

PLANNING ADVISORY BOARD ZONING COMMISSION

APRIL 22, 2014

Case Number

CUP 2014-2

Applicant

NeighborWorks Great Falls

Owner

NeighborWorks Great Falls

Property Location

905 5th Avenue South

Parcel ID Number

235275

Requested Action

Approval to rezone property, apply a conditional use permit to construct townhomes, and minor subdivision to subdivide two lots into three lots.

Neighborhood Council

Neighborhood Council #7

Recommendation

Approval of the requested actions with Conditions.

Project Planner

Charles Sheets, CFM

NEIGHBORWORKS TOWNHOMES 905 5TH AVE S—REZONE, CONDITIONAL USR PERMIT AND MINOR SUBDIVISION



Summary

Project Description

The applicant is requesting approval to rezone two - 50' x 150' lots from C-1 Neighborhood commercial district to R-3 Single-family high density district, approval of a conditional use permit to construct townhomes on the subject site, and to subdivide the existing two lots into three for construction of three townhomes.

Background

- Legal Description of property:
Lots 12 & 13, Block 446, Great Falls Original Townsite,
- Area: ±0.35 acres or 15,000 sq. ft.

Agency Comments

Representatives from the City's Public Works, Park & Rec. 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 client or in the conditions of this report.

Existing Conditions

Existing Use: Vacant land.

Existing Zoning: Zoned C-1 Neighborhood commercial district.

Adjacent Land Use: Existing single-family home adjoin the subject property on the east, north, and south, with multi-family located to the west, adjacent to the 9th Street South neighborhood commercial corridor that connects 10th Avenue South to downtown Great Falls.

Project Overview

Background

NeighborWorks Great Falls (NWGF) is a non-profit organization with the mission of rebuilding historic Great Falls neighborhoods and creating homeownership opportunities for hard-working families. This mission is achieved through work to encourage pride, develop confidence, promote self-reliance, provide affordable housing and revitalize targeted neighborhoods and communities through a partnership of residents acting in concert with financial institutions, business community, governmental and nonprofit organizations.

NWGF goals is to provide an educational opportunity while continuing to offering affordable housing options through development and/or re-development of properties in Great Falls.



View from the southwest corner of the property.



