AGENDA
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, July 12, 2016 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER
   a. Roll Call
   b. Pledge of Allegiance

B. APPROVAL OF MINUTES: Minutes of the June 14, 2016 Regular Board Meeting

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda)

D. PUBLIC HEARINGS:
The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, July 12th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2016 starting at 7:00 p.m. in the same location.

   Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
   Patrick W. Rose and Salvador Maldonado are requesting to amend the zoning district map for three properties in the Columbia Falls Zoning Jurisdiction. The applicants in total own approximately 1.7 acres of property that is currently zoned CB-2 and R-4. The Rose property is the former location of convenience store and gas station located at the corner of 8th Avenue E.N. and Railroad Street. The Maldonado property is adjacent to the Rose property and located directly east. The applicants are requesting a zone change to CRA-1 (Multi-Family) so that they may construct multi-family rental apartments. Multi-family structures in excess of two units require a conditional use permit from the City. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way along with Assessors Tracts 1A and 1AD all in Section 9, T30N, R20W, P.M.M, Flathead County.

   A. Adopt Staff Report CZC-#16-02 as Findings of Fact
   B. Approve, amend or deny the Zone Change
Request for Conditional Use Permit:

A request by Patrick W. Rose for a Conditional Use Permit (CUP) to convert the old convenience store and gas station located at 673 8th Avenue E.N to a three plex apartment building with garages and preserve the existing mangers living quarters on the property. The applicant is also requesting a zone change to CRA-1 (Multi-Family Residential). The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way in Section 9, T30N, R20W, P.M.M, Flathead County.

A. Adopt Staff Report CCU-#16-01 as Findings of Fact
B. Approve, amend or deny the Conditional Use Permit

E. OLD BUSINESS: None

F. NEW BUSINESS: None

G. ADJOURNMENT

Next Meeting – to be determined
MINUTES
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, June 14, 2016 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:30 p.m. PRESENT: Vukonich, Shepard, Duffy, Haverfield, Hughes, Stene and Bonitz. ABSENT: Nolan.

Also present were City Planner Eric Mulcahy, City Manager Nicosia and City Clerk Staaland.

Pledge of Allegiance

B. APPROVAL OF MINUTES: Duffy made a motion to approve the Minutes of the January 12, 2016 Planning Board Meeting, second by Stene and the motion carried.

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda) - None

D. PUBLIC HEARINGS:
The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, June 14th at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on July 18, 2016 starting at 7:00 p.m. in the same location.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
William T. Gideon is requesting to amend the zoning district map on a portion of property in the Columbia Falls Zoning Jurisdiction. The applicant owns 18.21 acres of land but approximately one acre is not located in the Columbia Falls zoning Jurisdiction and is not zoned by the City or County. The zone change request only affects the 17±/- acres that are zoned. The property is currently zoned SAG-10 but is adjacent to other R-1 properties and therefore, the applicant is request R-1 zoning for his acreage. The property is described as that portion of Lot 1 of Subdivision 193 in Section 20, T30N, R20W, P.M.M., located north of the south boundary of the NE1/4 NE1/4 line. The property is addressed as 3985 Columbia Falls Stage in Columbia Falls.
City Planner Mulcahy presented the staff report for the proposed zone change request for the Giddeon property located at 3985 Columbia Stage Road. Chairman Vukonich asked the Board if they had any questions for Planner Mulcahy. Stene said reference page 2 could there potentially be more units. Mulcahy said the R1 zone is a one acre minimum per lot.

Chairman Vukonich opened the public hearing at 6:45 p.m.

Tom Giddeon resides at 3985 Columbia Falls Stage Road; he said his plan was to get his ducks in a row for his wife should something happen to him. Tim Derue owns the land to the north of the Giddeon property. Mr. Derue said the lots are 2.5 acres and he has no problem with the larger lots.

Chairman Vukonich closed public comments at 6:48 p.m.

Shepard made motion to adopt staff report CZC-16-01 as findings of fact, second by Duffy.

Stene inquired about the school bus stop location with the hill; Mr. Derue commented that the bus stops at Red Barn Road which is located at the bottom of the hill. Duffy asked if it would be necessary to modify the lot description. Mulcahy said no, it is just a zone change. For clarification Vukonich asked if the section with the home and shop will remain unzoned. Mulcahy replied that is correct.

Motion carried with the board voting as follows. AYES: Shepard, Haverfield, Hughes, Duffy, Stene, Bonitz and Vukonich. NOES: None. ABSENT: Nolan.

City Manager Nicosia said there is a correction on page 5; the property was not annexed into the City limits.

Hughes made motion to approve the Zone Change, second by Shepard with the Board voting as follows. AYES: Haverfield, Hughes, Duffy, Stene, Bonitz, Shepard and Vukonich.

E. NEW BUSINESS:
A. Approve the Memorandum of Agreement for Continuing Transportation Planning in the Columbia Falls Urban Area and authorize Chairman to sign.

