

PLANNING ADVISORY BOARD ZONING COMMISSION

OCTOBER 25, 2011

Case Number

CUP2011-4

Applicant

Robert Cole

Owner

Robert Cole

Property Location

264 15th Avenue South

Parcel ID Number

1259900

Requested Action

Conditional Use Permit
Request for a secondary dwelling unit above garage.

Neighborhood Council

Neighborhood Council #6

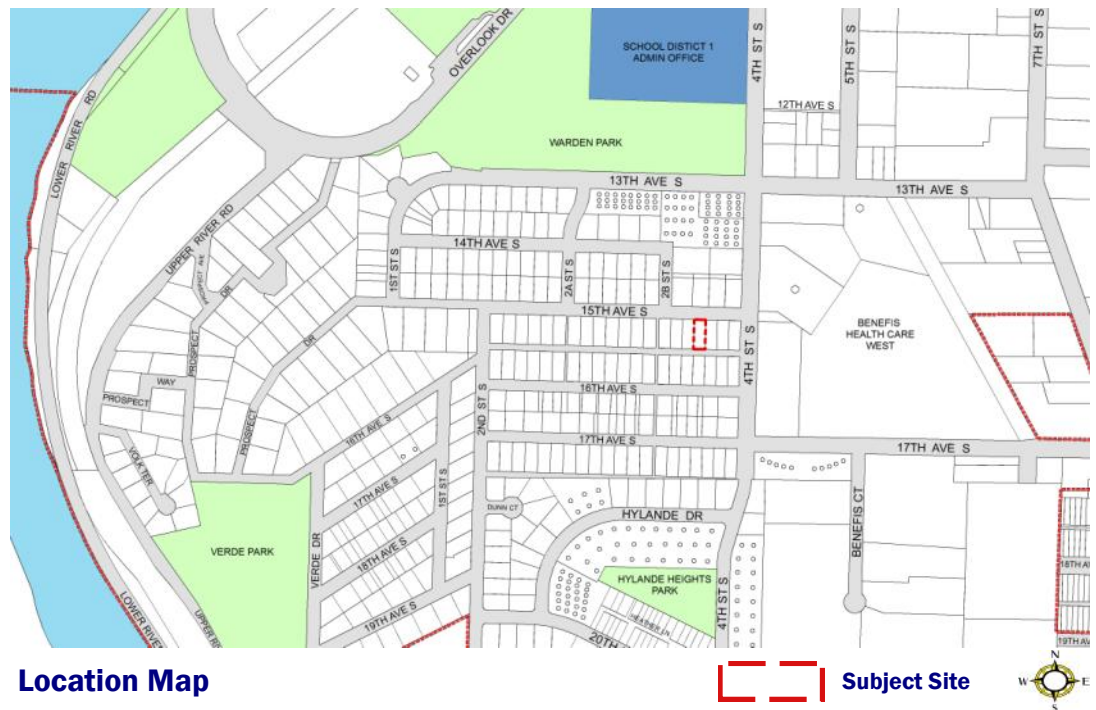
Recommendation

Approval of the request with Conditions.

Project Planner

Jana Cooper, RLA

CONDITIONAL USE PERMIT 264 15TH AVE S - TWO-FAMILY RESIDENCE



Location Map

Subject Site

Summary

Project Description

The ±7,500 sq. ft. subject property is generally located on 15th Avenue South just west of 4th Street South.

The applicant is requesting a Conditional Use Permit for Lot 17, Block 1, Prospect Heights Addition, herein referred to as subject property, to allow a “two-family residence on the property” or more specifically two dwelling units on one lot.

Background

Legal Description:

- Lot 17, Block 1, Prospect Heights Addition to Great Falls Section 13, T20N, R3E, P.M.M., Cascade County, MT.

Area: ±7,500 sq. ft.

Agency Comment

Representatives from the City’s Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or in the conditions of this report.

Existing Conditions

The existing site information for the said property includes:

Existing Use: There is a single-family home on the front of the lot and an existing garage located adjacent to the alley. The second story of the garage was established as storage and permitted in 1996.

Existing Zoning: R-3 Single-family high density. This district is intended to accommodate single-family residences at the highest urban density.

Adjacent Land Use: The property is located in a residential neighborhood with single-family homes on all sides. See Exhibit A - Vicinity/ Zoning Map, and Exhibit B - Aerial Photo, for more information on the surrounding properties.



View southwest from 15th Ave S toward front of residence.



View northwest from alley toward existing garage with proposed second residence above.

