

**A G E N D A   R E P O R T**

**DATE** May 18, 2004

**ITEM** Ordinance No. 2877 to Establish City Zoning upon Berkner Heights Addition, Phase 10

**INITIATED BY** C & W Development, Inc.

**ACTION REQUESTED** Commission Accept Ordinance No. 2877 on First Reading and Set Hearing for June 15, 2004

**PREPARED BY** Bill Walters, Senior Planner

**APPROVED & PRESENTED BY** Ben Rangel, Acting Planning Director

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**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission assign a zoning classification of “A” Residence Use, “A” Area District, to Berkner Heights Addition, Phase 10, upon annexation of same to the City.

**MOTION:**

“I move the City Commission accept Ordinance No. 2877 on first reading and set a hearing for 7:00 p.m., June 15, 2004, to consider adoption of Ordinance No. 2877.”

**SYNOPSIS:**

Ordinance No. 2877 assigns a zoning classification of “A” Residence Use, “A” Area District, to Berkner Heights Addition, Phase 10, consisting of 12 single family residential lots along segments of 13<sup>th</sup> Avenue South and 41<sup>st</sup> Street South.

**BACKGROUND:**

In November 1996, the City and County Commissions conditionally approved, in accordance with a recommendation from the Planning Board, the preliminary plat of Prairie Ridge Addition. The proposed Prairie Ridge Addition consists of 52 single-family residential lots located immediately east of Christianson Addition along the extensions of 13<sup>th</sup> and 14<sup>th</sup> Avenues South.

The City and County Commissioners extended the above mentioned preliminary plat approval to the year 2005.

The final plats of the first four phases of the subdivision, consisting of a total of 37 lots, have been approved.

The proposed name Prairie Ridge Addition has been replaced with Berkner Heights Addition and said final plats were designated Phases 6, 7, 8, and 9 of said Addition.

The developer of the subdivision, C & W Development, Inc., now desires to proceed with finalizing the platting and annexation of the final phase, which consists of 12 residential lots along segments of 13<sup>th</sup> Avenue South and 41<sup>st</sup> Street South. The plat is entitled Berkner Heights Addition, Phase 10.

Also attached are a list of conditions which accompanied the approval of the preliminary plat of Prairie Ridge Addition in November 1996.

Finalizing the platting of the subdivision has been set back due to delays encountered by the City in attempting to fulfill Condition 6) in connection with arranging a storm water detention facility for the drainage sub-basin in which Prairie Ridge Addition (Berkner Heights Addition, Phase 10) is located.

City Public Works has been unable to arrive at an agreement with Loren Smith over the use of the existing ponds on his property. Therefore, Public Works will proceed to construct storm water detention facilities on property the City presently owns in the vicinity.

Condition 3) was recently fulfilled by the developer by providing an improved connection to 43<sup>rd</sup> Street South which creates an alternate access route to the Berkner Heights/Christianson Addition subdivision.

Regarding Condition 2), staff has concluded a 70-foot wide right-of-way for the segment of 13<sup>th</sup> Avenue South being provided by Phase 10 will be sufficient.

The Planning Board during a meeting held April 27, 2004, recommended the City Commission assign a zoning classification of "A" Residence Use, "A" Area District, to Berkner Heights Addition, Phase 10, upon its annexation to the City.

Attach: Ord. No. 2877  
Vicinity Map  
Conditions of Approval of Preliminary Plat

cc: Woith Engineering, P. O. Box 7326