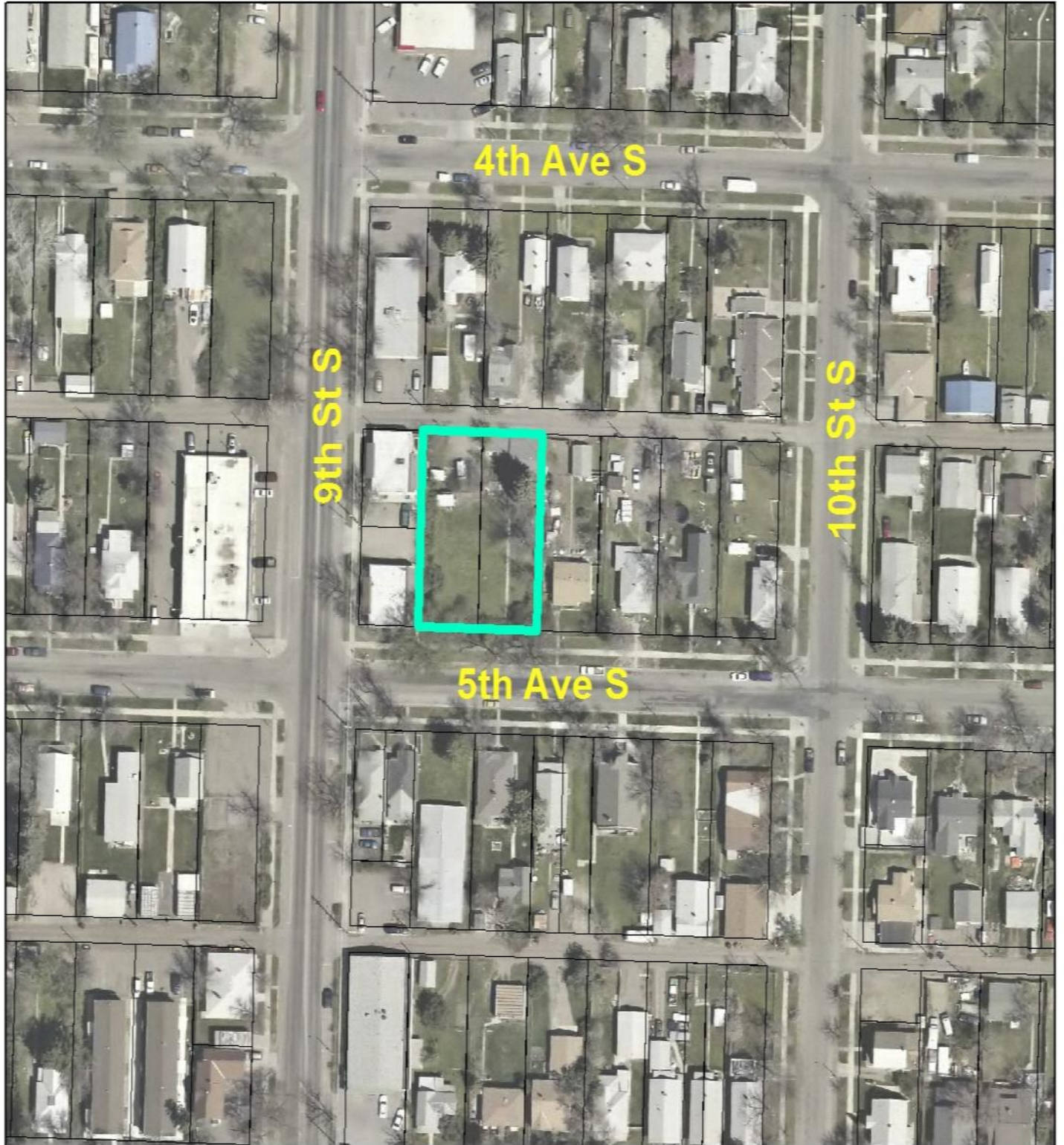
View north from 5th Avenue South.





View west down the alley on the north side of Townhomes project site.

