

PLANNING ADVISORY BOARD ZONING COMMISSION

MARCH 24, 2015

Case Number

CUP2015-4

Applicant/Owner

The Society of St. Vincent
de Paul of North Central
Montana

Representative

Deborah Kottel

Property Location

2211 5th Avenue North

Parcel ID Number

65360

Requested Action

Conditional Use Permit
for an Community
residential facility, type II

Neighborhood Council

Neighborhood Council #8

Recommendation

Approval of the request
with Conditions

Project Planner

Gregory Gordos

CONDITIONAL USE PERMIT - GRACE HOME



Summary

The subject property is located on 5th Avenue North, between 22nd and 23rd Street North, addressed as 2211 5th Avenue North. The applicant is requesting a Conditional Use Permit, as required by City Code Exhibit 20-1 of Section 17.20.3.010, to allow for the construction of a Community residential facility, type II.

- Legal Description: Lot 12 and East 1/2 Lot 13, Block 169, Fourth Addition, Section 6, T20N, R4E, P.M. M.T., Great Falls, Cascade County, Montana

- Area: $\pm 16,875$ SF or ± 0.387 Acres

Agency Comment

Representatives from the City's Public Works, Park and Recreation, Police, 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

Existing Zoning: R-3 Single-family high density

Existing Land Use: nonconforming group home

Proposed Land Use: Community residential facility, type II (transitional housing for veterans)

Project Background

Gateway Community Services, which previously operated the Grace Home as housing for women and their children who were in recovery for addictions, has agreed to transfer ownership of the premises to St. Vincent de Paul, a Montana non-profit organization. The proposed facility will be used in the same manner as the previous land use (Gateway has received a CUP before discontinuing use of the facility over five years ago) but for a different population, homeless veterans.



View northeast along 5th Avenue North



View southeast showing existing access drive from 22nd Street North

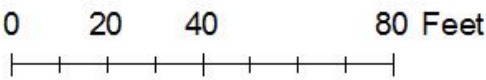


View south of subject property from alley towards school building



View east along 22nd Street North, grass lot currently owned by Gateway Community Services

