STAFF REPORT

Application:	Requests relating to the applicant having a purchase agreement to buy the property that is currently a multi-family dwelling use. Approvals required include a conditional use permit is required to convert to a single-family dwelling use in the R-3 Multiple Residential shoreland district.
Applicant:	Lucas Seih
Property Owner:	Joseph Whebbe
Agenda Item:	5a

Background Information:

- **Proposal:** The applicant has a purchase agreement to buy the property that is currently a multi-family dwelling for use as a single-family dwelling.
- **Location:**
  - Property address: 276 West Minnesota Ave
  - Parcel number(s): 21-0671-000
- **Zoning:** R-3 Multiple Residential / Minnewaska Lake (General Development lake)
- **Lot size:** Approx. 8,713sq ft (0.2 acres) according to GIS.
- **Septic System Status:** The property is served by public sewer and water.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff. The lot does not contain steep slopes that would impact the proposed improvement(s) to the property.
  - Wetlands: There are no wetlands that are likely to be impacted by the proposed improvement(s) to the property.
  - Current Shoreline Conditions: N/A

Planning Commission Action:

The Planning Commission may recommend the City Commission approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation:

Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Conditional Use.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. The property shall be converted and used as a single-family dwelling substantially in accordance with the application and representations submitted with the Conditional Use Permit.
2. The applicant shall obtain all required building, fire, zoning, and other applicable permits or approvals associated with the conversion prior to occupancy as a single-family dwelling. This is especially appropriate because §1508(B) expressly requires a certificate of occupancy before a structure or land is changed to a different use.
3. The property shall continue to provide off-street parking meeting the requirements of §153.069. The application states that the existing garage and driveway will provide the required parking.
4. Any future exterior expansion, site alteration, grading, or other development not included in this application shall comply with the applicable requirements of the Glenwood Zoning Code and any applicable shoreland regulations.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. Conformance with district provisions and general regulations

Criterion: The proposed use conforms to the district and conditional use provisions and all general regulations of Chapter 153.

Finding supporting approval:
The proposed conversion of the existing multi-family dwelling to a single-family dwelling conforms to the R-3 Multiple Residential District because §153.036(C)(2)(a) expressly identifies single-family dwellings as a conditional use in the R-3 District, and the application proposes no new structures, grading, or expansion of the existing development.

Finding supporting denial:
None.

2. Compliance with special standards

Criterion: The proposed use meets all special standards which may apply to its class of conditional uses.

Finding supporting approval:
No additional use-specific standards are identified in Chapter 153 for a single-family dwelling approved as a conditional use in the R-3 District; therefore, the proposed use satisfies this criterion provided it remains in compliance with the general requirements of Chapter 153.

Finding supporting denial:
None.

3. Dangerous, injurious, or noxious conditions / performance standards

Criterion: The proposed use will not involve any element or cause any condition dangerous, injurious, or noxious to another person or property and will comply with the performance standards.

Finding supporting approval:
The proposed use is residential in nature and represents a reduction from the existing multi-family residential use to a single-family dwelling. The application states that the use will not generate odors, fumes, dust, noise, vibration, exterior storage, grading, timber clearing, or additional runoff, and identifies no activity that would conflict with the performance standards of §153.006(E).

Finding supporting denial:
None.

4. Harmonious relationship with adjacent properties

Criterion: The proposed use is sited, oriented, and landscaped to produce a harmonious relationship with adjacent buildings and properties.

Finding supporting approval:
The proposal utilizes the existing dwelling, garage, driveway, and developed residential site without proposed construction, grading, or other exterior site alterations; therefore, the physical relationship of the property to neighboring buildings and properties will remain substantially unchanged, while the residential intensity of the property will be reduced from multi-family to single-family use.

Finding supporting denial:
None.

5. Compatibility with the surrounding area

Criterion: The proposed use is compatible with the surrounding area and produces an overall visual impression and environment consistent with the neighborhood.

Finding supporting approval:
The proposed use will retain the existing residential appearance of the property while converting it from multi-family to single-family occupancy. The applicant states that the proposed use will be less impactful than the current use and is similar to the typical residential use of the surrounding neighborhood.

Finding supporting denial:
None.

6. Vehicular access and parking

Criterion: Vehicular access and parking are organized to minimize traffic congestion in the neighborhood.

Finding supporting approval:
The application states that an existing garage and driveway provide off-street parking for the property. A single-family dwelling requires two parking spaces per dwelling unit under §153.069, and conversion from multi-family to single-family occupancy would reasonably be expected to reduce rather than increase parking and traffic demand associated with the property.