City Manager Nicosia said the Planning/Zoning Board approved the draft of the memorandum with City Council and County Commission also approving. The rough draft has not been approved by all parties so MT DOT has sent the final agreement for signature to each participant. Nicosia reminded the Board that the City’s qualification for Urban Highway Funding required the creation of the committee. Nicosia noted that the agreement requires the Planning Board to designate a member to the committee. Stene said she would be interested in being on the committee. With all members concurring, the Board authorized Chairman Vukonich to sign the final Memorandum of Agreement.

F. OLD BUSINESS: None
G. REPORTS:
Planning Staff- Nicosia reported that the City Council recently updated the planning/zoning fees effective July 1, 2016 as the fees was not covering the expense of processing the applications. Columbia Falls had not updated fees since 2005 while the area planning jurisdictions had updated fees within the last year.

H. ADJOURNMENT:
Motion to adjourn by Shepard second by Hughes meeting adjourned at 7:34 p.m.

_________
Chairman

_________
City Clerk
CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, July 12th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2016 starting at 7:00 p.m. in the same location.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

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Request for Conditional Use Permit:

A request by Patrick W. Rose for a Conditional Use Permit (CUP) to convert the old convenience store and gas station located at 673 8th Avenue E.N to a three plex apartment building with garages and preserve the existing mangers living quarters on the property. The applicant is also requesting a zone change to CRA-1 (Multi-Family Residential). The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way in Section 9, T30N, R20W, P.M.M, Flathead County.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 22nd day of June, 2016.

Susan Nicosia
Susan Nicosia, CPA, MPA, City Manager
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
June 22, 2016

Re: Public hearing notice for an Amendment to the Columbia Falls Zoning Map for properties located at 673 8th Ave EN and 810 Railroad Street.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property owner within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing that involves a request by Patrick Rose and Salvador Maldonado to amend the zoning district map on three properties located at the above address in Columbia Falls. The properties are currently zoned CB-2 and CR-4 and they are requesting a CRA-1 (Multi-Family Residential) zoning classification. In addition, Mr. Rose is requesting a Conditional Use Permit to convert the old convenience store and gas station into a three-plex apartment building. The project is described in more detail in the attached Legal Notice.

If you have question or comments concerning this matter, please call, visit or write me at City Hall.

Sincerely,

Eric H. Mulcahy, City Planner
ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
PATRICK ROSE AND SALVADOR MALDONADO
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT CZC#16-02
June 30, 2016

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CB-2 (General Business) and CR-4 (Urban Residential) to CRA-1 (Residential Apartment) within the Columbia Falls Zoning Jurisdiction. The zone change request is scheduled for a public hearing before the Planning Board on Tuesday, July 12, 2016, at 6:30 P.M. A subsequent hearing will be held by the Columbia Falls City Council August 1, 2016 at 7:00 P.M.

BACKGROUND INFORMATION

A. PETITIONERS
Patrick W. Rose
673 ½ 8th Avenue E.N.
Columbia Falls, MT 59912

Salvador Maldonado
9 Darlene Road
Columbia Falls, MT 59912

B. LOCATION/DESCRIPTION
The properties are located at 673 8th Avenue E.N and 810 Railroad Street in Columbia Falls. In total the properties amount to 1.7 acres. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way along with Assessors Tracts 1A and 1AD all in Section 9, T30N, R20W, P.M.M., Flathead County (See Exhibit A).

C. REQUEST
The request would amend the zoning on properties from CB-2 (General Business) and CR-4 (Urban Residential) to CRA-1 (Residential Apartment). See figure 1 for current zoning. The Rose property has been used in the past as a convenience store/gas station and a medical marijuana outlet which if this zone change and CUP are approved will convert to a tri-plex with the existing managers unit remaining. The Maldonado property, adjacent but across Frontage Road, has one small house and a barn that would eventually be replaced by a multi-family structure.
D. **REASON FOR REQUEST**
The Applicant/Owner requests the zone change to convert these properties to multi-family as they are currently bordered on the south by multi-family development. According to Mr. Rose, when CFAC closed, the convenience store and gas station ceased to be profitable and other commercial uses or combinations of uses have not produced a profit.

E. **EXISTING LAND USE**
The Rose property has been used in the past as a convenience store/gas station and a medical marijuana outlet which if this zone change and Cup are approved will convert to a tri-plex with the existing managers unit remaining. The Maldonado property, adjacent but across Frontage Road, has one small house and a barn that would eventually be replaced by a multi-family structure.
F. ADJACENT ZONING AND LAND USE:

Figure 1 shows the existing zoning and use.

<table>
<thead>
<tr>
<th>Direction from Site</th>
<th>Current Zoning</th>
<th>Current Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CH-1</td>
<td>Heavy Industrial with the BN Railroad and the Columbia Falls Industrial Park</td>
</tr>
<tr>
<td>South</td>
<td>CRA-1</td>
<td>Apartments</td>
</tr>
<tr>
<td>West</td>
<td>CB-2</td>
<td>Old Forest Service Office</td>
</tr>
<tr>
<td>East</td>
<td>CR-4</td>
<td>Single Family Residential Uses</td>
</tr>
</tbody>
</table>

G. GROWTH POLICY DESIGNATION

The Columbia Falls Growth Policy Map designates the subject property for Commercial and Multi-Family Residential. This proposal complies with the map and text of the Growth Policy.

