

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

DATE March 18, 2003

ITEM Ord. No. 2846 to Rezone Lots 3 and 4, Block 3, Charles Russell Addition

INITIATED BY Peter Bleskin, Property Owner

ACTION REQUESTED Accept Ord. No. 2846 on First Reading and Set Final Reading and Public Hearing Date

PREPARED & PRESENTED BY Bill Walters, Senior Planner

REVIEWED & APPROVED BY Ben Rangel, Acting Planning Director

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RECOMMENDATION:

To initiate final action on a request to rezone Lots 3 and 4, Block 3, Charles Russell Addition, from "LB" Local Business District to "GC" General Commercial District, it is recommended the City Commission accept Ordinance No. 2846 on first reading and set the final reading and public hearing date for 7:00 p.m., April 15, 2003.

MOTION:

"I move the City Commission accept Ordinance No. 2846 on first reading and set the final reading and public hearing for 7:00 p.m., April 15, 2003."

SYNOPSIS:

If approved on final reading, Ordinance No. 2846 will rezone Lots 3 and 4, Block 3, Charles Russell Addition, from "LB" Local Business District to "GC" General Commercial District. Subject vacant lots are addressed as 3408 and 3412 10th Avenue South.

BACKGROUND:

Property owner Pete Bleskin has submitted a zoning application to rezone Lots 3 and 4, Block 3, Charles Russell Addition, from "LB" Local Business District to "GC" General Commercial District. Subject Lots 3 and 4 are presently vacant and are located on the south side of 10th Avenue South between 34th and 35th Streets.

The zoning application was not accompanied by any explanation of the reason or purpose for the rezoning or the contemplated use of the property. Before submittal of the application, the Planning Staff did meet with Mr. Bleskin's attorney to discuss the importance of providing as much detailed information as possible (such as a site plan and proposed use) to allow adequate evaluation of the request.

After reviewing the list of permitted uses in City Code for Local Business District and prohibited uses listed in General Commercial District and discussing the matter with the City Zoning Administrator, the following uses are presently not permitted on subject Lots 3 and 4 but would be permitted if rezoned to General Commercial District.

- bars and taverns
- nightclubs serving alcohol
- casinos and gambling establishments
- automobile upholstery, body repair and/or painting shops
- businesses involving outdoor storage of materials, equipment and machinery
- mini-warehouse/storage complex

- RV and heavy equipment sales lot
- interior light manufacturing

Attached, please find a vicinity zoning map.

Lots 5 and 6, located immediately to the east, were rezoned to General Commercial District in 1982 to accommodate a planned eating establishment serving beer and wine. That use was never established.

The Planning Board conducted a public hearing on the rezoning of subject Lots 3 and 4 on February 25, 2003.

Jeff Mora, attorney, spoke on behalf of the applicant and owner. Mr. Mora stated the rezoning will increase the flexibility and marketability of the two lots as well as increasing the pool of potential purchasers. The rezoning will bring the lots into conformance with other GC zoning on properties fronting on 10th Avenue South. The idea a casino will eventually locate on subject property is only an assumption.

No proponents spoke during the hearing. Stan Meyer, 3417 14th Avenue South; Jean Stone 3225 19th Avenue South; and Katie Myers, 3440 12th Avenue South, all spoke in opposition to the rezoning. In addition, written protests were received from Arnold Schlagel, the owner of the two lots across the alley from subject Lots 3 and 4, and from Ronny Roach, owner of a four plex at 3441 11th Avenue South.

At the conclusion of the public hearing, the Planning Board on a 5-1 vote passed a motion recommending the City Commission deny the application to rezone Lots 3 and 4, Block 3, Charles Russell Addition, from "LB" Local Business District to "GC" General Commercial District.

It is anticipated a copy of the Staff Report and Recommendation on the subject with the minutes of the February 25, 2003, Planning Board hearing will be provided to the Commission prior to its April 15 public hearing on Ordinance No. 2846.

NOTE: The 3 lots owned by Mr. Schlagel or Mr. Roach constitute 3 of the 11 or 27 percent of the lots within 150 feet of subject Lots 3 and 4. According to MCA 76-2-305, if 25 percent or more of the owners of such lots within 150 feet protest the rezoning, then the rezoning may not become effective except upon a favorable vote of two-thirds of the present and voting members of the City Commission.

Attach: Ord. No. 2846
Vicinity Zoning Map

cc: Peter Bleskin, 3456 10th Ave. S.
Jeffrey Mora, 104 2nd St. S.