



## Memorandum

**TO:** Chris Jordan, City Manager  
**FROM:** Chris Kerr, Senior Planner  
**DATE:** January 23, 2009  
**SUBJECT:** Council inquires regarding the annexation of the Erickson site  
(ANX-08-01)

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This Memorandum is intended to provide responses to the Council's inquiries raised at the January 19<sup>th</sup> Council Worksession:

- *Did the applicant request the R-10 zoning district?*

The applicant provided the City with a formal request for R-10 zoning. This is documented in a December 3, 2008 email.

- *Can the City condition the annexation to not permit a PUD*

Based on discussions with our attorney Bill Monahan, it would not be possible to condition an annexation prohibiting the future use of a PUD on the property. The CDC would require a PUD to develop this site for residential purposes in the future and the City cannot condition the applicant not to follow the Code. Additionally, Mr. Monahan stated that, although he had not researched it with specificity, it may be possible to have an 'outside' agreement between the City and School District that includes commitments from the District to either build a school or sell the land for development with specific conditions. However, any such agreement and limitations would likely have to be proffered by the District.

- *General questions about criteria for determining the appropriate zoning district –*

Staff will provide an analysis of this issue and respond to questions during the presentation on Monday evening.