

# PLANNING ADVISORY BOARD ZONING COMMISSION

**MARCH 26, 2013**

**Case Number**

CUP2013-2

**Applicant/Owner**

David Knudson

**Property Location**

624 3rd Avenue North

**Parcel ID Number**

122600

**Requested Action**

**Conditional Use Permit**  
Request for a second residence in an existing single-family residence.

**Neighborhood Council**

Neighborhood Council #7

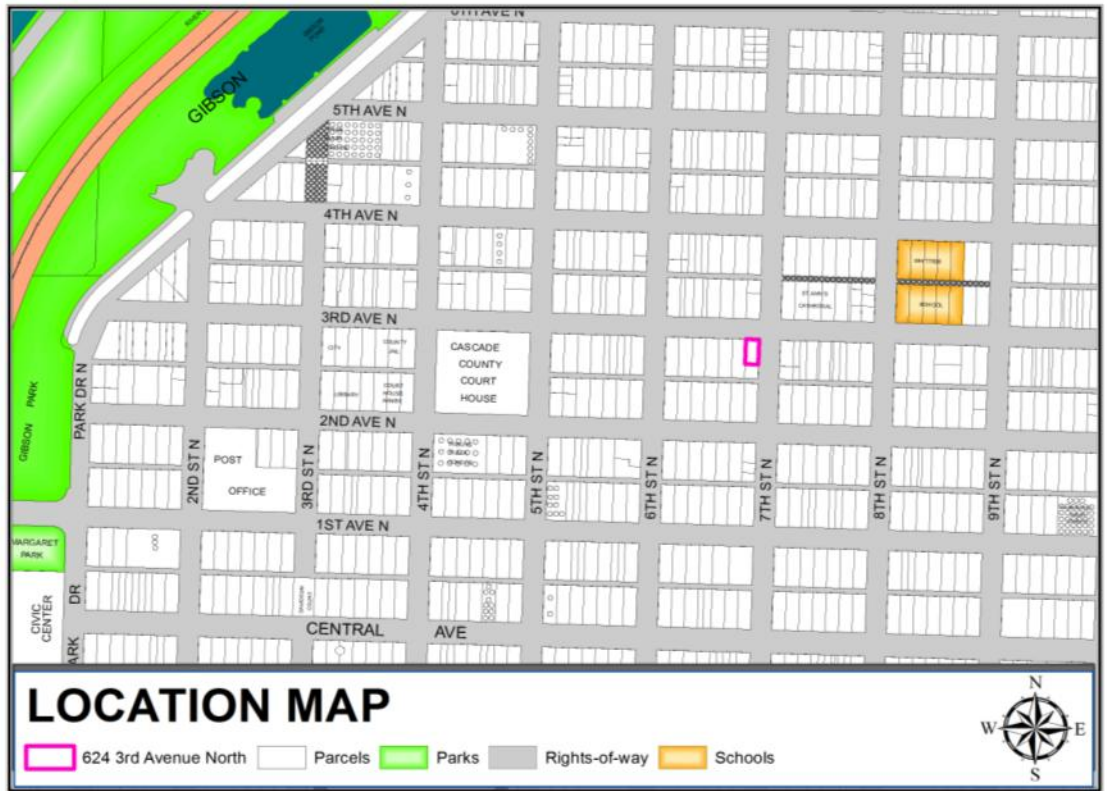
**Recommendation**

Approval of the request with Conditions.

**Project Planner**

Galen Amy

## CONDITIONAL USE PERMIT 624 3RD AVE N - TWO-FAMILY RESIDENCE



### Summary

#### Project Description

The ±4,792 square foot lot is located at the southwest corner of the 3rd Avenue North and 7th Street North intersection.

The applicant is requesting a Conditional Use Permit for 624 3rd Avenue North, herein referred to as subject property, to remodel the existing residence into a two-family residence on the property.

### Background

#### Legal Description:

- North 96' Lot 7, Block 255, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, P.M.M., Cascade County, MT.

Area: ±4,792 square feet

#### 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 large residence that was constructed in 1907 on the subject property, and the lot was subdivided in 1947, so the residence is on the north portion of said lot. The house is unoccupied, as interior renovations were started, but not completed, by the previous owner.

**Existing Zoning:** R-9 Mixed residential. This district contains a mix of housing types including single-family, two-family, and multi-family dwellings. All permitted existing residential densities in the R-9 district are considered to be conforming and are allowed to be re-established if damaged. Any increase in density shall only be permitted as a conditional use.

**Adjacent Land Use:** The property is located in a mixed use residential neighborhood with single-family homes on all sides, with St. Ann's Cathedral located diagonally across the intersection to the northeast. See Exhibit A - Vicinity/ Zoning Map, and Exhibit B - Aerial Photo, for more information on the surrounding properties.



