

PUBLIC HEARING on Gray property zone change – Monday, November 14, 2022, 7:00 pm.

Plevna Community Center

Mayor Thielen called the meeting to order at 7:01 p.m.

Council present were Kyle Vennes, Alba Higgins, James Franson and Michelle Hillard.

Also present: Jolene Boespflug, Clerk/Treasurer Mark Thielen -Container Site
Mary Grube, Fallon Co. Planning Operator

Members of the public present: Shawn Sander, Lois Geving, Russ and Teresa Myers, Vivian and Giff Wood, Clint and Kodie Olsen, and Marge Griebel

- Mary Grube read the attached staff report to the council and public.
- Mayor Thielen called for public comment, there was none. Public comment was closed.
- Councilman Higgins moved to adopt Staff Report ZP-22-01 as finding of fact. Councilman Vennes seconded the motion.

Roll call vote was as follows:

Councilman Higgins: AYE
Councilman Vennes: AYE
Councilman Franson: AYE
Councilwoman Hillard: AYE

Aye: 4 Nay:0 Absent: 0 Abstain: 0 Carried: 4:0

Councilman Higgins moved to recommend that the Town Council approve the Zone Change from C2 RV/Commercial to R1 Residential for the Plevna Original Townsite, Block 11, Lot 6, Town of Plevna, Fallon County, Montana, and that with this change an updated map will be approved. Councilman Vennes seconded the motion. Roll call vote was as follows:

Councilman Higgins: AYE
Councilman Vennes: AYE
Councilman Franson: AYE
Councilwoman Hillard: AYE

Aye: 4 Nay:0 Absent: 0 Abstain: 0 Carried: 4:0

Mayor Thielen adjourned the public hearing at 7:13 p.m.


Clerk – Jolene Boespflug


Mayor – Gary Thielen

Town of Plevna

PO BOX 97

Plevna, Montana 59844

STAFF REPORT ZP-22-01

Gray Zone Change Request

November 14, 2022

BACKGROUND:

The Town of Plevna is an incorporated Town within the State of Montana with powers established under the Constitution of Montana XI.4. The power and processes for the Town to establish and amend zoning regulations are found in §76-2-301 et. Seq. M.C.A.

On September 22, 2022, Allen J. (AJ) Gray submitted a Zone Change Request for property he purchased from 4J Well Service located at the Plevna Original Townsite, Block 11, Lot 6, in the County of Fallon and the State of Montana. This is zoned C2 (Commercial) and AJ is requesting to change the Zone to R-1 (residential). The purpose of the zone change is Mr. Gray would like to place a manufactured home on this lot and make it his residence.

LEGAL DESCRIPTION:

Plevna Original Town Site

Block 11, Lot 6

Town of Plevna, County of Fallon, State of Montana

EXISTING ZONE:

Currently the property is zoned Commercial (C2). November 16, 2020, 4J Well Service placed a Zone Change Request in to change it from Residential to Commercial. This included Lots 6, 7, 8, 9, and 10. The Town of Plevna Zoning Commission recommended approval of the Zone Change Request based on the 12-point Lowe Test and testimony from the public hearing. The Town Council approved the Zone Change Request. So, currently the Zone for lot 6 is C-2.

PROCESS:

- The Planning Staff for the Town of Plevna prepared this report for consideration by the Town of Plevna Zoning Commission.
- The Town of Plevna Zoning Commission conducted a duly noticed Public Hearing on October 17, 2022, at 7:00 p.m. in the Community Center.
- The Town of Plevna Zoning Commission did not have a quorum to make a recommendation to the Town of Plevna. However, zoning staff will make a recommendation to the Town of Plevna Town Council at the duly noticed public hearing which is scheduled for Monday, November 14, 2022, at 7:00 p.m.

RATIONAL BASIS OF ZONING:

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitute the rational nexus/legal basis for the adoption of a zoning district, zoning regulations, or changes to zoning or zoning regulations. This rational nexus is called the "Lowe Test."

