



**Item:** Public Hearing – Resolution 9741 to Annex and Ordinance 3007 to Assign City Zoning to West Ridge Addition Phase V

**From:** Charles Sheets, Planner I

**Initiated By:** S & L Development LLC, Property Owner & Developer

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission adopt Resolution 9741 and Ordinance 3007.

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**Suggested Motions:** (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9741 and approve the final plat and annexation agreement, all related to West Ridge Addition Phase V.”

and;

“I move that the City Commission adopt Ordinance 3007.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

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**Planning Board and Zoning Commission Recommendations:** The Planning Board has recommended the City Commission approve the annexation, final plat and annexation agreement, all related to West Ridge Addition Phase V. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district to West Ridge Addition Phase V, upon annexation to the City.

**Background:** During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition Phases V – VI, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Phase V of the Preliminary Plat. The final plat consists of 24 single-family residential lots ranging in size from 10,520 sq ft to 12,295 sq ft and is located along the west boundary of 2<sup>nd</sup> Street Northeast and along 37<sup>th</sup> & 38<sup>th</sup> Avenues Northeast.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Final Plat.

The public roadways contained therein will be improved with standard City paving, curb and gutter. The developer and City Engineer's Office have agreed on the construction of temporary, concrete "T" turnarounds at the west terminus of 37<sup>th</sup> and 38<sup>th</sup> Avenues Northeast. The developer has agreed to reimburse the City a proportionate share of paving, curb and gutter and water main previously installed in 2<sup>nd</sup> Street Northeast. An easement for the Montana Refinery Crude Oil Line passes through the subdivision. The developer has adjusted lot lines within the subdivision to provide buildable areas on the affected lots.

City water and sanitary sewer mains will be installed in the east-west roadways. A sanitary sewer main will also be installed along the west side of 2<sup>nd</sup> Street Northeast. The developer will provide easements within the subdivision for private utilities such as telephone, cable, power and gas.

Surface drainage from Phase V generally flows to the east and south. Storm drainage from a majority of the subdivision will be piped to the City's Northeast Regional Storm Water Retention Facility, located ½ mile to the east. The developer will pay the subdivision's proportionate share of the costs of the Retention Facility and the offsite storm piping system.

The developer has agreed to pay a fee in lieu of dedicating park land. The payment in lieu of dedication is acceptable to the City Park and Recreation Department.

Subject property borders West Ridge Addition Phase IV and Skyline Park Addition Phase 11, which are being developed as single-family residential subdivisions. It is anticipated the planned single-family residential use of the property will be compatible with neighboring uses.

Subject property is located on the fringe of the City, which has been attracting high quality single-family dwelling units. The subdivision is a natural projection of urban growth.

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

Subject property is presently zoned in the County as "A-1" Agricultural District and it is proposed Phase V be zoned R-3 Single-family high density district, upon annexation to the City.

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.

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

At the conclusion of a public hearing held December 11, 2007, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to West Ridge Addition Phases V and VI. No citizens spoke as proponents or opponents during the hearing. At the conclusion of a meeting held April 22, 2008, the Planning Board passed a motion recommending the City Commission approve the Final Plat of West Ridge Addition Phase V and annexation of the property contained therein, subject to fulfillment of the following conditions by the applicant:

- 1) The final plat of West Ridge Addition Phase V shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve West Ridge Addition, Phase V shall be submitted to the City Public Works Department for review and approval prior to filing of the final plat, including resolution of the temporary turnaround cul-de-sacs.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of West Ridge Addition, Phase V.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation.

At the time of writing this report items 2) and 3) have been completed by the applicant and items 1) and 4) will be completed and fees collected prior to filing the final plat.

**Concurrences:** Representatives from the City's Public Works, Community Development, Park and Recreation, and Fire Departments have been involved throughout the review and approval process for this project.

**Fiscal Impact:** Providing services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

**Alternatives:** If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

**Attachments/Exhibits:**

- 1. Resolution 9741
- 2. Ordinance 3007

3. Vicinity/Zoning Map
4. Reduced copy of final plat
5. Annexation Agreement

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
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