



Date: July 12, 2016
CITY OF GREAT FALLS

PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT

Item: Public Hearing – Dance Design Studio: Conditional Use Permit

Applicant: Brad and Suzie Barringer

Presented By: Gregory Gordos, Planner I, Planning and Community Development

Action Requested: Recommendation to the City Commission

Public Hearing:

1. Chairman of the Planning Advisory Board/Zoning Commission conducts public hearing, calling three times each for proponents and opponents.
2. Chairman of the Planning Advisory Board/Zoning Commission closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/not approve) the Conditional Use Permit of the subject property located at Lot 29 and 30E, Garden Home Tracts, NE1/4 Section 11, Township 20 North, Range 3 East, P.M. MT Cascade County, MT, the Findings of Fact and Conditions of Approval located in the staff report.”

2. Board Member calls for a second, discussion, and calls for the vote.

Recommendation: Approval of the request with Conditions.

Existing Use: Worship Facility

Existing Zoning: R-1 Single-family Suburban

Adjacent Land Use: residential and commercial (6th Street Southwest commercial corridor)

Background: The subject property is located on the southwest side of the City of Great Falls north of 10th Avenue South and the Sun River, west of the Missouri River and immediately east of 6th Street Southwest. The subject property is located on a wedge shaped parcel formerly occupied by a Worship facility; it is bound by single family residences to the north, east, and south. Commercially zoned property can be found farther north along 6th Street Southwest as well as across the street to the west. The applicant is requesting a Conditional Use Permit in

order to operate an Instructional facility in place of the former Worship facility. If approved, the CUP will allow the applicant to establish the proposed land use in the existing building.

Conditional Use Permit Request:

The subject property is approximately 12,227 square feet. The existing use of the site is vacant, developed commercial property, with R-1 Single-family Suburban zoning. The previous land use, a Worship facility, had existed as a legal nonconforming use as it had been established prior to the revision on the local zoning code, the Official Code of the City of Great Falls (OCCGF). In order to establish an Instructional facility, a land use not permitted by right within the R-1 Single-family Suburban zone, a Conditional Use Permit is required as stated in OCCGF 17.64.020 – Nonconforming uses, detailing the conditions in which one nonconforming use may be transitioned into another depending on the intensity of the new land use.

The proposed Instructional facility, a dance studio, would differ from the original use of the facility in regards to parking capacity, site improvements, and hours of operation. No exterior modifications are planned at this time with the exception of a sign relocation on the west side of the building. A new ADA accessible doorway is also proposed, as shown on Exhibit E.

A preliminary site plan submitted by the applicant was hand-drawn and showed turf-grass provided as a buffer between the existing gravel parking lot and the existing sidewalk. Boulevard trees were proposed along both 6th Street Southwest and 10th Avenue Southwest in this green boulevard. Parking spaces were demarcated by bumper blocks rather than painted spaces, and the applicant has expressed strong preference for keeping the gravel parking area initially, as opposed to the typical requirement for paved and striped parking. Planning staff have taken these design preferences and created a CAD site plan reflecting the applicant's request. However, staff recommends to the Commission that the agreed upon improvements for boulevard trees, turf grass, a narrowed drive access point on 10th Avenue Southwest, and a handicapped parking space near the building entry be supplemented by paving and striping the gravel area. Staff recommends this predominantly to improve the safety of the parking area and also to improve the aesthetics of the property. This recommendation is reflected in the Conditions of Approval, and would bring the property closer to OCCGF compliance.

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 approval.

Zoning Analysis

A new nonconforming use would occupy the building upon approval of a Conditional Use Permit. However, planning staff and the Zoning Commission has the ability to move the property closer to code conformance through the Conditional Use Permit public process.