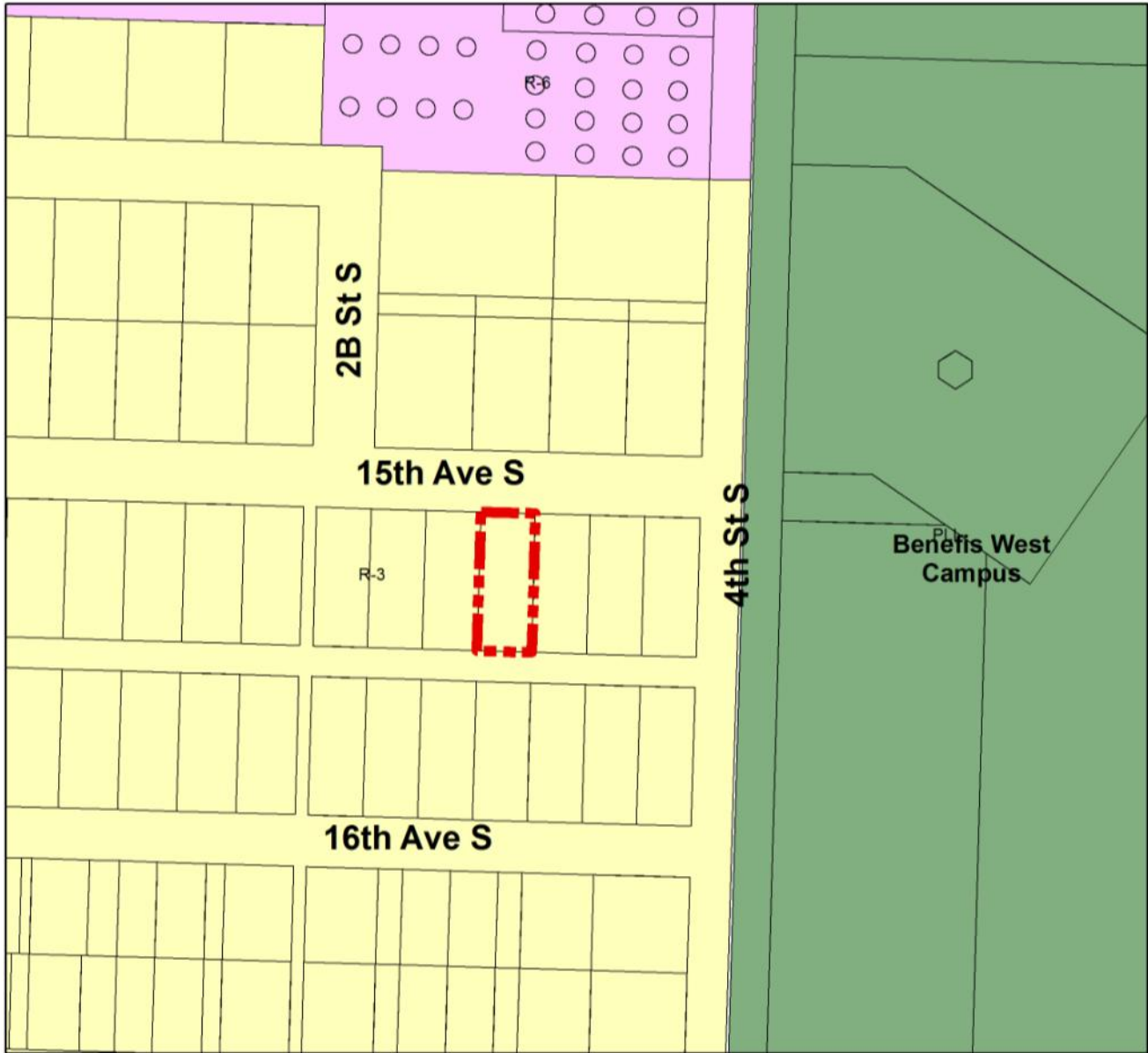


Neighborhood character photo.



Neighborhood character photo.

EXHIBIT A - VICINITY / ZONING MAP



264 15th Ave S

City Limits

ZONING

AI Airport Industrial

C-1 Neighborhood commercial

C-2 General commercial

C-3 Highway commercial

C-4 Central business core

C-5 Central business periphery

I-1 Light industrial

I-2 Heavy industrial

M-1 Mixed-use district

M-2 Mixed-use transitional

PLI Public lands institutional

POS Park Open Space

PUD Planned unit development

R-1 Single-family suburban

R-2 Single-family medium density

R-3 Single-family high density

R-5 Multi-family medium density

R-6 Multi-family high density

R-9 Mixed residential

R-10 Mobile home park

Unincorporated Enclave

110 55 0 110 Feet



CUP - 264 15th Ave S - Zoning Map

EXHIBIT B - AERIAL PHOTO



Aerial Photo: May, 2009

-  264 15th Ave S
-  Tracts of Land
-  City Limits



CUP - 264 15th Ave S - Aerial Photo

Conditional Use Permit

Property Background & Request

The applicant/property owner of 264 15th Avenue South is requesting a Conditional Use Permit to allow a two-family residence. A detached garage with storage above was legally permitted and constructed in 1995. The garage is in the back of the subject property and accessed from the alley. The applicant has now submitted building plans to convert the existing second-story storage area into a second residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. (See Exhibit F Building Plans)

Zoning Analysis

The subject property is located in an area of mixed development with predominately single-family residential land uses. The subject property is zoned R-3 Single-family high density. The R-3 district is intended to accommodate single-family residences at the highest urban density. Prior to adoption of the Land Development Code in October 2005, the neighborhood was zoned “A Residential” which did not allow two- and three-family residences. However under the current code “Residence, two-family” means a building or buildings situated on one (1) lot that contains a total of two (2) dwelling units and are allowed with conditional use approval in the R-3 zoning district.

