

A G E N D A R E P O R T

DATE June 4, 2002

ITEM Public Hearing - Ordinance No. 2824 to Establish City Zoning on a 3.959 Acre Tract of State Land on 14th St. SW

INITIATED BY State of Montana, Department of Natural Resources & Conservation

ACTION REQUESTED After Conducting Joint Public Hearing on Annexation and Ordinance No. 2824, Commission Adopt Ordinance No. 2824

PREPARED & PRESENTED BY Bill Walters, Senior Planner

REVIEWED & APPROVED BY Robert Horne, Jr., Planning Director

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RECOMMENDATION:

The City-County Planning Board has recommended the City Commission assign a zoning classification of “GC” General Commercial, “C” Area District, with casinos, bars, nightclubs and establishments featuring live musical entertainment prohibited, to a 3.959 acre tract of State land on 14th Street Southwest, upon annexation of same to the City.

MOTION:

“I move the City Commission adopt Ordinance No. 2824.”

SYNOPSIS:

Ordinance No. 2824 assigns a zoning classification of “GC” General Commercial, “C” Area District, with limitations to a 3.959 acre tract of State land located immediately east of Market Place Subdivision.

BACKGROUND:

The State of Montana Department of Natural Resources & Conservation (DNRC) has submitted applications regarding the following:

- 1) Annexation of approximately 4 acres in the W ½ SE ¼ of Section 15, Township 20 North, Range 3 East, Cascade County, Montana, to the City of Great Falls.
- 2) Rezoning the approximate 4 acres requested to be annexed to the City from the current County “R-1” Suburban Residential District to the City “GC” General Commercial, “C” Area District.

Said approximate 4 acres requested to be annexed to the City is located south of I-315 Interchange between 14th Street Southwest and the Burlington Northern Santa Fee Railroad. DNRC is in the process of securing a lessee who will develop the site.

Please refer to the attached vicinity map which also reflects the current zoning in the area.

The area requested to be annexed is presently zoned by the County as “R-1” Suburban Residential District. The applicant has requested the property be zoned “GC” General Commercial, “C” Area 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.

The attached vicinity map also reflects the current city zoning.

Potential uses on the site, based upon past expressions of interest from parties desiring to lease the property, include a motel, a restaurant, or a car wash. The General Commercial zoning classification is desired, as opposed to a Local Business zoning classification, to allow any potential restaurant operation to serve alcoholic beverages.

Subject property is bordered on the north by a public storm water detention facility and the I-315 Interchange, on the east and south by the Burlington Northern Santa Fe Railroad right of way and on the west by Market Place Subdivision, consisting of numerous commercial related uses. Single family residential lots in Montana Addition are located along the east boundary of the 200 foot wide railroad right of way.

The minimum building setback distances for the “C” Area classification are as follows:

Front Yard	-	10 feet
Side Yard	-	4 feet
Rear Yard	-	15 feet

Considering the immediately surrounding land uses and zoning classifications, staff concludes the annexation and rezoning of subject property will not adversely affect any of the above cited criteria provided the conditions in the recommendation are adhered to.

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

The Planning Board on June 26, 2001, conducted a public hearing on the annexation. Mr. Robert Harrington, Special Uses Manager with the Department of Natural Resources, provided background information on the property and explained the State’s desire to lease the site for business development. Ms. Carol Auth, 118 Treasure State Drive, spoke in opposition to the proposed commercial zoning, as the subject property

currently acts as a buffer between the Marketplace development and residents along Treasure State Drive. Mr. Phil Kiser, 3930 Lower River Road, thought it would be more appropriate to zone the property Local Business instead of General Commercial and grant a variance for a restaurant serving alcohol.

The Planning Board at the conclusion of the public hearing recommended the City Commission assign a zoning classification of "GC" General Commercial, "C" Area District, to subject 3.959 acre State land with casinos, bars, nightclubs and establishments featuring live musical entertainment prohibited.

Attach: Ord. No. 2824

Vicinity Map

Letter of Opposition from Burton Cochran, 114 Treasure State Dr.

cc: Garry Williams, DNRC