

RESOLUTION 10437

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “RESIDENCE, TWO-FAMILY” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 1700 1ST AVENUE NORTH AND LEGALLY DESCRIBED AS LOT 1, BLOCK 328, GREAT FALLS 3RD ADDITION, SEC. 7, T20N, R4E, PMM, CASCADE COUNTY, MT.

* * * * *

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Residence, two-family” land use upon the property legally described as Lot 1, Block 328, Great Falls 3rd Addition, Sec. 7, T20N, R4E, PMM, Cascade County, Montana (subject property); and,

WHEREAS, the subject property is presently zoned R-3 Single-family high density, wherein a "Residence, two-family" land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Residence, two-family” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on January 11, 2022, to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Residence, two-family” land use be granted by the City Commission for the subject property, subject to the following conditions:

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Fire-rating:** The owner must provide a building code compliant fire-rated floor/ceiling assembly to separate the two units.
6. **Parking:** The owner must provide four (4) off-street parking stalls in order to comply with the Land Development Code of the OCCGF. A short fence or evergreen landscaping will be required to buffer the parking stalls from the abutting property to the east. The existing short fence and landscaping abutting the property to the south shall remain.
7. **Improvements to Public Right-of-Way:** The owner must repair the driveway approach and sidewalk within the right-of-way along 17th Street North to City standards.
8. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

WHEREAS, the City Commission having allowed for proper public notice,

conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That a Conditional Use Permit be granted for a “Residence, two-family” land use at the property addressed as 1700 1st Avenue North and legally described as Lot 1, Block 328, Great Falls 3rd Addition, Sec. 7, T20N, R4E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on March 15, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoién, City Attorney

CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting the approval of a Conditional Use Permit (CUP) for a Two-Family Residence located at 1700 1st Avenue North in the R-3 district.

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.

The proposed two-family residence provides housing diversity and increased density in the core of the City and also takes advantage of existing street and utility infrastructure. More specifically, it is consistent with the following policies in the City's Growth Policy:

Phy4.1 – Encourage a balanced mix of land uses through-out the City.

Phy4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Phy4.3 – Optimize the efficiency and use of the City's Public facilities and utilities.

2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The CUP will have no detrimental impact upon the health, safety, morals, comfort or general welfare. The subject property has been inspected by Planning, Engineering, and Building staff. Because the building has been under-utilized and vacant for many years, the proposed use and remodel will benefit the surrounding area. The proposed Conditional Use will allow the driveway apron and sidewalk to be fixed to improve safety.

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 diminish and impair property values within the neighborhood.

The residential uses in the neighborhood are generally mixed in density. While the majority of uses in the area are single-family, there are a number of area properties in the vicinity that have a land use of two family residential or multi-family residential. The existing appearance of the residential structure looks very similar to existing nearby single-family structures. Parking is proposed to be contained within the driveway. Because of these factors, the conditional use will not adversely impact the use, enjoyment or property value of any property in the immediate vicinity.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The project will not impede the normal and ordinary development and improvement of surrounding properties. All of the residentially zoned lots located north, east and west of the property are already developed. Adjacent property owners have been notified about the project and City staff has received no questions regarding project specifics. As of the date of this agenda report, there have been no comments.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Adequate services and infrastructure are available to serve the two family dwelling. Full sidewalks, water, sewer and paved roads already exist adjacent to the subject parcel. The curb-cut is located off of 17th Street North and any utilities needed for the duplex will need to be permitted through the City.

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.

