



Item: Resolution 9802 for Conditional Use Permit to allow a worship facility on Lot 8, Block 307, Original Townsite to Great Falls (525 1st Avenue North)

From: Charles Sheets, Planner 1

Initiated By: Heartland Community Fellowship, Pastor David Booth

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9802 on first reading and set a public hearing for January 6, 2009.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9802 on first reading and set a public hearing for January 6, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held November 12, 2008, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow Lot 8, Block 307, Original Townsite to Great Falls, addressed as 525 1st Avenue North, to serve as a worship facility.

Background: Heartland Community Fellowship leases a portion of a building, addressed as 525 1st Ave N, from Hearing Aid Institute, Inc. The leasee and owner have applied for a conditional use permit to allow the worship facility at the site.

Subject property is zoned C-4 Central Business Core district wherein a worship facility is permitted upon processing and approval of a conditional use permit. (See attached Vicinity/Zoning map.)

The definition in the Unified Land Development Code for worship facility is “a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include community

recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.”

The applicant has stated that the Fellowship currently averages 20 parishioners at its services which take place on Wednesday nights. The subject building is posted with signs that 24-hour on-site parking is only for patrons of the building. Only minor problems have arisen when adjoining bowling alley patrons use the parking area on Wednesday nights. The subject property also accommodates a beauty salon which operates independently of the worship facility. No information was provided if the salon has had any parking issues. Additionally, the City owns and operates a parking lot kitty-corner from the property, at 600 1st Avenue North. Attached is a Memorandum from the City Parking Supervisor, dated October 16, 2008, stating the proposed parking plan meets the City’s parking requirements for both the worship facility and salon.

Neighborhood Council No. 7 discussed the conditional use permit application. Aaron Weissman, Council 7 Chairman contacted the Planning Office and stated that Council 7 was supportive of the conditional use permit, as long as the worship facility would not impact any other established businesses.

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
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 the type, scale, and physical character of the neighborhood.

The streets in the vicinity of the worship facility may, on occasion, be needed to absorb any overflow parking demand which is legal but can generate concerns from neighboring property owners. However, in addition to the on-site parking plan for the subject property, the City public parking lot across the street from the property should also accommodate over flow parking.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit.

Establishing a worship facility at this location would not be out of character as numerous worship facilities are presently located in the vicinity and in the periphery of the downtown area.

During the public hearing no proponents or opponents spoke. However, Mel Willey, operator of the Little's Lanes/Tavern and Casino and Dave Gunness, owner of the land occupied by Little's Lanes, questioned the status of the business in accordance with current applicable zoning codes. Staff responded that the bowling alley and accompanying tavern are permitted uses in the C-4 zoning district and the existing casino is a legal nonconforming use. Should another party assume ownership of Little's Lanes/Tavern and Casino, it would not trigger any zoning related issues and could continue. Should the casino (gaming) portion of the operation cease for 24 consecutive months, it would lose its nonconforming status and could only be reestablished upon adherence to applicable state statutes and City Code.

Concurrences: Representatives from the Community Development Department have been involved throughout the review and approval process for this project.

Fiscal Impact: No change in providing services due to conditional use permit.

Alternatives: The City Commission could deny acceptance of Resolution 9802 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:

1. Resolution 9802
2. Vicinity/Zoning Map
3. Memo from City Parking Supervisor, dated October 16, 2008

Cc: Mike Rattray, Community Development Director
Kim McCleary, City Parking Supervisor
Heartland Community Fellowship, 525 1st Ave N, Great Falls, MT 59401
Hearing Aid Institute, Inc., 725 1st Ave N, Great Falls, MT 59401