

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

DATE November 16, 2004

ITEM Public Hearing - Ordinance No. 2888 to Establish City Zoning upon Area between 25th and 26th Streets South and 13th and 15th Avenues South

INITIATED BY Benefis Healthcare, Property Owner

ACTION REQUESTED After Conducting Joint Public Hearing on Annexation of Area between 25th and 26th Streets South and 13th and 15th Avenues South and Ordinance No. 2888, Commission Adopt Ordinance No. 2888

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Ben Rangel, Planning Director

- - - - -

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 to allow a parking lot upon annexation of that unincorporated area between 25th and 26th Streets South and 13th and 15th Avenues South.

MOTION:

“I move the City Commission adopt Ordinance No. 2888.”

SYNOPSIS:

Ordinance No. 2888 assigns a zoning classification of “C” Residence Use, “C” Area District, with a conditional use to allow a parking lot upon annexation of that unincorporated area between 25th and 26th Streets South and 13th and 15th Avenues South.

BACKGROUND:

The portion of subject property requested to be annexed is presently zoned in the County as “R-4” High Density Residential and the applicant has requested the property be zoned “C” Residence Use, “C” Area District, with a conditional use for a parking lot, 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.

Subject property is presently bordered on three sides by incorporated areas that are all zoned “C” Residence Use District. (Please refer to attached Vicinity Map.)

Existing surrounding land uses include: multi-family and medical offices to the north, main Benefis Healthcare campus to the east, vacant parcel and regional youth detention facility to the south, and vacant parcels, a rental storage facility and retirement home to the west.

It is anticipated zoning subject property “C” Residence Use District would permit uses compatible with surrounding uses. Therefore, staff concludes the above-cited criteria are substantially met, provided the conditions in the accompanying recommendation are fulfilled.

Property zoned “C” Residence Use allows hospitals and clinics, offices and parking lots 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.

Use of subject property as a parking lot will not be out of character with existing neighboring uses. Incorporation of landscaping should enhance the aesthetics. Infrastructure exists to accommodate storm drainage, to allow for adequate access and provide water for irrigation.

Staff concludes no significant negative aspects associated with the seven above-mentioned criteria should result from approval of the conditional use to allow a parking lot upon subject 4.6 acre tract of land.

The Planning Board, at the conclusion of a hearing held September 14, 2004, passed a motion recommending the City Commission assign a zoning classification of “C” Residence Use, “C” Area District, with a

conditional use for a parking lot, to that incorporated area between 25th and 26th Streets South and 13th and 15th Avenues South, upon annexation of same.

Attach: Ord. No. 2888
Vicinity Map

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