

AGENDA REPORT

DATE June 7, 2005

ITEM Public Hearing – Ord. No. 2917 to Rezone Lot 2A, Block 151, Eleventh Addition to Great Falls

INITIATED BY Kenneth J. Miller and James T. Price, Co-owners

ACTION REQUESTED Adopt Ordinance. No. 2917

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

The City-County Planning Board has recommended the City Commission approve the rezoning of Lot 2A, Block 151, Eleventh Addition to Great Falls, from “B” Residence Use, “B” Area District to “C” Residence Use, “C” Area District.

**MOTION:**

“I move the City Commission adopt Ordinance No. 2917.”

**SYNOPSIS:**

If approved on final reading, Ordinance No. 2917 will rezone Lot 2A, Block 151, Eleventh Addition to Great Falls from “B” Residence Use, “B” Area District, to “C” Residence Use, “C” Area District. The petitioners request the rezoning to establish similar and consistent zoning for all of Block 151 in order to construct 28 detached single-family condominium units. Subject Block 151 is located between 6<sup>th</sup> and 7<sup>th</sup> Avenues North and 23<sup>rd</sup> and 24<sup>th</sup> Street North.

**BACKGROUND:**

With the recent filing of an Amended Plat, the north half of Block 151 is now legally described as Lot 1A and the south half is Lot 2A. In anticipation of building the single-family condominiums, the owners have razed the 40-unit Grizzly Apartments previously occupying the block.

Attached is a draft site plan showing the proposed 28 detached single-family condominium units with access from a private interior loop road with approaches to 24<sup>th</sup> Street North and 6<sup>th</sup> Avenue North.

It is anticipated the entire block will be zoned “R-5” Multi-Family Medium Density upon adoption of the new Land Development Code. The “R-5” zoning has a maximum density of 1875 sq. feet of lot area per dwelling unit, which would permit up to 59 dwelling units on the block.

The developers met with Neighborhood Council District #8, on September 28, 2004. The Council views this project as a positive improvement for the neighborhood.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy;
- 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 reflects the current zoning. Single-family residences are located to the west, north, and east of Block 151. A church is also located to the east and North Kiwanis Park is located to the south of the block.

Part of the justification for rezoning the south half of Block 151 to “C” Residence Use District is that a multi-family apartment complex had occupied the property for the last several decades. Subject property is in close proximity to many services including a large City park across the street and a shopping center one block to the east.

The 15 proposed dwelling units on the south half of Block 151 are comparable in density to the existing “B” Residence Use District when considering the original seven lots comprising the area requested to be rezoned and the potential for two dwelling units allowed per lot.

A goal of the Great Falls City-County Growth Policy is to preserve and enhance the character, quality and livability of existing neighborhoods. The Plan encourages a variety of residential uses and housing types as long as they do not result in adverse impacts upon one another and promote infill development that can take advantage of existing infrastructure.

Staff concludes the above-mentioned criteria are substantially met in conjunction with the requested rezoning.

When compared to the previous development, which existed on Block 151, the rezoning and resulting condominium project should upgrade the neighborhood. A lower density housing project combined with new construction and owner occupied units will help to stabilize and enhance the character, quality and livability of the neighborhood.

The City-County Planning Board conducted a public hearing on the rezoning request on April 26, 2005. Mr. Andy Hayes, 1208 1<sup>st</sup> Avenue North, objected to the proposed condominium units facing a private interior road. Mr. Kenneth Miller, co-applicant, said the condominium units are designed with the garages facing the interior to be accessed from the private drive. Mr. Travis Manus, 2205 6<sup>th</sup> Avenue North, said the condominium development was a fantastic addition to the neighborhood but was concerned about approaches to the interior road directing traffic to 6<sup>th</sup> Avenue North. Mr. Miller said the reason they chose 6<sup>th</sup> Avenue North to access the project was to avoid affecting the homes on 7<sup>th</sup> Avenue North. Mr. Peressini, representing Mount Olive Christian Fellowship Church at 2401 6<sup>th</sup> Avenue North, expressed concerns about how the project may affect street parking on 24<sup>th</sup> Street for the church. Mr. Miller said each of the condominiums units will be provided with two parking spaces. Additional parking will be available on 24<sup>th</sup> Street as two existing driveways will be eliminated and replaced with one closer to 6<sup>th</sup> Avenue North.

