



Item: Public Hearing - Ordinance 3124, by the City Commission of the City of Great Falls to rezone Lots 12-14, Block 356, Great Falls First Addition, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, addressed as 1201 1st Avenue South, from R-3 Single-family high density to R-5 Multi-family medium density

From: Garrett Norman, Planner I, Planning and Community Development

Initiated By: NeighborWorks Great Falls

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission adopt Ordinance 3124.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3124.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Recommendation: At the conclusion of a public hearing held on July 8, 2014, the Zoning Commission recommended the City Commission approve the rezone of a portion of Great Falls First Addition, legally described above, from the existing R-3 Single-family high density district to R-5 Multi-family medium density district, subject to fulfillment of the following Conditions of Approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Landscaping.** Redevelopment of the site shall be in compliance with section 17.44.1.030.G of the Land Development Code for tree preservation and protection, to the extent possible.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on June 22, 2014. No citizens spoke at the public hearing;

however, one letter of opposition was submitted to the Department, expressing concerns about traffic in the area. This letter has been provided as an exhibit to this report.

At first reading on August 5, 2014, the City Commission accepted Ordinance 3124 to rezone the subject property. Notice of Public Hearing before the City Commission for the rezone was published in the *Great Falls Tribune* on August 19, 2014.

Staff recommends approval of the proposed rezone of the subject property, subject to the aforementioned conditions of approval being fulfilled.

Background: On May 15, 2014, the owner/applicant, NeighborWorks Great Falls, applied for a zoning map amendment for the property located at 1201 1st Avenue South. The property consists of three adjacent lots under common ownership that measure 7,500 square feet each for a combined total of 22,500 square feet.

The rezone of this property is not contingent on a specific development and the submittal of a site plan for review has been waived; however, the applicant spoke to an interest in developing an 8-plex or 12-plex. The request of this zoning map amendment is to allow for an increase in residential density from 3 dwelling units (1 per lot) under the R-3 zoning district to up to 12 dwelling units (up to 4 per lot), which is permitted under the R-5 zoning district, based on the size of the lots.

Rezoning Analysis

The subject property is surrounded by the R-3 Single-family high density residential zoning district to the west, east, and south. The property use in these locations is single-family residential; however, there are several properties located along 2nd Avenue South near 12th Street South that are multi-family residential. The C-5 Central business periphery development district is located directly north of the site. A common access alley that measures approximately 20 feet in width separates the subject property and the Indian Family Health Clinic parking lot, which is immediately north of the subject property. The alley and 1st Avenue South are currently used for direct access to the subject property.

The requested rezone to R-5 Multi-family medium density residential is a compatible use with the surrounding properties. The majority of the blocks in the neighborhood have between 5 to 10 dwelling units each. The block on the southwest corner of 2nd Avenue South and 12th Street South is between 10 to 15 dwelling units. Specifically, the development located at 205 11th Street South, located on the southeast corner of 2nd Avenue South and 11th Street South, is a multi-family development that has approximately 13 dwelling units. Likewise, the development at 120 12th Street South, located on the northwest corner of 2nd Avenue South and 12th Street South, is a condominium with approximately 18 dwelling units. A density by block map has been provided as an exhibit and shows the location of the two multi-family properties. The maximum allowed density for the subject property would be 12 units, pursuant to the development standards in 17.20.4 of the Land Development Code.

Based on the potential increase in the allowed maximum number of dwelling units from the currently permitted 3 single-family homes to 12 multi-family dwelling units, traffic could increase by approximately 51 trips per day. Staff finds the existing roadways can accommodate said increases.

There are several existing mature trees located in the boulevards of 1st Avenue South and 12th Street South. It is recommended to protect and preserve these trees to the extent possible when a development proposal is submitted, pursuant to Land Development Code section 17.44.1.030.G.

Findings for the Basis of Decision

The basis for decision on zoning map amendments is listed in the Land Development Code 17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria of the Findings for the Basis of Decision:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social, Environmental, and Physical policies.

Social Housing

- Soc 1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc 1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.
- Soc 1.4.13 Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.

The rezone of the subject property would create the opportunity to supply a variety of residential choices in the neighborhood. The rezone would accommodate the development of multi-family residential, creating a larger diversity in housing stock. The increase in density expands the supply of multi-family housing, giving the residents more options in housing choice and affordability. Additionally, the property's proximity to businesses in the Downtown gives residents easy access to these services and places of employment. Although no development proposal has been submitted, staff finds the R-5 zoning district is compatible with the neighborhood, in that a development proposal at a later date would have minimal impact to the character, livability, or affordability of the existing neighborhood, whereas the redevelopment of the underutilized site will increase the neighborhood vitality to a vibrant, active, and contributing use.

