

January 15, 2024

TO: Three Forks Zoning and Planning Board

FR: Randy Carpenter
Planning Consultant to the City of Three Forks

RE: Zoning Text Amendment

Name of Applicant: Matt and Kelly Bugland and Jade Benjamin

Hearing Date: Thursday January 18, 2024

Application Request:

The applicant is requesting a Zone Map Amendment from Residential-R to Central Business District-CBD.

Location: Milwaukee Land Company 2nd Addition, Block 54, Lots 1 - 12, commonly known as 604, 608, 618, and 622 S Main Street.

Background:

The applicant is requesting the Zone Map Amendment from the existing R zoning to CBD. To be clear, *if the property is rezoned, any use allowed in the CBD and NHB district would be allowed on this site in the future* (the CBD district allows uses permitted in the NHB). A list of those uses is copied at the end of this staff report.

The existing land uses are residential and the Pathways Assisted Living facility.

The zoning adjacent to the subject parcels include:

- existing CBD zoning to the north
- R zoning to the west
- Public Lands-Institutional to the east

The uses adjacent to the subject parcels include:

- residential uses to the west
- the Three Forks Library to the east
- the Three Forks Area Ambulance station to the east.

Zoning Text Amendment Criteria:

Montana Code Annotated (MCA), Section 76-2-304, lists criteria for zoning regulations, as shown below (the same criteria apply to zoning amendments). The Council must consider this application using these criteria.

(1) Zoning regulations must be:

- (a) made in accordance with a growth policy;
Staff comment: Rezoning this property would be in accordance with the following goals and objectives of the Three Forks Growth Policy.

Goal 1 of the “Our Economy: section of the Three Forks Growth Policy is: “*Enhance Our Beautiful and Vibrant Downtown*, which is supported by Policy 1-3: “*Attract more retail, restaurant, and entertainment options.*..

(b) designed to:

(i) secure safety from fire and other dangers;

Staff comment: This proposed rezoning would likely have no impact on safety.

(ii) promote public health, public safety, and the general welfare; and

Staff comment: As stated above, the proposed zoning map amendment does conform to the Three Forks Growth Policy, which promotes health safety and general welfare of the city.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Staff comment: Approving or denying this proposed zoning map amendment would likely not impact infrastructure and services. To conform to the City’s provisions for water, sewage and fire, any permitted development on this site will be required to pay the appropriate impact fees for the increase in services brought about by the proposed development.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

Staff comment: Approving or denying this proposed rezoning would likely not impact light or air.

(b) the effect on motorized and nonmotorized transportation systems;

Staff comment: Approving or denying this proposed rezoning would likely have little impact on transportation infrastructure.

(c) promotion of compatible urban growth;

Staff comment: As noted above, the subject parcels abut existing CBD zoning; this proposal would be an extension to the south of that zoning. It is likely that as Three Forks grows it will need to expand its downtown commercial base. However, a rezoning of this type could have negatively impact the enjoyment of use (but likely not of financial value; see the comment in e below) of the residential properties that would be rezoned. The CBD and the NHB districts (as noted above, NHB uses are permitted in the CBD) include a long list of uses such as bars or muffler sales) that may not be compatible in this area.

(d) the character of the district and its peculiar suitability for particular uses; and

Staff comment: As stated above, this proposed rezoning would be an extension of the CBD zoning district, and the downtown area, that may be needed in the future. The properties across the street are not residential uses. However, staff is concerned that many of the uses allowed in the CBD are not suitable for this area at this time. Staff believes that it would be preferable to wait for a wholesale update of the zoning code and the

zoning map before any rezonings of this nature are allowed. The process of updating the zoning code update will commence within a few months of this date.

- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Staff comment: The value of the buildings in the subject parcels could well be enhanced if they are rezoned because the uses allowed would be greatly expanded by a change from residential to commercial. The abutting residential properties that are not part of the rezoning could realize a diminution of their values.

Staff Recommendation:

The Planning & Zoning Board and the City Commission must consider whether the intent of the City of Three Forks Zoning Ordinance is being met when considering this application.

Public comment must be considered, however, assuming no significant comments as to the contrary staff recommends denial of the applicant's request for this rezoning.

Uses permitted in the Central Business District:

Uses permitted in the NHB District.

Ambulance service.

Bakeries.

Barbershops and beauty shops.

Bars, cocktail lounges.

