



Item: Resolution 9794 for Conditional Use Permit for Collins Mansion

From: Bill Walters, Senior Planner

Initiated By: Samuel and Andrea Gouchenour, Property Owners

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9794 on first reading and set a public hearing for December 2, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9794 on first reading and set a public hearing for December 2, 2008.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held October 14, 2008, unanimously passed a motion recommending 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, provided the applicant enters into an agreement with the City agreeing that first and foremost the primary use of the property shall be a single family residence, with the bed and breakfast and community center operations being secondary or accessory in nature.

Background: Samuel and Andrea Gouchenour, owners of the Collins Mansion at 1003 2nd Avenue NW, have applied for a conditional use permit to allow the large dwelling unit to serve as a community center.

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 permit.

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.”

The City Commission following a public hearing held January 17, 2006, approved a resolution and an agreement granting a conditional use permit to allow the Collins Mansion to serve as a community center subject to specified terms and conditions. But that permit expired when the premises was vacated and put on the market for sale over a year ago.

The attached site plan shows the size and configuration of subject property together with the location of the primary residential structure and driveways serving the property.

The applicants have provided the following description for the catering portion of the business.

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

Frequency or number of functions: 24-36 functions per year.
(Averages two to three per month.)

Hours & duration of functions: Functions during weekdays will be scheduled between 4:00 p.m. and 9:00 p.m. and functions during the weekend will be scheduled between 10:00 a.m. and 9:00 p.m. An event will last approximately three hours between these time slots.

Average number of individuals attending functions: 20 people. The premises can accommodate a maximum of 40 people for a full sit-down meal and 65 for a cocktail party.

Two relatives of the applicants will reside on the premises and handle the day to day operation of the inn. The applicants, Samuel and Andrea Gouchenour, will assist during special events.

The Collins Mansion will also accommodate operation of a bed and breakfast which does not by itself require a conditional use permit as does special event functions such as receptions and weddings. However, the City Community Development Department intends to issue only one safety inspection certificate for the Collins Mansion which will be inclusive of both the bed and breakfast and the community center operations.

Regarding vehicular parking, at least 10 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. The applicants recently entered into a Shared Parking Space Lease Agreement with Great Falls Public Schools providing an additional 10 parking spaces located at the west end of the West Elementary School parking lot. The Parking Supervisor in the Community Development Department has stated the proposed parking plan meets the City’s parking requirements.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, 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. Following each is staff's response to the criteria.

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 streets in the vicinity of the Mansion must absorb any overflow 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 permit, provided the conditions accompanying the recommendation are fulfilled and enforced.

The only citizen who spoke during the Public Hearing before the Zoning Commission on October 14 was Andrea Gouchenour, the co-applicant. No proponents or opponents spoke during the Hearing.

An Agreement containing terms and conditions associated with the conditional use permit has been prepared and submitted to the applicants for execution. The Agreement will be submitted to

the City Commission in conjunction with final consideration of Resolution 9794 and prior to the public hearing on December 2, 2008.

Concurrences: Other City Departments including Public Works, Community Development and Fire Department have been consulted regarding the conditional use permit. Neighborhood Council 2 has provided a statement supporting approval of the conditional use permit provided all requirements of the Planning and Community Development Departments are met.

Fiscal Impact: Approval of the conditional use permit will support the use, occupancy and maintenance of an historical property which otherwise may remain dormant and continue to deteriorate.

Alternatives: The City Commission could deny acceptance of Resolution 9794 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

Resolution 9794
Vicinity/Zoning Map
Site Plan

Cc: Andrea Gouchenour, 801 1st Ave NW, Conrad, MT 59425
Kim McCleary, Parking/Zoning Supervisor