View south from 3rd Avenue North toward the front of residence.



View west from 7th Street North toward existing residence.

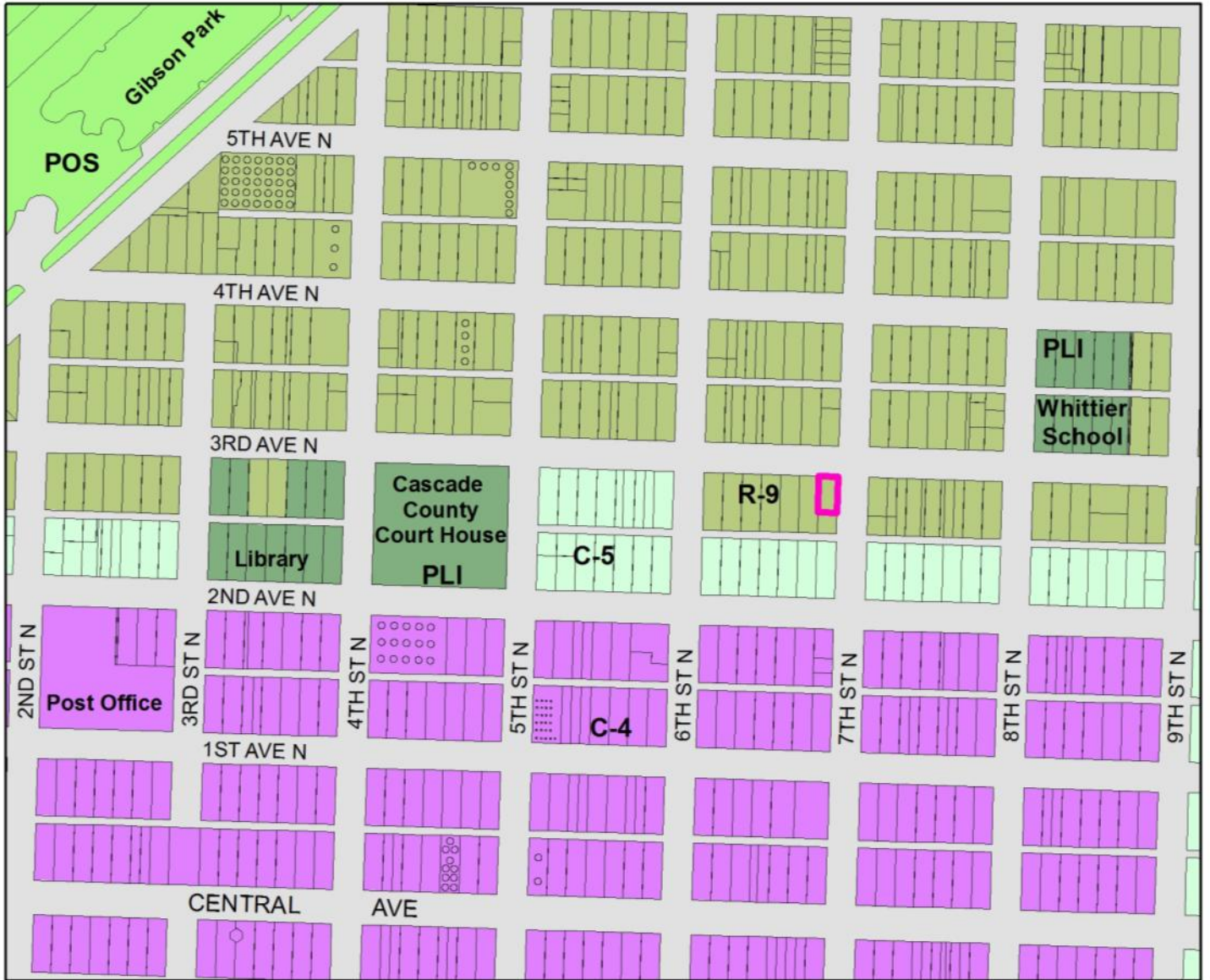


View west of the existing off-street parking area.



View west toward the back corner of existing residence.