Text of the Columbia Falls Growth Policy (2013 update) supports the request as described in Policy 4b. "Small high density residential districts are encouraged to be dispersed throughout
the urban area. These districts should be located predominantly near schools, buffer retail and business areas, and adjacent to major streets.”

Policy 4c. “Multi-Family housing developments should be designed to fit compatibly with larger single family neighborhoods”

Policy 4f. “Multi-Family Residential areas should be within close proximity to small parks or common open spaces. When parks are not immediately available or are undersized, projects should contribute to the development of neighborhood parks.

Policy 4g. High density areas should be fully served by urban infrastructure and services. This includes paved streets, curbs, gutters, sidewalks abutting all residential lots, boulevards and public sewer and water.

Policy 4h. Centralized refuse collection should be screened and protected from wildlife.

In this case even though a portion of the request would replace commercial zoning, the proposal would still buffer lower density residential from commercial uses to the west and the Railway Street (North Fork Highway)

Figure 3

Excerpt from the 2005 Columbia Falls Growth Policy Map

CZC #16-02 Page 4 of 9
LAND USE

- **Commercial**
  General, Highway and Neighborhood oriented retail sales, services or mixed office use

- **Resort Business/Residential**
  A resort area providing mixed commercial services, recreational opportunities, and a mixture of housing types and densities within the confines of an overall development plan

- **Urban Mixed Use**
  Integrated development area which may contain a combination of commercial services, housing density and types, including single family through multi-family, all of which are and receiving urban services, and are within the confines of an overall development plan

- **Heavy Industrial**
  Manufacturing, processing, storage and assembly where noise, odor, dust and associated impacts extend beyond the confines of a building or screened area.

- **Light Industrial**
  Wholesale and industrial areas with good access to air, rail and highway and where impacts to air, water and noise levels are limited to the confines of a building or screened area.

- **Multi-Family Residential**
  8+ units/acre. A higher density residential area with single family, duplex and attached housing including townhouse and apartment units, all served by urban services. Also serves as a buffer or transitional area.

Legend for Growth Policy Map

H. UTILITIES/SERVICES

- **Water**
  City Water is available.
- **Sewer**
  City Sewer is available.
- **Fire Protection**
  Columbia Falls Fire Department
- **Police Protection**
  Columbia Falls Police Department
- **Electricity**
  Flathead Electric Co-op.
EVALUATION BASED ON STATUTORY CRITERIA

This request is reviewed pursuant to the criteria set forth in Section 76-2-304, M.C.A., and as stated by the Montana Supreme Court. The following findings are made:

1. **Does the requested zone comply with the Growth Policy?**
   The Columbia Falls Growth Policy Map designates the subject property for Commercial and Multi-Family Residential. This proposal complies with the map and text of the Growth Policy (Figure 3). This proposal complies with the Growth Policy.

   As stated previously in this report, the Growth Policy document provides a list of goals and policies for multi-family residential uses. The proposed zone change complies with the text as well as the map of the Growth Policy.

2. **Is the requested zone designed to lessen congestion in the streets?**
   The proposed zone change will convert a commercial property to the multi-family designation and a single family lot to a multifamily use. With the commercial conversion, the convenience store most likely generated more vehicle trip traffic than the proposed threeplex multi-family use and so the proposed use would lessen congestion. On the Maldonado Lot, the traffic generation will increase. As both lots have almost immediate access to a City collector street, Railroad Street, congestion is mitigated by the fact that the street is intended for higher traffic use. The proposed zoning designation is a good fit for the location.

3. **Will the requested zone secure safety from fire, panic, and other dangers?**
   The property is located in the City Limits of Columbia Falls and is serviced by the Columbia Falls Police and Fire departments. According to the Flathead GIS Website, the property is not mapped within the Wildland Urban Interface. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J).

4. **Will the requested change promote the health and general welfare?**
   The proposed zone change is near the BN Railroad tracks which pose some concerns with children trespassing on the tracks. However this is also true for much of the City which is bisected by the BNSF lines. The proposed zone change is adjacent to other multi-family uses and zoning as well as closely complying with the land use designations of the growth policy. The proposed CRA-1 zoning designation also requires a CUP for any multi-family use of three or more units. The conditional use permit will address connection of sewer and water utilities, onsite parking, and pedestrian circulation.

5. **Will the requested zone provide for adequate light and air?**
   Setbacks are 15 feet in the front, 5-feet on the side, 15 feet on the side corner and rear yards. The CB-2 setbacks are the same as the CRA-1 when adjacent to residential uses. The CR-4 setbacks are 20-feet in the front and rear otherwise they are the same as the proposed CRA-1. Therefore, the zone change will have little or no impact on light and air.

6. **Will the requested zone prevent the overcrowding of land?**
   The proposed zone change, with the increased density, closely complies with the Community’s long range planning document which is the Columbia Falls Growth Policy, 2013 Edition. The proposed zoning matches the zoning designation for the property located directly south of the applicant’s property. Therefore the proposed CRA-1 densities meet the Growth Policy recommendation and are consistent with neighboring zoning provisions.
7. **Will the requested zone avoid undue concentration of people?**
The proposed CRA-1 zoning district does not prescribe a maximum density; the
density is based on the maximum lot coverage, parking provisions and other
constraints. However the proposed CRA-1 will have a higher concentration of people
when developed on the Maldonado lot. The Commercial lot on the other hand could
have a higher concentration of people than the proposed zoning.