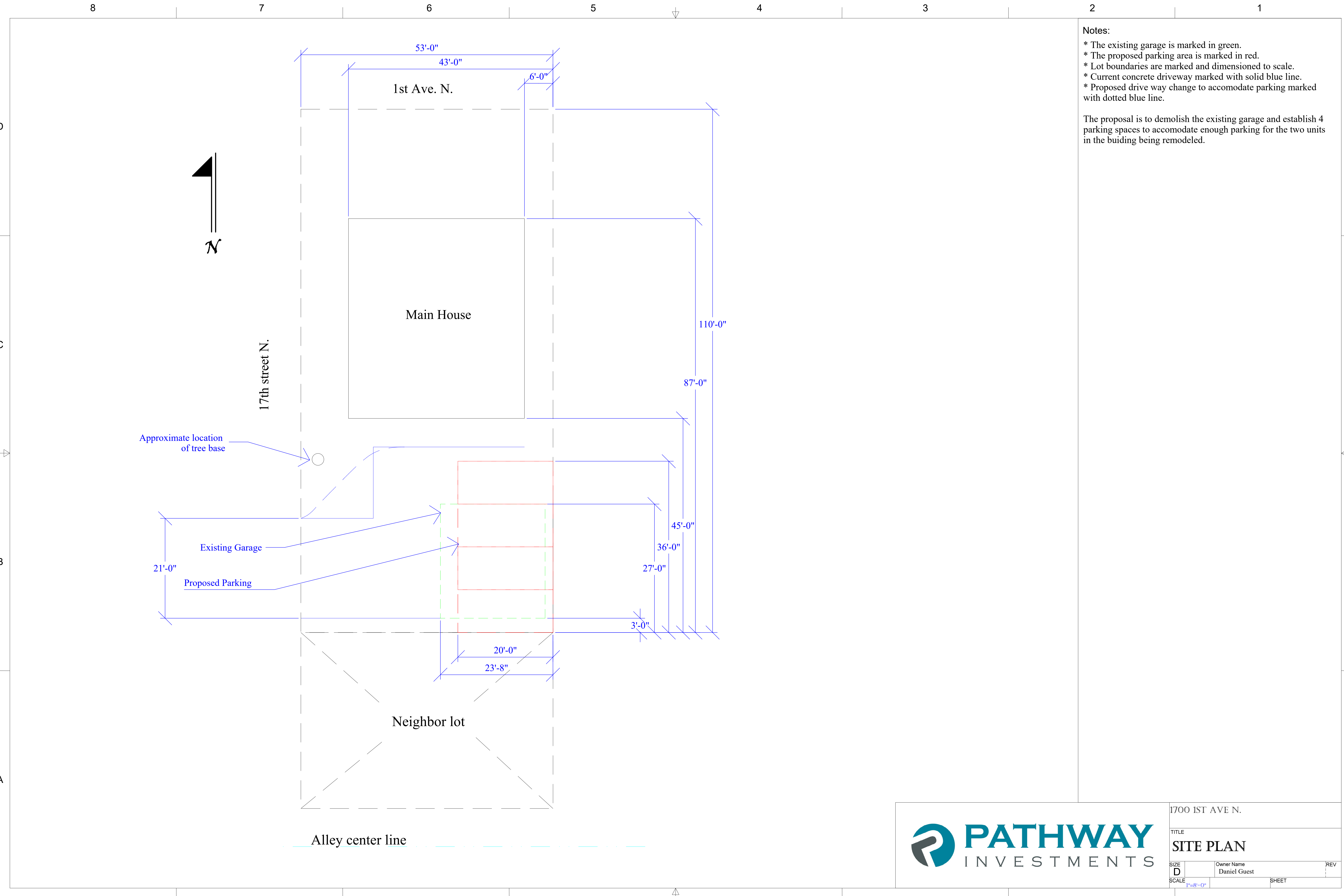
The project will generate little daily traffic, and will have no discernible impact upon the area road network. Driveway access is off the lower volume street (17th Street North), thereby avoiding a point of conflict upon the higher-traffic avenue (1st Avenue North).

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.

The lot is of sufficient size for the proposed two-family use to comply with all applicable regulations in the City's Land Development Code and, more specifically, the R-3 Zoning District. Conditions of Approval include improving the apron to the driveway and the sidewalk within the public right of way, creating a buffer between the parking spaces and the property to the east, and keeping an existing buffer between the subject property and the property to the south. The City's Building Department will require fire-rated construction between the lower and upper dwelling units.