The subject property is found at the commercial edge of a residential neighborhood both in terms of zoning and aesthetic character. Staff finds the proposed use is compatible with the existing, adjacent uses due to the following reasons: 1) small square footage of the existing building, which will inherently limit impacts, and 2) location of the property along 6th Street Southwest, a commercial corridor connecting 10th Avenue Southwest and Central Avenue West. C-2 zoned General Commercial properties are found just north of the site, including a large Napa Auto Parts facility on 6th Street Southwest. The orientation of the existing building meets the approximate

setbacks of the adjacent homes, and the existing parking lot fronts the commercial corridor rather than these homes. The proposal is viewed by staff as an appropriate reuse of a vacant commercial building, while being redeveloped with less intensive parking demands than the former use. To this end, please see the applicant's description of the proposed use. Finally, when evaluating buildings originally purposed for non-residential uses, it's important to consider whether the building can easily be converted into a complying residential use that conforms with zoning. Because of the building's original non-residential purpose, staff believes that a small-scale non-residential use oriented towards a commercial corridor is a reasonable approach to re-use the building.

Traffic Analysis

An Instructional facility is considered an Exercise facility in regards to non-accessible parking requirements detailed in Exhibit 36-1 of the OCCGF. This requires 1 parking space per 200 square feet of gross floor area. The existing building is approximately 1,400 square feet, thus requiring seven (7) non-accessible parking spaces in addition to one ADA accessible parking space.

The unique, triangular size of the parking lot creates issues of safety and traffic flow for patrons of the proposed use. The applicant has expressed preference for placing the seven required parking spaces fronting 6th Street Southwest, as shown on the submitted site plan (Exhibit E). As cars enter the parking lot from 10th Avenue Southwest, these spaces are angled. Parking blocks indicate where patrons can and cannot park and to prevent patrons from parking on the public sidewalk.

Given the nonconforming status of the parking lot (a portion of the lot exists within the public right-of-way) seven spaces are able to fit within the lot, but the drive aisle continually narrows down to the minimum of twenty-four feet. To preserve this drive aisle width, no parking would be permitted along the eastern, sidewalk side of the lot. Planning staff presented alternative parking locations alongside the sidewalk, but these alternatives were not chosen by the applicant as part of the submitted site plan.

As it exists today, the parking lot conditions are poor and consist of crushed rock and gravel. Demarcated parking spaces are nonexistent, allowing for a "free-for-all" in regards to where patrons are currently able to park. If patrons were to park along both the 6th Street Southwest frontage and along the building frontage simultaneously (at both a 45° angle and a 90° angle) the drive aisle would continually narrow until two-way access to the north side of the site would be eliminated. Incorrectly designed parking lots and site access have negative impacts on the site itself, the adjacent and nearby public roadways, and the image of...the City (OCCGF 17.36.1.010).

Of particular concern is that the site's north side is the location of the proposed ADA accessible space. For this safety reason, staff is recommending as a condition of approval that the applicant pave the nonconforming lot and use paint to clearly demarcate ADA accessible and non-accessible parking stall dimensions. Additional parking would be contained by the existing, gravel berm of 10th Avenue Southwest. When a parking area is restriped, accessible parking spaces, as required by the federal Americans with Disabilities Act, shall be marked and designated consistent with this chapter (OCCGF 17.36.1.030 – Applicability).

Streets and Utilities

Road conditions along 10th Avenue Southwest are rural in character, lacking curb, gutter, or pavement along the shoulder of the road. The public right-of-way is larger in width than the existing asphalt road and gravel mix can be found on both sides of the street. The additional width of gravel around the subject property indicates that this area was used in the past as overflow parking for attendees of the Worship facility (Exhibit D). A site visit and additional research by planning staff found that stormwater utilities are found within this roadway shoulder. No improvements are recommended as a condition of approval at this time; the road exists in a legal nonconforming condition consistent with all other roads in the neighborhood.

Neighborhood Council Input

The subject property is located in Neighborhood Council #2. To date, staff has received **ten** comments regarding the project: a voicemail in support of the proposal, eight (8) phone conversations requesting general information on the proposal, and one phone call not in support of the project.

Given the high volume of neighborhood calls regarding the project, an additional Second Notice was mailed to residents along 10th Avenue Southwest providing information on the proposal and encouraging attendance at the July 12th Public Hearing.

Review Criteria:

17.16.36.040 - Basis of decision.

The Zoning Commission's recommendation and the City Commission's decision 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 application is consistent with the City's growth policy. In terms of the *2013 Growth Policy Update*, the proposed project will encourage small business entrepreneurship and allow redevelopment of a currently vacant property. This project supports the Social, Environmental and Physical portions of the Growth Policy.