Churches.

Dressmaking.

Financial institutions.

Fire stations.

Hotels and motels.

Laundry and dry cleaning.

Meeting and lodge halls.

Muffler sales and service shops.

Museums, libraries, and galleries.

Parking lots.

Printing offices.

Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools.

Public offices.

Repair services for clothes, dolls, small appliances, watches, glasses, and such other items.

Restaurants and cafes.

Retail sales such as:

- Candy

- Clothing

- Furniture

- Jewelry

- but excluding heavy machinery.

Signs.

Temporary buildings for and during construction only.
Theaters, except drive-ins.
Wholesale establishments that use samples, but do not stock on premises.
Uses customarily accessory to those listed. (Ord. 203, 12-9-1983)

11-8A-3: CONDITIONAL USES:

The following uses may be allowed in the CBD central business district as conditional uses as regulated in chapter 12 of this title:

- Amusement and recreational activities.
- Assisted living facilities.
- Daycare facilities.
- Medical marijuana distribution structure.
- One-family and multiple-family dwellings.
- Senior centers.
- "Sexually oriented business" as defined in title 4, chapter 4 of this code.
- Shopping centers.
- Any other retail use catering directly to consumers. Any other office activity. Any other consumer service. Any other type of meeting hall or club, financial institution or drive-in bank.

Uses permitted in the Neighborhood Highway district:

- Antique shops.
- Art and music supply stores.
- Barbershops and beauty shops.
- Bars, cocktail lounges.
- Beverage, bottling, and distribution.
- Bowling alleys.
- Building materials sales and showrooms (enclosed storage).
- Car washes.
- Farm equipment sales and service.
- Food and drug stores.
- Furniture and appliance stores.
- Gasoline service stations.
- Hardware stores and home centers.
- Hotels and motels.
- Laundries and dry-cleaning establishments.
- Liquor stores.
- Mortuaries.
- Post offices.
- Professional and business offices.
- Restaurants, cafes, and drive-in eating establishments.
- Signs.
- Sporting goods stores.
- Temporary buildings for and during construction, only.

Theaters.

Vehicle and boat sales, showrooms, and service areas.

Veterinary clinics, small animal hospitals with completely enclosed runs.

Uses customarily accessory to those listed. (Ord. 203, 12-9-1983; Ord. 391-2021, 9-28-2021)

11-7-3: CONDITIONAL USES:

The following uses may be allowed in the NHB Neighborhood Highway Business District as conditional uses as regulated in Chapter 12 of this Title:

Amusement and recreational activities.

"Caretaker residence" as defined in this title and of a duration that shall not exceed the use for which it is serving.

Daycare facilities.

Medical marijuana distribution structure.

Miniwarehouse/self-storage units.

Multi-unit hotels or motels:

A. The units must be a nonresidential construction pursuant to the requirements of title 12, chapter 1, "Flood Damage Prevention", of this code.

B. The structures approved by issuance of a zoning permit shall not be converted to long term rental occupancy as defined by Montana code and administrative rules.

C. The maximum length of stay in a unit shall be limited to twenty nine (29) days. Failure to comply with the twenty nine (29) day maximum length of stay shall result in the city of Three Forks' termination of the conditional use permit.

D. Units must be separated by a minimum of ten feet (10') at any point of construction including any roof or carport overhangs or exterior walls.

E. A landscaping plan creating an attractive and pleasant environment and effectively screening all building and site utilities as well as trash receptacles shall be reviewed and approved by the city of Three Forks prior to the issuing of a zoning permit.

F. Off street parking shall conform to the requirements of chapter 13, "Off Street Parking", of this title.

G. Mobile home and modular units are not permitted. All structures must be stick built on site and meet all state commercial building codes.

H. A nonconversion agreement must be filed with the Gallatin County clerk and recorder.

Retail uses in addition to those permitted uses listed.

"Sexually oriented business" as defined in title 4, chapter 4 of this code.

Shopping centers in tracts of five (5) or more acres, which meet the overall height and use requirements, but which combine parking areas, separate pedestrian circulation facilities, common signs and common facilities for access.

Wholesale distributors with on premises retail outlets, provided warehousing is limited to commodities which are sold on the premises.

Work-live development.

A. No more than fifty percent (50%) of a work-live development may be residential in use.

B. Condominiums are not permitted.

C. Each Work-Live Development must be owned by the same person/entity.