

A G E N D A R E P O R T

DATE August 3, 2004

ITEM Public Hearing - Ord. No. 2882, To Rezone Lot 9, Block 11, First Addition to Bloomingdale Addition

INITIATED BY Robert, Margaret and Rachel Arms, Property Owners

ACTION REQUESTED After Conducting Scheduled Public Hearing, Commission Adopt Ord. No. 2882

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Ben Rangel, Planning Director

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RECOMMENDATION:

The City-County Planning Board has recommended the City Commission Approve the rezoning of Lot 9, Block 11, First Addition to Bloomingdale Addition from "A" Residence Use, "A" Area District, to "B" Residence Use, "B" Area District.

MOTION:

"I move the City Commission adopt Ordinance No. 2882."

SYNOPSIS:

If approved on final reading, Ordinance No. 2882 will rezone Lot 9, Block 11, First Addition to Bloomingdale Addition from "A" Residence Use, "A" Area District, to "B" Residence Use, "B" Area District. The purpose of the rezoning is to allow the existing residence on the premises, addressed as 1624 8th Ave NW, to be replaced with an approximate 1700 sq. foot manufactured home on a permanent foundation.

BACKGROUND:

Robert, Margaret and Rachel Arms, the owners of Lot 9, Block 11, First Addition to Bloomingdale Addition, have requested subject property to be rezoned to "B" Residence Use, "B" Area District, to accommodate a manufactured home to be placed on a permanent foundation. The "A" Residence Use District does not permit manufactured homes as defined by City Code. However, manufactured homes are permitted in "B" Residence Use Districts.

The Planning Board conducted a public hearing on the request on June 22, 2004. The rezoning request has generated no public comment to this point.

The Planning Board, at the conclusion of the public hearing, passed a motion recommending the City Commission approve the rezoning of Lot 9, Block 11, First Addition to Bloomingdale Addition to Great Falls, from "A" Residence Use, "A" Area District, to "B" Residence Use, "B" Area District classification.

Also attached is a copy of the Staff Report and Recommendation on the subject.

- Attach: Ord. No. 2882
- Staff Report and Recommendation dated June 15, 2004, including vicinity map.
- Vicinity Zoning Map

cc: Robert, Margaret and Rachel Arms, 1624 8th Ave NW, Great Falls, Montana 59404

DATE June 15, 2004

AGENDA ITEM 2.F.

HRG. DATE June 22, 2004

GREAT FALLS CITY-COUNTY PLANNING BOARD

PLANNING STAFF Report & Recommendation

REGARDING Public Hearing Scheduled for June 22, 2004

SUBJECT: City Rezoning Petition (Robert and Margaret Arms) from "A" Residence Use, "A" Area District, to "B" Residence Use, "B" Area District, for Lot 9, Block 11, First Addition Bloomingdale Addition to Great Falls

GENERAL INFORMATION:

Owner of Record: Robert and Margaret Arms
1624 8th Ave NW
Great Falls, Montana 59404

Requested Action: Rezone Lot 9, Block 11, Bloomingdale First Addition to Great Falls, from "A" Residence Use, "A" Area District, to "B" Residence Use, "B" Area District

Purpose: Petitioner requests the rezoning to allow the existing residence to be replaced with an approximate 1700 sq. foot manufactured home on a permanent foundation.

Existing Zoning: "A" Residence Use, "A" Area District

Location: The property is addressed as 1624 8th Ave NW

Lot Area: Lot size: 50' x 125' = 6,250 sq. ft. = .143 acres

Existing Land Use: Single family dwelling

Surrounding Land Uses and Zoning:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	NE/4SW/4 SEC 3 TWN5HP 20 RANGE 3E	“A” Residence	Semi-Developed Park
South	Lot 22, Block 11	“A” Residence	Single Family Residence
East	Lot 10, Block 11	“A” Residence	Mobile Home, Single Unit
West	Lot 8, Block 11	“A” Residence	Mobile Home, Single Unit

Attachments:

- Zone Change Petition, with plot plan and photo/computer generated images
- Vicinity Map illustrating existing zoning
- Letter from Neighborhood Council # 2

SPECIAL INFORMATION:

1. The involved Lot 9 is presently occupied by a single family residential structure with detached garage at the rear of lot.
2. The existing “A” Residence Use, “A” Area District, zoning classification essentially allows a maximum of one dwelling unit per parcel. The “A” Area District establishes minimum building setbacks, the “A” Residence Use District require homes to be constructed under the “International Residential Building Code” or previously adopted building codes.
3. The property owner has requested a “B” Residence Use, “B” Area District, zoning classification in order to allow construction of a permanent foundation to accommodate a manufactured home, which meets the appearance standards of the Official Code of City of Great Falls, Section 17.09.364 and 17.09.366. The “A” Residential Use District does not permit manufactured homes as defined by City Code. However, manufactured homes are permitted in “B” Residence Use Districts. The new residence will allow the owners’ daughter to care for her handicapped parents.
4. The petitioner has requested to change the existing “A” Area zoning classification to “B” Area Zoning classification, which dictates the minimum building setbacks. This will change the minimum building setbacks for said Lot 9 to:

From	Front yard: 30 ft.	to	Front Yard: 20 ft.
	Side yards: 6 ft. each	to	Side yards: 5 ft.
	Rear yard: 10 to 25 ft.	to	Rear yard: 10 ft.
5. The area in the vicinity of the parcel requested to be rezoned is predominately nonconforming Mobile Home units.
6. Subject Lot 9 fronts on 8th Avenue NW with Bloomingdale Park and the Northwest Bypass located immediately to the north. A water dispensing station, operated by Cascade County, is located in the abutting portion of Bloomingdale Park.

7. There are no delinquent taxes presently associated with said Lot 9.
8. The requested "B" Residence Use District allows up to two dwelling units per lot.
9. There is an existing garage on the rear of the lot and a vehicular driveway from 8th Avenue NW, along the west side of the existing and proposed residential structure.
10. The parcel is served by a City water main in the abutting portion of 8th Ave NW and a City sanitary sewer main in the adjacent 8th Alley NW.
11. The zone change Notice of Public Hearing was published in the Tribune on June 6, 2004, and was mailed to surrounding property owners on June 4, 2004. A sign describing the requested zone change was placed on the property on June 11, 2004.
12. Between the time the rezoning petition was submitted and writing this report, the only communication the Planning Office had received concerning this rezoning was from Neighborhood Council #2 which expressed support for the request. (Attached copy)

ZONING ANALYSIS:

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in a proposed zoning or rezoning of land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

The attached vicinity map also reflects the current City zoning.

Subject Lot 9 is located in a predominantly single family residential neighborhood. The dwelling units are a mixture of mobile homes and conventionally constructed units. Although the requested "B" Residence Use District would allow doubling of the potential density on Lot 9, it is the intent of the owner/applicant to upgrade the dwelling unit on the property by replacing it with a new manufactured home which is not allowed in the existing "A" Residence Use District.

The requested rezoning and resulting new dwelling unit will assist in implementing the No. 1 strategy and action of the land use element of the recently adopted Growth Policy which is to "encourage neighborhoods that incorporate traditional design concepts."

As the requested rezoning and resulting change in housing structure are not contrary to any of the above stated criteria, staff concludes the rezoning of subject property substantially complies with the above mentioned criteria.

ASSUMPTIONS:

1. The Planning Board should encourage compatible land uses and discourage zoning changes which would allow incompatible land uses.
2. According to the Supreme Court of Montana, three factors generally enter into determining whether spot zoning exists. First, the requested use is significantly different from the prevailing use in the area. Second, the area in which the requested use is to apply is rather small and there are one or few landowners. Third, the requested change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or general public. If spot zoning is valid, usually all three elements are present. Although the property requested to be rezoned is small (6,250 sq. ft.) the rezoning does not allow uses which differ significantly from prevailing uses in the area and will result in a new dwelling unit helping upgrade the neighborhood. Therefore, arguments can be presented that at least one and possibly two of the spot zoning elements are absent in this case.
3. Rezoning of Lot 9 alone would probably not significantly alter the character of the neighborhood.

RECOMMENDATION:

It is recommended that the Planning Board recommend to the City Commission **approve** the Application of Zoning of Robert and Margaret Arms to rezone Lot 9, Block 11, Bloomingdale 1st Addition to Great Falls, from "A" Residence Use, "A" Area District to "B" Residence Use, "B" Area District.

Prepared by: Charles Sheets, Planner I
Bill Walters, Senior Planner
Concurrence by: Ben Rangel, Planning Director

Attachments:

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cc: Robert and Margaret Arms, 1624 8th Ave NW