The Planning Board, at the conclusion of the public hearing, passed a motion recommending the City Commission approve the rezoning of Lot 2A, Block 151, Eleventh Addition to Great Falls to “C” Residence Use, “C” Area District.

Attachments: Ord. No. 2917, Vicinity Map, Draft Site Plan,  
Minutes of Planning Board Public Hearing held April 26, 2005

# **GREAT FALLS CITY-COUNTY PLANNING BOARD**

## **MINUTES OF THE PUBLIC HEARING ON REZONING LOT 2A, BLOCK 151, 11<sup>TH</sup> ADDITION TO GREAT FALLS, FROM “B” RESIDENCE USE TO “C” RESIDENCE USE**

April 26, 2005

The public hearing on the Rezoning of Lot 2A, Block 151, 11<sup>th</sup> Addition to Great Falls, from “B” Residence Use to “C” Residence Use was called to order at 3:00 p.m. in the Commission Chambers of the Civic Center by Planning Board President Bill Bronson.

### **ROLL CALL & ATTENDANCE**

Planning Board Members present:

Mr. William Austin  
Mr. Bill Bronson  
Mr. John Harding  
Mr. Fay Lesmeister  
Dr. Greg Madson  
Ms. Andrea Pierce  
Ms. Jan Popa  
Mr. Bill Roberts

Planning Board Members absent:

Mr. Joe Summers

Planning Staff Members present:

Ms. JoAnn Painter, Admin. Asst.  
Mr. Ben Rangel, Planning Director  
Mr. Charlie Sheets, Planner I  
Mr. Bill Walters, Senior Planner

Others present:

Mr. Kenneth Miller, representing the applicant  
Mr. Dave Dobbs, City Engineer

A copy of the attendance list as signed by those present is attached and incorporated by reference.

## **EXPLANATION OF HEARING PROCEDURES**

Mr. Bronson advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. He stated that there will be the opportunity for proponents as well as opponents to speak. There will also be a time for public comments. Anyone wishing to speak should come to the rostrum, state their name, address and whom they represent. He requested remarks be on current business before the Board and limited to a reasonable length of time to allow everyone equal opportunity to comment. The Chairman will determine the reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

## **READING OF PUBLIC NOTICE**

As there was no response to Mr. Bronson's question on whether anyone present wished to have the public notice read, the public notice was not read.

## **PLANNING STAFF REPORT & RECOMMENDATION**

Mr. Sheets said this public hearing involves a request to rezone Lot 2A, Block 151, 11<sup>th</sup> Addition to Great Falls, from "B" Residence Use, "B" Area District, to "C" Residence Use, "C" Area District. The petitioners are requesting the rezoning to achieve similar and consistent zoning for all of Block 151 to permit construction of 28 detached single-family condominium units on the block. The property is located between 23<sup>rd</sup> and 24<sup>th</sup> Streets North along the north side of 6<sup>th</sup> Avenue North.

A copy of the vicinity zoning map was displayed.

After reviewing the staff report and recommendation, Mr. Sheets said he would be glad to respond to any questions from the Board.

## **PETITIONER'S PRESENTATION**

There was no presentation by the petitioner.

## **PROponents OPPORTUNITY TO SPEAK**

There were no proponents to speak.

## **OPponents OPPORTUNITY TO SPEAK**

Mr. Andy Hayes, 1208 1<sup>st</sup> Avenue North, objected to the condominium units facing the interior private interior road. He said that houses in Great Falls are on narrow lots facing the streets creating a nice neighborhood affect. This development is similar to a gated community. Mr. Sheets responded that the

developer provided staff with a concept of his development. The developer proposes an interior loop driveway that will provide driveway access to the condominium units. The developer can further address Mr. Hayes concerns.