There are some existing two-family residences scattered throughout the area. Also, to the north of the subject property at the corner of 13th Avenue South and 4th Street South, there are existing apartments which are zoned R-6 Multi-family high density. South of the subject property located adjacent to 4th Street South and 20th Avenue South is an existing condo development that is zoned R-5 Multi-family medium density. East of the property adjacent to 4th Street South is Benefis Health Care West Campus, zoned PLI—Public Lands Institutional. These higher density developments within the vicinity of the subject property do not appear to adversely affect the neighborhood. No inventory has been done of the number or frequency of single or multifamily residences in the area, but by analyzing address data in the surrounding neighborhood, there are a few multifamily residences in the area, though none on the subject block. (See exhibit C - Address Map)

Parking

The off-street parking requirements for the proposed two-family dwelling is two spaces per dwelling unit. The property currently has two off-street spaces in the existing garage.

The grade of the property makes it infeasible to provide the additional parking in the back of the lot adjacent to the alley. As an alternative the applicant proposed to provide the additional required spaces in the front of the property, but consistent with Public Work’s policy Dave Dobbs, City Engineer, will not allow the off-street parking in the front of the property.

City Commission, as part of the approval process, has the right to modify regulations through the Conditional Use Permit process. In this case, Staff is in favor of waiving the off-street parking requirement based on the special conditions outlined above.

Traffic Analysis

The applicant has stated that the second unit will be occupied by either him or his elderly mother so there will be no immediate additional traffic impact. Any future additional traffic impacts would be minimal.

Streets & Utilities

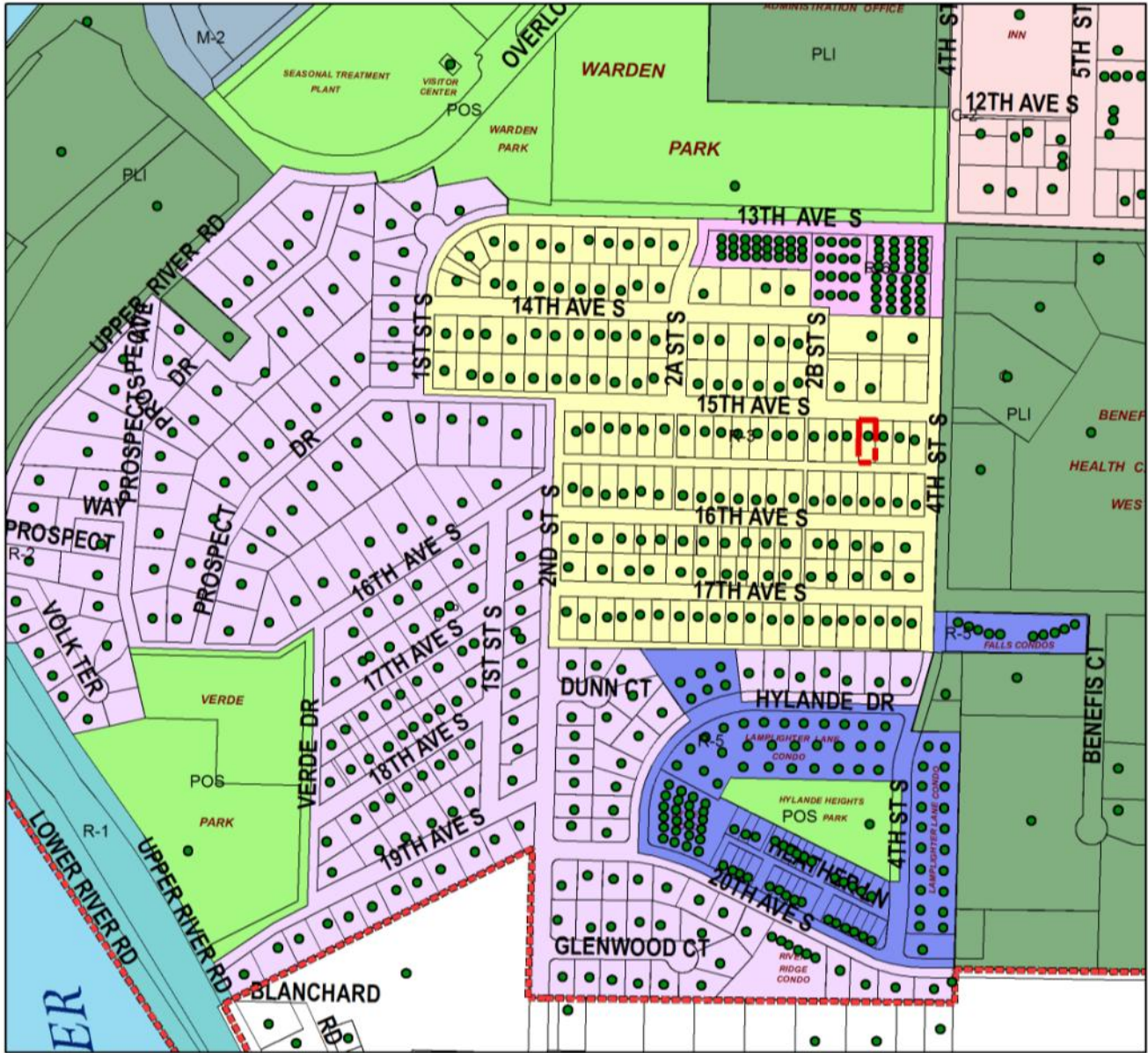
15th Avenue South is an existing street that is built to City standards. The alley at the back of the property is gravel and maintained by the City. Any additional traffic caused by this application will be minimal, so the applicant will not be required to provide any roadway improvements.

