



**Item:** Public Hearing – Resolution 10127 for a Conditional Use Permit to construct a Community residential facility, type II on Lot 12 and East ½ Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range 4 East, P.M. MT., Cascade County, Montana, addressed as 2211 5<sup>th</sup> Avenue North

**From:** Gregory Gordos, Planner I, Planning and Community Development

**Initiated By:** The Society of St. Vincent de Paul of North Central Montana

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

**Action Requested:** City Commission adopt Resolution 10127.

---

**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) Resolution 10127.”

2. Mayor calls for a second, discussion, and calls for the vote.
- 

**Recommendation**

At the conclusion of a public hearing held on November 24, 2015, the Zoning Commission recommended the City Commission approve the Conditional Use Permit to construct a Community residential facility, type II on the subject property legally described above.

Notice of Public Hearing before the City Commission was published in the *Great Falls Tribune* on December 1, 2015.

**Background**

The subject property is located on 5<sup>th</sup> Avenue North, between 22<sup>nd</sup> and 23<sup>rd</sup> Street North, addressed as 2211 5<sup>th</sup> Avenue North. The applicant, St. Vincent de Paul, is requesting a Conditional Use Permit (CUP), as required by City Code Exhibit 20-1 of Section 17.20.010, to allow for the construction of a Community residential facility, type II. The re-establishment of the use of Grace Home would occur within the existing building. The subject property is located across the street from Foothills Christian School and one block from North Kiwanis Park. The

proposed facility will be used in the same manner as the previous land use (previous owner Gateway received a CUP before discontinuing use of the facility over five years ago) but for a different population, homeless veterans.

### **Conditional Use Permit**

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may be appropriate under certain conditions. Chapter 20 of Title 17 Land Development Code of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use Permit (CUP) before permitting a use that is defined as Community residential facility. A Community residential facility, type II is defined as a community residential facility with 9 or more individuals. The CUP process is typically conducted to allow staff and the City's decision making bodies to establish appropriate conditions onto the project to protect the health, safety and general welfare of neighboring property owners and the public. Additionally, it gives the public the opportunity to voice any concerns or support they may have on the proposed development.

### **Project Description**

If approved, the CUP will allow St. Vincent de Paul (after tentative purchase from Gateway Community Services) to establish the proposed land use in the existing facility. The project consists of two floors and a basement including ten total beds for homeless veterans in northcentral Montana. All ten bedrooms are planned for the second floor, while office space for one resident director (on-site 24/7) and two additional staff members would be found on the main floor. Communal rooms for residents would also be found on the lower floor with laundry, dining room and potentially a large kitchen in the basement.

### **Zoning Analysis**

The proposed development is within the R-3 Single-family high density residential zoning district. This zoning district is intended to accommodate an urban character of single-family homes and community facilities such as schools and churches. The Principal Uses by District table found in Exhibit 20-1 of the Land Development Code only allow a building such as the proposed land use to continue through the Conditional Use process. The existing development (Grace Home) has functioned as a community residential facility in the past under ownership by Gateway Community Services, and the building itself was built around 1920 as a dormitory, predating the current established zoning districts. The building is an existing, nonconforming structure.

### **Traffic Analysis**

Traffic is expected to be minimal due to the nature of proposed development, as the residents being served generally don't own vehicles. Traffic flow on-site will be serviced by the alley behind 5th Avenue North. An additional driveway entrance is currently accessible off of 22nd Street North and crosses properties not within the development boundary. Conditions are required if the applicant intends to keep this access. On-street parking is provided on 5th Avenue North in both directions; the flow of traffic can head east or west.

### **Parking**

Grace Home is an existing, nonconforming building within a residentially-zoned district.

The applicant does not anticipate the maximum ten residents of the facility to require private parking for their automobiles. Employee parking is provided from the alley behind the building. The applicant has stated that parked vehicles may include a St. Vincent de Paul labeled van for resident transport, staff parking (one on-site employee and two additional staff) and a potential for a third vehicle for the organization. Five vehicles may be parked on site at any given time.

The building's nonconforming status and requested CUP does not trigger parking requirement listed in Title 17 Land Development Code Exhibit 36-1 for a Residential use. This would apply only to new building construction.