The Growth Policy Map prescribes a commercial/multi-family designation for this
area (Figure 3) so a high concentration of people is anticipated in the long range
planning document.

8. **Will the requested zone facilitate the adequate provision of transportation,
water, sewerage, schools, parks and other public requirements?**
The proposed zone change does not by itself provide or require the adequate
provisions of infrastructure. However, when the applicants go through CUP and
Building Permit review, the project will be reviewed for access, parking, sewer, water,
etc.

As the property is in the City limits of Columbia Falls, the Streets are owned and
maintained by the City except that Railroad Street is owned and maintained by the
MDOT. The City provides parks, sewer and water services. Schools are provided by
the Columbia Falls School District.

9. **Does the requested zone give reasonable consideration to the peculiar
   suitability of the property for particular uses?**
The Rose property is currently underutilized as the convenience store and gas station
have closed. The Maldonado property has one small house and a detached garage
even though the zoning would allow additional lots if the applicant were to go
through subdivision review. Mr. Rose has made a number of attempts to find a
commercial use that will flourish at his location and unfortunately they have not
worked out. Given the residential uses in the area, converting the convenience store
to a residential use seems appropriate.

10. **Does the requested zone give reasonable consideration to the character of the
district?**
There is an apartment building directly south of the property; industrial use is
located north of the property, commercial use is located to the west and some single
family residential use is located to the east. The proposed zone change does give
consideration to the character of the district.

11. **Will the new zoning affect property values?**
Given that the properties abut adjacent apartment uses and front on a busy street
with a railroad track across said street, the proposed zone change should not have a
negative impact on nearby property values.

12. **Will the requested zone encourage the most appropriate use of the land
throughout the municipality?**
The subject property is designated in the Columbia Falls Growth Policy as
Commercial/Multi-Family Residential. The text of the Growth Policy supports this
location. The neighboring zoning and land use is multi-family. It would appear that
this is an appropriate location for the requested use.

**SUMMARY**
The property is designated “Commercial/Multi-Family Residential” by the Columbia Falls Growth Policy. The property is located adjacent to lands already zoned CRA-1 and developed with an apartment use. The proposed densities are supported by the urban services and utilities of the City of Columbia Falls.

**RECOMMENDATION**

Staff finds that the subject properties sufficiently meet the adopted review criteria to be rezoned from CB-2 and CR-4 to CRA-1. Staff recommends that the Columbia Falls Planning Board adopt staff report CZC-16-02 as findings of fact and recommend approval of the zone change to the Columbia Falls City Council.
Exhibit A

Tract B of the Crescent Amended Plat excluding MDOT right-of-way and;

A Tract of land in the US Gov't Lot 3 of Section 9, T30N, R20W, P.M.M, Flathead County, Montana, being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of a Tract B of Crescent, A subdivision of Flathead County Montana, according to the official plat thereof, on file and of record in the office of the Clerk and Recorder of Flathead County, Montana, thence North 65°14' East, 242.22 feet; thence south 0°01' West 198.00 feet to the point of beginning.

Excepting therefrom that portion conveyed to the State of Montana for roadway purposes by warranty deed recorded July 1, 1971 in book 526, Page 362 as instrument No 5389.
A. **PETITIONERS**
   Patrick W. Rose  
   633 ½ 8th Avenue EN  
   Columbia Falls, MT 59912

B. **PETITIONER’S TECHNICAL ASSISTANCE**
   None listed

C. **LOCATION/DESCRIPTION**
   The property is located at 673 8th Avenue E.N in Columbia Falls and is approximately 0.8 acres in size. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way in Section 9, T30N, R20W, P.M.M, Flathead County

D. **REQUEST**
   The applicants are petitioning for a Conditional Use Permit to allow for the conversion of the old convenience store and gas station into a three plex apartment and to keep the existing managers unit to remain as the fourth residential unit on the property. (See attached plans)

E. **NATURE OF THE REQUEST**
   The applicant along with his neighbor has proposed a zone change to CRA-1 that is running concurrent with this CUP. As required by the CRA-1 zoning, a Conditional Use Permit is required for the construction/creation of multi-family structures in excess of a duplex building. In this case the applicant is requesting the CUP to allow four units on the same property. The intent of the Conditional Use Permit is to address neighborhood impact and compatibility.

F. **EXISTING LAND USE**
   The subject property was previously the old Stop and Shop convenience store and gas station. The store and gas pumps have been closed for a number of years and the owner/applicant has lived in the managers unit on the back of the property while trying to establish a viable use for the property.
Stop and Shop Convenience Store and Gas Station.
G. **ADJACENT ZONING AND LAND USE:**
The property is currently zoned CB-2 which is a general business zone that supported the convenience store use. With this CUP application the applicant is also requesting a zone change to CRA-1 (Residential Apartment). Adjacent zoning consists of CRA-1 to the south with an existing apartment complex; CR-4 to the east with a single family house; BN railroad tracts and the Columbia Falls Industrial Park to the north with CH-1 heavy Industrial zoning; and the old Forest Service Headquarters zoned CB-2 to the east. (See Figure 1 for the zoning)
H. **GROWTH POLICY DESIGNATION:**

The Columbia Falls Growth Policy Map designates the subject property for Commercial and it is adjacent on two sides to Multi-Family Residential. The Columbia Falls Growth Policy Map is not intended to be property specific but instead generalized areas with fuzzy lines between. This proposal complies with the map and text of the Growth Policy.

