

RESOLUTION NO. R15-42

**A RESOLUTION OF THE CITY COUNCIL APPROVING A ZONING CHANGE
WITHIN THE CITY OF LAUREL FOR 804 8TH AVENUE FROM
RESIDENTIAL TRACTS TO RESIDENTIAL MULTI FAMILY (RMF).**

WHEREAS, Laurie A. Riemann owns a parcel of property located on 8th Avenue, which is an identified urban route by Montana Department of Transportation standards, and is adjacent to land currently zoned Residential Multi Family; and

WHEREAS, the property owner requested a zoning change for the property from Residential Tracts to Residential Multi Family; and

WHEREAS, City Staff reviewed the owner's request, determined the zoning change furthers the goals of the City's Growth Management Plan and recommends approval of the same; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, acting as the City's Zoning Commission, reviewed the request and conducted a duly advertised public hearing on April 2, 2015 at which time citizens spoke both in support and opposition of the zone change; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, acting as the City's Zoning Commission, voted to recommend approval of the zoning change on April 30, 2015, after hearing additional information from City Staff regarding potential impacts of units per acre, parking requirements and storm water management; and

WHEREAS, the City Council of Laurel also held a duly advertised public hearing on June 2, 2015, at which the request was considered along with the recommendation of the Planning Board and an opportunity for public comment was provided; and

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to approve this zone change for the proper development and orderly growth of the City.


NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana that the requested change is hereby approved; and

BE IT FURTHER RESOLVED, that the parcel of property located at 804 8th Avenue in the City of Laurel is changed from Residential Tracts to Residential Multi Family.

Introduced at a regular meeting of the City Council on June 2, 2015, by Council Member Dickerson.

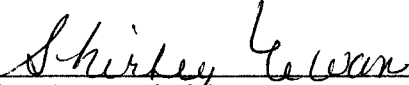
PASSED and APPROVED by the City Council of the City of Laurel, Montana this 2nd day of June, 2015.

APPROVED BY THE MAYOR this 2nd day of June, 2015.




Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:



Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Monica Plecker, Planning Director
RE: Zone Change – 804 8th Avenue
HEARING: June 2, 2015

DESCRIPTION/LOCATION:

Laurie Reimann has submitted an application requesting a zone change on a parcel located at 804 8th avenue in the City of Laurel. The parcel is described below:

Parcel Information

S08, T02 S, R24 E, C.O.S. 1894, PARCEL 2

Acreage:	1.14
Existing Legal Access:	8 th Avenue
Existing Land Use:	Residential, Single Family Dwelling
Proposed Land Use:	Multi - Family
Existing Zoning:	Residential Tracts
Proposed Zoning:	Residential Multi Family (RMF)
North: Zoning:	R-7500
Land Use:	Residential
South: Zoning:	RMF
Land Use:	Residential - Multi
East: Zoning:	R-7500
Land Use:	Residential
West: Zoning:	Residential Tracts
Land Use:	Church

Applicant Data:

Owner: Laurie A. Reimann
Address : 3047 Golden Acres Drive, Billings, MT 59106

Concurrent Application:

None

STAFF FINDINGS:

1. LMC 17.72.030 requires a preapplication conference for persons or parties interested in submitting an application for zone change. A preapplication meeting was held prior to submission of the application.
2. The application submittal, aerial map and zoning map are attached. No site plan, has been attached as one is not required for a zone change.
3. The property is adjacent to land currently zoned Residential Multi Family. Spot zoning is not a concern.
4. The lot has existing legal and physical access provided from 8th Avenue which is a designated urban route.
5. The Housing goals of the Laurel Growth Management Plan have been attached. This zone change request would help to meet goals identified in the Growth Management Plan (2013). This application is in compliance with the goals identified in the plan.
6. The application was routed to all City departments. Any comments have been attached to this application.
7. As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Governing Body. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail more than 15 days prior to the public hearing.

ATTACHMENTS

Application Submittal
Aerial Map
Zoning Map
Housing Goals
Planning Board Memo

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

Planning Board Public Hearing: April 2, 2015

- Public hearing was held at which time testimony was heard from individuals both in support and opposition of the zone change. There were several concerns regarding traffic impact if too many units were placed.
- Planning Board delayed action to April 30th to have staff provide more information on potential impacts of units per acre, parking requirements and stormwater management.
- Planning Board called a special meeting at which time they made a recommendation to recommend approval of the zone change at 801 8th Avenue from Residential Tracts to Residential Multi Family. The memo addressing the impacts has also been attached for reference.

City Council Public Hearing: June 2, 2015

ZONE CHANGE/LAND USE VARIANCE

PETITIONER MUST BE PRESENT AT HEARINGS.

The undersigned as owner or agent of the following described property requests a Zone Change/Land Use Variance as outlined in the City Zoning Ordinance:

From: Residential Track Zone
To: Residential Multi Family Zone

1. Legal Description of property: 508 T02 S, R24 E, C.O.S. 1894, Parcel 2
TAX ID#: D02584, GEO Code: 03-0821-08-1-05-15-0000

2. General location: 804 8th Avenue Laurel, MT 59044

3. Proposed use: multi family housing

4. Owner(s): Laurie A. Riemann
(Recorded owner)

3047 Golden Acres Dr. Billings, MT 59106
(address)

406-861-7198
(phone number)

5. Agent(s): N/A

(address)

(phone number)

9. Covenants or deed restrictions on property: Yes No none that I am aware of.

I understand that the filing fee accompanying this application is not refundable, that it pays the cost of processing, and that the fee does not constitute a payment for a Zone Change/ Land Use Variance. Also, that all the information presented is true and correct.