### **Neighborhood Council Input**

The subject property is located in Neighborhood Council #8. Patty Cadwell, Neighborhood Council Coordinator, itemized the project on the Council's November 19, 2015, agenda and informally introduced to the Council on October 15, 2015. The council voted to support the project. To date, staff has not received any questions or comments regarding the project.

### **Conditional Use Permit Basis of Decision**

The basis for decision for Conditional Use Permits is listed in Section 17.16.36.040 of the Land Development Code. The Zoning Commission recommendation and the decision of the City Commission shall at a minimum consider the following criteria:

#### **1. The conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.**

The proposed Conditional Use Permit request is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project specifically supports Social and Physical Goals and Policies of the Growth Policy.

##### Social:

§ Soc 1.4.15: *Expand transitional housing with supportive services benefitting the homeless and special needs population in the City.*

Approving the CUP allows Grace Home to continue to function as it has in the past by serving special needs populations. Grace Home would function as transitional housing for ten armed forces veterans. None currently exists exclusively for this population within the city.

§ Soc 1.7: *Bolster the capacity of non-profits in the City.*

Approving the CUP increases St. Vincent DePaul capacity in providing shelter for individuals in need.

##### Physical:

§ Phy 4.1.4: *Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.*

The proposed development would reestablish use of a currently vacant property. Land uses surrounding the building include a school, city park, parking lot, and residential homes. The existing building is architecturally sensitive to the design of these surrounding buildings, specifically the current school (Grace Home was built as housing for the institution). The neighborhood block contains a diverse mix of land uses.

§ Phy 4.1.5: *Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.*

Approval of the CUP allows development on the vacant site, maximizing the City's existing infrastructure.

No neighborhood plans have been adopted for this area.

**2. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.**

The CUP allows the City to place appropriate conditions on specific projects to help mitigate or reduce the total off-site nuisances a project may have on the surrounding properties and environment. The conditions listed under the Conditions of Approval in this report apply specific measures to protect the health, safety, and general welfare of the public. It is not anticipated the proposed development will have an adverse impact on the surrounding properties or to the public.

**3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

Re-establishment of the community residential facility use of the lot will not impair property values within the neighborhood as the building is an existing, nonconforming structure. It is also not anticipated that the project will be injurious to the use and enjoyment of property in the immediate vicinity. Once completed, the project will be a compatible addition to the urban environment of the block by reestablishing a compatible and precedent land use to an architecturally appealing building.

**4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The proposed project will not impede the normal and ordinary development and improvement of surrounding properties. Adjacent property owners have been notified about the project and Staff has not received any comments. Additionally, the proposed development is compatible in scale and character to surrounding buildings.

**5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

Adequate services and infrastructure exist to operate the proposed project as it is an existing building in an established neighborhood.

**6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The proposed project will be accessed from the 5th Avenue North public right-of-way for on-street parking, or from the alley behind the building off of 22nd Street North or 23rd Street North. Access off of 22nd Street North requires additional permissions. Entering the site off of the 22nd Street curb cut would require traveling across land currently owned by Gateway Community Services and outside of the development area to be purchased by St. Vincent de Paul. A shared access agreement would be required to continue use of this driveway.

It is anticipated that establishment of the Community residential facility, type II will create minimal traffic and parking. No additional parking is required and the existing public street has adequate capacity to accommodate any new traffic.

**7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.**

The proposed project will conform to all the applicable regulations of the Land Development Code, specifically within the R-3 zoning district, excluding circumstances from the existence of

the nonconforming structure addressed under Title 17, Chapter 64 of the Land Development Code, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies. The proposed land use will not expand any existing nonconformities.

**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.

## **Conditions of Approval**

### **General**

- 1. Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the City approved plans and these conditions of approval is a violation of the Official Code of the City of Great Falls (OCCGF), subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
- 2. Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the Director of Planning and Community Development) is hereby authorized to permit minor changes, as provided below.
  - a. **Revised Plans.** Before making changes, the Applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
  - b. **Dimensional Changes.** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
  - c. **Materials Changes.** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
  - d. **Public Works Changes.** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
  - e. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A Substantial Change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).

- f. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the permit be amended following the same public process used for its adoption.

