

**A G E N D A   R E P O R T**

**DATE** August 3, 2004

**ITEM** Ordinance No. 2884 to Establish City Zoning upon East Ridge, Phase 1

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

**ACTION REQUESTED** Commission Accept Ordinance No. 2884 on First Reading and Set Hearing for September 7, 2004

**PREPARED BY** Bill Walters, Senior Planner

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

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**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission assign a zoning classification of "PUD" Planned Unit Development District to East Ridge, Phase 1, upon annexation of same to the City.

**MOTION:**

"I move the City Commission accept Ordinance No. 2884 on first reading and set a hearing for 7:00 p.m., September 7, 2004, to consider adoption of Ordinance No. 2884."

**SYNOPSIS:**

Ordinance No. 2884 assigns a zoning classification of "PUD" Planned Unit Development District, to East Ridge, Phase 1, consisting of 13 single-family residential lots along a one-block segment of 12<sup>th</sup> Avenue South located south of the former K-Mart Store on 10<sup>th</sup> Avenue South.

**BACKGROUND:**

In May, the City-County Commissions conditionally approved the preliminary plat of East Ridge Addition, Phases 1-3, located south of the former K-Mart Store on 10<sup>th</sup> Avenue South and consisting of 28 proposed single-family residential lots and segments of 12<sup>th</sup> Avenue South and 44<sup>th</sup> Street South.

The project engineer has prepared and submitted for review and approval the final plat of the first phase of the subdivision consisting of 13 residential lots along a one-block segment of 12<sup>th</sup> Avenue South

Attached is a final site plan locating potential building envelope and setbacks from property lines for each lot in Phase 1. This document is necessary as the 13 lots in Phase 1 are being zoned Planned Unit Development (PUD) District. The building envelope as shown on the site plan will accommodate one of three pre-planned building unit options. For the lots in Block 1, the minimum side yard setbacks range between 3 and 4 feet, the front yard is 30 feet and the minimum rear yard is 35 feet. For lots in Block 2, the minimum side yard setbacks range between 3 and 4.5 feet, the front yard is 30 feet and the minimum rear yard is 24 feet.

The northerly portion of subject property is presently zoned in the County as "B-2" General Business District and the southerly portion is zoned "A" Agricultural District.

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 bordered on the north by a commercial district within the City, a mini-warehouse facility (under construction) and vacant unincorporated land to the west, a developing single-family residential area to the south and vacant land to the east. The proposed project is located in what can be considered a transition area between an existing commercial district to the north and expanding residential development from the south.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is anticipated purchasers and builders involving lots along the north and west boundaries of the subdivision will be cognizant of the existing abutting commercial development and zoning classifications. The planned single-family use of the property should be compatible with existing and future neighboring uses to the south and east. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board during a meeting held April 13, 2004, recommended the City Commission assign a zoning classification of "PUD" Planned Unit Development District to East Ridge, Phase 1, upon annexation to the City.

Attach: Ord. No. 2884  
Vicinity Map  
Site Plan for PUD Portion of Subdivision

cc: Woith Engineering, P O Box 7326