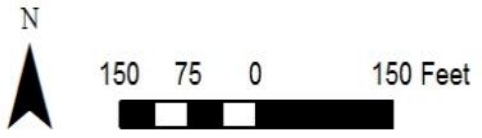
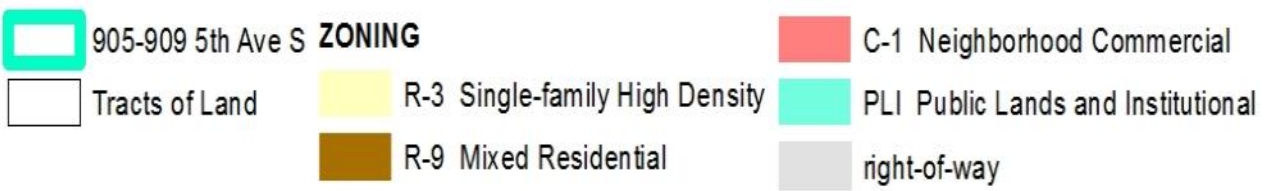
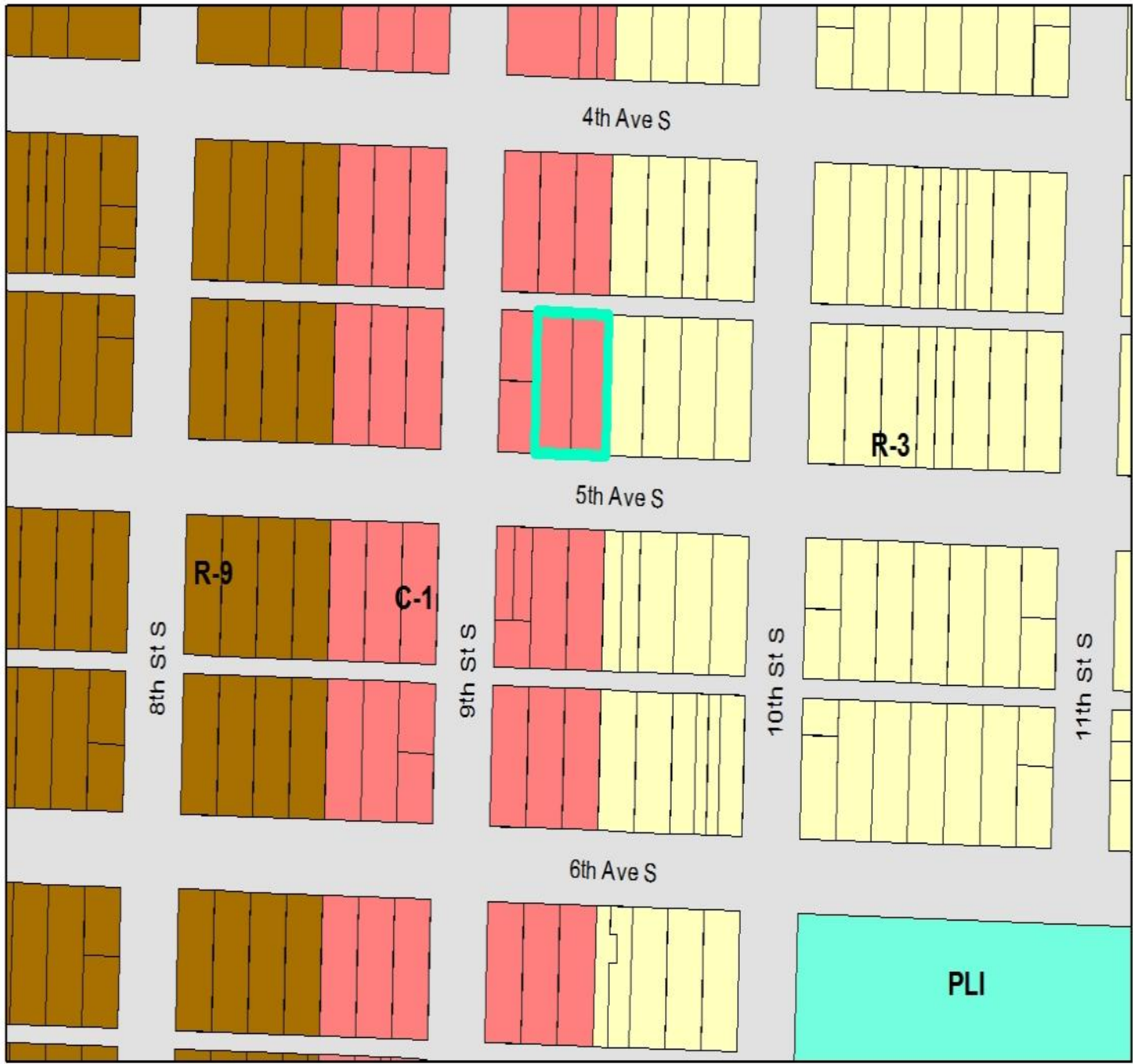


View south from the alley of Townhomes project site.



 905-909 5th Ave S
 Tracts of Land





Rezoning/Conditional Use Permit Analysis

The subject property is located within the C-1 Neighborhood commercial zoning district. NWGF is proposing to construct townhomes on the property requiring it to be rezoned to match the adjoining R-3 Single-family high density district, along with the approval of a conditional use permit to allow townhomes be constructed. Townhomes are subject to special standards (listed below) which supersede the development standards of the R-3 zoning district.

Rezoning - Findings for the Basis of Decision:

The basis for decisions on zoning map amendments is listed in Section 17.16.40.030 of the Land Development Code. The recommendation of the Planning Advisory Board/Zoning Commission and a final decision by City Commission shall at a minimum consider the following criteria:

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 and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time sets the task to review the zoning districts in which townhomes are permitted in order to expand this use, either by allowing it in more zoning districts or improving the review standards so as to make it more suitable for other zoning districts.

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

Great Falls is separated into nine Neighborhood Councils. The subject property is located in Neighborhood Council #7. The applicant's representative has met with that Council on April 14, 2014 and has received positive comments for the redevelopment.

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.

