ORDINANCE NO. 1297

AN ORDINANCE CHANGING THE ZONING OF LOTS 11 AND 12 IN BLOCK 4 OF THE CLARK ADDITION TO THE CITY OF MILES CITY, MONTANA, FROM GENERAL COMMERCIAL ZONE TO RESIDENTIAL “A” ZONE, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, the owners of the below described real property, Casey Lapp and Beth Lapp, have made application for the property to be rezoned from General Commercial District (GC) zone to Residential A (RA) zone;

AND WHEREAS, such property is situated within the incorporated city limits of the City of Miles City, Montana;

AND WHEREAS, Section 24-8 of the Miles City Code requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

AND WHEREAS, the Miles City Zoning Commission, on June 25, 2015, held a public hearing upon said application, and upon deliberation, recommended to the City Council that such zoning change be approved.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Zoning for the following described real property located within the incorporated city limits of the City of Miles City, Custer County, Montana, is hereby rezoned from General Commercial District (GC) zone to Residential A (RA) zone, to wit:

Lots 11 and 12 in Block 4 of the Clark Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey thereof on file with the Clerk and Recorder in and for Custer County, Montana.

Section 2. The City of Miles City Staff Report prepared as part of the review of this application is hereby adopted as Findings of Fact to support the Council’s decision.

Section 3. A public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 11th day of August, 2015, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, in accordance with MCA Sections 76-2-303 and 305.

Section 5. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.
Said Ordinance read and put on its passage this 14th day of July, 2015.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 11th day of August, 2015.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk
June 26, 2015

Mayor Grenz and City Council,

RE: Proposed re-zone for 200 North Lake Avenue (Clark Addt., Blk 4, Lots 11 & 12)

The Miles City Zoning Commission conducted its public hearing on June 25, 2015 to consider the request to re-zone the above described area. After reviewing comments from the public hearing, the Zoning Commission recommends approval of the zone change from General Commercial (GC) to Residential “A”.

Please schedule this for review by the City Council at your earliest convenience.

Respectfully,

LeRoy Meidinger, Chair
Zoning Commission
PETITION FOR ZONE CHANGE
Community Services & Planning

City of Miles City 17 S. 8th Street, P.O Box 910 Miles City, MT 59301 406-234-3493

Date Received: 5/26/15
(to be filled out by City)

Note: If more than one property/petitioner a list of signatures and legal descriptions may be attached to this application.

I, ___________________________ (Signature), is/are petitioning the City of Miles City to rezone the following property:

LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location: 200 N. Lake

Tract(s) in Section Township Range

Clark Add: BK4, Lots 11 & 12

OR

Lot/Tract(s) of Section Township Range

Assessor Number(s) or Geocode

PRIMARY CONTACT:

Applicant Name: Casey Lapp

If a business Contact Name ________________________________ (Please print)

Address: 200 North Lake Ave.

Phone: ___________________ Cell Phone: 853-0762 Email: demlapp@hotmail.com

DESCRIPTIVE DATA:

Total area in acres: ________


Existing Use: Residential

Purpose of the zone change is for pending development/sale. If so please explain the nature of the proposal or state any other reason for requested change: Selling Home

Note: All information must be filled in for the application to be complete. Submission of an application is not a guarantee that a zone change will be approved.
Zoning Committee
Staff Report
June 25, 2015

Zone Change Request

Beth Lapp has requested a change in the zoning designation of her property from General Commercial to Residential A, which is located in the Clark Addition. The proposed zone change would make it possible to sell the home. Surrounding land uses include General Commercial to the Southwest and North and Residential to the South and East of the property.

Finding of facts

The following is an evaluation of the zone change request under the criteria and guidelines for zoning regulations provided in Montana code Annotated 76-2-304.

1. Does the proposed zone change comply with the Miles City Growth Policy?

   The Growth policy does not include a future land use map or other information designating the property for specific land uses or zoning designations. The Growth Policy includes a statement that is applicable to this proposal: "Zoning amendments shall consider the needs of the petitioner, neighboring property owners, and the greater community." (Zoning, p.36). In this case, the landowner (petitioner) has requested a change in zoning designation. No concerns have been voiced to date by neighboring property owners and a residential designation would result in allowing this property to be sold. Based on this information, the proposal generally complies with the 2008 Miles City Growth Policy.

2. Is the proposed zone change designed to secure safety from fire and other dangers?

   The property would be served by city water with a fire hydrant to the South of the property, which would help with fire protection. The property is assessable by Valley Drive East to the north of the property, Palmer St. to the south of the property, and N. Lake to the West of the property and would provide adequate emergency access. Therefore, the proposal is generally designed to secure safety from fire and other dangers.

