

**AGENDA REPORT**

**DATE** March 1, 2005

**ITEM** Public Hearing – Resolution No. 9455 to Annex and Ordinance No. 2899 to Establish City Zoning Upon East Ridge Phase 2

**INITIATED BY** C & W Development, Inc., Property Owner and Developer

**ACTION REQUESTED** Commission Adopt Resolution No. 9455 and Ordinance No. 2899 and Approve Final Plat and Annexation Agreement all related to East Ridge Phase 2

**PREPARED BY** Bill Walters, Senior Planner

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

**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission approve the final plat of East Ridge Phase 2 and annex same, assigning a zoning classification of “A” Residence Use, “A” Area District.

**MOTIONS** (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9455 and approve the Final Plat and Annexation Agreement all related to East Ridge Phase 2.”

and

“I move the City Commission adopt Ordinance No. 2899.”

**SYNOPSIS:**

Resolution No. 9455 annexes East Ridge Phase 2, a 7 lot single-family residential subdivision along segments of 13<sup>th</sup> Avenue South and 43<sup>rd</sup> and 45<sup>th</sup> Streets South. Ordinance No. 2899 assigns a zoning classification of “A” Residence Use, “A” Area District, to East Ridge Phase 2, upon annexation of same to City. The Annexation Agreement contains terms and conditions associated with annexation.

**BACKGROUND:**

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

The final plat of Phase 1 of the subdivision, consisting of 13 lots, was approved and annexed to the City in September. The project engineer has prepared and submitted for review and approval the final plat of Phase 2 of the subdivision (copy attached) consisting of 7 residential lots along segments of 13<sup>th</sup> Avenue South and 43<sup>rd</sup> and 45<sup>th</sup> Streets. Also attached to Resolution No. 9455 as Exhibit “A” is a vicinity map showing the location of Phase 2 in conjunction with surrounding development.

The public roadways abutting the lots in Phase 2 have been substantially developed with the applicant obligated to install any remaining public infrastructure to City standards.

Surface runoff from Phase 2 will drain southeasterly to a City owned parcel at the east terminus of 13<sup>th</sup> Avenue South where a storm water detention facility is planned to be constructed.

The final engineering documents relative to the final plat have been prepared by the project engineer. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Phase 2.

Subject property is presently zoned in the County as "A" Agricultural District and the applicant has requested the seven proposed lots in Phase 2 be zoned "A" Residence Use, "A" Area District upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists the following 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 and south by developing single-family residential areas and vacant unincorporated land to the east and west.

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

It is anticipated the planned single-family use of the property will be compatible with existing and future neighboring uses to the north, south and east. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board, at the conclusion of a public hearing held April 13, 2004, recommended the City Commission assign a zoning classification of "A" Residence Use, "A" Area District, to East Ridge Phase 2, upon annexation to the City. The Planning Board during a meeting held January 11, 2005 passed a motion recommending that the governing bodies approve the final plat of East Ridge Addition, Phase 2, and that the City Commission approve the annexation of the property contained therein subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.
- 4) Final engineering documents for remaining required public improvements to serve the subdivision are subject to approval by the Public Works Department.

The above Conditions 1) and 2) have been fulfilled with Conditions 3) and 4) to be fulfilled prior to execution and filing of the final plat.

Attach: Resolution No. 9455  
Ord. No. 2899  
Reduced Copy of Drawing Portion of Final Plat  
Annexation Agreement

cc: Woith Engineering, P O Box 7326 G F 59406