

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

DATE January 17, 2006

ITEM Public Hearing - Resolution No. 9540 for a Conditional Use Permit for Collins Mansion

INITIATED BY Michael and Kristina Hengenius, Owners and Proprietors of the Collins Mansion

ACTION REQUESTED Commission Adopt Resolution No. 9540 & Approve Accompanying Agreement

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Planning Board has recommended the City Commission grant a conditional use permit to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center subject to specified terms and conditions.

MOTION:

“I move the City Commission adopt Resolution No. 9540 and the accompanying Agreement.”

SYNOPSIS:

Resolution No. 9540 grants a conditional use permit to allow the Collins Mansion at 1003 2nd Avenue Northwest to serve as a community center to host special event functions such as weddings, receptions, dinners and anniversaries. The Collins Mansion has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. The accompanying Agreement contains terms and conditions pertaining to the conditional use permit.

BACKGROUND:

The owners of the Collins Mansion at 1003 2nd Avenue NW have applied for a conditional use permit to allow the premises to also serve as a community center. Connie Romain owned the Mansion at the time the application for the conditional use permit was submitted, but has since sold the property to Mike and Kristina Hengenius. Subject property, legally described as Lots 12 - 14, Block 28, West Great Falls Addition, is presently zoned R-3 Single-family high density district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.

Attached is a copy of the Staff Report and Recommendation to the Planning Board, including the vicinity/zoning map and communications received to date.

The Planning Board on November 22, 2005, conducted a public hearing to consider the conditional use application. Mr. Dennis Kuether, 926 2nd Avenue Northwest, spoke as an opponent noting several years ago he signed a consent form to allow a bed and breakfast at the Mansion but adequate parking does not exist to accommodate such functions as weddings and receptions. Neighborhood Council No. 2 provided a letter which was generally supportive of the Collins Mansion and its operation. They viewed the Mansion as “a well kept asset to the City as well as the Westside” and did not voice any concerns with its operation as a bed and breakfast or as a community center. At the conclusion of the Hearing, the Planning Board unanimously passed

a motion recommending the City Commission grant a conditional use to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

The above mentioned agreement, drafted by staff and executed by the applicant, is attached. Also attached are the minutes of the November 22, 2005, Planning Board Hearing.

Attach: Resolution No. 9540
Staff Report and Recommendation
Agreement
Planning Board Hearing Minutes, November 22, 2005

cc w/o attach: Michael & Kristina Hengenius, 1003 2nd Ave NW

AGENDA ITEM 1.F. _____

HRG. DATE November 22, 2005

GREAT FALLS PLANNING BOARD

STAFF REPORT AND RECOMMENDATION

ITEM: Conditional Use for Collins Mansion on Lots 12–14, Block 28, West Great Falls Addition

INITIATED BY: Connie Romain, Property Owner

PRESENTED BY: Bill Walters, Senior Planner

GENERAL INFORMATION:

Owner and Applicant:	Connie Romain 1003 2 nd Avenue NW Great Falls, Montana
Location of Subject Property:	Northwest corner of the intersection of 10 th Street NW and 2nd Avenue NW
Legal Description of Property Affected by Conditional Use:	Lots 12 – 14, Block 28, West Great Falls Addition
Area of Subject Property:	175ft x 125ft = 21,875 sq ft = 0.50 acres
Zoning:	R-3 Single-family High Density District
Land Use:	Single family residence licensed as a bed and breakfast
Requested Action and Purpose:	Grant conditional use to permit the residential structure upon the premises to serve as a community center, in addition to the bed and breakfast use.

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Lots 1A – 4, Block 28, WGF Add.	R-3 Single-family	Single Family Dwelling & Vacant Parcel
East	Lots 9, Block 27, WGF Add.	R-3 Single-family	Single Family Dwelling
South	Lots 1 & 2, Block 39, WGF Add. & Lots 2 & X, Crutchers Res.	R-3 Single-family	Single Family Dwellings
West	Lot 11, Block 28, WGF Add.	R-3 Single-family	Single Family Dwelling

Attachments:

Development Review Application for Conditional Use
Letter from Applicant dated October 20, 2005
Site Plan
Vicinity Zoning Map
Memo from City Engineer, dated November 2, 2005
Memo from Parking Supervisor in Comm. Dev. Dept. dated Nov 10, 2005
Letter from Neighborhood Council No. 2 dated September 28, 2005

INFORMATION:

1. Connie Romain, owner of the Collins Mansion at 1003 2nd Avenue NW, has applied for a conditional use to permit the large dwelling unit to also serve as a community center.
2. Subject property, legally described as Lots 12 – 14, Block 28, West Great Falls Addition, is presently zoned R-3 Single-family high density use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.
3. The definition in the Unified Land Development Code for community center is “a place and/or building, or portion thereof that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.”
4. The Collins Mansion has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. In an effort to legalize the catering portion of the business, the owner, under the provisions of the new Land Development Code, has applied for a conditional use to allow the premises to be utilized as a community center.