Mr. Miller, petitioner, said the condominium units are designed with garages at the front entrance, facing the interior. There was further discussion between Mr. Miller and Mr. Hayes about the design.

Mr. Travis Manus, 2205 6<sup>th</sup> Avenue North, said he thought that adding a condominium development was a fantastic addition to his neighborhood. He was concerned about the added traffic to the already busy 6<sup>th</sup> Avenue North with soccer practice at the park and church services on Sunday. Both exits from the condominiums direct traffic onto 6<sup>th</sup> Avenue North. His children walk on 6<sup>th</sup> Avenue North to go to the shopping center. He would like to see the condominium project rotated so the exits were not onto 6<sup>th</sup> Avenue North and 24<sup>th</sup> Street North.

Mr. Miller said that the church traffic isn't everyday and the reason they chose 6<sup>th</sup> Avenue North over 7<sup>th</sup> Avenue North for access was to avoid impacting the houses on 7<sup>th</sup> Avenue North. The only thing across the street on 6<sup>th</sup> Avenue was the park. There was further discussion between Mr. Manus and Mr. Miller about the traffic flow from the proposed development.

Mr. Dan Peressini, representing Mount Olive Christian Fellowship Church at 2401 6<sup>th</sup> Avenue North, was concerned about street parking on 24<sup>th</sup> Street for the church. Mr. Miller said there wouldn't be any street parking on 24<sup>th</sup> Street between the driveway to the condominium project and the corner with 6<sup>th</sup> Avenue North. In response to Mr. Peressini's question of where the parking for the condominiums was located, Mr. Miller said that all of the condominium units have two parking spaces per unit, which is located on the interior of the block. There will be additional parking on 24<sup>th</sup> Street North because the two previous driveways will be eliminated and replaced with one closer to 6<sup>th</sup> Avenue North.

There was further discussion between Mr. Peressini, Mr. Manus and Mr. Miller about parking on 24<sup>th</sup> Street North.

## **PUBLIC COMMENTS**

There were no public comments.

## **PLANNING BOARD DISCUSSION & ACTION**

Mr. Austin asked for the location of the church. Mr. Rangel responded the church was located along the east side of 24<sup>th</sup> Street South and pointed out the location on the site plan attached to the staff report.

There was further discussion among the audience about the traffic and parking.

Mr. Lesmeister said that 8<sup>th</sup> Avenue North is a collector that many people travel to reach the northeast part of town and downtown. If this development was turned 90 degrees it would provide two entrances/exits

closer to 8<sup>th</sup> Avenue North. He agrees this project is a great improvement over the housing complex that was there.

Mr. Harding thought that traffic related to the condominium project would probably access 25<sup>th</sup> and 26<sup>th</sup> Streets North just as often as 8<sup>th</sup> Avenue North. It appeared the developer put a lot of thought into the exits and entrances and seems they would flow very well with the rationale of not facing the residential neighbors. That was very good consideration. As far as the parking issue on 24<sup>th</sup> Street North, in looking at the site plan, there are more parking spots for the church than before because you eliminate one access to Block 151. The one entry seems to be in a rationale spot. As far as vehicle trips per day, the apartment complex that was there before probably had more traffic than this condominium development. It seemed like a great plan to Mr. Harding.

There was further discussion among the audience about parking and traffic.

**MOTION:** That the Planning Board recommend the City Commission approve the request to rezone Lot 2A, Block 151, 11<sup>th</sup> Addition to Great Falls, from "B" Residence Use, "B" Area District, to "C" Residence Use, "C" Area District.

Made by: Mr. Harding  
Second: Dr. Madson

Vote: The motion carried unanimously.

Mr. Walters said the Planning Board is advisory to the City Commission on city zone changes. Staff anticipates forwarding the Board's recommendation to the City Commission for first reading on May 17 and final consideration and public hearing before the Commission on June 7.

### **ADJOURNMENT**

The hearing adjourned at 3:30 P.M.

---

PRESIDENT

---

SECRETARY