



## Commission Memorandum

**REPORT TO:** Mayor and City Commission

**FROM:** Sarah Rosenberg, Associate Planner  
Martin Matsen, Director of Community Development

**SUBJECT:** Final Adoption of Ordinance 2036, Billings Clinic zone map amendment requesting amendment of the City Zoning Map for a portion of an existing lot consisting of approximately 16.80 acres / 731,808 square feet from R-O Residential Office to B-2 Community Commercial. Application 19265

**MEETING DATE:** December 2, 2019

**AGENDA ITEM TYPE:** Consent

**RECOMMENDATION:** That the City Commission final adoption of Ordinance 2036, establishing an B-2, Community Business district for 16.80 acres.

**BACKGROUND:** The City Commission conducted a [public hearing on September 16, 2019](#) for Application 19265 and preliminarily approved the Billings Clinic Zone Map Amendment. The zone map amendment was approved to change the zoning of a parcel from R-O, Residential Office, to B-2 Community Business District on 16.80 acres. The approval was subject to the required contingencies of approval that have been satisfied by the applicant. Provisional adoption occurred on November 18, 2019.

**UNRESOLVED ISSUES:** None determined at this time.

**ALTERNATIVES:** 1) Provisionally adopt Ordinance 2036 as presented and recommended.  
2) Determine that the prior decision to zone was in error and do not adopt the ordinance.

**FISCAL EFFECTS:** None

Attachments: Ordinance 2036  
Zone Map Amendment Exhibit

Report compiled on November 18, 2019



**ORDINANCE NO. 2036**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA AMENDING THE CITY OF BOZEMAN ZONING MAP TO AMEND APPROXIMATELY 16.8 ACRES FROM R-O, RESIDENTIAL OFFICE, TO B-2, COMMUNITY BUSINESS DISTRICT, KNOWN AS THE BILLINGS CLINIC ZONE MAP AMENDMENT.**

**WHEREAS**, the City of Bozeman has adopted zoning regulations and a zoning map pursuant to Sections 76-2-301 and 76-2-302, Mont. Code Ann.; and

**WHEREAS**, Section 76-2-305, M.C.A. allows local governments to amend zoning maps if a public hearing is held and official notice is provided; and

**WHEREAS**, Section 76-2-307, M.C.A. states that the Zoning Commission must conduct a public hearing and submit a report to the City Commission for all zoning map amendment requests; and

**WHEREAS**, the City of Bozeman Zoning Commission has been created by Section 2.05.2700, BMC as provided for in Section 76-2-307, M.C.A.; and

**WHEREAS**, Chapter 38, Article 2 of the Bozeman Unified Development Code sets forth the procedures and review criteria for zoning map amendments; and

**WHEREAS**, the proposed zone map amendment to amend the City of Bozeman Zone Map to amend the zoning classification from R-O (Residential Office) to B-2 (Community Business District) for 16.8 acres of the property has been properly submitted, reviewed, and advertised; and

**WHEREAS**, the Bozeman Zoning Commission held a public hearing on August 20, 2019, to receive and review all written and oral testimony on the request for a zone map amendment; and

**WHEREAS**, the Bozeman Zoning Commission recommended to the Bozeman City Commission that the zone map amendment be approved as requested by the applicant; and

**WHEREAS**, after proper notice, the City Commission held its public hearing on September 16, 2019, to receive and review all written and oral testimony on the request for a zone map amendment; and

**WHEREAS**, the City Commission has reviewed and considered the zone map amendment criteria established in Section 76-2-304, Mont. Code Ann., and found that the proposed zone map amendment would be in compliance with the criteria.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:**

**Section 1**

That the zoning district designation of the following-described property is hereby designated as B-2, Community Business District:

A Tract of Land being a portion of Lot 2A of Minor Subdivision 221E, Located in the southwest quarter of Section 26, Township 1 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana, more particularly described as follows:

Beginning at a point on the north line of the Westlake Road right-of-way, said point being N 00°17'32" W, a distance of 30 feet from the northeast corner of Tract A of Certificate of Survey 165A; thence from said Point of Beginning, N 89°40'20" E, a distance of 330.91 feet along said north right-of-way line; thence S 00°16'15" E, a distance of 1219.98 feet; thence N 89°47'41" E, a distance of 565.15 feet; thence S 01°01'21" W, a distance of 403.23 feet to the south boundary of Lot 2A of Minor Subdivision 221E;

Thence through the following eight (8) courses along said south boundary of Lot 2A of Minor Subdivision 221E:

- 1) S 89°42'26" W, a distance of 174.86 feet
- 2) N 58°22'48" W, a distance of 667.76 feet
- 3) S 89°57'31" W, a distance of 34.32 feet
- 4) N 80°05'23" W, a distance of 92.33 feet
- 5) S 89°52'56" W, a distance of 91.38 feet
- 6) N 69°14'28" W, a distance of 102.34 feet
- 7) N 58°34'34" W, a distance of 279.06 feet
- 8) N 53°54'00" W, a distance of 38.55 feet to the south boundary of Tract A of Certificate of Survey 165A; thence through the following four (4) courses along said boundary of Tract A of Certificate of Survey 165A:
  - 1) N 88°42'42" E, a distance of 114.85 feet
  - 2) N 00°57'53" E, a distance of 597.06 feet
  - 3) N 89°44'39" E, a distance of 307.91 feet
  - 4) N 00°17'32" W, a distance of 448.93 feet to the Point of Beginning. Said tract of land containing 19.6358 acres.

