

A G E N D A R E P O R T

DATE March 15, 2005ITEM Ordinance No. 2906 to Establish City Zoning Upon Whispering Ridge Addition, Phase 4INITIATED BY LAMMS Corporation, Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2906 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to Whispering Ridge Addition, Phase 4, and "A" Residence Use, "A" Area District, to three unplatted parcels comprising the westerly 50 feet of a power easement in the SE1/4, Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2906 on first reading and set a public hearing for April 5, 2005, to consider adoption of Ordinance No. 2906."

SYNOPSIS:

Ordinance No. 2906 assigns a zoning classification of "A" Residence Use, "B" Area District, to Whispering Ridge Addition, Phase 4, and "A" Residence Use, "A" Area District, to three unplatted parcels comprising the westerly 50 feet of a power easement in the SE1/4, Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, upon annexation of same to City. Whispering Ridge Addition, Phase 4, consists of 11 single family residential lots located on the upper portions of the coulee immediately east of Mountain View Terrace Addition. Subject segments of the power easement to be simultaneously annexed to the City are located between Mountain View Terrace, Sections 1 and 2, and the area being subdivided and platted as Whispering Ridge Addition, Phases 4-6.

BACKGROUND:

Last February, the City and County Commissions conditionally approved the preliminary plat of Whispering Ridge Addition, Phases 4-6, consisting of 43 proposed single-family residential lots located on the upper portions of the coulee immediately east of Mountain View Terrace Addition.

The project engineer has prepared and submitted for review and approval the final plat of Phase 4 of the subdivision (copy attached) consisting of 11 residential lots along a segment of Whispering Ridge Drive. Also attached is a vicinity map showing the location of Phase 4 inconjunction with surrounding development and segments of the NorthWestern Energy easement proposed to be annexed simultaneously with Phase 4. Abutting owners in Mountain View Terrace Addition are in the process of acquiring said power easement from the applicant.

The segment of 17th Avenue South being dedicated on the final plat will be fully improved with a water main, paving, curb and gutter. The segment of Whispering Ridge Drive will contain a water main, sanitary sewer main and paving, curb and gutter to City standards. Phase 4 will be served by a sewer lift station recently installed immediately north of the existing City Storm Water Detention Facility.

Lots 4 and 5, Block 1, Phase 4, are oversized to accommodate an existing drainage channel. The applicant has indicated there remains sufficient area on each lot to accommodate a single-family dwelling and accessory uses. An easement across said Lot 4 is provided to accommodate the drainage channel.

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 4.

Subject property is presently zoned in the County as "R-1" Suburban Residential District and the applicant has requested the eleven proposed lots in Phase 4 be zoned "A" Residence Use, "B" Area District upon annexation to the City. The "A" Residence Use District primarily permits single-family dwelling units constructed in accordance with the Uniform Building Code. The "B" Area District dictates minimum setback distances from property/lot lines, which are 20 feet for the front yard, 5 feet for the side yards and 10 feet for the rear yard. The three unplatted parcels comprising the westerly 50 feet of a power easement in the SE1/4, Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, are proposed to be zoned "A" Residence Use, "A" Area District, upon annexation to the City. Involved owners in Mountain View Terrace Addition intend to purchase said three unplatted parcels and eventually add corresponding segments of the parcels to existing abutting lots in Mountain View Terrace, which are also zoned "A" Residence Use, "A" Area District.

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.

The proposed "A" Residential zoning classification is consistent with the surrounding existing developed subdivisions including Charles Russell, Mountain View, Christianson and Berkner Heights.

The proposed project, bordering the City Limits, represents a natural progression of the urban area served by extension of City services and infrastructure.

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

Homeowners in Mountain View Terrace Addition have expressed concerns about the adverse effect, particularly the height of structures, development of abutting lots in Whispering Ridge Addition will have on their view shed. The current City Zoning Code contains a chapter on Height Districts but those provisions have not been applied to any new development for many years. The most restrictive district, "A" Height District, allows buildings up to 35 feet in height or 2 1/2 stories. Where two side yards of at least 15 feet are provided, the building height may be increased to 45 feet or 3 stories. In the case of a building site on a

significant slope, the Code does not specify if the height limitations are to be applied at the uphill or downhill side of the structure. Where height restrictions are applied to a residential subdivision, they are normally done so through covenants. Staff understands the developer of Phase 4 does not intend to include any height limitations in the subdivision's covenants. The proposed City Land Development Code does contain a chapter on hillside development standards applicable to lands where the average slope of the ground exceeds 10 percent. Currently proposed provisions include: the height of all buildings shall not exceed 24 feet from the surface of the undisturbed grade; the height of the building from its lowest floor elevation to the top of the highest roof shall not exceed 40 feet; and the highest point of the roof shall be located generally in the middle of the lot so as to not block the view of upslope homesites.

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

The Planning Board, at the conclusion of a public hearing held November 25, 2003, recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to Whispering Ridge Addition, Phase 4, and "A" Residence Use, "A" Area District, to three unplatted parcels comprising the westerly 50 feet of a power easement in the SE1/4, Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, upon annexation to the City.

It is anticipated the City Commission, following the public hearing on April 5, will consider an annexation resolution, annexation agreement and final plat for East Ridge Phase 2 simultaneously with Ordinance No. 2906.

Attach: Ord. No. 2906
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

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