Environmental Urban Form

- Env 2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential, as candidates for redevelopment in the City.

There are existing utilities and fully developed streets and sidewalks surrounding the property. The subject property is an ideal location for infill redevelopment due to its location on the periphery of Downtown. At the time a development proposal is submitted, the infill would utilize the existing infrastructure.

Physical Land Use

- Phy 4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

The approval of this rezone would provide a compatible land use pattern between the residential and commercial development.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #9. The applicant presented to the Council on June 25, 2014, to answer any questions. The Council voted in support of the project.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

In addition to the Growth Policy, the project is located within the City of Great Falls Downtown Master Plan. The subject property lies within the neighborhood sub-area and specifically speaks to Downtown living:

- Goal 4: Create more living options Downtown by encouraging a variety of new housing types and preserving and enhancing existing neighborhoods.
- Objective 1: Promote a wide range of housing choices throughout Downtown.
- Strategy b: Evaluate zoning and land use regulations to ensure policies allow for and encourage Downtown housing in the form of rehabilitation and preservation of existing building, infill development and new construction.

The Downtown Master Plan also notes that a strong residential population is critical to the overall health and vitality of the area, as this population is able to provide a constant clientele to the variety of Downtown businesses. Additionally, the Downtown population has a range of ages and income, where providing a diverse housing stock provides more options to them and other residents of Great Falls. Housing development in the Downtown typically includes reusing existing buildings as well as infill construction on vacant or underutilized lots.

The rezone of this property helps implement the goals and objectives of the Downtown Master Plan by allowing for a variety of housing choices from single-family to multi-family and encouraging infill development.

There are no other plans or sub-area plans relevant to this project.

4. The code with the amendment is internally consistent.

The proposed zoning map amendment is consistent with the applicable code and is within City limits. Nearby properties to the west, east, and south have similar uses, so the zoning district would be consistent with existing development.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

The subject property is located on the eastern fringes of the Downtown core in between commercial and residential development. Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time a development proposal is submitted, it will be reviewed for code compliance to protect the public health, safety, and welfare. It is not anticipated that the rezone and any future development proposal will have negative impacts.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Completion of the rezoning will have a beneficial financial impact for the City due to the increased property value and resulting tax base after development. There is adequate staffing to administer and enforce the amendment.

Improvements

Transportation

The existing surrounding streets of 1st Avenue South and 12th Street South are built to City standards and can accommodate said increase in traffic from the gain in density. The existing sidewalk is continuous and connected, and will provide safe pedestrian access to the subject property. The existing alley is paved and in good condition.

Utilities

The site is within a developed area with an adequate capacity of water and sewer lines. At the time a development proposal is submitted, the utility connections will be thoroughly reviewed for capacity standards.

Stormwater

At the time a development proposal is submitted, stormwater runoff will be reviewed for compliance with section 17.52 of the Land Development Code.

Concurrences: Representatives from the City's Public Works, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