There are existing water and sewer service lines provided to the dwelling unit at the front of the property. The applicant will need to follow City permitting process to establish water and sewer in the second dwelling unit. If this unit is metered separately there will need to be an additional shut-off per the Utility Department.

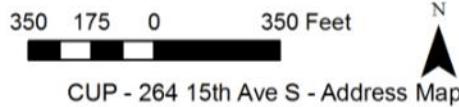
Stormwater Management

The request is located in a residential neighborhood; therefore, the applicant is not required to provide a stormwater management plan in compliance with the City of Great Falls Storm Design Manual and City standards.

EXHIBIT C - ADDRESS MAP



City Limits	C-5 Central business periphery	R-2 Single-family medium density
264 15th Ave S	I-1 Light industrial	R-3 Single-family high density
CityAdd	I-2 Heavy industrial	R-5 Multi-family medium density
ZONING	M-1 Mixed-use district	R-6 Multi-family high density
AI Airport Industrial	M-2 Mixed-use transitional	R-9 Mixed residential
C-1 Neighborhood commercial	POS Park Open Space	R-10 Mobile home park
C-2 General commercial	PUD Planned unit development	Unincorporated Enclave
C-3 Highway commercial	R-1 Single-family suburban	
C-4 Central business core		



2005 City of Great Falls Growth Policy

A goal in the Land Use Element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods.” The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected, which in this case, is established and stable. Land use changes should be compatible with the type, scale, and physical character of the neighborhood. Staff concludes that the proposed second residence is consistent with the City’s Growth Policy due to the fact that the existing neighborhood consists of a mix of land uses and residential densities. The second residence is proposed to be built within an existing building that is compatible with the type, scale and physical character of the existing neighborhood.

Neighborhood Council Input

The subject property is located in Neighborhood Council #6. Patty Cadwell, Neighborhood Council Coordinator provided information to Council #6 on October 10, 2011. At the time this staff report was written there were no comments from the neighbors regarding the application. The next meeting for Council #6 is not until November 2, 2011. Ms. Cadwell will present the Conditional Use information at that meeting and Staff will provide the City Commission with any comments or concerns the neighbors have as the project moves forward. The applicant has provided a list of signatures from his immediate neighbors in support of the application. (See exhibit E - Neighbor Support Signatures.)

Conditional Use Permit Findings

Primary Review Criteria

The procedure for processing a Conditional Use Permit is to conduct a public hearing before the Zoning Commission, which makes a recommendation to the City Commission. A second public hearing and a final decision regarding the Conditional Use Permit application are the purview of the City Commission. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements. The City Land Development Code lists seven criteria to be applied to a request for a conditional use for evaluation purposes, including:

The conditional use is consistent with City’s Growth Policy and applicable neighborhood plans, if any.

As stated in the staff report, a goal in the Land Use Element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods.” Staff concludes that the proposed second residence is consistent with the City’s Growth Policy due to the fact that the existing neighborhood consists of a mix of land uses and residential densities. The second residence is proposed within an existing building that is compatible with the type, scale and physical character of the neighborhood.

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

Establishment, maintenance or operation of the secondary dwelling unit will not be detrimental to, or endanger the health, safety, moral, comfort or general welfare in his specific location.

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.

The proposed second residence will be located in an existing structure on the site. Other than provisions for additional off-street parking, there will not any exterior construction on the site. Therefore, the character of the neighborhood will be maintained and the conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity.

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 second residence will not impact the normal and orderly development or improvement of the surrounding property. The surrounding neighborhood is established and built out, and there are no plans for new exterior development of the site.

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

All utilities, access roads, drainage etc., as required by the Official Code of the City of Great Falls, are either existing on the subject property or are being provided as a condition of approval for this request.

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 conditional use permit for a secondary dwelling unit is being established in an existing structure with adequate existing ingress and egress. The addition of the second residence will have minimal traffic impact so there should be minimal impact to traffic congestion in the vicinity of the subject property. The applicant will be required to provide additional off-street parking to meet code requirements.

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.

Converting the existing two-story garage into living space above a garage will make this structure a “primary” building. Setbacks for a primary building are 20 feet front yard, 6 feet side yard and 15 feet rear yard. The existing building is 7 feet from the rear property line in lieu of 15 feet, requiring a modification. In this case, staff recommends the City Commission modify the requirements to allow the second residence for the following reasons:

- The structure is already existing, so there would not be any new structural impact to the neighborhood.
- The character of the neighborhood will not be changed by allowing a decreased setback in this instance.
- There will be a minimal increase in traffic to the property.