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

4. The code with the amendment is internally consistent.

The proposed rezoning is within the city limits. Adjacent properties to the east, north, and south, have similar zoning, residential uses and are fully developed. If approved, this project would be an extension of the R-3 Single-family high density district and consistent with applicable code.

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

The subject property is surrounded by the existing residential neighborhood. Any redevelopment within the City limits requires City review, including review of how the development will impact the public health, safety and welfare. The rezoning ultimately allows the applicant to address the needs for diverse housing options in the City and will have no negative effect on the public health, safety and welfare.

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

There is adequate staffing to administer and enforce the amendment.

Townhouse - Special Standards, 17.20.6.050

A. **Number of dwelling units.** Each building shall contain from three (3) to eight (8) dwelling units. No more than five (5) dwelling units may be located in one (1) building, if the average lot frontage is less than twenty (20) feet.

B. **Lot dimension and area.** Each lot shall be a minimum of one thousand three hundred (1,300) square feet in area. Any portion of the lot less than sixteen (16) feet in width shall not be included in the calculation of the minimum required one thousand three hundred (1,300) square feet lot area. The minimum average lot width for the end dwelling unit of a townhouse structure shall be thirty-two (32) feet and the minimum lot area of the end dwelling unit shall be two thousand six hundred (2,600) square feet. The minimum lot width to depth ratio shall be no greater than one (1) to seven (7) and shall be based upon the portion of the lot eligible for inclusion in the above mentioned area calculation.

C. **Building setback line.**

1. **Front yard.** The minimum depth of a front yard shall be the depth required by the zoning district in which the townhouse is located. In those instances where the entrance to off-street parking spaces for an individual lot is from a public roadway, the minimum building setback line from the public road right-of-way shall be twenty (20) feet.

2. **Side yard.** Every dwelling which is the end unit of a townhouse structure shall have a minimum side yard depth required by the zoning district in which the townhouse is located.

3. **Rear yard.** The minimum depth of a rear yard shall be the depth required by the zoning district in which the townhouse is located, although the depth of a rear yard for a garage shall be twenty (20) feet where the vehicular entrance crosses the rear property line.

D. **Occupied area.** No more than fifty (50) percent of the lot area shall be occupied by a building.

E. **Utility service.** Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.

F. **Subsequent divisions.** Individual townhouses may not be further subdivided.

G. **Driveways.** When the garage is located in the front of the townhouse, common driveways shall be used whenever possible. The width of a single driveway shall be eleven (11) feet and for a common driveway the width shall be eighteen (18) feet.

- H. **Vertical off-sets.** When five (5) or more dwelling units are constructed, there shall be a vertical offset between each adjoining dwelling unit.
- I. **Accessory buildings.** Accessory buildings, excluding garages and carports, shall not exceed one hundred (100) cumulative square feet.
- J. **Front entrances.** Front entrances shall be clearly visible from the street and accentuated by a porch or other architectural feature.

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 are 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 townhomes are consistent with the City’s Growth Policy due to the fact that the existing neighborhood consists of a mix of residential densities.

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 development of townhomes on the subject property will provide affordable residential home ownership opportunities for low to moderate income families. The establishment, maintenance or operation of the townhomes will not be detrimental to, or endanger the existing neighborhood.

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 townhomes will not impact the normal and orderly development or improvement of the surrounding property. The surrounding neighborhood is established and built out.

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 existing on the subject property.

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 existing public right-of-ways provide ingress and egress to the townhomes site. The addition of the townhomes 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 development of the townhomes on the subject project site will complete the already existing residential neighborhood. The character of the neighborhood is unchanged by the addition of the townhomes. More-

over, occupancy of a previously vacant lots 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 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.

Subdivision Request

Concurrent with the rezoning and conditional use permit request, the applicant is also processing an amended plat that reconfigures the existing two lots into three lots (See Exhibit D - Draft Site Plan). Creation of three lots would allow for the construction of a three-unit townhome structure, resulting in three single-family residences, each located on a fee simple lot.

