

AGENDA REPORT

DATE March 4, 2008

ITEM Public Hearing – Resolution 9727 to Annex and Ordinance 2999 to Establish City Zoning to Cottage Grove Addition Phase 3

INITIATED BY Discovery Meadows Inc., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9727 and Ordinance 2999 and Approve Final Plat and Annexation Agreement related to Cottage Grove Addition Phase 3

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

The City Planning Board and Zoning Commission have recommend the City Commission approve the final plat of Cottage Grove Addition Phase 3 and annexation of the property contained therein, subject to fulfillment of the specified conditions by the applicant and assign a zoning classification of PUD Planned unit development district upon annexation to the City.

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

“I move the City Commission adopt Resolution 9727 and approve the final plat and annexation agreement related to Cottage Grove Addition Phase 3.”

And;

“I move the City Commission adopt Ordinance 2999.”

**SYNOPSIS:**

Resolution 9727 annexes Cottage Grove Addition Phase 3. Ordinance 2999 assign a zoning classification of PUD Planned unit development district to Cottage Grove Addition Phase 3, upon annexation to the City.

**BACKGROUND:**

On January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Cottage Grove Addition Phase 3 located along the northerly extension of 50<sup>th</sup> Street North from 7<sup>th</sup> Avenue North and consisting of 28 single-family lots ranging in size from 4686 sq. ft. to 9742 sq. ft.

For reference, find a Vicinity/Zoning Map attached to Resolution 9727.

Lots in the subdivision will be accessed by 7<sup>th</sup> Avenue North. The developer does intend to install standard City paving, curb and gutter in 50<sup>th</sup> Street North, 8<sup>th</sup> Avenue North and the north ½ of the abutting portion of 7<sup>th</sup> Avenue North. The south ½ of 7<sup>th</sup> Avenue North was improved as a part of the development of Portage Meadows Addition.

City water and sanitary sewer mains will be installed in 50<sup>th</sup> Street North, being dedicated on the subdivision plat.

Surface drainage from the subdivision will flow southerly to a low spot within the subdivision and piped to the existing City storm drain system in 7<sup>th</sup> Avenue North. The applicant agrees to pay for their proportionate share of the cost of extending the storm drain system to the east side of Phase 3 for future connections.

To fulfill the subdivision’s park obligation, the developer proposes to pay a fee in lieu of dedicating land.

The final engineering documents relative to the final plat of Cottage Grove Addition Phase 3 have been prepared by the project engineer and submitted to the Public Works Department for review.

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 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 primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to allow more flexibility in lot sizes in order to accommodate more affordable housing. The proposed lot sizes range from about 4686 to 9742 sq ft and the minimum setbacks are: front – 20ft; side – 6ft; and rear – 10ft. For comparison, the R-3 Single-family high density district has a minimum lot size of 7500 sq ft with minimum setbacks of: front – 20ft; side – 5ft; and rear – 10ft. Assuming equal building sizes, the main difference between the proposed PUD lots in Cottage Grove Addition Phase 3 and a conventional R-3 zoning district is less yard space. Also, for comparison purposes, the lots in the Portage Meadows PUD, located directly to the south of Cottage Grove, range in size from 3,000 to 6,000 sq ft.

It is anticipated the planned single-family residential use of the property will be compatible with neighboring Cottage Grove Addition Phases 1 and 2 which are being developed as single-family residential subdivisions and Portage Meadows Additions to the south. Therefore, staff concludes the criteria are substantially met.

The Planning Board and Zoning Commission, at the conclusion of a combined public hearing held January 22, 2008, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district to Cottage Grove Addition Phase 3 and the annexation of the property, subject to fulfillment of the following conditions by the applicant:

- 1) The final plat of Cottage Grove Addition Phase 3 shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications being approved by the City Public Works Department for the required public improvements to serve Cottage Grove Addition Phase 3.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of Cottage Grove Addition Phase 3, including agreement by applicant to install, within two years of the date of annexation of Cottage Grove Addition Phase 3, the public improvements referenced in Paragraph 2) above.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation.

Above stated conditions 3) & 4) have been fulfilled and conditions 1) & 2) will be fulfilled prior to filing the Final Plat.

Attach: Resolution 9727, Ordinance 2999, and Annexation agreement (Annexation Agreement not available online; on file in City Clerk's Office.)

Cc: Discovery Meadows, Inc., 1725 41<sup>st</sup> St S