



**Item:** Ordinance 3023 to Assign City Zoning to Tyndall Addition, Phase 1

**From:** Charles Sheets, Planner 1

**Initiated By:** Kendall and Maxima Cox, Property Owner and Developer

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

**Action Requested:** City Commission accept Ordinance 3023 on first reading and set a public hearing for January 6, 2009, to consider adoption of Ordinance 3023.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3023 on first reading and set a public hearing for January 6, 2009.”

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 July 22, 2008, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of R-3 Single-family high density district to Tyndall Addition, Phase 1, upon annexation to the City.

**Background:** The developer now requests approval of the final plat and annexation of Tyndall Addition, Phase 1. The subdivision is located along the westerly extension of 37<sup>th</sup> Avenue Northeast and consists of 10 single-family lots ranging in size from 9,472 sq. ft. to 10,240 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 37<sup>th</sup> Avenue Northeast through West Ridge Addition Phase V. The developer will install standard City paving, curb and gutter for the roadway within the subdivision.

City water mains and sanitary sewer mains are proposed to be installed in the public roadway. Easements will be provided upon each lot in the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision mostly flows westerly to the unincorporated portion of the owner's property. A storm drainage plan has been approved by the City Engineer.

The developer has fulfilled the subdivision's park obligation by paying a fee in lieu of dedicating park land, which has been accepted by the Park and Recreation Department.

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

The applicant has requested the subject property 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.

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.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include "Residential land uses should be planned and located so that they do not result in adverse impacts upon one another" and "Annexations should be logical and efficient extensions of the City's boundaries and service areas". Therefore, staff concludes the twelve criteria stated above are substantially met.

At the conclusion of a public hearing held July 22, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Tyndall Addition, Phase 1, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on January 6, 2009, will consider an annexation resolution, an annexation agreement and final plat for Tyndall Addition, Phase 1, simultaneously with Ordinance 3023.

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

**Fiscal Impact:** Providing services 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:** The City Commission could deny acceptance of Ordinance 3023 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

1. Vicinity/Zoning Map
2. Ordinance 3023
3. Reduced copy of final plat

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
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HKM Engineering, P O Box 49, Great Falls, MT, 59403