Text of the Columbia Falls Growth Policy (2013 update) supports the request as described in Policy 4b. “Small high density residential districts are encouraged to be dispersed throughout the urban area. These districts should be located predominantly near schools, buffer retail and business areas, and adjacent to major streets.”

Policy 4c. “Multi-Family housing developments should be designed to fit compatibly with larger single family neighborhoods”

Policy 4f. “Multi-Family Residential areas should be within close proximity to small parks or common open spaces. When parks are not immediately available or are undersized, projects should contribute to the development of neighborhood parks.”
Policy 4g. "High density areas should be fully served by urban infrastructure and services. This includes paved streets, curbs, gutters, sidewalks abutting all residential lots, boulevards and public sewer and water."

Policy 4h. "Centralized refuse collection should be screened and protected from wildlife."

In this case even though a portion of the request would replace commercial zoning, the proposal would still buffer lower intensity residential uses from commercial uses to the west and the Railway Street (North Fork Highway) on the north.

Figure 2

Excerpt from the 2005 Columbia Falls Growth Policy Map
Legend for Growth Policy Map

1. UTILITIES/SERVICES:

   Sewer: City Sewer is available
   Water: City Water is available
   Solid Waste: Private Contract Hauler
   Police: Columbia Falls Police
   Fire: Columbia Falls Fire Department
EVALUATION BASED ON REQUIRED CRITERIA

18.332.030 Criteria Required for Consideration of a Conditional Use Permit:
A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of
the following general Conditional Use Permit criteria, as well as to all other applicable criteria
that may be requested.

a. Site Suitability. (That the site is suitable for the use) This includes:
   i) Adequate Usable Space: Proposed use is to be contained within the existing
      permitted lot coverage. The subject parcel is 36,264 square feet in size. The
      buildings both proposed and existing total 6,053 square feet. The Columbia Falls
      Zoning Ordinance allows maximum lot coverage of 45%. The lot coverage equates
      to 16.6% and is within the allowable coverage. With four units on 36,264 square feet
      the density equates to 4.8 units per acre. This density is not out of character with
      some of the neighboring CR-4 (Urban Residential) zoning which can allow up to four
      units per acre.
   ii) Adequate Access: The property sits at the intersections of 8th Ave EN and Railroad
       Street and also 8th Ave EN and Crescent Drive. There is no existing or proposed
       access to Railroad Street. 8th Avenue EN and Crescent Drive will provide the access
       to the units. 8th Avenue and Crescent are paved City streets. Railroad Street is
       owned and maintained by the Montana Department of Transportation. The access is
       good and will function adequately for the proposed apartments.

Because this project is a conversion of an existing use in a fully developed
neighborhood, staff is not going to require the applicant to install sidewalks, street
trees, curb or gutter as none of these infrastructure elements exist anywhere close to
the project and as such would not connect to anything. Requiring the elements in this
location would only cause frustration for the City with maintenance, the public
wondering where the sidewalk leads, and the applicant who has to pay for it.

Parking Lots: The applicant proposes parking off of 8th Ave EN in front of what was
the store front. These parking spaces will need to be shifted to allow access to the
door of Apartment #2 as shown on the applicant’s site plan. The parking on the south
side of the building (spaces 6-9) appear to work fine. The applicant is also showing
four garage spaces in a conversion of the old pump island. The Columbia Falls
zoning ordinance requires two parking spaces per unit and therefore the four units
proposed would require eight parking spaces and the applicant is showing twelve.

Pedestrian Access: There are no sidewalks in the neighborhood with the closest
being on Nucleus Avenue and the small segment on the east side of the viaduct.
There are no traditional bike paths in the neighborhood but Railroad Street/North
Fork Road was constructed with wide shoulders and is a popular biking and running
route.
iii) Absence of Environmental Constraints: As the development will be served by public sewer and water, there does not appear to be any significant environmental constraints. The property is flat, there does not appear to be any danger of flooding or slumping. The applicant is required to maintain all new drainage on-site as part of the building permit approval process. The drainage requirement protects adjoining neighbors from this project’s roof and parking lot run-off. The applicant states that the underground petroleum tanks were removed approximately 12 months ago and the work was inspected by the State and this was confirmed by the MDEQ Underground Storage Tank Program.

b. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

i) Parking Scheme: There is limited to no on-street parking available so the developer is proposing off-site parking for each development. (Each unit requires a minimum of two spaces and the four unit project will require eight spaces). All parking lots and driveways will be paved.