# EXHIBIT A - VICINITY / ZONING MAP





624 3rd Avenue North	C-5 Central business periphery	R-1 Single-family suburban
Tracts of Land	I-1 Light industrial	R-2 Single-family medium density
Right-of-way	I-2 Heavy industrial	R-3 Single-family high density
<b>ZONING</b>	M-1 Mixed-use district	R-5 Multi-family medium density
AI Airport Industrial	M-2 Mixed-use transitional	R-6 Multi-family high density
C-1 Neighborhood commercial	PLI Public lands institutional	R-9 Mixed residential
C-2 General commercial	POS Park Open Space	R-10 Mobile home park
C-3 Highway commercial	PUD Planned unit development	Unincorporated Enclave
C-4 Central business core		

240 120 0 240 Feet

# EXHIBIT B - AERIAL PHOTO



-  624 3rd Avenue North
-  Tracts of Land

100 50 0 100 Feet



N



CUP 624 3rd Ave N

## Conditional Use Permit

### **Property Background & Request**

The applicant/property owner of 624 3rd Avenue North is requesting a Conditional Use Permit to renovate the existing single-family residence into a two-family residence. The residence was constructed in 1907 as a two-family residence, and is currently listed as a contributing building in the Northside Residential Historic District. It is also listed in the National Register of Historic Places. The owner intends on taking measures to maintain the original integrity of the building's exterior as construction plans are developed. The City Historic Preservation Officer, Ellen Sievert, is familiar with the proposed project and approves of the applicant's plans.

The building consists of three floors, 1,600 square feet each, with a full basement. Prior to 1978, the building was converted into a six-plex and served as a multi-family rental property. City records show the previous owner applied to convert the six-plex into a single-family residence in 2009. Interior renovation of the residence, including removal of one staircase, was started by the previous owner. The renovations were not completed, so the residence has been unoccupied since (See Exhibit E - Site Plan).

### **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-9 mixed residential. The R-9 district contains a mix of housing types including single-family, two-family, and multi-family dwellings.

There are some existing two-family residences and multi-family residences located to the north of the subject property. The subject block abuts the C-5 Central business periphery immediately to the west and south, this district serves as a buffer between residential neighborhoods and the downtown area. There are also a number of churches, motels, businesses, and Whittier School in the area surrounding the subject property.

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 City address data in the surrounding neighborhood, there are a number of

multi-family residences in the area, though none are on the subject block.

### **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. There appears to be enough space at the back of the existing residence to meet the off-street parking requirement. The City is requiring the parking pad be paved.

Consistent with Public Work's policy, Dave Dobbs, City Engineer, has approved a proposed 20-foot wide driveway curb cut. Construction of the parking area and driveway must be done in accordance with section 17.32.150 of the Municipal Code and appropriate construction standards.

### **Traffic Analysis**

The applicant has agreed to meet the off-street parking requirements as described above, and as this project is located in a developed, high density neighborhood, any future tenant based traffic impacts would be minimal.

### **Streets & Utilities**

3rd Avenue North is built to City standards. Any additional traffic generated 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 Division.

### **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.

### **2005 City of Great Falls Growth Policy**

The request is consistent with the 2005 Growth Policy Update; specifically, the land use portion of the plan which emphasizes the goal of neighborhood vitality. The renovation and investment in this house will help to diversify the housing stock available in this desirable neighborhood, close to downtown.

A goal of the land use element is to preserve and enhance the character, quality and livability of existing neighborhoods, and to support and encourage efficient, sustainable development and redevelopment throughout the community. Infill, redevelopment and use of existing infrastructure is also strongly encouraged in the Updated Growth Policy.

Policies in the land use element further state, “Encourage livable, walkable, visually and functionally cohesive neighborhoods that incorporate traditional design concepts “ and “encourage mixed land uses in new and redeveloping areas to achieve a high degree of self-containment, reduce auto dependence, and foster a strong live-work-play pattern of activity within neighborhoods.” The project is located in a walkable, traditional style neighborhood, with adequate infrastructure, adjacent to and with easy access to downtown, its employers, shops and services. Any potential compatibility issues should be addressed as part of the Conditional Use Permit process.

### **Neighborhood Council Input**

The subject property is located in Neighborhood Council #7. The applicant provided information in person to the Council on March 11, 2013, and Patty Cadwell, Neighborhood Council Coordinator provided information via email on March 13, 2013 to the Council. At the time this staff report was written there have been general questions, but no comments from the neighbors regarding the application. The applicant has provided signatures from surrounding neighbors in support of the application (See exhibit F - Neighbor Support Letters).

### 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 two-family 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.**

The owner desires to renovate an exiting partially renovated, vacant residence and incorporate upscale finish work. 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. Moreover, occupancy of a previously vacant building will increase neighborhood safety.

#### **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 within the existing structure. 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.

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**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 second 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.**

The existing residence was built in 1907 and does not meet the Land Development Code requirements pertaining to setbacks, height, and lot coverage, so the structure is legal nonconforming in that regard. It is reasonable to grant this conditional use permit, as there will be no increase in the footprint of the existing structure, which would not create any structural impact to the neighborhood. Nor will the character of the neighborhood be changed by the development of a second residence in the existing structure.

