turnbow directly to describe her concerns and give him the info needed to follow up.

The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Cherry Loney, Secretary