

CITY OF GREAT FALLS, MONTANA

AGENDA # 2

AGENDA REPORT

DATE April 15, 2008

ITEM Public Hearing - Ordinance 3002 to Rezone Lots 1 through 7, Block 26, Huy's Addition and Resolution 9735 to Vacate Segment of 10<sup>th</sup> Alley South between 20<sup>th</sup> & 21<sup>st</sup> Streets South

INITIATED BY The Velmeir Companies

ACTION REQUESTED Commission Adopt Ordinance 3002 and Resolution 9735 and Approve Accompanying Amended Plat, Findings of Fact and Agreement

PREPARED & PRESENTED BY Bill Walters, Senior Planner

APPROVED 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 10<sup>th</sup> Alley South in said Block 26 between 20<sup>th</sup> and 21<sup>st</sup> Streets, the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact.

**MOTIONS:** (Each motion to be separately considered)

"I move the City Commission adopt Ordinance 3002 and the accompanying Agreement."

and

"I move the City Commission adopt Resolution 9735 and approve the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact."

**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 9<sup>th</sup> Avenue South. The purpose of the rezoning is to accommodate construction of a CVS Pharmacy. Resolution 9735 vacates a majority of 10<sup>th</sup> Alley South in subject Block 26. The Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, consolidates subject lots and vacated alley into a single lot. The accompanying Agreement contains terms and conditions associated with granting the rezoning.

**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.

For additional information, please refer to the attached Staff Report and Recommendation which has attached to it a Vicinity/Zoning Map, preliminary site layout plan, preliminary amended plat, Findings of Fact and communications from review officials. The Report includes a traffic analysis and zoning analysis prepared by the Planning Staff.

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 10<sup>th</sup> 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 20<sup>th</sup> Street South. Speaking in opposition to the rezoning were Mr. Eldon Burgess, 2019 9<sup>th</sup> Avenue South, Ms. Phyllis Gibson, 2011 9<sup>th</sup> Avenue South, Mr. Ronald Reis, 2015 9<sup>th</sup> Avenue South, and Mr. Edward Brown, 2012 8<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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 10<sup>th</sup> Alley South onto 21<sup>st</sup> Street;
- f) to coordinate with the Montana Department of Transportation (MDT) regarding improvements in the 10<sup>th</sup> Avenue South right-of-way, including placement of new sidewalk, landscaping and ADA ramps, to avoid being removed during the 10<sup>th</sup> 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 10<sup>th</sup> Alley South between 20<sup>th</sup> and 21<sup>st</sup> 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.

Also attached are copies of three communications from two neighboring property owners regarding the project; minutes of the January 22, 2008, Zoning Commission and Planning Board Hearing; and, a letter from Neighborhood Council # 9, which “recommends approval of the project with attention given to the traffic problems.”

In accordance with one of the above listed conditions of approval, the applicant has had prepared for submittal to the Montana Department of Transportation, a Traffic Impact Study for CVS Pharmacy. The preliminary study report indicates development of the proposed CVS/pharmacy would not require any significant improvements to mitigate any traffic related impacts. The MDT is currently reviewing the preliminary study report for its acceptance.

Another of the above listed conditions of approval specifies at least a 60 foot wide landscaped buffer be provided along the south side of 9<sup>th</sup> Avenue South. However, this buffer has subsequently been reduced to 55 feet to accommodate widening of the driveway at the rear of the proposed CVS Pharmacy, as mandated by the City Public Works and Fire Departments to better accommodate service and emergency vehicles. Paragraph 5 of the attached Agreement reflects the 55 foot landscaped buffer.

Attach: Ordinance 3002  
Resolution 9735  
Staff Report and Recommendation, dated January 22, 2008 (Includes Amended Plat & Findings of Fact)  
Agreement  
Amendment to Agreement  
Minutes of Planning Board/Zoning Commission Hearing, dated January 22, 2008  
Letter from Robert Gibson, dated January 22, 2008  
Letters from Ronald and Cheryl Reis, dated August 15, 2007 and January 22, 2008  
Letter from Gary Schoenthal, Chairman, NC# 9, dated December 15, 2007

Cc w/o attach: The Velmeir Companies, [mhoener@velmeir.com](mailto:mhoener@velmeir.com)  
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Eldon Burgess, 2019 9<sup>th</sup> Avenue South  
Phyllis Gibson, 2011 9<sup>th</sup> Avenue South  
Ronald Reis, 2015 9<sup>th</sup> Avenue South  
Edward Brown, 2012 8<sup>th</sup> Avenue South  
Gary Schoenthal, 2404 6<sup>th</sup> Avenue South