## 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 single-family residence on the property addressed as 624 3rd Avenue North.

**Recommendation:** The Zoning Commission recommends the City Commission approve the Conditional Use Permit to allow a two-family residence to be established at the property legally described in the staff report, subject to the following Conditions of Approval being fulfilled by the applicant and based on the following findings listed in the staff report.

## 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 Falls Building Department, and that the applicant shall call for all required inspections throughout the construction process.
2. The applicant shall pave the parking pad, and widen the curb cut to 20 feet. Construction must be done in accordance with section 17.32.150 of the Municipal Code and appropriate construction standards. The proposed driveway contractor should coordinate construction with the Engineering Division.
3. Applicant shall work with the City's addressing department to establish a new address for the second residence and provide facilities for adequate mail delivery to both residences as required by the post office.

## 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  
David Knudson, 325 10th Avenue South, Great Falls, MT 59405



# 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: 2.18.13  
 Application Number: 13-39  
 Paid (Official Use ONLY):

- 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

MORGAN'S MANSION  
 Name of Project / Development:

DAVID K. KNUDSON  
 Owner Name:

325 10<sup>TH</sup> AVE. SO. GREAT FALLS MT 59405  
 Mailing Address:

406-590-0699 Phone: PROKLEEN SERVICES @ hot mail Email:  
.com

JAME

Representative Name:

325 10<sup>TH</sup> AVE SO. GREAT FALLS MT  
 Mailing Address: 590-0699-CELL

406-761-7700 Phone: PROKLEEN SERVICES @ hot mail Email:  
.com

PROPERTY DESCRIPTION / LOCATION:

NORTH 96 feet of LOT 7, BLOCK 255 ORIGINAL TOWNSITE  
OF Great Falls, CASCADE COUNTY

Mark/Lot: Section: Township/Block: Range/Addition: County

624 3<sup>RD</sup> AVE NO.  
 Street Address:

ZONING:

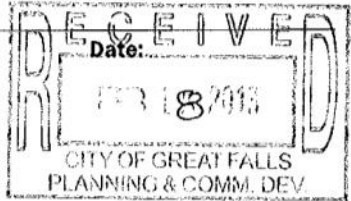
LAND USE:

SINGLE FAMILY Current: UPSCALE DUPLEX Proposed:  
 Current: Proposed:

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.

David K Knudson Property Owner's Signature: 2-18-13 Date:

Representative's Signature:





## EXHIBIT F - NEIGHBOR SUPPORT LETTERS

3-18-13

I Am in FAVOR to GRANT A CONDITIONAL USE APPLICATION By DAVID KNUDSON (OWNER) to ALLOW the EXISTING RESIDENCE to RENOVATE INTO A UPSCALE duplex. The SUBJECT PROPERTY is 624 3<sup>RD</sup> AVE. NO. legally described AS N97 OF LOT 7, BLOCK 255, GREAT FALLS ORIGINAL. THE PROPERTY WILL HAVE two RESIDENTIAL dwelling units upon it. SUBJECT PROPERTY is ZONED R-9 MIXED RESIDENTIAL district wherein two Residential dwellings ARE PERMITTED upon PROCESSING and approval of a CONDITIONAL USE APPLICATION

NAME :



Address

618 3<sup>RD</sup> Ave N

Phone #

453-5263

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NAME : LOUISE HEAL

Address 621 3RD AVE. No. GREAT FALLS  
MT

Phone # 406-453-1596

## EXHIBIT F - NEIGHBOR SUPPORT LETTERS

3-18-13

I AM IN FAVOR TO GRANT A CONDITIONAL USE APPLICATION BY DAVID KNUDSON (OWNER) TO ALLOW THE EXISTING RESIDENCE TO RENOVATE INTO A UPSCALE DUPLEX. THE SUBJECT PROPERTY IS 624 3<sup>RD</sup> AVE. NO. LEGALLY DESCRIBED AS N97 OF LOT 7, BLOCK 255, GREAT FALLS ORIGINAL. THE PROPERTY WILL HAVE TWO RESIDENTIAL DWELLING UNITS UPON IT. SUBJECT PROPERTY IS ZONED R-9 MIXED RESIDENTIAL DISTRICT WHEREIN TWO RESIDENTIAL DWELLINGS ARE PERMITTED UPON PROCESSING AND APPROVAL OF A CONDITIONAL USE APPLICATION

NAME :

James Bunnard

Address

615 3<sup>RD</sup> AVE NO

Phone #

406-781-2627

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NAME :

Trevor Mirkason

Address

700 3<sup>RD</sup> AVE N

Phone #

406 781 9699 Cell

406 727 9532 Home.