Additional supportive Policies that this project is consistent with include:

Social - Neighborhoods

Soc1.6.1 Ensure that community facilities are designed, constructed, and maintained as attractive social and environmental assets in the neighborhoods where they are located.

Environmental – Urban Form

Env3.7.8 Encourage entrepreneurship and free market innovation.

Physical - Land Use

Phy4.1.5 Encourage or incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Phy4.2.3 Support actions that bring properties into conformance into the City's Land Development Code requirements over time.

Phy4.2.4 Promote retail locations that are safe, attractive, and accessible.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time encourages the development of underutilized or vacant land.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood

Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #2. The applicant has not yet met with that Council.

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; in this case paving, demarcating, and separating the parking lot from the public sidewalk and narrowing the parking lot entrance. It is not anticipated that the proposed development will have an adverse impact on the surrounding properties or to the public given the class sizes suggested by the applicant.

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.

Establishing a commercial use (dance studio) in the same building that previous held a commercial use (Worship facility) will not impair property values 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 6th Street Southwest commercial corridor where like uses currently exist. Access into the property for dance classes will largely be limited to vehicles entering from 6th Street Southwest rather than using the neighborhood street system.

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. The building is existing and no external modifications are planned for the building at this time other than signage and the doorway. The safety and access to and from the parking lot will be improved if the Conditions of Approval are met. Adjacent property owners have been notified about the project. Additionally, the parking lot faces the commercial street rather than neighboring single-family homes. The addition of boulevard trees would improve neighborhood aesthetics.

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

The proposed project will be accessed exclusively off of 10th Avenue South. Existing conditions (Exhibit D) show a very large, nonconforming curb cut in order to access the parking lot. A Condition of Approval shall, if approved, narrow the drive aisle to 25 feet, a City standard.

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 addition of seven (7) designated parking spaces plus one ADA accessible parking space, and the clear striping of these accommodations, would ensure a safer and more straightforward parking arrangement for patrons. Staff finds that safety to both patrons entering and exiting the property and neighborhood residents traveling down 10th Avenue Southwest would improve if the Conditions of Approval are met. It is anticipated that establishment of a Instructional facility, if the facility maintains a 3-10 person class size, will create minimal traffic and parking, particularly when compared to the previous use as a worship facility.

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.

Through the issuance and approval of a Conditional Use Permit, the Conditions of Approval stated herein shall move the subject property much closer to compliance with the Land Development Code than current conditions would allow. For instance, the installation of boulevard trees meets the code requirements of Title 44-Landscaping. Parking requirements for an Exercise facility meet the code requirements of Title 36-Parking.

Improvements:

The applicant has agreed to improve the visual character of the parking lot by adding boulevard trees along both 6th Street Southwest and 10th Avenue Southwest. Six feet of sod would buffer the public sidewalk and the parking area. The trees would be planted at a rate of one per thirty five feet, per City standard. Six trees are provided in total; one tree less than required in order to preserve the clear vision triangle at the street intersection. No additional trees are required on-site, due to the nonconforming nature of the subject property.

Recommendation:

The Zoning Commission has the responsibility to review and make recommendations on Conditional Use Permit requests. The recommendation presented below is to be considered and acted upon by the Commission:

Recommendation: The Zoning Commission recommends that the City Commission approve the Conditional Use Permit of the subject property located at Lot 29 and 30E, Garden Home Tracts, NE1/4 Section 11, Township 20 North, Range 3 East, P.M. MT Cascade County, MT, the Findings of Fact and Conditions of Approval located in the staff report.

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.

General

2. **Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the approved plans and these conditions of approval is a violation of the OCCGF, subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
3. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator is hereby authorized to permit minor changes, as provided below.
4. **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.
5. **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.

