



**Item:** Ordinance 3012 to Assign City Zoning to Water Tower Park Addition

**From:** Charles Sheets, Planner 1

**Initiated By:** TD Land Development, Property Owner and Developer

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

**Action Requested:** City Commission accept Ordinance 3012 on first reading and set a public hearing for November 18, 2008, to consider adoption of Ordinance 3012.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3012 on first reading and set a public hearing for November 18, 2008.”

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

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**Zoning Commission Recommendation:** At the conclusion of a public hearing held May 27, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-2 Single-family medium density district to Water Tower Park Addition, upon annexation to the City.

**Background:** During a meeting held June 17, 2008, the City Commission conditionally approved the Preliminary Plat of Water Tower Park Addition, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Water Tower Park Addition. Water Tower Park Addition is located along 14<sup>th</sup> Street Northeast in the vicinity of 35<sup>th</sup> Avenue Northeast and consists of 16 single-family lots ranging in size from 9,960 sq. ft. to 14,850 sq. ft.

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

Access to the subdivision would be via 35<sup>th</sup> Avenue Northeast through Skyline Heights Addition. An additional future access would involve the northerly extension of 14<sup>th</sup> Street Northeast to connect with 36<sup>th</sup> Avenue Northeast. The developer has escrow the estimated costs (\$ 32,000.00) for the roadway and water main extension. The developer will also install standard City paving, curb and gutter for the roadways within the subdivision, with a cul-de-sac at the south end and a stub at the north end of 14<sup>th</sup> Street Northeast for future connection to 36<sup>th</sup> Avenue Northeast.

City water mains and sanitary sewer mains will be installed in the public roadways. Easements will be provided around the boundary of the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision flows north and west in the existing roadways and eventually discharges into the detention facility in Skyline Heights Park. The developer has paid their proportionate share of detention facility improvements to correct down-flow problems existing in the vicinity of 11<sup>th</sup> Street NE and 34<sup>th</sup> Avenue NE. A storm drainage plan has been drafted for the subdivision and will be finalized and approved by the City Engineer.

To fulfill the subdivision's park obligation, the developer has paid a fee in lieu of dedicating land, which is acceptable to the Park and Recreation Department.

It is worth noting that 36<sup>th</sup> Avenue NE will continue to receive the bulk of traffic that new subdivisions in the area are generating, including this one. The various new subdivisions, supplements and phases in the area will cumulatively have an impact over time on the area's roads. Long-range plans to create another east-west collector to the north will eventually divert some traffic from this Avenue. Also, the recent westward extension of 36<sup>th</sup> Avenue NE to 2<sup>nd</sup> Street NE has given area residents a more direct western route to Skyline Drive and 6<sup>th</sup> Street NW. 36<sup>th</sup> Avenue NE/NW is eventually expected to reach 6<sup>th</sup> Street NW directly, which will give residents even better access. Finally, subdivisions to the north will connect to Bootlegger Trail in a few years, which will also alleviate some of the traffic at the 9<sup>th</sup> Street NE/36<sup>th</sup> Avenue NE intersection.

Although current traffic volumes on area collectors are still relatively low and there is sufficient capacity on those roads and nearby intersections for the traffic that would be generated by the 16 new lots this subdivision proposes, the streets in the area should be monitored as this project and others become more fully developed and as traffic patterns become better established. Adjustments to existing signing and/or the installation of new signing at intersections may be a future consideration, when warranted.

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 Water Tower Park Addition be zoned R-2 Single-family medium 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.

**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.

**Alternates:** The City Commission could deny acceptance of Ordinance 3012 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

- 1. Ordinance 3012
- 2. Vicinity/Zoning Map
- 3. Reduced copy of final plat

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