

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

DATE February 3, 2004

ITEM Ordinance No. 2869 to Establish City Zoning Upon Unincorporated Portion of the Amended Plat of Blocks 1 and 3, First Addition to Great Falls Clinic Addition

INITIATED BY Great Falls Clinic, LLP, Property Owner

ACTION REQUESTED Commission Accept Ordinance No. 2869 on First Reading and Set Hearing for March 2, 2004

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Ben Rangel, Planning Director

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RECOMMENDATION:

The City-County Planning Board has recommended the City Commission assign a zoning classification of “C” Residence Use, “C” Area District, with a conditional use for a medical facility to the unincorporated portion of the Amended Plat of Blocks 1 and 3, First Addition to Great Falls Clinic Addition, upon annexation to the City.

MOTION:

“I move the City Commission accept Ordinance No. 2869 on first reading and set a hearing for 7:00 p.m., March 2, 2004, to consider adoption of Ordinance No. 2869.”

SYNOPSIS:

Adoption of Ordinance No. 2869 on final reading will establish a City zoning classification upon annexation of the unincorporated portion of the Amended Plat of Blocks 1 and 3, First Addition to Great Falls Clinic Addition, of “C” Residence Use, “C” Area District, inclusive of a conditional use allowing a medical clinic and accessory uses.

BACKGROUND:

Great Falls Clinic, LLP, has requested 13.1 acres in First Addition to Great Falls Clinic Addition, be rezoned from the current County “R-2” Low Density Residential District to the City “C” Residence Use, “C” Area District, with a conditional use for a medical facility, upon annexation to the City.

Please refer to the attached vicinity map.

Section 76-2-305 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 developed portion of the extended neighborhood consists entirely of medical related facilities and medium to higher density residential uses. The incorporated portion of the Amended Plat is presently zoned "C" Residential, as is the abutting properties to the east and west of the area requested to be annexed.

The proposed project, bordering the City Limits, represents a natural progression of the urban area served by extension of City services and infrastructure.

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

Property zoned "C" Residential allows hospitals and clinics as a conditional use. The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Planning Board, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as it deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. That the establishment, maintenance, or operation of the *conditional use* will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare;
2. That the *conditional use* will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the *conditional use* will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the *district*;
4. That the exterior architectural appeal, landscape treatment and functional plan of any proposed *structure* will not be so at variance with either the exterior architectural appeal, landscape treatment and functional plan of the *structures* already constructed or in course of construction in the immediate neighborhood or the character of the applicable *district*, as to cause a substantial depreciation in the property values within the neighborhood;
5. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
7. That the *conditional use* shall, in all other respects, conform to the applicable regulations of the *district* in which it is located, except as such regulations *may*, in each instance, be modified by the *City Commission* pursuant to the recommendations of the Planning Board.

Permitting a building for a specialty clinic within the Amended Plat is not out of character with existing neighboring uses which include an outpatient surgery center and a retirement home.

Infrastructure exists to adequately provide service and access to the proposed clinic.

The planned architectural features of the large building will make it an attractive and inviting facility.

Adequate off-street parking and maneuvering area for vendor and service vehicles will be provided together with landscaping to buffer vehicle use areas from neighboring residences.

As the anticipated development should have minimal impact on surrounding properties other than an increase in neighborhood traffic, the Planning Staff and Planning Board concluded the criteria referenced in Statute to be considered in conjunction with a rezoning are substantially met as are the criteria in Municipal Code to be considered in conjunction with issuance of a conditional use.

The Planning Board conducted a public hearing on the rezoning request on November 25, 2003. Other than Steve L'Heureux of L'Heureux, Page & Werner Architects, who spoke on behalf of the applicant, there was no public testimony provided at the hearing. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission assign a zoning classification of "C" Residence Use, "C" Area District, with a conditional use for a medical facility to the portion of the Amended Plat of Blocks 1 and 3, First Addition to Great Falls Addition, that is being annexed to the City.

Attach: Ord. No. 2869
Vicinity Map

cc: Greg Hagfors, Administrator, G.F. Clinic, P O Box 5012
Dave Cantley, L'Heureux, Page & Werner, 15 5th St S
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