5. The applicant has prepared the attached site plan showing the size and configuration of subject property together with the location of the primary residential structure and driveways serving the property.
6. As the catering portion of the business has also been in operation for the last several years, the applicant has provided the following description for same.

Types of functions: weddings, receptions, rehearsal dinners, birthday & retirement parties, special luncheons, and anniversaries.

Frequency or number of functions: 60 functions are booked for the 2005 year. (Averages five per month.)

Hours & duration of functions: Luncheon functions typically last approximately 2½ hours and evening functions normally run from 6:00 p.m. to no later than 10:00 p.m.

Average number of individuals attending functions: 25 – 30 people. The premises can accommodate a maximum of 40 people for a full sit-down meal and 65 for a cocktail party.

7. Besides the applicant who resides on the premises, two or three part-time employees are usually retained to assist in preparation and cleaning associated with functions.
8. Regarding vehicular parking, the applicant has indicated a total of 20 vehicles can park on the premises utilizing four parking stalls off 3rd Alley NW, the circular driveway at the front of the facility and the through driveway along the west side of the involved structure. An additional 7 vehicles can park on 10th Street NW and 8 vehicles can park on 2nd Avenue NW adjoining the premises.
9. Attached is a Memorandum from the City Engineer dated November 2, 2005, primarily offering comments concerning the parking situation associated with the proposal.
10. Attached is a Memorandum from the Parking Supervisor in the Community Development Department dated November 10, 2005, stating the need for 26 off-street parking spaces plus 1 per employee to accommodate functions involving up to 65 people. The Memo discusses some options to fulfill the requirement including the possibility of shared parking with the school district.
11. The Notice of Public Hearing was mailed to neighborhood property owners on November 4, 2005, and was published in the Great Falls Tribune on November 6, 2005. A sign containing copies of the Notice of Public Hearing was placed on the property on November 14, 2005. At the time of this writing, no public comment on the conditional use had been provided to the Planning Office.

CONDITIONAL USE PERMIT:

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Planning Board, the City Commission shall conduct a

public hearing and arrive at a final decision regarding the conditional use application. 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 as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.
2. 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.
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 diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
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.
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.

A goal in the land use element of the Growth Policy is "to preserve and enhance the character, quality, and livability of existing neighborhoods". The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected which in this case is established and stable. Land use changes should be compatible with type, scale, and physical character of the neighborhood.

The primary adverse feature associated with the application is the inadequacy of off-street parking. The ability to park up to 20 vehicles on the premises is too optimistic as the City Engineer discusses in his Memo. Therefore, the streets in the vicinity of the Mansion must absorb the parking demand which is legal but can generate concerns from neighbors. However, the infrequency of the functions held at the Mansion and their short duration should limit complaints.

Staff concludes no significant negative aspects associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced. However, the ability to provide sufficient off street parking is a primary concern.

CONCLUSION:

Retaining and maintaining the Collins Mansion landmark involves some extraordinary measures. For an owner to sustain the facility strictly as a single family residence would involve considerable assets. The applicant has stated in the attached letter that the bed and breakfast business alone cannot support the maintenance and upkeep of the facility and therefore the income generated from the special events is vital.

It is also noted that the applicant has conducted special events at the Collins Mansion for the last eight years and staff is not aware of any complaints from the neighborhood. The attached letter from Neighborhood Council No. 2 expresses support for the operation.

Questions or concerns could arise about limiting the number of people attending functions, but the applicant has indicated the size of the facility (kitchen and floor gathering area) controls the size of the functions that can be held.

RECOMMENDATION:

It is recommended that the Planning Board recommend to the City Commission that a conditional use be **granted** to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Note: The conditional use for Collins Mansion to serve as a community center would not become effective until the above stated condition b) is fulfilled.

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

Attach: As noted hereinabove

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer

Mike Rattray, Comm Dev Director
Connie Romain, 1003 2nd Ave NW

GREAT FALLS PLANNING BOARD

MINUTES OF THE PUBLIC HEARING ON CONDITIONAL USE PERMIT COLLINS MANSION

November 22, 2005

The public hearing on the Conditional Use Permit for the Collins Mansion was called to order at 3:02 p.m. in the Commission Chambers of the Civic Center by Planning Board Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Mr. Mark Gunderson
Mr. John Harding
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Planning Board Members absent:

Mr. Josh DeNully
Mr. Ron Kinder

Planning Staff Members present:

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

Others present:

Mr. Dave Dobbs, City Engineer
Mr. Mike Hengenius, purchaser of the property

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 after the staff makes its presentation, there will be opportunity for the petitioner's presentation, as well as an opportunity for any proponents and opponents to speak. There will also be a time for public comments, after which the petitioner can respond. Anyone wishing to speak should come to the rostrum, state their name, address and whom they represent. The Planning Board is advisory to the City Commission and the Board's recommendation will be forwarded to the Commission for final decision. 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. Walters said this public hearing involves a request for a conditional use to permit the Collins Mansion to serve as a community center in addition to the bed and breakfast use. The property is located at the northwest corner of the intersection of 10th Street Northwest and 2nd Avenue Northwest. The application was submitted by Ms. Connie Romain, who was the property owner at that time. The property was recently sold to Mr. Mike Hengenius. Mr. Hengenius is aware of the application.

