

**ORDINANCES**  
**MILES CITY, MONTANA**

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**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.

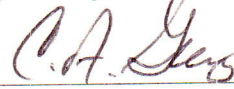
**Section 3.** A public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 11th day of August, 2015, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

**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.

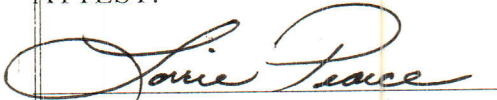
ORDINANCES  
MILES CITY, MONTANA

Said Ordinance read and put on its passage this 14th day of July, 2015.



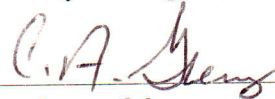
C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

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



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk



**CITY OF MILES CITY**  
**Zoning Commission**  
Box 910  
Miles City, MT 59301

June 26, 2015

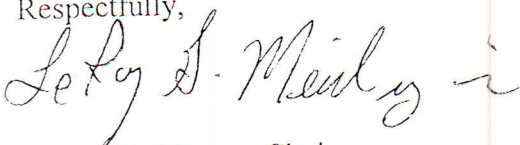
Mayor Grenz and City Council,

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. 8<sup>th</sup> 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, Bern Lapp is/are petitioning the City of Miles City to rezone  
(Signature)  
the following property:

### LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location 200 N. Lake

Tract/s \_\_\_\_\_ in Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Clark Addt; B1K 4; Lots 11 + 12

OR

Lot/Tract/s \_\_\_\_\_ of ~~\_\_\_\_\_~~ in Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
(Subdivision Name)

Assessor Number/s or Geocode \_\_\_\_\_

### PRIMARY CONTACT:

Applicant Name: Casey Lapp / Bern Lapp If a business, Contact Name \_\_\_\_\_  
(Please print) (Please print)

Address: 200 North Lake Ave.

Phone: \_\_\_\_\_ Cell Phone: 853-0762 Email: bern.lapp@hotmail.com  
853-3269

### DESCRIPTIVE DATA:

Total area in acres: 0

Existing Zoning: Gen. Comm. Proposed Zoning: Residential "A"

Existing Use: Residential

☒ Yes ☐ No 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.

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.

RE-ZONE  
200 North Lake  
Property Owner List  
for  
Casey and Beth Lapp

Casey & Beth Lapp  
200 N. Lake  
Miles City, MT 59301

Montameda Properties, LLC  
1820 Valley Dr. East  
Miles City, MT 59301

Sigrid Laird  
203 N. Custer  
Miles City, MT 59301

Kathy Groh  
108 N. Lake  
Miles City, MT 59301

Richard Schieffert  
PO Box 417  
Miles City, MT 59301

Roberta Jones  
202 N. Custer  
Miles City, MT 59301

600 Café  
600 Main Street  
Miles City, MT 59301

Michael Dishon  
211 N. Custer  
Miles City, MT 59301

Larry Bennett  
118 N. Lake  
Miles City, MT 59301

Karina Soucy  
119 N. Custer  
Miles City, MT 59301

Jerome & Billie Struck  
210 N. Cottage  
Miles City, MT 59301

Wm. & Ashley Hubbell  
206 N. Custer  
Miles City, MT 59301

Carla King  
210 N. Lake  
Miles City, MT 59301

Lynne & Jerry Lufborough  
PO Box 1035  
Miles City, MT 59301

Brett & Keely Dodd  
110 N. Lake  
Miles City, MT 59301

Alan & Colleen Schock  
619 S. Center  
Miles City, MT 59301

Sidney & Nancy Reynolds  
RR 1, Box 2296  
Miles City, MT 59301

Glenn Zimmer  
120 N. Custer  
Miles City, MT 59301

6/29/15

**From: Casey Lapp**

200 North Lake Ave, Miles City, MT 59301

**To: Lorrie Pearce**

City Clerk, Miles City, MT 59301

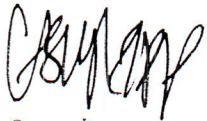
Dear Lorrie Pearce of the City Clerk's office:

I am writing in regards to the rezone applicatoin 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.



Copy

Affidavit of Publication

STATE OF MONTANA }  
County of Custer } ss.

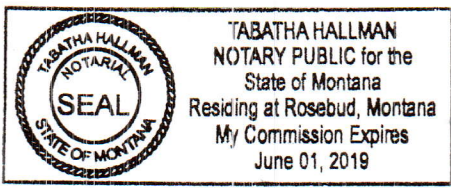
Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. **City of Miles City, Legal Notice.**

**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.

Signed Mary Rose Bovee  
Subscribed and sworn to before me this 17th

day of August, 2015  
Tabatha Hallman

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



**LEGAL NOTICE**  
**NOTICE IS HEREBY GIVEN** that the City Council for the City of Miles City will hold a **PUBLIC HEARING** for a proposed zone change on Tuesday, August 11, 2015, at 7:00 p.m. in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana, for the following:  
**Zoning Commission's Recommendation to Approve rezoning on behalf of Casey Lapp, on property located on Lots 11 and 12 in Block 4 of the Clark Addition, from General Commercial (GC) to Residential (A), (200 North Lake Avenue)**  
The above Ordinance is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that written protests will be received until 12:00 noon, August 11th, 2015, at the City Clerk's office at 17 S. 8th Street, Miles City, Montana, and objections to the final adoption of the Ordinance will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, August 11th, at 7:00 p.m.  
For information or questions you may contact the Scott Gray, Public Works Director, at 234-3493.  
**BY ORDER OF THE CITY COUNCIL**  
Lorrie Pearce  
City Clerk  
(Published July 17, 2015)  
MNAXLP