

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

DATE March 18, 2008

ITEM Ordinance 3002 to Rezone Lots 1 through 7, Block 26, Huy’s Addition and Resolution 9730 Expressing Intent to Vacate Segment of 10th Alley South between 20th & 21st Streets South

INITIATED BY The Velmeir Companies

ACTION REQUESTED Commission Adopt Resolution 9730 and Accept Ordinance 3002 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Zoning Commission has recommended the City Commission approve the request to rezone Lots 1 through 7, Block 26, Huy’s Addition, from R-3 Single-family high density district, to C-2 General commercial district, subject to specified conditions. The Planning Board has recommended the City Commission approve the vacation of the westerly 250 feet of 10th Alley South in said Block 26 between 20th and 21st Streets.

MOTIONS:

“I move the City Commission adopt Resolution 9730.”

and

“I move the City Commission accept Ordinance 3002 on first reading and set a public hearing for April 15, 2008, to consider adoption of Ordinance 3002.”

SYNOPSIS:

Ordinance 3002 rezones Lots 1 through 7, Block 26, Huy’s Addition, from R-3 Single-family high density district, to C-2 General commercial district. Subject Lots 1 – 7 are addressed as 2000, 2004, 2008, 2012, 2016 & 2026 9th Avenue South and the purpose of the rezoning is to accommodate construction of a CVS Pharmacy. Resolution 9730 expresses intent to vacate a majority of 10th Alley South in subject Block 26.

BACKGROUND:

The owners of Lots 1 – 7, Block 26, Huy’s Addition, have applied through their representative, The Velmeir Companies, to rezone subject lots from R-3 Single-family high density district to C-2 General commercial district. The applicant intends to remove the existing residential structures on subject Lots 1 – 7 and combine subject lots with adjoining property to the south to accommodate a proposed 13,225 sq ft CVS Pharmacy.

Attached is a vicinity/zoning map and a colored preliminary site layout plan.

On January 22, 2008, the City Zoning Commission/Planning Board, conducted a public hearing to consider the rezoning for Lots 1 - 7, Block 26, Huy’s Addition, vacation of a segment of 10th Alley South in Block 26 and the Amended Plat of Lots 1-7 & 10-14. Block 26, Huy’s Addition. Mr. Jack Schunke, Morrison Maierle Inc., representing CVS Pharmacy, said the applicant concurs with the conditions for approval contained in the Staff Report and Recommendation and explained some of the steps planned during construction to mitigate some of the health concerns expressed by area residents. Mr. Mark Macek, Macek Companies, spoke on

behalf of Velmeir Companies and CVS Pharmacy and explained what procedural steps they had undertaken to date. Speaking as proponents to the rezoning and the project were Mr. Bob Pancich, 308 Fox Drive and Barb Woith, 914 20th Street South. Speaking in opposition to the rezoning were Mr. Eldon Burgess, 2019 9th Avenue South, Ms. Phyllis Gibson, 2011 9th Avenue South, Mr. Ronald Reis, 2015 9th Avenue South, and Mr. Edward Brown, 2012 8th Avenue South. Most of the individuals speaking in opposition expressed concerns about the potential increased traffic that could result from the proposed project and the commercial uses expanding into their residential neighborhood. At the conclusion of the Hearing and after discussing primarily traffic related issues, the Zoning Commission unanimously passed a motion recommending to the City Commission that the request to rezone Lots 1 - 7, Block 26, Huy's Addition to Great Falls, from R-3 Single –family high density district to C-2 General commercial district be approved, subject to the applicant and the owners of subject Lots 1 – 7 entering into an agreement with the City, agreeing:

- a) the commercial development upon subject Block 26 shall be required to comply substantially with the site layout plan, dated 01/02/2008;
- b) to not provide any vehicular approaches from subject Lots 1 – 7 directly to or from 9th Avenue South;
- c) to install and adequately maintain landscaping in accordance with final landscape plan to be submitted to and approved by the City Community Development Department, Design Review Board and the City Forester incorporating at least a 60 foot wide landscaped buffer and 6 foot high screen wall along the south side of 9th Avenue South bordering subject Lots 1 – 7;
- d) to comply with and fulfill the provisions stipulated by the City Engineer in a Memorandum, dated January 16, 2008;
- e) to install a stop sign at the exit of 10th Alley South onto 21st Street;
- f) to coordinate with the Montana Department of Transportation (MDT) regarding improvements in the 10th Avenue South right-of-way, including placement of new sidewalk, landscaping and ADA ramps, to avoid being removed during the 10th Avenue South widening project; and
- g) to implement any improvements applicable to the proposed CVS Pharmacy that may be recommended from the traffic impact study required by MDT.

The Planning Board then unanimously passed a motion recommending the City Commission approve the vacation of the westerly 250 feet of 10th Alley South between 20th and 21st Streets, the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact, subject to the following conditions being fulfilled by the applicant:

- a) the final amended plat shall incorporate correction of any errors or omissions noted by staff, including provision of appropriate utility and public access easements; and,
- b) the final engineering drawings and specifications for the rerouted sanitary sewer main through subject Block 26 shall be submitted to the City Public Works Department for review and approval prior to issuance of any permits for construction of the proposed CVS Pharmacy.

It is anticipated a copy of the Staff Report and Recommendation on the rezoning, alley vacation and amended plat, copies of communications regarding the project received to date, minutes of the January 22, 2008, Zoning Commission and Planning Board Hearing, the final resolution to vacate the involved segment of 10th

Alley South, the hereinabove referenced agreement and the involved amended plat and accompanying Findings of Fact will be provided to the Commission prior to the April 15, 2008 hearing.

Attach: Ordinance 3002
Vicinity/Zoning Map
Resolution 9730
Preliminary Site Layout Plan

Cc w/o attach: The Velmeir Companies, mhoener@velmeir.com
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John VerPlank, John_VerPlank@URSCorp.com