## **Section 2**

### **Repealer.**

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

## **Section 3**

### **Savings Provision.**

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

#### **Section 4**

##### **Severability.**

That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

#### **Section 5**

##### **Codification.**

This Ordinance shall not be codified but shall be kept by the City Clerk and entered into a disposition list in numerical order with all other ordinances of the City and shall be organized in a category entitled “Zone Map Amendments.”

#### **Section 6**

##### **Effective Date.**

This ordinance shall be in full force and effect thirty (30) days after final adoption.

**PROVISIONALLY ADOPTED** by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 18<sup>th</sup> day of November, 2019.

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**CYNTHIA L. ANDRUS**  
Mayor

ATTEST:

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**ROBIN CROUGH**  
City Clerk

**FINALLY PASSED, ADOPTED, AND APPROVED** by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 2<sup>nd</sup> day of December, 2019. The effective date of this ordinance is 30 days after final adoption.

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**CYNTHIA L. ANDRUS**  
Mayor

ATTEST:

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**ROBIN CROUGH**  
City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**  
City Attorney

# BILLINGS CLINIC ZONE MAP AMENDMENT

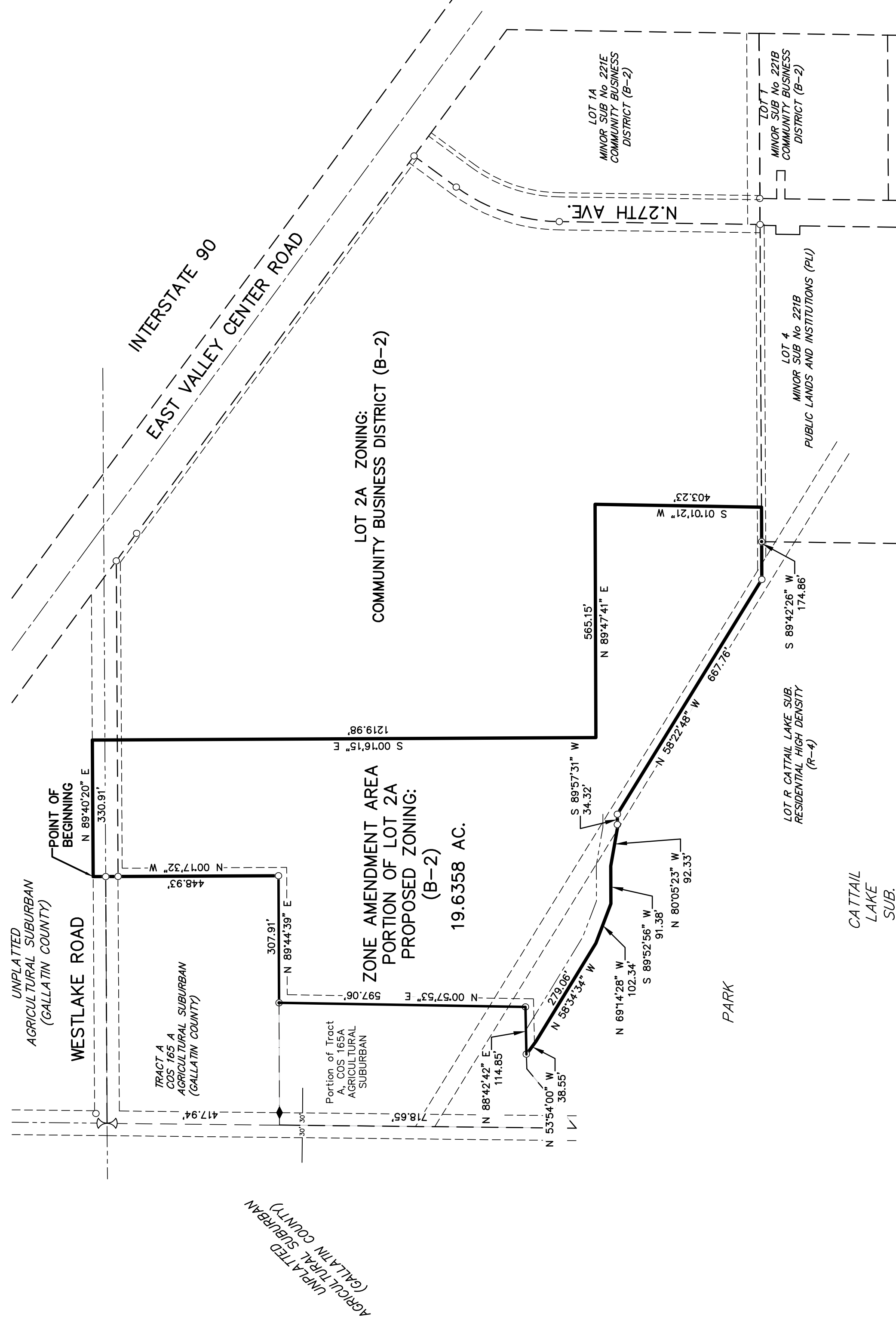
WITHIN

LOT 2A OF MINOR SUBDIVISION 221E  
LOCATED IN THE SW $\frac{1}{4}$  SECTION 26, T1S, R5E, P.M.M.  
CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA

PREPARED FOR : BILLINGS CLINIC

PREPARED BY : **SANDERSON STEWART**

OCTOBER, 2019  
BOZEMAN, MONTANA



## LEGAL DESCRIPTION:

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