The off-street parking requirements for the property are two spaces per dwelling unit. A total of four spaces is required in this instance. Staff has been working with the applicant to develop a way to provide all four off-street spaces, but a reasonable solution has not developed. In this case staff recommends waiving the requirement for the additional two off-street spaces for the following reasons:

- The grading at the back of the property adjacent to the alley makes providing the spaces in that location infeasible.
- Curb cuts to serve off-street parking that is not connected to a garage or covered carport in residential areas is discouraged. In this instance as in previous cases, the City Engineer has not approved the request for parking in the front of the lot.

Staff Recommendation

Approval of the conditional use permit will result in one additional residence that should not create any significant impact on the neighborhood, as the proposed residence will be located in an existing structure. The proposed second residence is consistent with the review criteria for Conditional Use Permits. Therefore, it is recommended that the Zoning Commission recommend to the City Commission that a Conditional Use Permit be **granted** to allow renovation of the existing storage area located over the garage into a secondary residence on the property addressed as 264 15th Avenue South.

Recommendation: It is recommended that the Zoning Commission recommend the City Commission approve the Conditional Use Permit for a two-family residence to be established at the property legally described as Lot 17, Block 1, Prospect Heights Addition to Great Falls Section 13, T20N, R3E, P.M.M., Cascade County, Montana, subject to the following Conditions of Approval being fulfilled by the applicant and based on the following findings.

Conditions of Approval

1. The applicant shall ensure that all relevant permits for construction are obtained and kept in good standing with the City of Great Fall Building Department, and that the applicant shall call for all required inspections throughout the construction process.
2. Applicant shall provide facilities for adequate mail delivery to both residences as required by the post office.

Findings of Fact

1. The conditional use is consistent with City's Growth Policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
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.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
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.
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.

Review/Approval Process

Next Steps

1. The Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Conditional Use Permit.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood & Youth Council Coordinator
Robert Cole, 264 15th Ave South, Great Falls, MT 59401

EXHIBIT D - APPLICATION

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
 P. O. Box 5021, GREAT FALLS, MT, 59403-5021
 406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

Submittal Date: 9/15/11
 Application Number: 11-02225
 Paid (Official Use ONLY): 11/15/11 5169 COLE

- Annexation: \$400
- Establish City Zoning: \$700
- Zoning Map Amendment: \$700
- Conditional Use Permit: \$700
- Planned Unit Development: \$700
- Subdivision Preliminary Plat: \$800
- Subdivision Minor Plat: \$600
- Subdivision Final Plat: \$300
- Amended Plat (6 or more lots): \$600
- Vacate Public Right of Way: \$200

ROBERT W. COLE
Name of Project / Development:

ROBERT W. COLE
Owner Name:

264 15th Ave. So.
Mailing Address:

425-870-0244 Phone: _____ Email: _____

S/A/A
Representative Name:

S/A/A
Mailing Address:

425-870-0244 Phone: _____ Email: _____

PROPERTY DESCRIPTION / LOCATION:

17 Mark/Lot: _____ Section: _____ Township/Block: 1 Range/Addition: Prospect Hts 3

264 15th Ave. So.
Street Address:

ZONING:

Current: R3 Proposed: R3 COND USE LAND USE: Current: SINGLE FAMILY RESIDENTIAL Proposed: TWO FAMILY RES. COND USE

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.
Robert W. Cole Property Owner's Signature: _____ Date: 9/15/11

Representative's Signature: _____ Date: _____

EXHIBIT E - NEIGHBOR SUPPORT SIGNATURES

Neighbors:

The city building department issued permits to adapt the top of our garage at 264 15th Avenue South to mother-in-law living quarters. Now they want us (after the fact) to go through variance process. I am asking you to acknowledge approval by signing name and address.