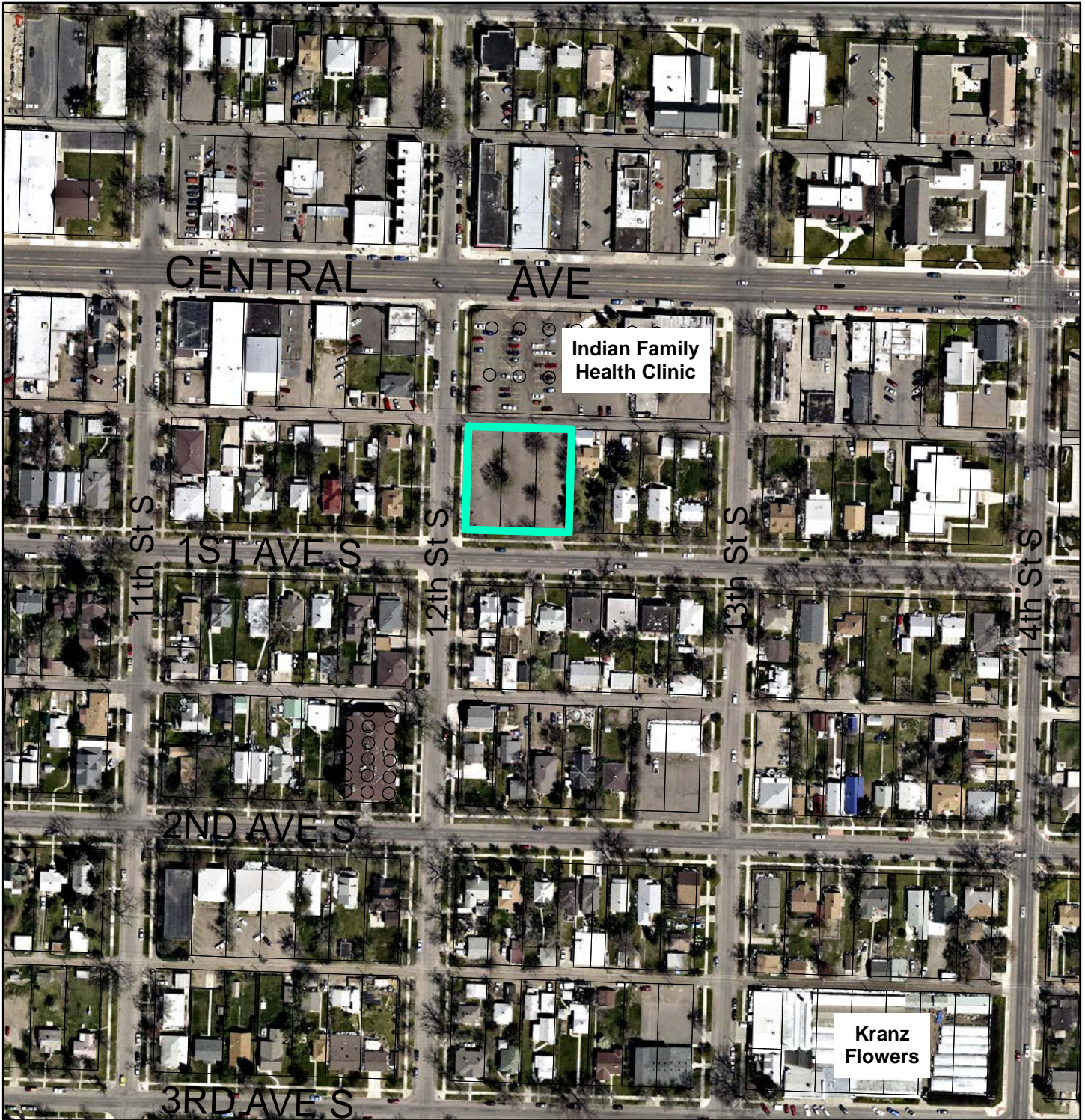
Fiscal Impact: No fiscal impact.



Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

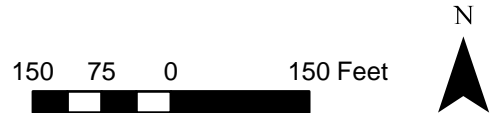
Attachments/Exhibits: Aerial Map
Zoning Map
Residential Density Map
Letter in Opposition
Ordinance 3124

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Keith Nelson, Applicant, NeighborWorks Great Falls; knelson@nwgf.org