6. **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.
7. **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).
8. **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

9. **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 Conditional 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.
10. **Abandonment.** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
11. **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, to the greatest extent possible.
12. **Parking:** Off-street parking shall be paved with asphalt or concrete to City standard, per OCCGF 17.36.2.030 – Construction and maintenance requirements.
13. **Restriping:** All parking stall dimensions shall be painted and spaced to City Standard. One (1) ADA accessible parking space shall be added to the subject property parking lot, clearly designated with a vertical pole sign and appropriate painted striping. Dimension shall be a minimum nine feet by nineteen feet, with an accessible route width a minimum eight feet. When a parking area is restriped, accessible parking spaces, as required by the federal Americans with Disabilities Act, shall be marked and designated consistent with this chapter (OCCGF 17.36.1.030 – Applicability).

14. **Landscaping** – Sod turf landscaping shall be planted at a width of six (6) feet along the entirety of property fronting 6th Street Southwest. Parking is prohibited within this landscape buffer between the parking lot and the public sidewalk.
15. **Boulevard Trees** – Trees shall be planted at a rate of one boulevard tree per thirty five (35) linear feet along 6th Street Southwest and 10th Avenue Southwest. Trees may be planted within either public or private property, but shall obtain a Boulevard Encroachment Application and Permit from the Public Works Department.

Building

16. **Building Plans:** The applicant shall provide a full set of building plans that includes, but not limited to, architectural plans to the Planning and Community Development Department for review and approval, prior to the issuance of building permits.
17. The applicant shall meet all requirements of the City’s Fire Department including providing internal driveway widths and internal driveway turning radii that accommodate access by large emergency vehicles prior to any building permits issued by the City.

Acknowledgement

18. **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.

Alternatives: The Planning Advisory Board/Zoning Commission could not recommend the Conditional Use Permit to the City Commission. However, this would not meet the desires of the property owner or Developer, and would essentially discourage redevelopment of the vacant subject property at this time.

Attachments:

- Exhibit A - Application
- Exhibit B - Aerial Photo
- Exhibit C - Zoning Map
- Exhibit D - Site Photography
- Exhibit E - Preliminary Site Plan
- Exhibit F – Project Description

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Suzie Barringer, s-b_barringer@hotmail.com

Exhibit A: Application Form

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: _____ Application Number: _____ Paid (Official Use ONLY): <input type="checkbox"/> <ul style="list-style-type: none"> <input type="checkbox"/> Annexation: \$500 <input type="checkbox"/> Preliminary Plat, Major: \$1,500 + \$50/lot <input type="checkbox"/> Revised Preliminary Plat: \$1,000 <input type="checkbox"/> Final Plat, Major: \$1,500 + \$25/lot <input type="checkbox"/> Minor Subdivision: \$1,250 <input type="checkbox"/> Amended Plat, Administrative: \$200 <input type="checkbox"/> Amended Plat, Non-administrative: \$1,000 <input type="checkbox"/> Zoning Map Amendment: \$2,000 <input checked="" type="checkbox"/> Conditional Use Permit: \$1,500 <input type="checkbox"/> Planned Unit Development: \$2,000 <input type="checkbox"/> Vacate Public Right-of-Way: \$1,250 <input type="checkbox"/> Public Hearing Notice
--	--

DEVELOPMENT APPLICATION

Dance Design Studio
Name of Project / Development:

Brad & Suzie Barringer
Owner Name:

1008 Adobe
Mailing Address:

406-788-3079
Phone: 406-788-1316

s-b-barringer@hotmail.com
Email: brad-barringer@gfps.k12.mt.us

owner
Representative Name:

same as above
Mailing Address:

same as above
Phone:

same as above
Email:

PROPERTY DESCRIPTION / LOCATION:

<u>29, 30E</u>	<u>11</u>	<u>20 N</u>	<u>3E</u>
Mark/Lot:	Section:	Township/Block:	Range/Addition:

821 10th Ave S.W.
Street Address:

ZONING:

R-1
Current:

LAND USE:

worship facility Instructional Facility
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.