NAME

ADDRESS

Shirley Hansen 268 15th Ave So Great Falls, MT 59405

Kenneth Kallal 250 15th Ave So Great Falls MT 59405

Umpon Souell 261 15th Ave So. Great Falls MT

Lynne Taylor 253 15th Ave So Great Falls MT

Peggie Hatfield 252 15th Ave So Great Falls MT

Debra Swank 260 15th Ave So Great Falls, MT

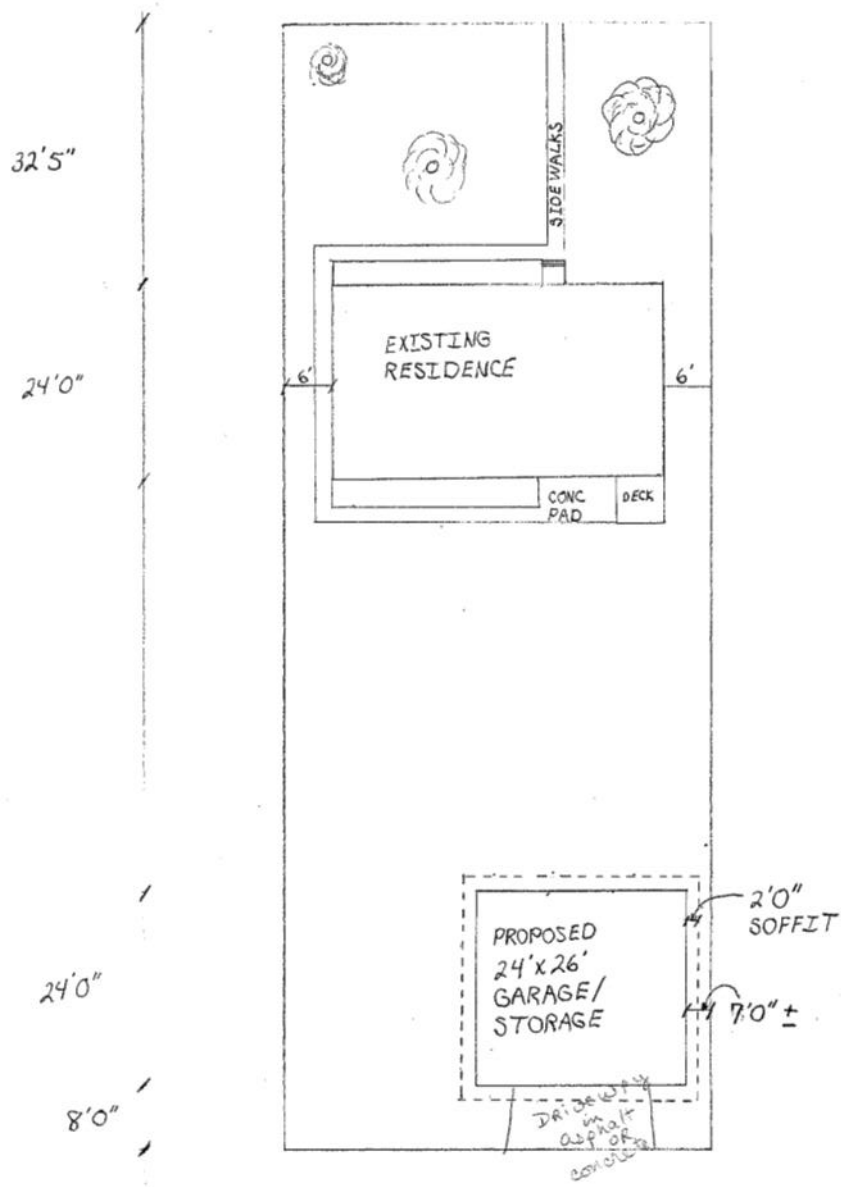
Rufus Misner 1500 4th St So Great Falls MT 59405

Amel Schmitt 273 16th Ave. South Great Falls MT 59405

Casey Livingston 274 16th Ave S. Great Falls, MT 59405

Mark B 265 10th Ave South 59405

EXHIBIT F - EXISTING SITE PLAN (1995)



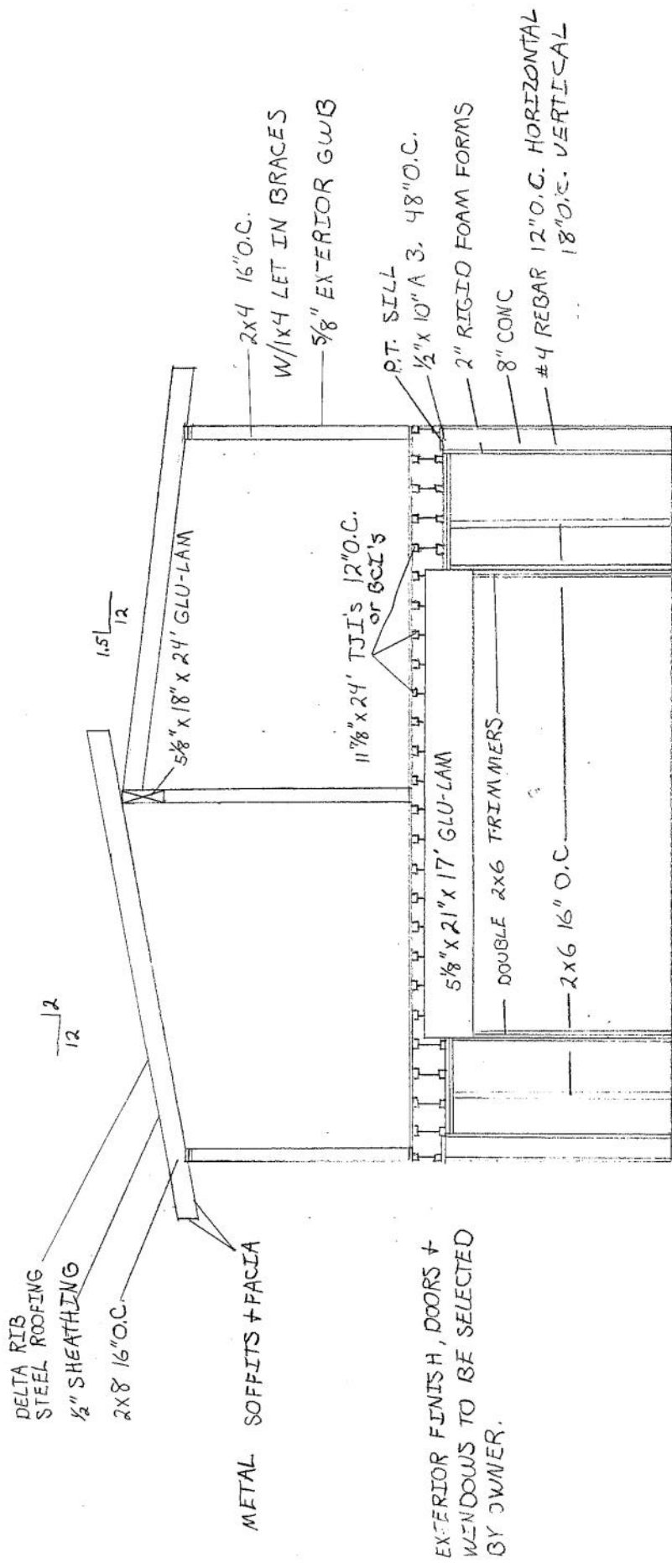
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1248