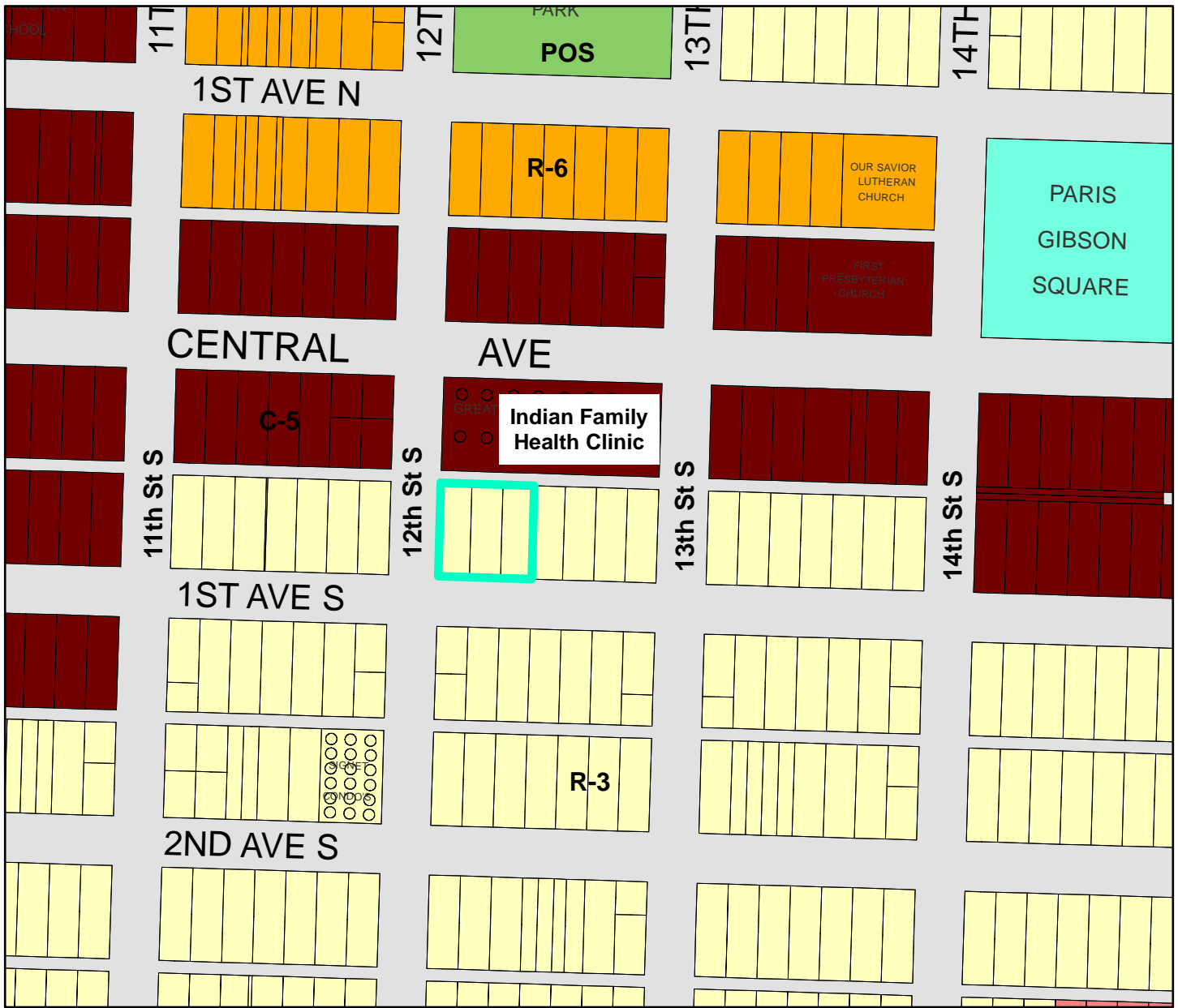
Aerial Map



-  1201 1st Ave S
-  Tracts of Land



Zoning Map



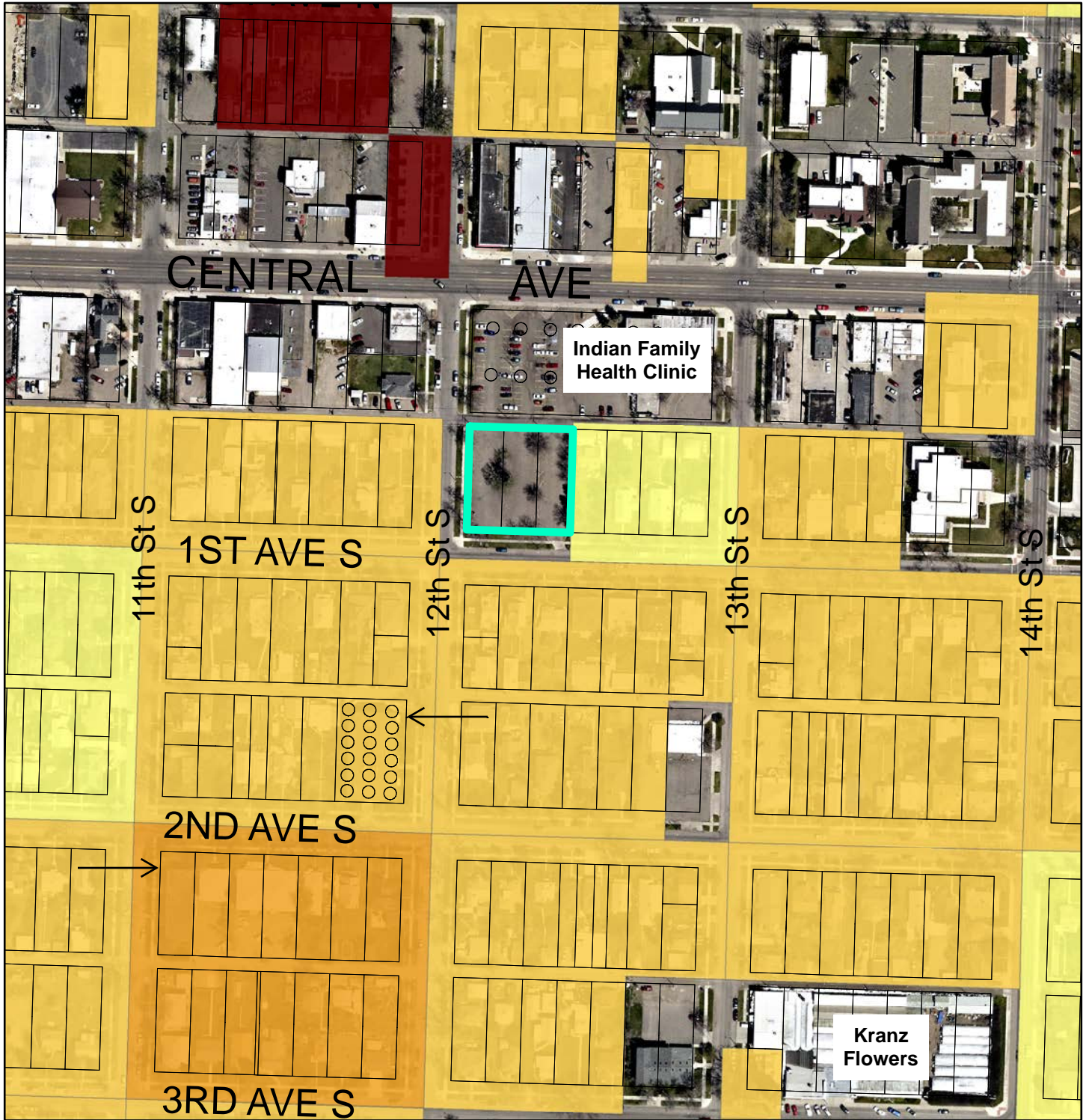
ZONING

- R-3 Single-family High Density
- R-6 Multi-family High Density
- C-1 Neighborhood Commercial
- C-5 Central Business Periphery
- PLI Public Lands and Institutional
- POS Parks and Open Space

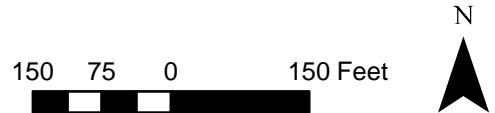
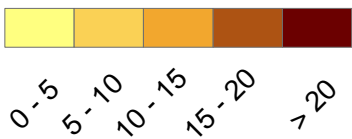
- 1201 1st Ave S
- City Limits
- Tracts of Land
- Right-Of-Way

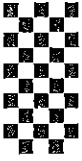


Residential Density Map



Density by City Block
of Dwelling Units per Acre





Robert Brown
1218 1st Avenue South
Great Falls, MT 59401

July 7, 2014

Planning and Community Development Office
Civic Center
2 Park Drive South
Great Falls, MT 59401

Subject: Proposed zoning change for Lots 12-14, Block 356, Great Falls First Addition, Section 12, T20N, R3E (1201 1st Avenue South).

To Whom It May Concern:

I would like to register my objection to the subject zoning change from R-3 Single-Family to R-5 Multi-Family. There are already several multi-family properties within one block of the subject property. Creating an R-5 multi-family medium density residential property on this corner would add to the traffic in this already crowded neighborhood and infringe on the peaceful enjoyment of our property. I ask that this zoning change be disapproved.

Sincerely,

Robert Brown



ORDINANCE 3124

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS LOTS 12-14, BLOCK 356, GREAT FALLS FIRST ADDITION, SECTION 12, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY TO R-5 MULTI-FAMILY MEDIUM DENSITY.

* * * * *

WHEREAS, Lots 12-14, Block 356, Great Falls First Addition, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, are presently zoned R-3 Single-family high density district; and,

WHEREAS, the property owner, NeighborWorks Great Falls, has petitioned the City of Great Falls to rezone the subject property to R-5 Multi-family medium density district; and,

WHEREAS, notice of assigning R-5 Multi-family medium density zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 2nd day of September, 2014, before final passage of said Ordinance herein; and,

WHEREAS, following the public hearing, it was found and decided that the R-5 Multi-family medium density rezoning designation be made; and,

WHEREAS, the zoning map amendment on the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on July 8, 2014, to consider rezoning the subject property from R-3 Single-family high density district to R-5 Multi-family medium density district and at the conclusion of the hearing passed a motion recommending the City Commission rezone the property legally described as Lots 12-14, Block 356, Great Falls First Addition, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. It is determined that the herein requested rezoning will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That Lots 12-14, Block 356, Great Falls First Addition, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana be rezoned to R-5 Multi-family medium density district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading August 5, 2014.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading September 2, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3124 in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)