The small building standards of the zoning code Section 18.441 requires a minimum of 5% of the property be landscaped and it also requires four feet of street frontage landscaping. As this is a conversion of a gas station with much of the property in asphalt, staff is proposing the applicants meet the intent of the ordinance without having to completely start from scratch.

ii) Required parking for Residential Apartment (18.518) is a minimum of two spaces per residential unit. The application shows twelve parking stalls although stall three may need to be moved to allow access into the units.

iii) Traffic Circulation: The property sits at the intersections of 8th Ave EN and Railroad Street and also 8th Ave EN and Crescent Drive. There is no existing or proposed access to Railroad St. 8th Avenue EN and Crescent Drive will provide the access to the units. 8th Avenue and Crescent are paved City streets. Railroad Street is owned and maintained by the Montana Department of Transportation. The access is good and will function adequately for the proposed apartments.

Each residential unit is anticipated to generate up to 10 vehicle trips per day, therefore, this project could create 40 trips however one of the residential units already exists and the Stop and Shop generated a significant amount of vehicle trips when it was profitable and CFAC was running.

iv) Open Space: The applicant’s proposal meets all front, side and rear yard setbacks as required by the CRA-1 zoning. There is a small baseball park several blocks to the west and Columbus Park where the City tennis courts, basketball court and playground are located. See more discussion in the Parks and Recreation section of this report.
v) Fencing/Screening: No fencing is proposed but there currently is some fencing in the rear of the old convenience store and managers unit.

vi) Landscaping: The small building standards of the zoning code Section 18.441 requires a minimum of 5% of the property be landscaped and it also requires four feet of street frontage landscaping. As this is a conversion of a gas station with much of the property in asphalt, staff is proposing the applicants meet the intent of the ordinance without having to completely start from scratch. There is currently rear and sideyard landscaping which will remain.

vii) Signage: Signage would conform to existing Columbia Falls sign regulations for the CRA-1 zone. There are no signs proposed and the existing Stop and Shop signage will be removed as a condition of this Permit. The Sign Ordinance will limit the sign to 6 feet in height and 16 square feet per face maximum if an identification sign is requested.

c. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
   i) Schools: There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the three new units would generate one school aged student to the schools system. The one additional student should not negatively impact the District.

   ii) Parks and Recreation: The applicants are not proposing any significant open space or recreational amenities on-site. The project is just east of a small baseball park and within walking distance of the tennis courts, basketball court and playground at Columbus Park.

As suggested in the Columbia Falls Growth Policy (Policy 4f), multi-family developments should contribute to area parks if they are small or lacking infrastructure which is the case for both parks. The City has looked at installing some playground equipment at the baseball field as well as looking for ways to improve the facilities at Columbus Park. It would be appropriate for the proposed multi-family project to contribute to the area parks.

As with multi-family projects in South Hilltop, the City will recommend that the applicant provide a $1,000.00 payment to the City of Columbia Falls. These funds will be earmarked for improvements to either Columbus Park or the Baseball Park located just west of the project.

iii) Police: The Columbia Falls Police Department is responsible for the proposed development. The small apartment project should have limited impact on the Police Department.
iv) Fire Protection: The Columbia Falls Fire Department provides fire protection to this neighborhood. The Columbia Falls Building Inspector will review the development for all building and fire code requirements.

v) Water: City water service is in Railroad Street.

vi) Sewer: All lots will be serviced by City Sewer located in Crescent Drive.

vii) Solid Waste: The applicant did not specify a location for refuse. Staff will condition the permit to storing refuse inside until day of pick up or if using a community dumpster that the facility will be completely fenced with sight obscuring materials.

d. Immediate Neighborhood Impact. Directly south of the proposed apartment project is an existing apartment facility that was a hotel converted to apartments. To the east is the neighbor that is proposing the same zone change to CRA-1. To the west is the old Forest Service Headquarters that has been used for offices, currently occupied by GPI. To the north are the BN railroad tracks and the Columbia Falls Industrial Park. The proposed apartment use will blend and or buffer neighboring uses. There is no apparent negative neighborhood impact.

c. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   i) Excessive Traffic Generation: The proposed conversion of a gas and convenience store to a four unit apartment facility, one of said units already exists, will generate less traffic than the previous use or similar uses that were allowed in the CB-2 zoning district.
   ii) Noise or Vibration: There will be less noise and activity associated with apartments than with the previously permitted gas and convenience store. Once completed, the apartment use will blend with the neighboring apartment and single family use.
   iii) Dust, Glare, Or Heat: No change to existing conditions is anticipated.
   iv) Smoke, Fumes, Gas, and Or Odors: No change to existing conditions is anticipated.
   v) Inappropriate Hours of Operation: None proposed.
   vi) Signage: 18.438.010 Permitted Signs in Zoning Districts allows the applicant to have signs that comply and do not to exceed the standards of section 18.438.080(c.).

APPLICABLE REGULATIONS
The following sections of the Columbia Falls Zoning Regulations are applicable to this proposal:
Chapter 18.210 Conditional Use Permits
Chapter 18.332 CRA-1 Residential Apartment
Chapter 18.532.010 Parking facilities
Chapter 18.438 Signs
Chapter 18.441 Small Buildings (less than 10,000 square feet)
SUMMARY
The Conditional Use Request is for permitting the conversion of the old convenience store and gas station into a three plex apartment and to keep the existing managers unit to remain as the fourth residential unit on the property. Staff recommends that the CUP should be approved based upon the information presented in the attached application and a review of the property and the associated findings of fact.