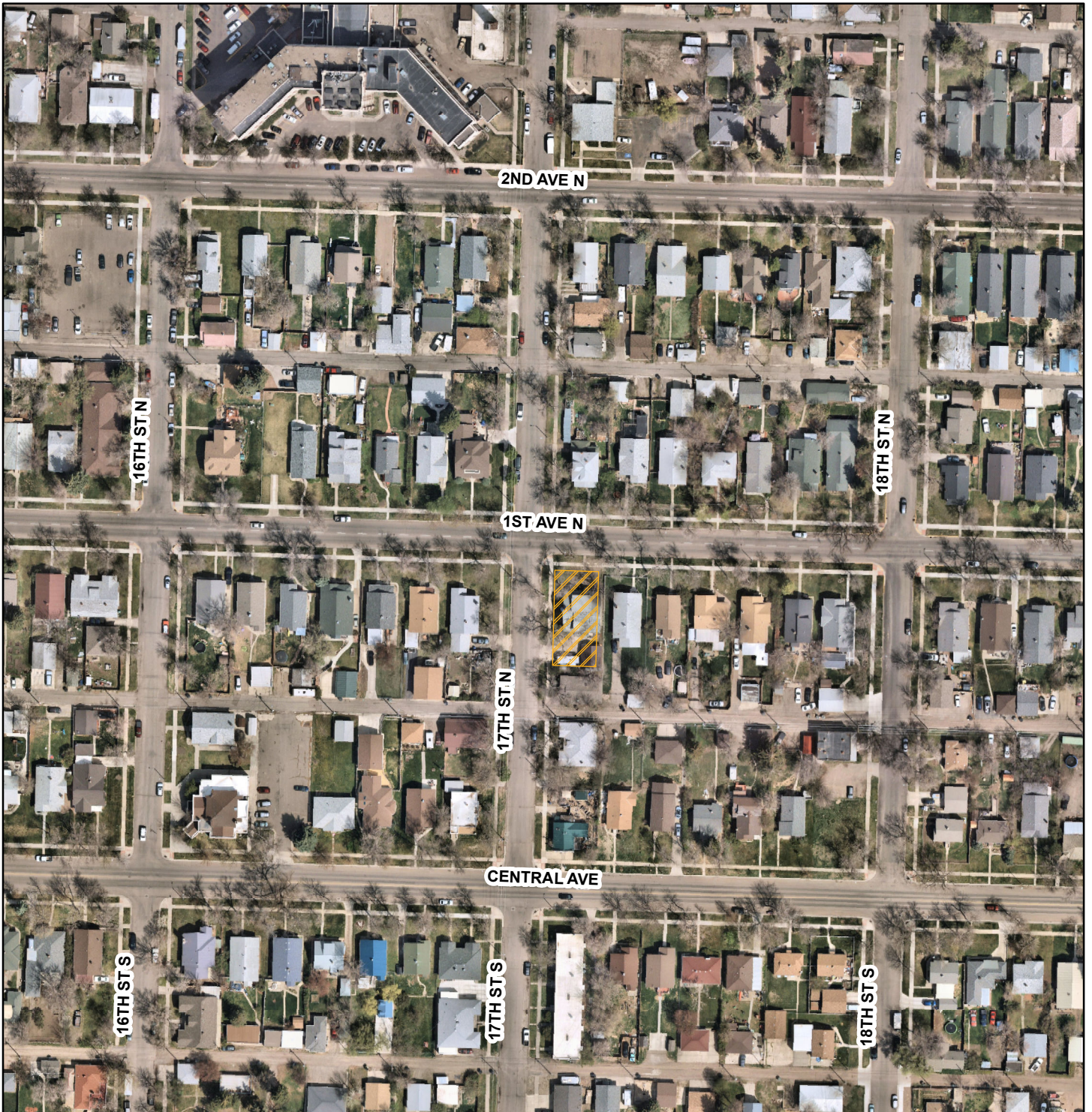
Notes:
 * The existing garage is marked in green.
 * The proposed parking area is marked in red.
 * Lot boundaries are marked and dimensioned to scale.
 * Current concrete driveway marked with solid blue line.
 * Proposed drive way change to accomodate parking marked with dotted blue line.