### **Planning**

3. **Expiration:** The conditional use permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
4. **Abandonment.** If a conditional use ceases to operate for more than six (6) months, the Conditional Use Permit is void.
5. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
6. **Lot Aggregation:** The applicant shall submit a development application for an Amended Plat in order to aggregate Lot 12 and East 1/2 Lot 13 before building permits are issued by the Administrator. Approval of the lot aggregation can be done administratively and upon review and approval will be filed with the Cascade County Clerk and Recorder.

### **Building**

7. **Building Plans:** The Applicant shall provide a full set of building plans for future construction that includes, but is not limited to, architectural plans to the Administrator for review and approval, prior to the issuance of zoning and building permits.

### **Fire**

8. **Building Plans:** The Applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.

### **Public Works**

9. **Initial Compliance On and Off Site Civil:** The Applicant shall submit for review to the Director of Public Works any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Director of Public Works for review.
10. **Ingress/Egress:** The applicant shall submit a file a written agreement between the property owner and Gateway Community Services and/or landowners of West 1/2 Lot 13 and Lot 14 in order to continue use of a driveway access off of 22nd Street North. If the applicant chooses not to maintain the aforementioned access, this driveway may not be used for the subject property.

**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:** Resolution 10127  
Aerial Map  
Zoning Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Deborah Kottel, Applicant  
deborah.kottel@ugf.edu

## RESOLUTION 10127

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A COMMUNITY RESIDENTIAL FACILITY, TYPE II ON THE PROPERTY ADDRESSED AS 2211 5<sup>TH</sup> AVENUE NORTH, AND LEGALLY DESCRIBED AS LOT 12 AND EAST ½ LOT 13, BLOCK 169, GREAT FALLS FOURTH ADDITION, SECTION 6, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M. MT., CASCADE COUNTY, MONTANA.

\* \* \* \* \*

WHEREAS, The Society of St. Vincent de Paul of North Central Montana has petitioned the City of Great Falls for a Conditional Use Permit to allow for the construction of a Community residential facility, type II on the property legally described as Lot 12 and East ½ Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range 4 East, P.M. MT., Cascade County, Montana; and,

WHEREAS, the subject property is presently zoned R-3 Single-family high density wherein the operation of a Community residential facility is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the construction of a Community residential facility, type II on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on November 24, 2015 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 2211 5<sup>th</sup> Avenue North and legally described as Lot 12 and East ½ Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range



4 East, P.M. MT., Cascade County, Montana, to allow for the construction of a Community residential facility, type II on a portion of the site, subject to the following conditions:

1. Approved Plans and Conditions: Failure to build and/or operate the conditional use in accord with the City approved plans and these conditions of approval is a violation of the Official Code of the City of Great Falls (OCCGF), subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
2. Modifications: It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
  - a. Revised Plans. Before making changes, the Applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
  - b. Dimensional Changes. Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
  - c. Materials Changes. Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
  - d. Public Works Changes. Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
  - e. Substantial Change. Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A Substantial Change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
  - f. Changes in Use. Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level

of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the permit be amended following the same public process used for its adoption.

3. Expiration: The conditional use permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
4. Abandonment. If a conditional use ceases to operate for more than six (6) months, the Conditional Use Permit is void.
5. General Code Compliance: The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
6. Lot Aggregation: The applicant shall submit a development application for an Amended Plat in order to aggregate Lot 12 and East 1/2 Lot 13 before building permits are issued by the Administrator. Approval of the lot aggregation can be done administratively and upon review and approval will be filed with the Cascade County Clerk and Recorder.
7. Building Plans: The Applicant shall provide a full set of building plans for future construction that includes, but is not limited to, architectural plans to the Administrator for review and approval, prior to the issuance of zoning and building permits.
8. Building Plans: The Applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.
9. Initial Compliance On and Off Site Civil: The Applicant shall submit for review to the Director of Public Works any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Director of Public Works for review.
10. Ingress/Egress: The applicant shall submit a file a written agreement between the property owner and Gateway Community Services and/or landowners of West 1/2 Lot 13 and Lot 14 in order to continue use of a driveway access off of 22nd Street North. If the applicant chooses not to maintain the aforementioned access, this driveway may not be used for the subject property.
11. Acceptance of Conditions: No zoning or building permit shall be issued until the Applicant acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

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

That a Conditional Use Permit be granted at the property addressed as 2211 5th Avenue North to allow for the establishment of a Community residential facility, type II, conditioned upon the owner complying with the said conditions; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on December 15, 2015.