EXHIBIT A - ZONING MAP






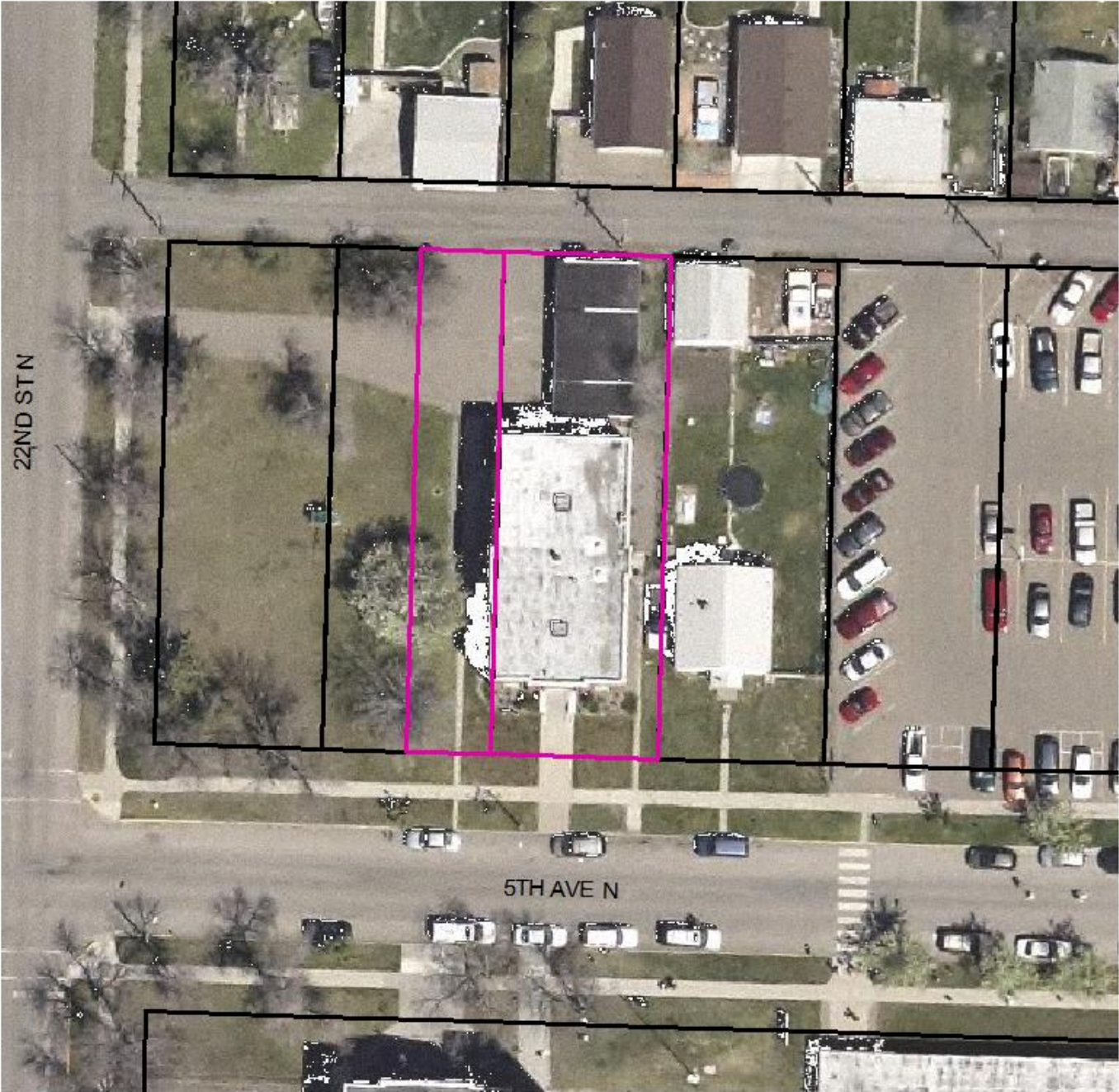


-  Subject Property
-  Parcels
-  R-3 Single-family High Density

EXHIBIT B - AERIAL MAP



0 25 50 100 Feet



 Subject Property
 Parcels

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 done 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. Up to 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 10 armed forces veterans where 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.

Staff Recommendation

Approval of the Conditional Use Permit will result in an Community residential facility, type II being legally permitted on the subject property. The project should not have an adverse impact on the neighborhood and 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 St. Vincent DePaul re-establish a Community residential facility, type II on the property addressed as 2211 5th Avenue North, subject to the Conditions of Approval.

Recommendation for a Motion:

I move that the Zoning Commission recommends the City Commission approve the Community residential facility, type II Conditional Use Permit for Lot 12 and East 1/2 Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range 4 East, P.M. M.T., Great Falls, Cascade County, Montana, the Findings of Fact, and Conditions of Approval located in the staff report.

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 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.

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

1. **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

1. **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

1. **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.
2. **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.

Acknowledgement/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 these conditions of approval.

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 Council Coordinator
 Deborah Kottel, deborah.kottel@ugf.edu

EXHIBIT A - 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

Grace Home

Name of Project / Development:

Gateway Community Services

Owner Name:

26 4th Street North, PO Box 3126
Mailing Address: Great Falls, MT 59403-3126

406-727-2512

Phone:

Email:

Deborah Kottel

Representative Name:

6470 Heaven's View Lane, Great Falls, MT 59404

Mailing Address:

406-899-7401

Phone:

deborah.kottel@cgf.edu

Email:

PROPERTY DESCRIPTION / LOCATION:

Lot: 13

Block 169

Mark/Lot:

Section:

Township/Block:

Range/Addition:

2211 5th Street Avenue, North, Great Falls

Street Address:

ZONING:

R-3

Current:

Proposed:

LAND USE:

use non-Therapeutic
Boarding House

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 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.

Mary Ann Dubay

Property Owner's Signature:

8-31-15

Date:

Lance Kottel

Representative's Signature:

9-9-15

Date:

Submittal Date: _____

Application Number: _____

Paid (Official Use ONLY): ☐

- ☐ Annexation: \$500
☐ Preliminary Plat, Major: \$1,500 + \$50/lot
☐ Revised Preliminary Plat: \$1,000
☐ Final Plat, Major: \$1,500 + \$25/lot
☐ Minor Subdivision: \$1,250
☐ Amended Plat, Administrative: \$200
☐ Amended Plat, Non-administrative: \$1,000
☐ Zoning Map Amendment: \$2,000
☒ Conditional Use Permit: \$1,500
☐ Planned Unit Development: \$2,000
☐ Vacate Public Right-of-Way: \$1,250
☐ Public Hearing Notice

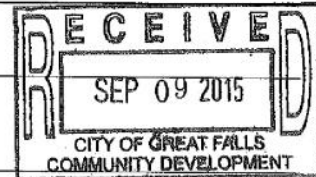


EXHIBIT B - PROJECT NARRATIVE

Narrative Proposal

The Grace Home located at 2211 5th Ave. North, Great Falls, Montana is currently owned by Gateway Community Services a Montana non-profit organization that provides prevention and mental health services for those struggling with addictions. Gateway Community Services provided housing for women and their children who were in recovery for addictions at the Grace Home. They had received a conditional use for this purpose. Prior to this use it was a Monastery. It was built for group housing and has been used as such since construction.

For approximately the last five years the facility has not been used. Gateway Community Services has agreed to transfer ownership of the premises to Saint Vincent DePaul a Montana non-profit organization for the purpose of providing transitional group housing for Veterans. The facility will be used in the same manner as previously used but for a different population, homeless veterans. The facility will be a 10 bed transitional facility for homeless veteran men. Veterans will receive room and board in exchange for community service. In addition they receive off site access to a variety of rehabilitation help including diagnosis of mental illness, addiction recovery services and general medical attention. As part of their recovery and support, programs will be provided with continuing education opportunities, employment training services and applied work experience. There will be a standing zero-tolerance policy for drugs and alcohol and all veterans will be required to offer their free time to community service efforts.

Prepared by Deborah Kottel 406-899-7401 on behalf of Gateway Community Services and Saint Vincent DePaul of North Central Montana.

9/2/2015