[Signature]
Property Owner's Signature:

5/13/16
Date:

Representative's Signature:

Date:

Form Updated: 05.01.2014

Exhibit B: Aerial Photo

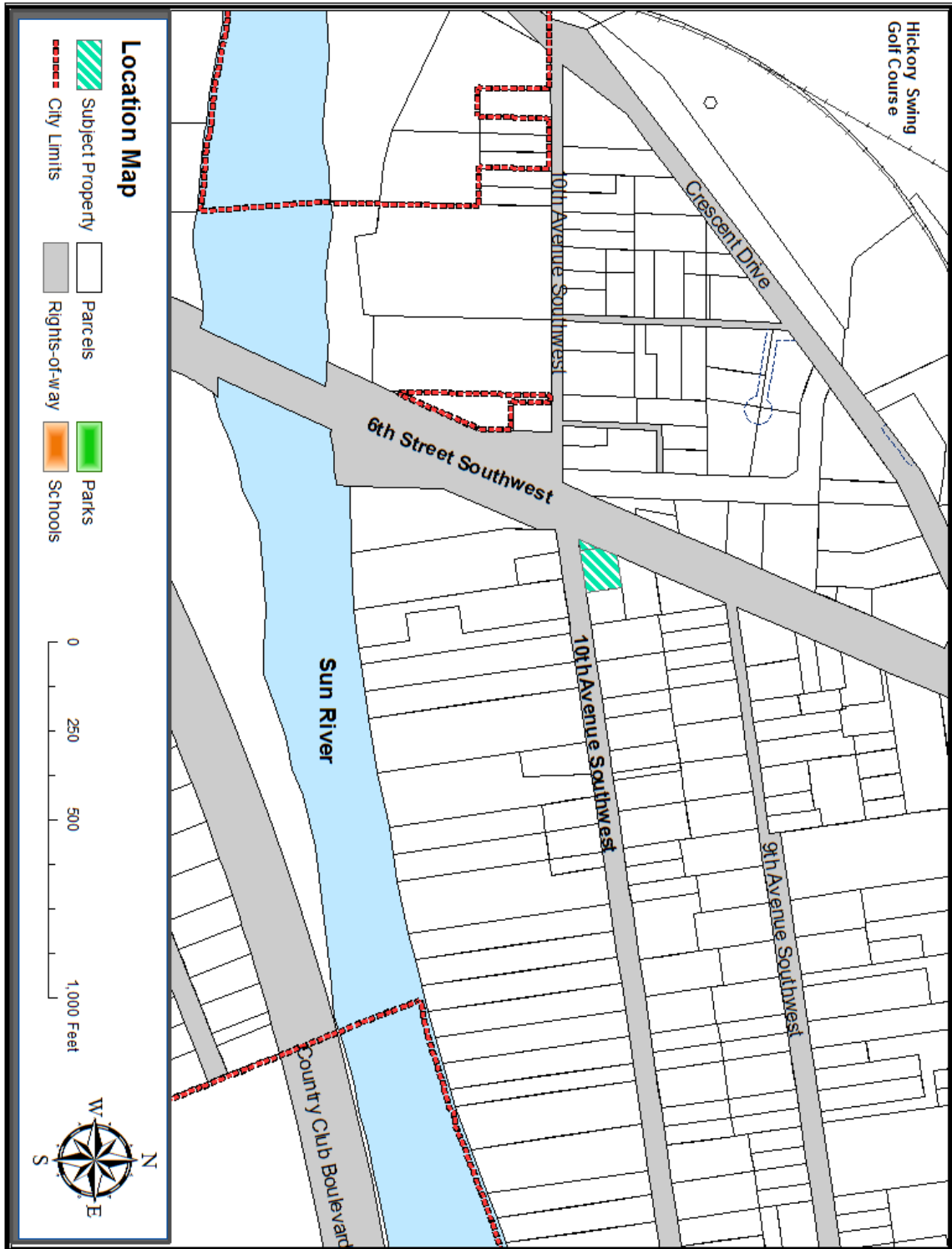
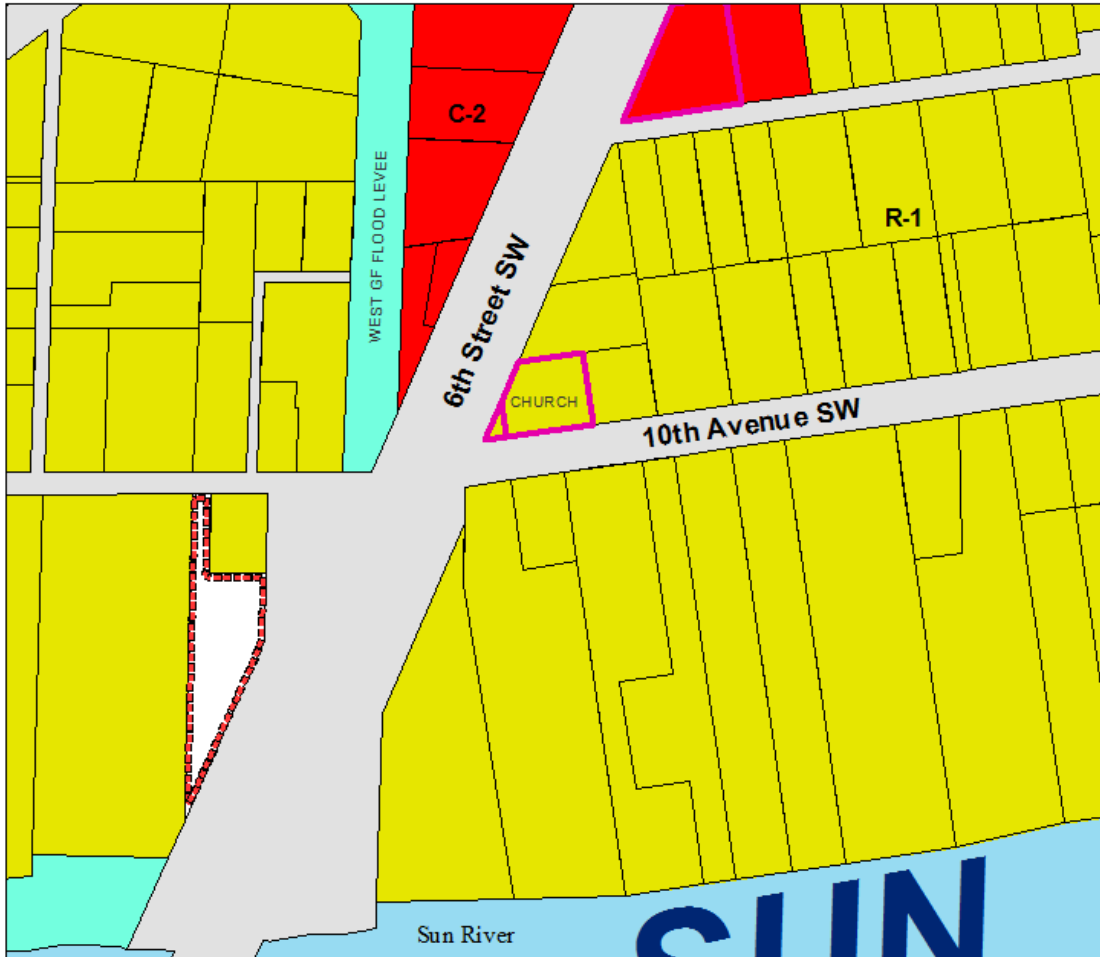