---

Michael J. Winters, Mayor

ATTEST:

---

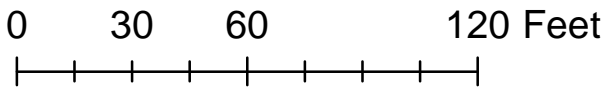
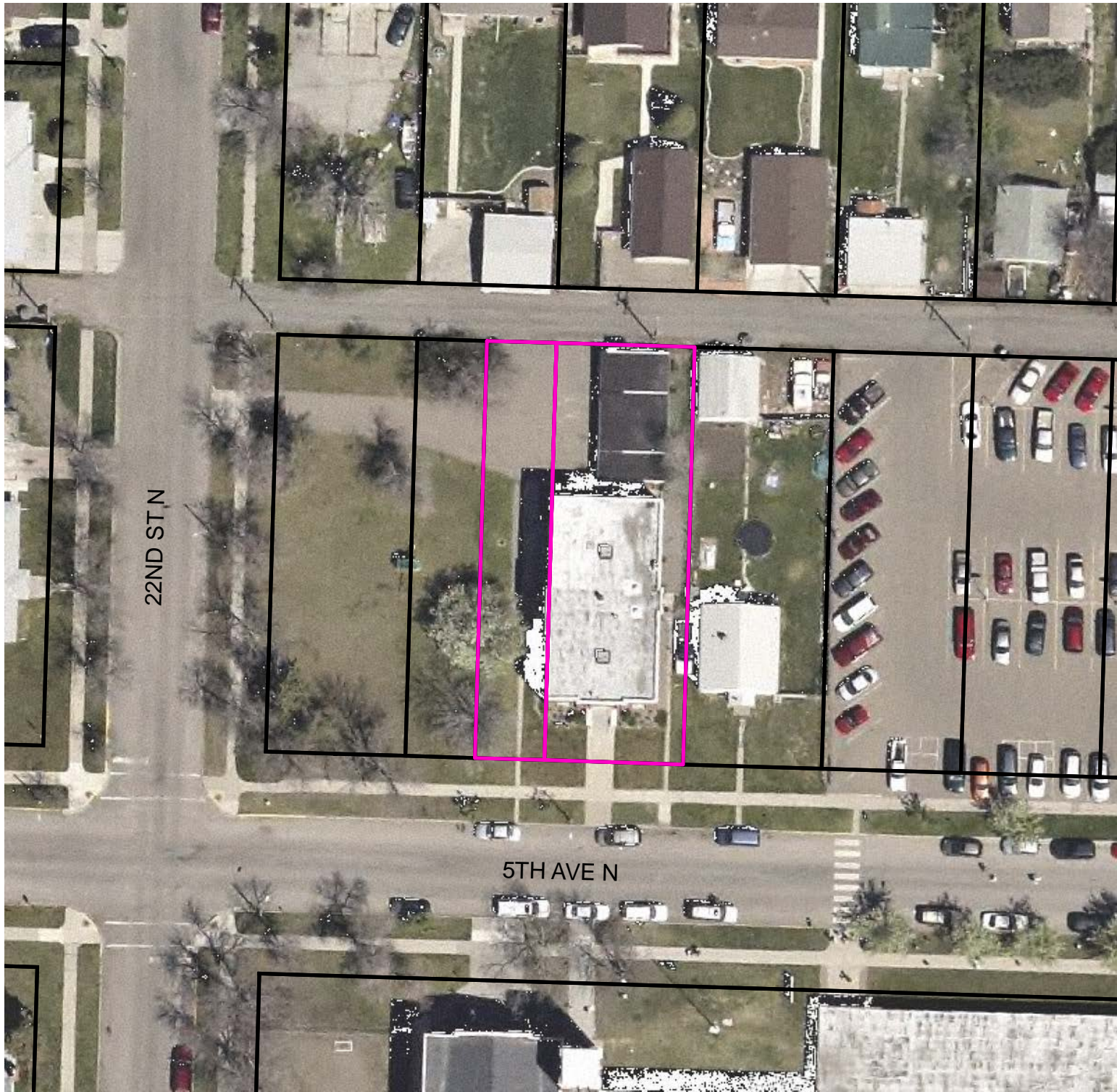
Lisa Kunz, City Clerk