KEITH + LORRAINE HARLAN
264 15th AVE SO
GREAT FALLS, MONTANA

LOT 17
BLOCK 1
3RD ADDITION TO PROSPECT HEIGHTS ADDITION

1/16" = 1'

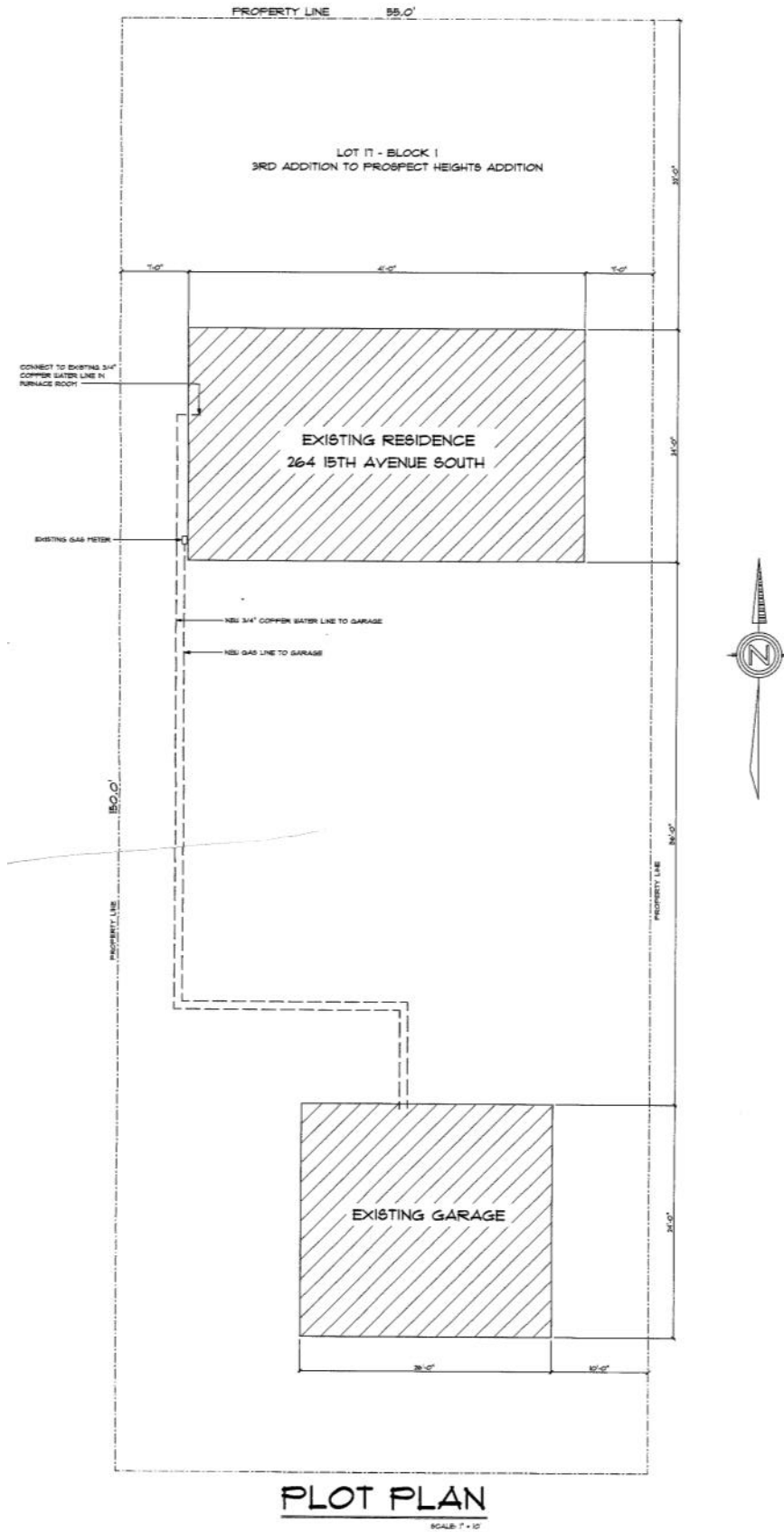
EXHIBIT F - EXISTING BUILDING PLAN (1995)