A copy of the vicinity/zoning map was displayed.

Mr. Walters advised the Board to ignore the memorandum from Mr. Jeff Jenkins, Building Official, attached to the staff report as Mr. Jenkins withdrew his communication.

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

PETITIONER'S PRESENTATION

Mr. Mike Hengenius said he and his wife were the new owners of the Collins Mansion. They are looking forward to working in Great Falls. He said he would be glad to respond to any questions from the Board.

PROponents OPPORTUNITY TO SPEAK

There were no proponents to speak.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Dennis Kuether, 926 2nd Avenue Northwest, said a number of years ago he signed a consent form to allow a bed and breakfast. At that time, the owners of the Collins Mansion said there would be ample parking. There was no mention of it being used for weddings or receptions. There is no off-street parking. Both sides of the street are filled with parking. He could not park in front of his house. He asked if the owners have been illegally holding weddings and receptions.

Mr. Rangel responded that the owners received approval for the bed and breakfast. The nature of that operation is different from the nature of what is being proposed under a community center, which is allowing for receptions, wedding parties, etc. In essence, they have been doing the receptions and other activities without a permit for about eight years.

Mr. Kuether further stated his opposition because of the lack of parking.

PUBLIC COMMENTS

There were no public comments.

PETITIONER'S RESPONSE

Mr. Hengenius said in terms of the illegality, it was his understanding that the zoning prior to the new zoning code did not prohibit the events taking place. But, the new code was why they had to apply for the conditional use permit. They have only been in the building for two weeks and have not had the opportunity to meet their new neighbors. He understands the neighbor's concerns. He has room for 18 cars on his side of the street. He will work with his clients to insure they park on his property or in the street abutting the Mansion. He has visited with Ms. Kim Johnson, Parking Supervisor, about how to add parking to his property and will continue to work with her. He said they are looking forward to making things better as well as keeping business coming into Great Falls.

Mr. Harding asked how Mr. Hengenius felt about the staff's conditional recommendation. Mr. Hengenius replied he met with Ms. Johnson last week and she suggested pursuing the use of the school parking lot within one-half block of the Mansion, which he intends to do.

Mr. Bronson asked if Mr. Hengenius understood that if the Board recommends approval in accordance with staff's conditions, a conditional use permit would not be issued until a plan is put in place for some type of off-street parking. Mr. Hengenius understood.

Mr. Roberts asked if most of the functions were before or after dinner. Mr. Hengenius replied that he thought they were 50-50. He added their main concern was the bed and breakfast and the community center activities were supplemental to help sustain the Mansion.

Mr. Roberts said that prior to the hearing he drove by the property and noted there wasn't a single car parked on the streets in the immediate area. He felt the problem of crowded parking was not a daytime problem but an evening problem.

There was further discussion about the parking including off-street parking in the neighborhood by property owners and making additional parking on Mr. Hengenius' property.

PLANNING BOARD DISCUSSION & ACTION

Mr. Schaffer said he was glad to see the condition for an approved parking plan in place because parking is going to be an issue. He asked that when a business is operated out of a residence or home, if it is required that a safety certificate be obtained along with signatures of immediate surrounding property owners.

Mr. Bronson replied signatures were not required for a safety certificate.

Mr. Rangel added that a home based business license is a home occupation and is different from a bed and breakfast or this type of community center. The community center operation does not require signatures from the neighbors.

Mr. Bundtrock said that as long as the conditions were met, he didn't see a problem with the conditional use.

MOTION: That the Planning Board recommend to the City Commission that a conditional use be granted to allow the Collins Mansion on Lots 12 – 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Made by: Mr. Bundtrock

Second: Mr. Roberts

Vote: The motion carried unanimously.

Mr. Walters said the Planning Board is advisory to the City Commission. Staff will draft the agreement containing the two provisions and once that is completed, forward the agreement and the Board's recommendation to the City Commission. This request will have to go through two readings, one month apart, before the City Commission and the applicant can continue working with the Parking Supervisor on the parking arrangement.

ADJOURNMENT

The hearing adjourned at 3:37 P.M.

PRESIDENT

SECRETARY