Subdivision - Finding of Fact - Prepared in Response to 76-3-608(3) MCA (2011)

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The lots within the subdivision are not currently being used for agricultural purposes. The proposed subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: When development occurs on the lots within the subdivision they will connect to City water and sewer mains. There is no required extension of utility mains as a part of this request. The City shall provide water and sewer service to the lots, which will be required to pay standard City fees for these services.

The lots within the subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ± 0.2 miles from the subdivision site. Providing these services to the townhomes in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increased costs.

The subdivision will have a negligible impact on the cost of road maintenance as the residents will be required to pay street assessments once the lots have been developed. The developer will not be required to improve 5th Avenue South because it has existing curb, gutter and sidewalks adjacent to the subdivision.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff will flow into existing storm drains in 3rd Street South and 5th Avenue South.

Effect on Wildlife and Wildlife Habitat: The subdivision is located in the urbanized area of the city. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

No new easements are required to accommodate public water mains and sanitary sewer mains and owner shall provide necessary utility easements to accommodate any private utilities to serve all lots of the minor subdivision.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the existing alley off of 9rd Street South, which is public right-of-way maintained by the City of Great Falls. With construction, alley access will be dedicated and improved to provide access to each lot being created.

Infrastructure

Streets & Utilities

The applicant will not be required to provide improvements to 5th Avenue South because the existing roadway is built to City standards. There is an existing water main located in 5th Avenue South, and there is a sewer main in 5th Alley South. As development occurs on the lots in the subdivision, the owners will pay to connect service lines to those mains.

Storm water Management

There is a storm drain located in 9th Street South and all runoff from the subject properties will be required to flow towards the public street curb and into the City's existing storm drain system. The developer will not be required to make any improvements to this system.

Traffic Analysis

Additional traffic generated by the proposed development is minimal and can be adequately accommodated by the existing street network. Each lot in the subdivision has a separate legal access from the existing alley, and there is no cross-access between the two lots.

2005 City of Great Falls Growth Policy

The proposed request is compatible with the 2005 Growth Policy, as it advances themes contained within the Policy, and is generally consistent with the general principles found in the document.

Goals of the Land Use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.

Recommendations

The Planning Advisory Board has the responsibility to review and make recommendations on subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on zoning map amendments and conditional use permits. As such, each of the recommendations presented below are to be considered and acted upon separately by the Commission and Board:

Recommendation I:

The Planning Advisory Board, based on the Findings of Fact, recommends the City Commission approve the Draft Amended Plat of the subject property, legally described as Lots 12 & 13, Block 446, Great Falls Original Townsite, subject to the Zoning Commission adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

Recommendation II:

The Zoning Commission, based on the Findings for the Basis of Decision, recommends the City Commission approve rezoning the subject property, legally described as Lots 12 & 13, Block 446, Great Falls Original Townsite, from the existing C-1 Neighborhood commercial district to R-3 Single-family high density district and approve a conditional use permit to allow construction of three townhomes, subject to the Conditions of Approval being fulfilled by the applicant.

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. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by staff.
3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for R-3 Single-family high density district and conditional use permit.
5. **Subsequent modifications and additions.** If after establishment of townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. **Covenant.** Developer shall provide a covenant for the lots in the subdivision related to maintenance and that each property owner for lots in subdivision shall be responsible for any current or future maintenance of their own property, the City shall not be responsible for any property maintenance in the subdivision.

Review/Approval Process

Next Steps

1. The Planning Advisory Board/Zoning Commission recommendations will be presented to the City Commission for final review.
2. City Commission will conduct a Public Hearing to approve or deny three requested actions of rezoning, conditional use permit, and minor subdivision.
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
Keith Nelson, NeighborWorks, 509 1st Ave S, Great Falls, MT 59401