(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

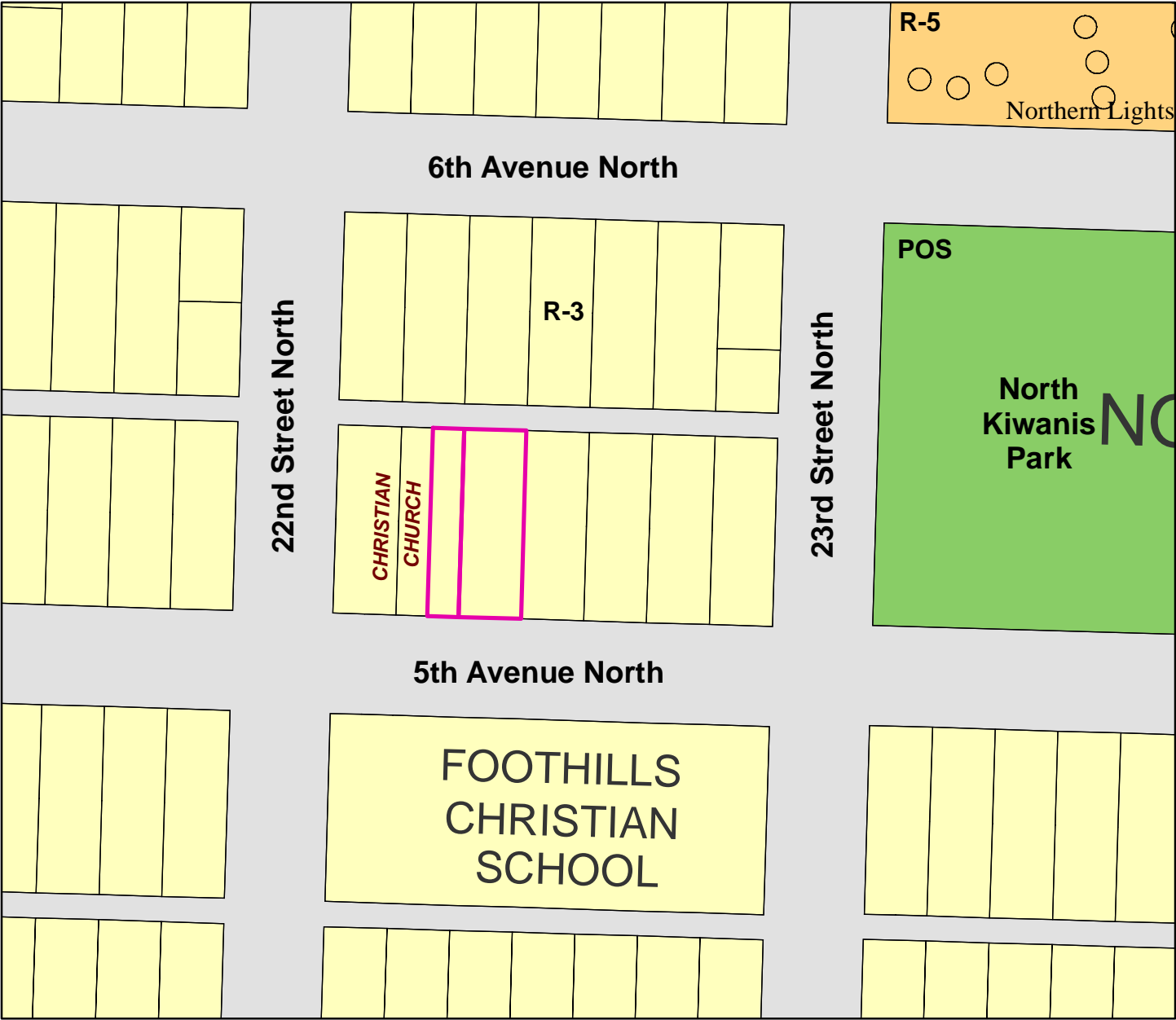
---

Sara R. Sexe, City Attorney



-  Subject Property
-  Parcels

# Zoning Map



- Tracts of Land
- R-3 Single-family High Density
- POS Parks and Open Space
- right-of-way
- R-5 Multi-family Medium Density

## ZONING