The multi-family nature of the project complies with the recommendations of the Columbia Falls Growth Policy.
Environmental constraints from the development are considered to be minimal.
The project is located on a collector street and buffers less intense uses from more intense uses.
The project density is consistent with the neighboring residential development.

RECOMMENDATIONS
Staff recommends that the Columbia Falls City County Planning Board adopt this staff report for four residential units on a single tract as findings-of-fact and send a recommendation for approval to the Columbia Falls City Council with the following conditions:

1. The applicant shall develop the project as proposed, except as modified by these Conditions.
2. The applicant shall pave all parking areas and driveways.
3. The applicant shall provide an engineered drainage plans to address on site storm water disposal for the new impervious surface. This plan will need to be accepted by the City prior to issuance of a building permit.
4. The applicant shall either store individual refuse containers indoors or shall fully enclose with a sight obscuring fence materials the shared garbage container.
5. All sewer and water hookups shall be built according to plans and specifications approved by the City of Columbia Falls and meeting the City Standards for Public Works Improvements and the Montana Public Works Standard Specifications.
6. All conditions provided above and all improvements necessary for the operation of an apartment complex must be in place prior to the occupancy of the complex. Any elements such as landscaping not finished prior to the issuance of an occupancy permit, may be bonded for with signed improvements agreement approved by the City Manager for an amount not less than 125% of the cost of the remaining improvement.
7. The applicant shall remove the asphalt as indicated on the landscape plan and replace with grass and/or other groundcover and landscaping.
8. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations and all of the existing signage advertising the Stop and Shop shall be removed
9. A $1,000 payment for the single parcel will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to Columbus Park or the baseball park just west of the project.
10. The applicant shall landscape the property in accordance with a plan approved by the City Planning Staff/City Manager.
11. The Conditional Use Permit shall terminate 18 months from the date of issuance if commencement of the authorized activity has not begun.
Planning Department
CITY OF COLUMBIA FALLS
130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912
PHONE (406) 892-4391
FAX (406) 892-4413

PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED $__________

Zone Change Base Fee $750
For first 50 acres $ 25/acre
For each add’l acre over 50 $ 10/acre
Certified Owner’s List from FH County or Title Company $75
Per each address on list $4/ea. address

NAME OF APPLICANT: Patrick W Rose
MAIL ADDRESS: 673 ½ 8TH AVE E.N.
CITY/STATE/ZIP: Columbia Falls PHONE: 406 471-7271
INTEREST IN PROPERTY: Owner

PLEASE COMPLETE THE FOLLOWING:

A. Address of the property: 673 8TH AVE E.N. Columbia Falls MT 59912

B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number (Section, Township, Range)

(Attach sheet for metes and bounds)

C. Land in zone change (ac)

D. The present zoning of the above property is: ______________________

E. The proposed zoning of the above property is: ______________________

F. State the changed or changing conditions that make the proposed amendment necessary:

Chang from commercial & store & gas

to 4 units or less residential

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

(6/26/09)
A. Promoting the Growth Policy

In remodeling of an older structure, and adding more rental space for an area community.

B. Lessening congestion in the streets and providing safe access

Reducing foot traffic from C-Store to residential 4-units or less. This should reduce congestion.

C. Promoting safety from fire, panic and other dangers

D. Promoting the public interest, health, comfort, convenience, safety and general welfare

C-Store is not sustainable in this location, putting new clean and convenient housing with safe access.

E. Preventing the overcrowding of land

The footprint of the building will change very little.

F. Avoiding undue concentration of population

Trying to answer to the need of lack of rentals in our growing community.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

(6/26/09)
H. Giving reasonable consideration to the character of the district

I. Giving consideration to the peculiar suitability of the property for particular uses

J. Protecting and conserving the value of buildings
   Remodel interior and a new elevation to the building, and from commercial to residential

K. Encouraging the most appropriate use of land by assuring orderly growth
   By considering the appropriate use of this land seeing the growth in area neighborhood and the increment in residential growth.

The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

(Applicant Signature)  
6/2/16  
(Date)
PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED $_________
Zone Change Base Fee $750
For first 50 acres $ 25/acre
For each add'l acre over 50 $ 10/acre
Certified Owner's List from FH County or Title Company $75
Per each address on list $4/ea. address

NAME OF APPLICANT: Salvador Maldonado
MAIL ADDRESS: 9 Darlene Rd
CITY/STATE/ZIP: Columbia Falls MT 59912 PHONE: 906-471-8826
INTEREST IN PROPERTY: owner of 100% as Salvador Maldonado

PLEASE COMPLETE THE FOLLOWING:

A. Address of the property: 810 Railroad Street, Columbia Falls MT 59912
B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number
   (Section, Township, Range)
   TR 1A & TR 1AD in lot 3, SE-30W-20W
   
   (Attach sheet for metes and bounds)
C. Land in zone change (ac)
   (1A) .5 Acres + 4 Acres (1A) = 9 Acres Approximately
D. The present zoning of the above property is: B-4
E. The proposed zoning of the above property is: C-RA-1
F. State the changed or changing conditions that make the proposed
   amendment necessary:
   Owner desires to build low density apartments,
   Lot to the South is already apartments, Columbia Falls
   has a need for downtown housing/apartments that are
   new and local. It's hard to find a place to live
   that is new and clean.

