

AGENDA REPORT

DATE October 5, 2004

ITEM Ordinance No. 2886 to Establish City Zoning Upon Lots 4A and 4B of the Amended Plat of Lot 4, Block 1, Benefis West Subdivision

INITIATED BY Benefis Healthcare

ACTION REQUESTED Commission Accept Ordinance No. 2886 on First Reading and Set Hearing

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, "B" Area District, to Lots 4A and 4B, Block 1, Benefis West Subdivision, with a conditional use allowing an office building on subject Lot 4B.

MOTION:

"I move the City Commission accept Ordinance No. 2886 on first reading and set a hearing for November 3, 2004, to consider adoption of Ordinance No. 2886."

SYNOPSIS:

Ordinance No. 2886 assigns a zoning classification of "C" Residence Use, "B" Area District, to Lots 4A and 4B of the Amended Plat of Lot 4, Block 1, Benefis West Subdivision, upon annexation of same to City. The Ordinance also grants a conditional use allowing an office building on subject Lot 4B.

BACKGROUND:

Benefis Healthcare has requested Lots 4A and 4B of the Amended Plat of Lot 4, Block 1, Benefis West Subdivision, be rezoned, upon annexation of same to City, from the current County "R-2" Low Density Residential District to the City "C" Residence Use, "B" Area District.

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 Lots 4A and 4B are bordered on the north by an area zoned “C” Residence Use which is occupied by support facilities associated with the Benefis West Campus, bordered on the east by a mobile home court and a vacant parcel zoned Local Business, bordered on the west by a health works/fitness center and a child care facility and bordered on the south by a large unincorporated undeveloped parcel.

The existing shop building on Lot 4A serving the Benefis West Campus and the proposed office building on proposed Lot 4B would not be out of character considering existing uses and zoning classifications in the neighborhood. Staff concludes the above-cited criteria are substantially met.

Property zoned “C” Residence Use allows hospitals and clinics and offices as conditional uses. The procedure for processing a conditional use is identical to that for a City zone change and in this instance is being processed concurrently with the rezoning of subject property.

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.

The proposed office building on Lot 4B will not be out of character with existing neighboring uses. It is anticipated the planned architectural features of the proposed 10,000 sq. ft. building, which are subject to approval of the Design Review Board, will make it an attractive addition to the area.

Infrastructure exists to adequately provide service and access to the proposed office building.

As the large shop building on Lot 4A has existed for several decades, little can be done to affect its placement or design. It is anticipated the applicant, in its efforts to enhance the appearance of the area and functional operation of the facility, will eventually remove, relocate or rebuild the facility for their shop operations. Staff concludes no significant negative aspects associated with the seven above-mentioned criteria should result from approval of the conditional use to allow an office building upon subject Lot 4B.

The Planning Board, at the conclusion of a hearing held August 24, 2004, passed a motion recommending the City Commission assign a zoning classification of "C" Residence Use, "B" Area District, to Lots 4A and 4B of the Amended Plat of Lot 4, Block 1, Benefis West Subdivision, upon annexation to the City, with a conditional use allowing an office building on subject Lot 4B.

Attach: Ord. No. 2886
Vicinity Map

cc w/o attach: Benefis Healthcare, Attn: Dawn Willey, 1101 26th St S
Jack Fisher, TD&H, 1200 25th St S