1. Is the Zoning in accordance with the Growth Policy:
 - Housing development is encouraged in several strategies from the Growth Policy pertaining to limited housing and housing demand in the Town of Plevna.

Finding: Due to the lack of residential development and the fact that a manufactured home will be placed on this lot, it is in accordance with the growth policy guidelines.

2. Is the Zoning designed to lesson congestion in streets:
 - The zoning regulations in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development.
 - The zoning regulations encourage compact walkable development in most districts.

Finding: The recommended Zone Change will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the proposed zoning and other regulations adopted by the Town of Plevna.

3. Is the zoning designed to secure safety from fire, panic, and other dangers:
 - The Zoning regulations and Zoning map provide for consistency in development along with provision of law enforcement and fire protection.
 - The Zoning Regulations and Zoning Map have restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.
 - The Zoning Regulations and Zoning map incorporate enforcement of development standards, setbacks and compliance with the other development standards adopted by the Town of Plevna.

Finding: The recommended zone change will provide safety to residents and visitors from fire, panic, and other dangers.

4. Is the zoning designed to promote health and the general welfare:
 - The Zoning ordinance for R-1 imposes setbacks, height limits and building restrictions.
 - The recommended zoning groups together like and consistent uses within the R-1 District.
 - The R-1 District restricts development in hazardous areas.

Finding: Like and consistent uses promote the health and general welfare of all citizens of the Town of Plevna. The Zone change runs contiguous with R-1 across the street on the ~~north~~ ^{South} side of the property.

5. Is the zoning designed to provide adequate light and air:

- The recommended R-1 Zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.

Finding: The recommended R-1 Zoning will insure the provision of adequate light and air.

6. Is the zoning designed to prevent the overcrowding of land:

- The R1 District imposes minimum lot size, use regulations and other limitations on development.

Finding: The existing standards of the R-1 Zoning District prevent the overcrowding of land.

7. Is the zoning designed to avoid undue concentration of population:

- R1 is an exclusive residential zone which imposes minimum lots sizes and single-family residence.

Finding: The existing R1 zone prevents the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

8. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements:

- There are provisions for sewer and water and the R1 Zoning District establishes minimum standards for the provision of infrastructure such as roads, water and sewer, and utilities.

Finding: The standards of the R1 District will insure the adequate provision of transportation, water, sewerage, school, parks, and other public requirements.

9. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses:

- The R1 Zoning District is created for residential use. This runs contiguous to the north with R1. The zone imposes setbacks, height limits, and building restrictions that are compatible with residential zoning.

Finding: The zone change gives due consideration to the neighborhood as long as suitability for the particular uses.

10. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses:

- The Zone change would be consistent with the zoning north of the property of Residential 1. It also implements the Plevna Growth Policy for housing needs.

Finding: The zone change gives reasonable consideration to the peculiar suitability of the property for its particular uses.

11. Will the zoning conserve the value of buildings:

- The proposed zone change will allow for residential property that will continue to be used for equal or greater potential for residential purposes.

Finding: The recommended zone change will conserve and enhance the value of buildings.

12. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The zone change will allow for consistency with property to the north. This zone change will encourage the highest and best use, in the owner's opinion, for the residential lot.

Finding: The zone change will encourage the most appropriate use of land throughout the municipality.

RECOMMENDATION:

Staff recommends the Town of Plevna Council approve the Zone Change request submitted by AJ Gray. The Zone Change Request follows the rational nexus for the change and has been met or exceeded by the findings of fact. The Zone map be updated to reflect this change.

SUGGESTED FORM OF MOTION:

1. I move to adopt Staff Report ZP-22-01 as finding of fact.
2. I move to recommend that the Town Council approve the Zone Change from C2 RV/Commercial to R1 Residential for the Plevna Original Townsite, Block 11, Lot 6, Town of Plevna, Fallon County, Montana, and that with this change an updated map will be approved.

Submitted by: Mary Grube, Planning Staff