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:
A. Promoting the Growth Policy

Housing that attracts new residents looking to live and or start businesses in Columban Falls. Existing apartments are older and in short supply.

B. Lessening congestion in the streets and providing safe access

Parking will comply with existing codes. This is a small in-fill project. Low density, little or no congestion outside normal growth of Columban Falls.

C. Promoting safety from fire, panic and other dangers

Will be built to code and compliant with safety, fire and other civic or community needs.

D. Promoting the public interest, health, comfort, convenience, safety and general welfare

Public Interest - satisfy need for housing and apartments.
Health - new construction standards.
Convenience - close downtown proximity.
Safety - general welfare will be our focus in design.

E. Preventing the overcrowding of land

Low density in-fill development.

F. Avoiding undue concentration of population

Low density in-fill development, no concentration, no overcrowding, organized, prudent progress.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

New on-site improvements on Railroad Street with stub-in capability. All there. All new ready for thoughtful development.
H. Giving reasonable consideration to the character of the district
   Contiguous southern property is apartments older
   without the aesthetic designs that I will
   incorporate, easy to look up on and attractur

I. Giving consideration to the peculiar suitability of the property for particular uses
   Suitable, because the city and the Flathead has
   less that 202 Vacancy, rents are rising, new
   development will add supply for local downtown
   residents

J. Protecting and conserving the value of buildings
   New development will reverse older trend apartments
   to the South area will increase pride of ownership
   to surrounding properties

K. Encouraging the most appropriate use of land by assuring orderly growth
   The zoning use C2A-1 is already there and meets
   the needs of local renters, our project will
   add more strength to the area in a complimentary
   fashion

The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

(Applicant Signature)                                           (Date)

(6/26/09)
APPLICATION PROCESS

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. Application fee per schedule, made payable to the Columbia Falls Planning Department.

<table>
<thead>
<tr>
<th>Zone Change: Base fee</th>
<th>$750.00</th>
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<tbody>
<tr>
<td>For first 50 acres of area of the request add</td>
<td>$25/acre</td>
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<td>$600.00 + $25/acre</td>
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<td>Commercial</td>
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</tr>
<tr>
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<td>$850.00 + $25/acre</td>
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Letters to Adjoining Property Owners: $4 per address

* Deduct $300 from PUD fee if application is concurrently submitted with a preliminary plat.

D. The application must be accepted as complete by the Columbia Falls Planning staff **thirty-five (35) days prior** to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought.

2. A map showing the location and boundaries of the property.

3. A list of the names and mailing addresses of all property owners within 150 feet of the subject property as shown on the Assessor's roll. See example below and attached notice from County Plat Room.

   Assessor No Sec-Twn-Rng Lot/Tract No Property Owner & Mailing Address

4. A title report of the subject property.
APPLICATION PROCESS

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   Assessor No  Sec-Twn-Rng  Lot/Tract No  Property Owner & Mailing Address

4. A title report of the subject property.
APPLICATION FOR CONDITIONAL USE PERMIT

FILING FEE ATTACHED $__________

PROPOSED USE: Apartment

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:
Name: Patrick W Rose
Mailing Address: 633 S 8th AVE E.N.
City/State/Zip: Columbia Falls, MT 59912 Phone: 406-471-7271

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:
Name: Patrick W Rose
Mailing Address: 673 S 8th AVE E.N.
City/State/Zip: Columbia Falls, MT 59912 Phone: 406-471-7271

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):
Street Address: 673 S 8th AVE E.N. Tract B-EX R/W
Block ______ Lot ______
Subdivision Name: Crescent AMD
Section 09 Township 30 Range 20

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the Required Criteria for Conditional Use Application the Planning Board and Council must use to create a “Finding of Fact” in making a decision. Please review the Criteria carefully before providing the following information and documents.

1. Zoning District and Zoning Classification in which use is proposed: CRAI

2. Attach a plan of the affected lot which identifies the following items:
   a. Surrounding land uses.
   b. Dimensions and shape of lot.
   c. Topographic features of lot.
   d. Size(s) and location(s) of existing buildings.
Required Criteria for Conditional Use Application


A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

A. Site Suitability. That the site is suitable for the use. This includes:
   1. Adequate usable space,
   2. Adequate access, and
   3. Absence of environmental constraints.

B. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
   1. Parking scheme,
   2. Traffic circulation,
   3. Open space,
   4. Fencing/screening,
   5. Landscaping, and

C. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
   1. Sewer,
   2. Water,
   3. Storm water drainage,
   4. Fire protection,
   5. Police protection, and

D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   1. Excessive traffic generation,
   2. Noise or vibration,
   3. Dust, glare, or heat,
   4. Smoke, fumes, gas, or odors, and
   5. Inappropriate hours of operation
   6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.
36,264 sq ft lot size

3,541 sq ft new remodel

2,512 sq ft existing

Brad Butler

Brad's Design and Drafting
213 7th Ave West
Kalispell, Mt 59901

406.261.7834