Finding supporting denial:
None.

7. Objectives of the ordinance and consistency with the Land Use Plan

Criterion: The proposed use preserves the objectives of Chapter 153 and is consistent with the Land Use Plan.

Finding supporting approval:
The proposed use preserves the residential character of the R-3 District because single-family dwellings are expressly identified by the zoning ordinance as an allowable conditional use within that district, and the proposal converts an existing multi-family residential use to a less intensive single-family residential use without additional development of the property.

Finding supporting denial:
None.

Attachments:

- Application
- Purchase Agreement
- Lot Aerial Map
- Area Aerial Map
- Floodplain Map
- Wetland Map

Appendix A

Applicable Statutes and Ordinances

City of Glenwood Regulations

153.006 CONDITIONAL USES.

(A) *General.* Conditional uses as specified herein may be allowed or denied by the City Commission after recommendation by the Planning Commission in accordance with the criteria and provisions listed herein.

(D) *Criteria for approval.* A conditional use shall be approved if and only if it is found to meet the following criteria.

(1) The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter.

(2) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.

(3) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other person or property, and shall comply with the performance standards set forth herein.

(4) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(5) The proposed use shall be compatible with the surrounding area and produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(6) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(7) The proposed use shall preserve the objectives of this chapter and shall be consistent with the Land Use Plan.

(8) Additional requirements with respect to conditional uses in the Conservation District include the following.

(a) Development shall be permitted in such a manner that the maximum number of trees shall be preserved. Where trees are cut, at least 50% of the overstory shall remain.

(b) Development shall be permitted in such a manner that on-site soil erosion shall be at a minimum both during construction and when construction activity is completed.

(c) The quality of water run-off and water infiltration to the water table or aquifer shall remain undisturbed by the development of the site.

(d) The type and density of land use proposed shall be suited to the site and bedrock conditions shall not present a threat to the maintenance of groundwater quality, and shall not fail to correct problems due to soil limitations including bearing strength, shrink-swell potential and slope stability.

(E) *Performance standards.* All conditional uses shall comply with the requirements of this division (E). In order to determine whether a proposed use will conform to the requirements of this chapter, the City

Commission may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

(1) *Fire protection.* Fire prevention and fire fighting equipment required by the Building Code as adopted by the City Commission shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(2) *Electrical disturbance.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

(3) *Noise.* Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes which shall be exempt from this requirement.

(4) *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

(5) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(6) *Air pollution.* Air pollution shall be subject to the standards established by the State Pollution Control Agency.

(7) *Glare.* Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.

(8) *Erosion.* No offensive erosion by wind or water shall be permitted onto adjacent properties.

(9) *Water pollution.* Water pollution shall be subject to the standards established by the State Pollution Control Agency.

LOT AND YARD REQUIREMENTS

" 153.050 GENERAL REQUIREMENTS.

The minimum lot area, minimum width of lot, minimum depth of front yard, rear yard and minimum width of each side yard for each district shall be as shown in " 153.051.

(A) Lots or parcels which abut on more than one street shall provide the required front yards along each street.

(B) All structures and accessory buildings whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, roof overhangs or platforms above normal grade level, shall not project into any minimum front, side or rear yard; nor into any required open space or buffer. Where multi-dwelling buildings (apartments, townhouses and the like) are to be built on one lot (or parcel) along with other buildings or structures, the required yards shall be construed to apply to each building as opposed to each dwelling unit.

" 153.051 LOT, YARD AND DENSITY REQUIREMENTS.

	Minimum Lot Sizes		Minimum Yard Setbacks (ft)			Minimum Site Area Per Unit (sq ft)
	Area (sq ft)	Width (ft)	Front	Rear	Side	
R-1 Suburban Residential						
*Single-family dwellings	10,000	75	30	20	6	10,000
*Two-family dwellings	15,000	80	30	25	10	7,500
*Other uses	15,000	80	30	30	15	7,500
R-2 Urban Residential						
*Single-family dwellings	8,000	75	30	20	6	8,000
*Two-family dwellings	12,000	80	30	25	10	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	5,000
*Multi-family dwellings	15,000	100	30	30	15	3,500
*Other uses	10,000	100	30	30	15	-
R-3 Multiple Residential						
*Single-family dwellings	8,000	75	30	20	10	8,000
*Two-family dwellings	12,000	80	30	25	15	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	4,000
*Multi-family dwellings	25,000	100	30	30	15	2,600
*Other uses	5,000	50	30	30	15	-
B-1 Community Business						
*Multi-family dwellings	5,000	50	0	15	0	2,500
*Other uses	5,000	50	0	15	0	-
I-1 Industrial						
All uses	20,000	100	25	20	10	-
C-1 Conservation						
All uses	2 acres	300	50	30	30	-
A-1 Agricultural						
All uses	5 acres	500	50	50	50	-
MH-1 Mobile Home Rental Park						