3. Is the proposed zone change designed to promote public health, public safety, and the general welfare?

   The building is located in a designated floodplain. Therefore, the proposed zone change will have some impact on public health, safety or general welfare. The proposed zone change will provide more residential property for this area, which could be considered a benefit to the public.
4. Is the proposed zone change designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities?
Transportation – The property is served by three streets. Pedestrian traffic is available by a sidewalk to the south and no bicycle facilities are available to the property.
Water and Sewer – Adequate city water and sewer are available.
Schools – School facilities are available to the surrounding properties.
Parks – Adequate parks are available to this property.
Other Public Requirements – Solid waste, mail delivery, and public utilities are available to this property.
Based on the above information, the proposed zone change is generally designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities.

5. Does the proposed zone change provide reasonable provision of adequate light and air?
The proposed property is similar in size of a residential lot which is sufficient size to provide adequate light and air.

6. How would the proposed zone change effect motorized and non-motorized transportation systems?
As stated previously, adequate motorized vehicular access is available via a state highway, and city streets. There is pedestrian traffic available by a sidewalk, but no bicycle facilities are available in the vicinity of the property.

7. Does the proposed zone change promote compatible urban growth and is it suitable for the proposed land use?
According to the map entitled, Miles City & Surrounding Jurisdiction Zoning Map (9/20/12), the zoning designation to the Southwest and North is General Commercial, and zoning to the South and East is Residential. This is an area with a mixture of General Commercial and Residential nearby. Changing the zoning to Residential A will allow for the property to be sold as residential and would therefore promote compatible urban growth. The proposed land use is for the property to be sold as Residential A to allow it to be sold as a residence.

8. Would the proposed zone change conserve the value of building and encourage the most appropriate use of the land?
As stated above, this area contains a mixture of land uses, ranging from Residential to General Commercial. Changing the zoning on the subject property to Residential A would continue this pattern and therefore conserve the value of building and encourage the most appropriate use of the land.
Recommendation:
Adopt this report as findings of fact and recommend approval of the zone change to City Council.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casey &amp; Beth Lapp</td>
<td>200 N. Lake</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Contameda Properties, LLC</td>
<td>1820 Valley Dr. East</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Sigrid Laird</td>
<td>203 N. Custer</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Kathy Groh</td>
<td>108 N. Lake</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Richard Schieffert</td>
<td>PO Box 417</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Roberta Jones</td>
<td>202 N. Custer</td>
<td>Miles City, MT 59301</td>
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<tr>
<td>Carla King</td>
<td>210 N. Lake</td>
<td>Miles City, MT 59301</td>
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<tr>
<td>Lynne &amp; Jerry Lufborough</td>
<td>PO Box 1035</td>
<td>Miles City, MT 59301</td>
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<tr>
<td>Brett &amp; Keely Dodd</td>
<td>110 N. Lake</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Alan &amp; Colleen Schock</td>
<td>619 S. Center</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Sidney &amp; Nancy Reynolds</td>
<td>RR 1, Box 2296</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Glenn Zimmer</td>
<td>120 N. Custer</td>
<td>Miles City, MT 59301</td>
</tr>
</tbody>
</table>

**RE-ZONE**

200 North Lake
Property Owner List for
Casey and Beth Lapp

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>600 Cafe</td>
<td>600 Main Street</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Michael Dishon</td>
<td>211 N. Custer</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Larry Bennett</td>
<td>118 N. Lake</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Karina Soucy</td>
<td>119 N. Custer</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Jerome &amp; Billie Struck</td>
<td>210 N. Cottage</td>
<td>Miles City, MT 59301</td>
</tr>
<tr>
<td>Winn. &amp; Ashley Hubbell</td>
<td>206 N. Custer</td>
<td>Miles City, MT 59301</td>
</tr>
</tbody>
</table>
From: Casey Lapp  
200 North Lake Ave, Miles City, MT 59301

To: Lorrie Pearce  
City Clerk, Miles City, MT 59301

Dear Lorrie Pearce of the City Clerk's office:

I am writing in regards to the rezone application for my residence at 200 North Lake Ave in Miles City, MT 59301. My wife Beth Lapp has filled out the application with both of our names but my name did not appear on the request according to an email from Dan Rice.

I am requesting the rezone of 200 North Lake Ave from commercial to Residential A.

If you have any questions please feel free to call me at (406) 853-3269 or my wife Beth Lapp can be reached at (406) 853-0762 as I am unavailable during the daytime.

Sincerely,

Casey Lapp

Homeowner of 200 North Lake Ave.
STATE OF MONTANA  
County of Custer  

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. City of Miles City, Legal Notice.

Ordinance 1297. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, to wit: July 17, 2015.

Subscribed and sworn to before me this 17th day of August 2015.

Tabatha Hallman, Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.

Tabatha Hallman, Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.