EXHIBIT C - APPLICATION

1300

CITY OF GREAT FALLS PLANNING & COMMUNITY DEVELOPMENT DEPT. P.O. BOX 5021, GREAT FALLS, MT, 59403-5021 406.455.8415 • WWW.GREATFALLSMT.NET	Submittal Date: <u>3/4/14</u> Application Number: _____ Paid (Official Use ONLY): <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <input type="checkbox"/> Annexation: \$400 <input type="checkbox"/> Establish City Zoning: \$700 <input type="checkbox"/> Zoning Map Amendment: \$700 <input checked="" type="checkbox"/> Conditional Use Permit: \$700 <input type="checkbox"/> Planned Unit Development: \$700 <input type="checkbox"/> Subdivision Preliminary Plat: \$800 <input checked="" type="checkbox"/> Subdivision Minor Plat: \$600 <input type="checkbox"/> Subdivision Final Plat: \$300 <input type="checkbox"/> Amended Plat (6 or more lots): \$600 <input type="checkbox"/> Vacate Public Right of Way: \$200 <input checked="" type="checkbox"/> Public Hearing Notice
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Name of Project / Development: 3 unit Townhome

Owner Name: Neighbor Works G.F.

Mailing Address: 509 1st Ave. 50. Great Falls, MT.

Phone: 761-5861 Email: HNelson@NWGF.org

Representative Name: Keith Nelson NWGF

Mailing Address: SAME AS ABOVE

Phone: _____ Email: _____

PROPERTY DESCRIPTION / LOCATION:

<u>12.13</u>	<u>12</u>	<u>20 N Bolk 446</u>	<u>03E</u>
Mark/Lot:	Section:	Township/Block:	Range/Addition:

Street Address: 905 - 909 5th Ave. 50.

ZONING:

<u>C-1</u>	<u>R-3</u>	<u>VACANT</u>	<u>single family housing</u>
Current:	Proposed:	Current:	Proposed:

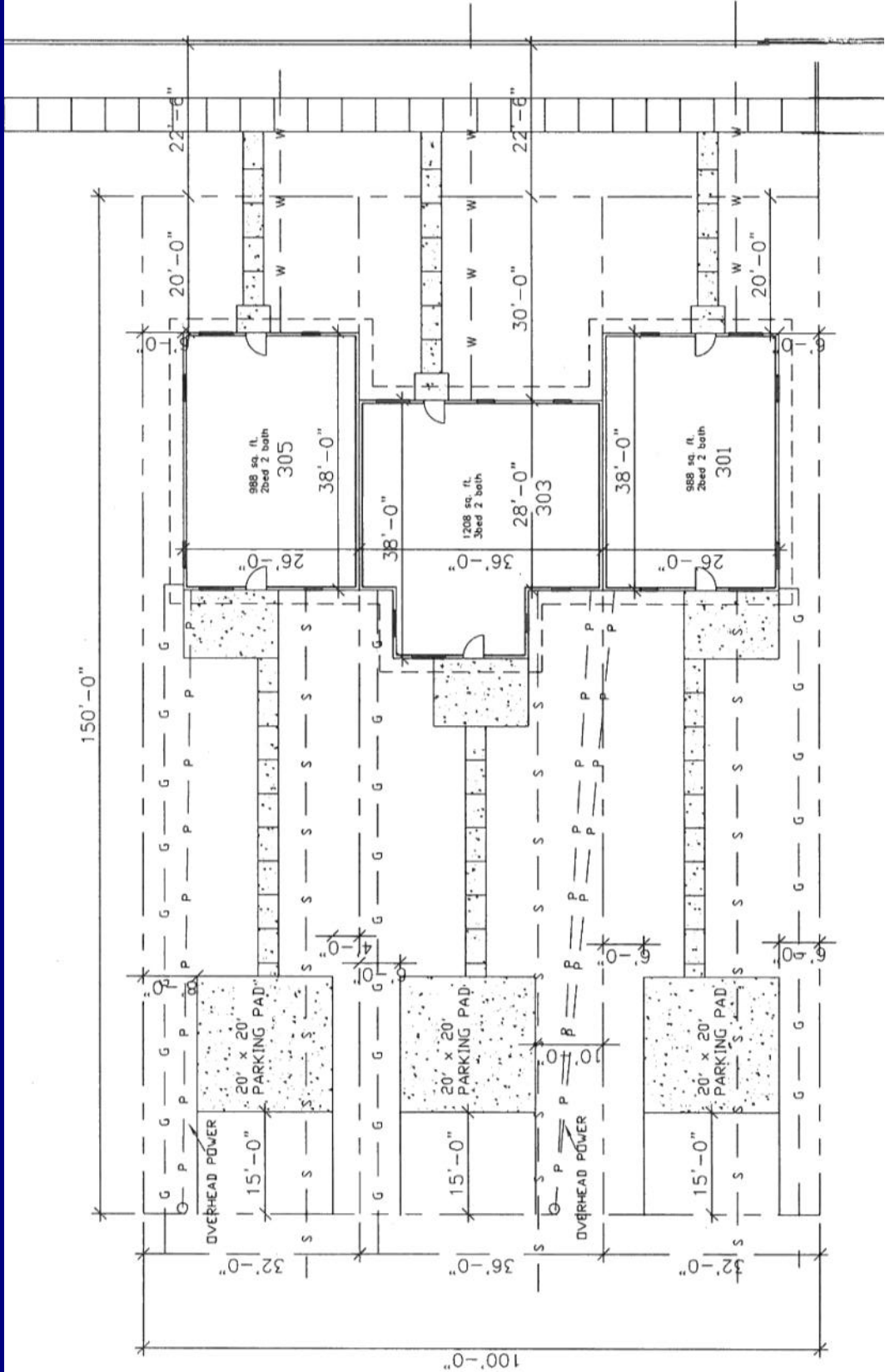
LAND USE:

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 public hearing notice requirements and associated costs for land development projects are my (our) responsibility. 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.

Property Owner's Signature: Keith Nelson Date: 3/4/14

Representative's Signature: _____ Date: _____

EXHIBIT D - DRAFT SITE PLAN

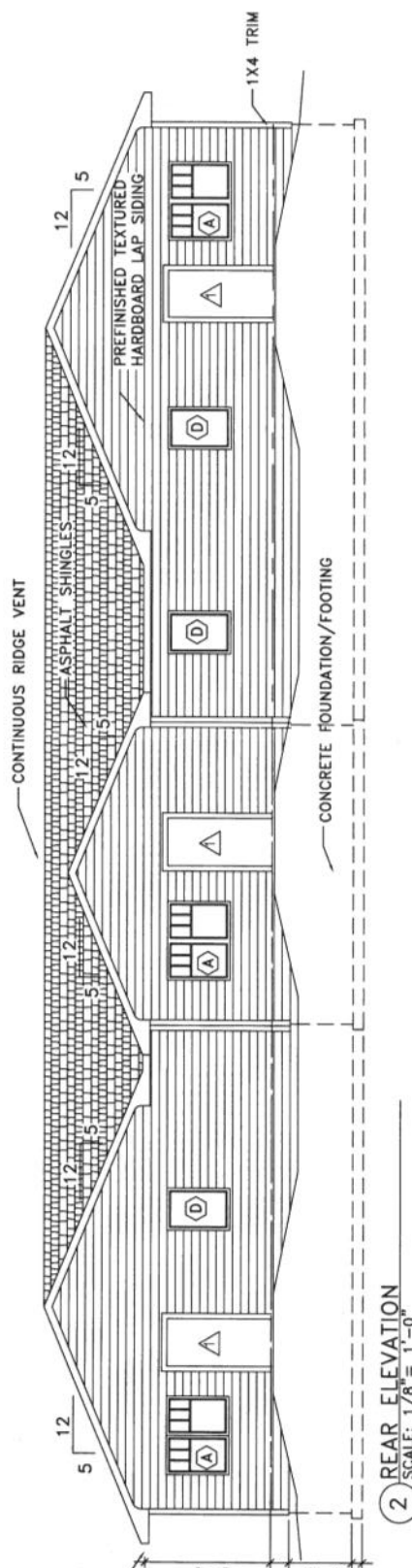
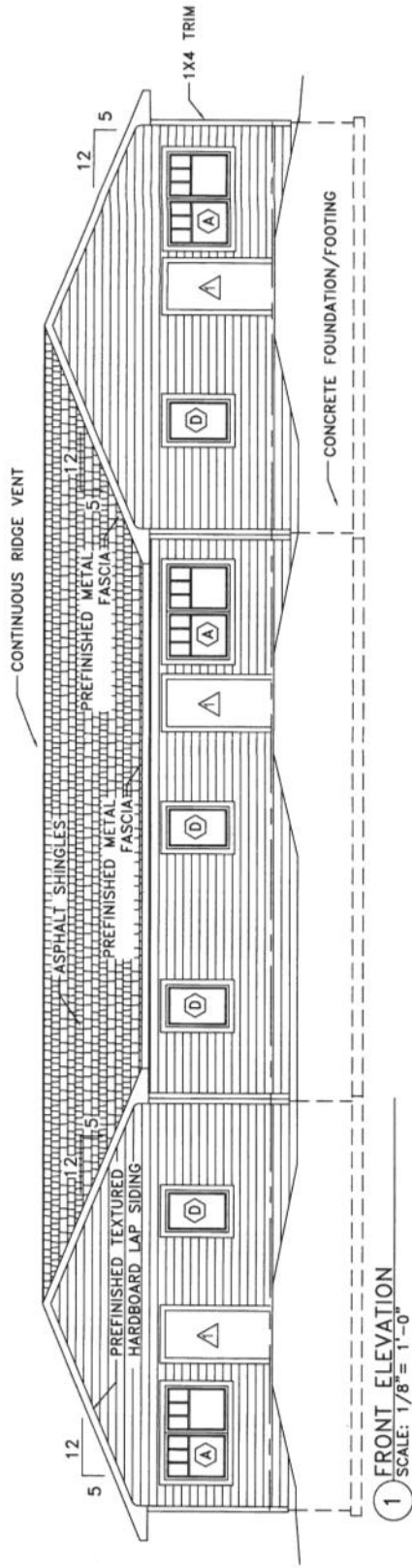