Petitioner's Signature Laurie Riemann Date March 1, 2015
Fee Paid & Date Paid \$1125.00 Pd. 2-3-15

City of Laurel, 115 W. First Street, Laurel, Montana 59044

Aerial Map



Goal 1: Housing			
The City of Laurel will have neighborhoods that offer stable, yet diverse housing options.			
To achieve this goal, the following critical success factors must be accomplished.			
<ul style="list-style-type: none"> • Promote attractive neighborhoods. • Build on assets that stabilize existing neighborhoods. • Provide housing choice within neighborhoods. • Provide connectivity. • Establish systems that can serve utilities to existing subdivisions and areas of identified growth. 			
		Priority	Responsibility
1	Provide a range of incentives to create high quality and affordable housing such as reasonable density increases, development fee waivers, time-limited property tax abatements, expedited development reviews and other focused incentives.	M-H	Planning
2	Identify older and abandoned structures in need of preservation, stabilization, repair or demolition.	M-H	Planning
3	Identify appropriate locations for compatible infill housing that would replace vacant or underutilized sites in existing neighborhoods.	H	Public Works
4	Develop a water policy and plan that ensures adequate water quality, pressure and quantity are provided.	M-H	Public Works and Planning
5	Facilitate the development of new downtown housing.	Ongoing	Planning
6	Support residential weatherization, maintenance and rehabilitation programs.	L-M	Planning & Public Works, LURA

High (H) = Years 1-5

Medium (M) = Years 5-10

Low (L) = Years 10-20

Ongoing = These strategies may be completed at any time throughout the plan.

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500		Chapter		
Three units		8,500	8,500	8,500		17.32		
Four units			10,000	10,000				
Five units				11,500				
Six units and more				Add 1,500 each additional unit				
Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ²	30		30	30
Maximum lot coverage (percentage)	30	30	40	55	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

To: City/County Planning Board

From: Monica Plecker, Planning Director

Re: 804 8th Avenue

Date: 4/28/2015



LAUREL/CITY COUNTY PLANNING DEPARTMENT

At the April board meeting it was requested that more information be presented on traffic, parking, number of housing units, and stormwater be presented at the special meeting. I have prepared information for the following points:

Number of Housing Units:

Lot Size	Lot Coverage	Max. Height	Number of Units
49,658 sq.ft.			
Residential Tracts	30% or 14,863 sq. ft.	30'	1
Residential Multi Family	55% or 27,249 sq. ft.	No Max.	<p>6 units requires 13,000 sq. ft. 49,544-13,000=36,544 Remaining 36,544/1,500 = 24 Units 6+24=30 units total if under 1 roof and existing house is torn down.</p> <p>If existing house stays on a 6,000 sq. ft. lot there would be 43,544 sq. ft. remaining for development. 43,544-13,000=30,544 sq. ft. 30,544/1,500=20 units if under one roof.</p> <hr/> <p>49,544 – 6,000for existing house = 43,544</p> <p>43,544 as a base could support a number of scenarios:</p> <ol style="list-style-type: none"> 1. 4 lots with a minimum lot size of 10,000 sq.ft. could support four 4-plexes. Bringing overall development to a total of 17 units. 2. 5 equal sized lots could support 5 3-plexes bringing the overall total to 16 units. 3. 5 equal size lots could support 5 duplexes bringing the overall total to 11 units. 4. 7 equal sized lots could support 7 single family homes.

There are far too many scenarios to determine a hard number. Depending on future subdivision far less units would be allowed under the RMF Zoning. The only hard number that I can produce is for the scenario of the existing house being torn down and one structure being constructed. The maximum impact could potentially be 30 units.

Parking:

- LMC 17.40.020 B states "for multiple dwellings, retirement homes, lodging and boarding houses, etc., off street parking is required within the walking distance of 100"
- LMC 17.40.090.A.2 states "Multiple family dwellings – One and one half spaces for each dwelling.
- Single family homes must provide 2 spaces.

Traffic:

- Traffic studies are required for residential development when trip generation is greater than 500 trips per day. At the time of subdivision, preliminary plats require a traffic accessibility study. Furthermore, any future development that would require a subdivision would have to contemplate unit ownership, or townhome development at the time of subdivision.

Stormwater:

- Stormwater mitigation is an ongoing priority for the City of Laurel. Ways in which stormwater can be properly mitigated is through a variety of methods. They may include, but are not limited to, lot coverage limitations, french drains, swales, and stormwater collection facilities.
- Stormwater mitigation plans are a requirement of the subdivision regulations. The stormwater plan must be presented in the form of the subdivision improvements agreement.
- As a note, stormwater, cannot be pushed or directed to adjacent properties. Often times, the slope of property affects how a development must deal with stormwater.