



Item: Public Hearing – Resolution 9766 to Annex and Ordinance 3012 to Assign City Zoning to Water Tower Park Addition

From: Charles Sheets, Planner I

Initiated By: TD Land Development, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9766 and Ordinance 3012.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9766 and approve the Subdivision Plat and Annexation Agreement, all related to Water Tower Park Addition.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3012.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation and subdivision plat of Water Tower Park Addition. The Zoning Commission has recommended the City Commission assign a zoning classification of R-2 Single-family medium density district on 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 14th Street Northeast in the vicinity of 35th 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 35th Avenue Northeast through Skyline Heights Addition. An additional future access would involve the northerly extension of 14th Street Northeast to connect with 36th Avenue Northeast. The developer has escrowed the estimated cost of \$32,000 for the roadway and water main extensions. 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 14th Street Northeast for future connection to 36th 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 agrees to pay a proportionate share of detention facility improvements to correct potential problems existing in the vicinity of 11th Street NE and 34th 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 36th 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 36th Avenue NE to 2nd Street NE has given area residents a more direct western route to Skyline Drive and 6th Street NW. 36th Avenue NE/NW is eventually expected to reach 6th 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 9th Street NE/36th 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.

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. The Planning Board recommended the City Commission approve said Subdivision Plat and annex Water Tower Park Addition, subject to fulfillment of the following conditions by the applicant:

- 1) The final plat of Water Tower Park Addition shall incorporate correction of any errors or omissions noted by staff and include the following provisions: 1) a notification clause to lot purchasers regarding soil conditions; and 2) easements as recommended by the City Engineer.
- 2) The final engineering drawings and specifications for the required public improvements to serve Water Tower Park Addition shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of Water Tower Park Addition, including agreement by applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above; and,
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions; and,

- c) to escrow the estimated costs for the roadway and water main extensions in 14th Street Northeast to connect with 36th Avenue Northeast; and,
d) to notify lot purchasers and home builders that individual home booster pumps may be desirable to enhance water pressure.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:
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| a) Annexation Application Fee | \$ 100.00 |
| b) Annexation Agreement Fee | \$ 200.00 |
| c) Resolution of Annexation Fee | \$ 100.00 |
| d) Final Plat Fee | \$ 200.00 |
| e) Storm Sewer Fee (\$250/acre x 6.369 gross acres) | \$ 1,592.25 |
| f) Park Fee in Lieu of Land Dedication
(\$9,000 /acre x 5.0125 net acres x 11%) | \$ 4,962.37 |
| g) Reimbursement for proportionate share of
down stream Storm Water Retention
Facility on 10 th and 11 th Streets NE and 34 th
Ave NE (\$2,934.50/acre x 6.369
Contributing acres) | \$ 18,689.83 |
| h) Recording fees for Agreement and
<u>Resolution (\$11 per page x 10 pages)</u> | <u>\$ 110.00</u> |
| Total fees made payable to
City of Great Falls | \$ 25,954.45 |

At the time of writing this report items 2) 3) and 4) have been completed by the applicant and item 1) will be completed 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 9766
2. Ordinance 3012
3. Vicinity/Zoning map
4. Reduced copy of drawing portion of the final plat
5. Annexation Agreement (Not available online; on file in City Clerk’s Office.)

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