Exhibit C: Zoning Map

Zoning Map



- | | | |
|------------------|----------------------------|------------------------------------|
| Subject Property | R-1 Single-family Suburban | PLI Public Lands and Institutional |
| City Limits | C-2 General Commercial | Unincorporated Enclave |
| Tracts of Land | I-1 Light Industrial | |
| right-of-way | | |

ZONING



Exhibit D - Site Photos



**1. Looking northeast along 6th Street Southwest,
gravel parking adjoins public sidewalk**



**2. Looking east along 10th Avenue Southwest
sidewalk end and gravel extends to public ROW**



3. Looking northeast across 10th Avenue Southwest; 6th Street Southwest on the left



4. Looking north facing existing building; gravel on-street parking in foreground

Exhibit E - Preliminary Site Plan

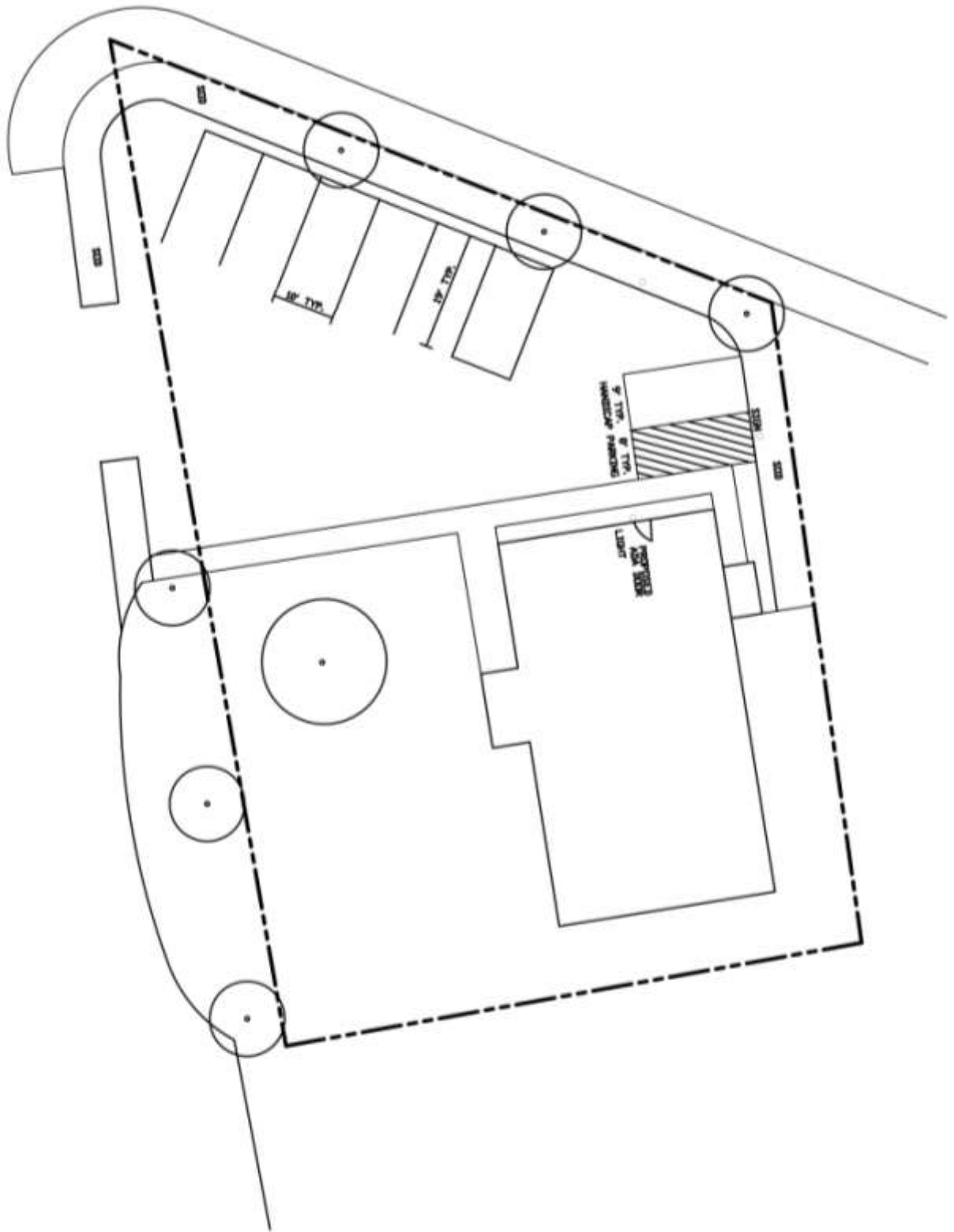


Exhibit F - Project Description

Project Description for 821 10th Ave. SW Great Falls, MT 59404

Name of Business: Dance Design Studio

Tentative Hours of Operation: 4 PM – 8 PM Monday – Thursday
7 PM – 8 PM Every other Friday
9:30 AM – 11:30 AM Mondays
11:00 AM – 12:00PM Thursdays

Class Size: Anticipated 3 – 10 students per class

Anticipated Occupancy: 3 – 10 students in class, 2 teachers and 2 – 7 parents in waiting area

Dance Classes Offered: Ballet, Tap, Jazz, Modern, Clogging, World, Ballroom, Zumba (Classes offered for ages 3 years – adult)