5th Ave. So.

 NORTH

1 SITE PLAN
C1 SCALE: 1"=20'-0"

EXHIBIT E - DRAFT ELEVATIONS



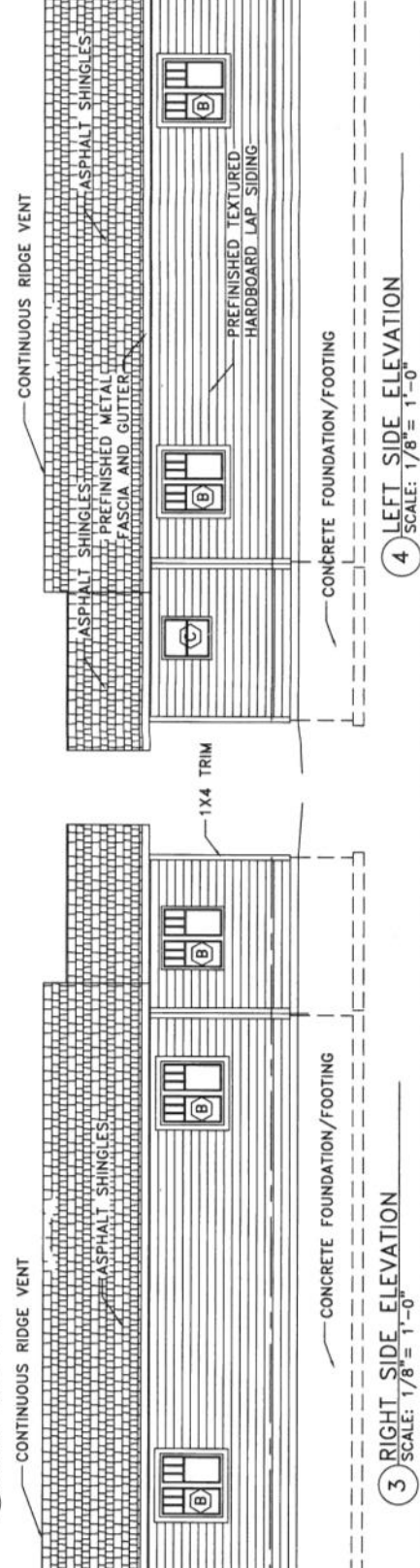
TOP OF PLATE

8'-0"

4'-0"

1'-2 1/8"

14'-5 1/8"



4 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT F - FLOOR PLAN