	Minimum Lot Sizes	Minimum Yard Setbacks (ft)	Minimum Site Area

	Area (sq ft)	*Width (ft)*	*Front*	*Rear*	*Side*	*Per Unit (sq ft)*
*Mobile home, single-family	5,500	55	15	12	6	5,500
All other uses	10,000	100	30	20	15	10,000
*With city water and sewer						

	Maximum Coverage (%)	*Minimum Usable Open Space (%)*	*Density* (Units)*
R-1 Suburban Residential			
Single-family dwellings	30	40	3.5
Two-family dwellings	30	40	3.5
Other uses	30	40	3.5
R-2 Urban Residential			
Single-family dwellings	30	40	5
Two-family dwellings	30	40	6
Townhouses	25	50	6
Multi-family dwellings	30	40	6
Other uses	-	-	-
R-3 Multiple Residential			
Single-family dwellings	30	40	5
Two-family dwellings	20	40	6
Townhouses	25	50	8
Multi-family dwellings	30	40	12
Other uses	-	-	-
B-1 Community Business			
Multi-family dwellings	30	40	-
Other uses	-	-	-
I-1 Industrial			
All uses	-	-	-

	Maximum Coverage (%)	*Minimum Usable Open Space (%)*	*Density* (Units)*
C-1 Conservation			
All uses	-	-	-
A-1 Agricultural			
All uses	-	-	-
MH-1 Mobile Home Rental Park			
Mobile home, single	-	-	-
Family	40	30	6
All other uses	40	30	-
*Density, or overall maximum dwelling units per buildable acre			

(1988 Code, " 11.12-2)

" 153.066 ACCESSORY USES.

The following provisions shall apply to accessory uses.

(A) Every swimming pool shall be enclosed by a fence or wall not less than six feet high above ground level. Location of pools will be subject to utility company approval.

(B) The exterior storage of any vehicle or recreational vehicle which does not have a current license plate shall not be permitted as an accessory use.

(C) In the A-1 District:

(1) Accessory farm buildings shall not be erected within 100 feet of a neighboring property; and

(2) All commercial feed lots, pens, runs, shelters and similar intensively used facilities for animal raising shall not be permitted.

(D) In the R-1, R-2 and R-3 Districts:

(1) A garage, storage shed or other similar structure may only be constructed in a residential district as an accessory structure. Two adjoining lots shall only be considered a single lot if they have a single parcel identification number;

(2) No more than two accessory structures shall be permitted on a lot;

(3) Accessory structures are limited to the lesser of not more than 1,000 square feet each, or a total building coverage area for all structures of 30% of the lot. In the event the lot size is one acre or greater, the accessory structure may be greater than 1,000 square feet but not more than 5% of the lot area. Accessory structures may be no closer than 10 feet to any other structure;

(4) All accessory structures over 120 square feet in size must be constructed of material and in a style in harmony with the principal structure. No galvanized or unfinished metal, canvas fabric, plastic tarps, tar paper, rolled roofing or straw may be used to cover any structure, sidewall or roof;

(5) The sidewalls on any accessory structure or garage shall not exceed nine feet in height, allowing no larger than an eight-foot high garage door, nor shall any garage or accessory structure exceed the principal building in height. Sidewall height shall be measured from the inside finished floor elevation to the point at which the sidewall top plate adjoining the rafter; and

(6) Accessory structures 120 square feet or smaller shall not require a building permit. A zoning permit shall be required and an application showing the size of the structure, its location on the lot, and the type of construction material utilized in its construction shall be submitted to the Zoning Administrator. Accessory structures 120 square feet or smaller may be placed no closer than five feet to any rear or side lot line.
(1988 Code, " 11.50-2) (Ord. 73, passed 5-8-2001)

" 151.39 STORMWATER MANAGEMENT.

The following general and specific standards shall apply.

(B) Specific standards.

(1) Impervious surface coverage of lots must not exceed 25% of the lot area.