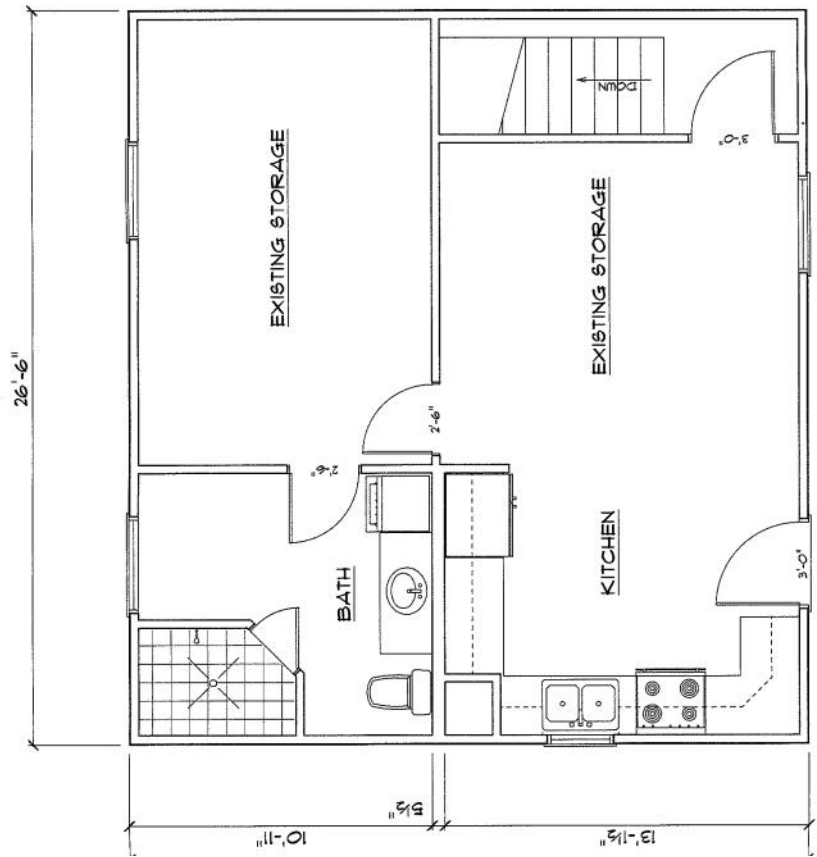


1/4" = 1' SOUTH ELEVATION GENERAL FRAMING

EXTERIOR FINISH, DOORS + WINDOWS TO BE SELECTED BY OWNER.

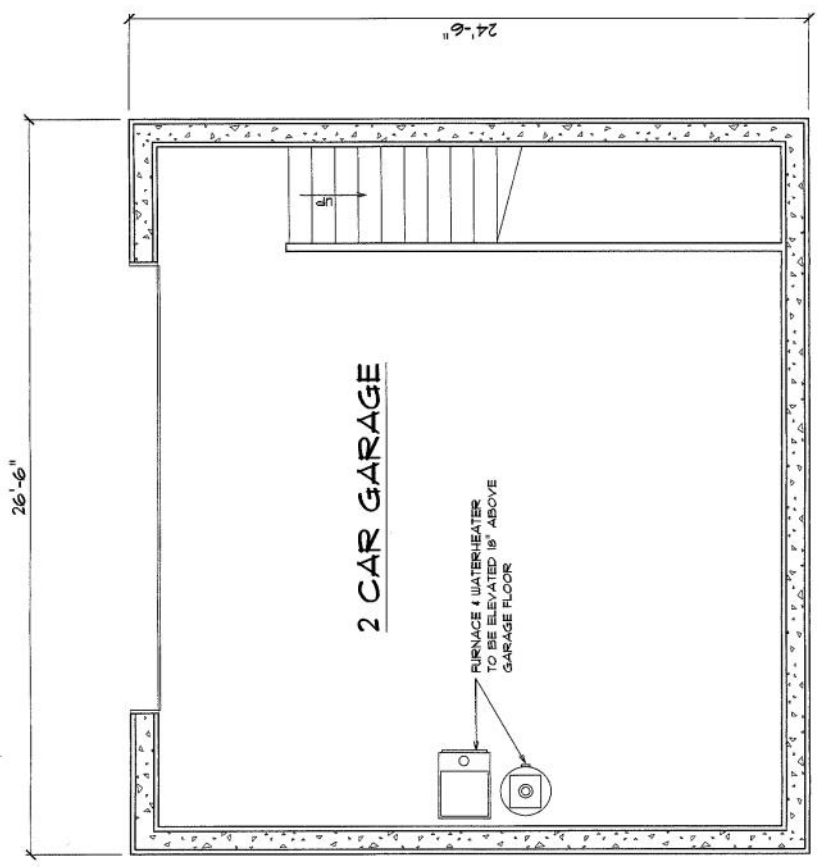
EXHIBIT F - PROPOSED SITE PLAN (2011)





EXISTING GARAGE
MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"



EXISTING GARAGE
LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"