The proposal is to demolish the existing garage and establish 4 parking spaces to accomodate enough parking for the two units in the buiding being remodeled.



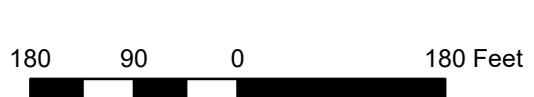
| | | | |
|-------------------|----------------------------|--------------------|--|
| | | 1700 1ST AVE N. | |
| | | TITLE SITE PLAN | |
| SIZE D | Owner Name Daniel Guest | REV | |
| SCALE 1"=8'-0" | | SHEET | |

EXHIBIT A

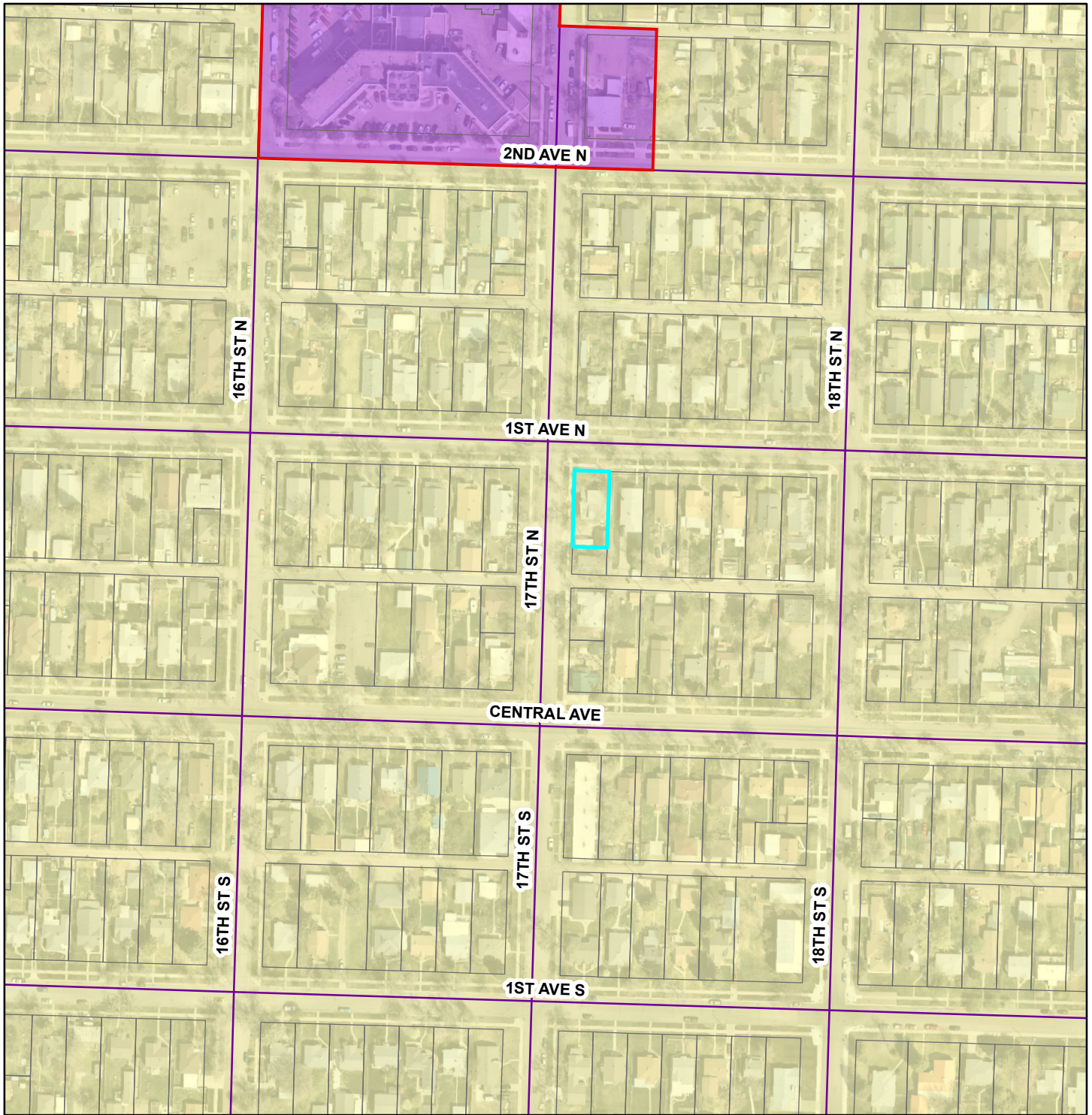


 Subject Property



 City Limits

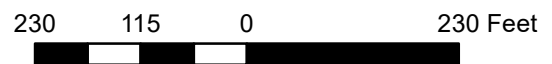


ZONING MAP



Legend

-  R-3 Single-family High Density
-  M-1 Mixed-use District

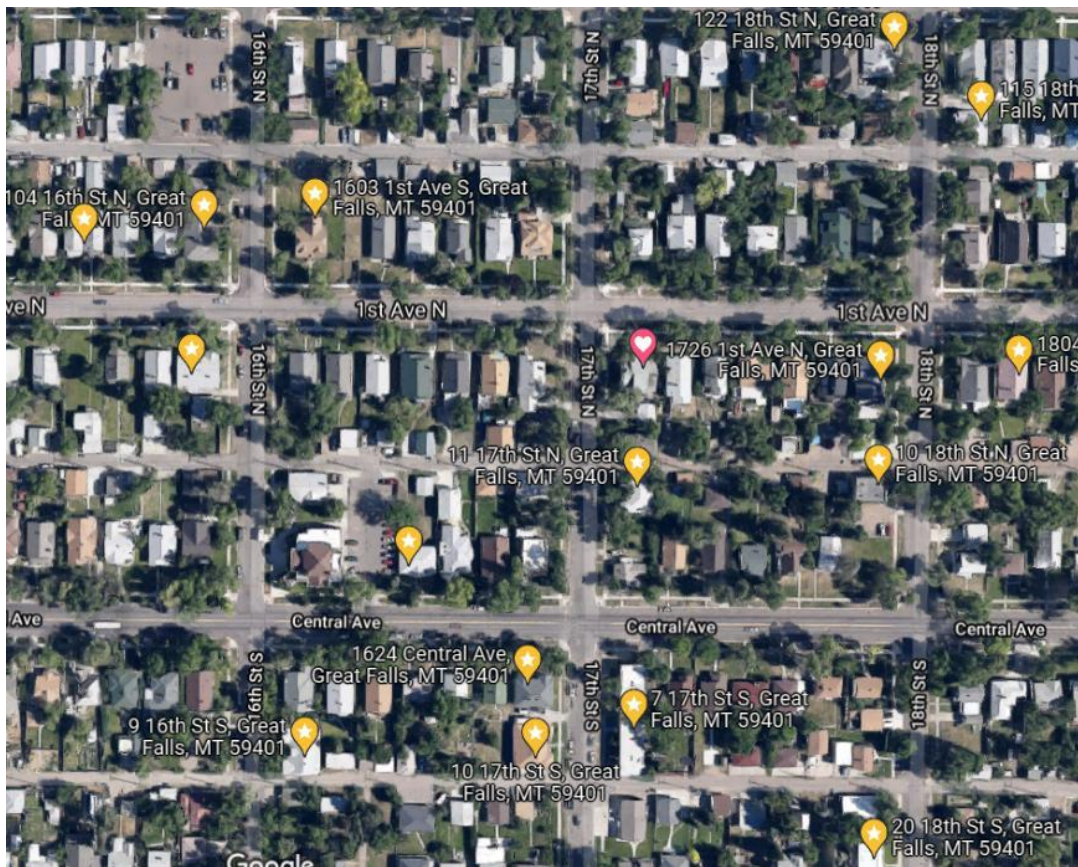


Inconsideration of the property at 1700 1st Ave. N.,

I would like to use the property at 1700 1st ave N as a duplex rental property. I believe that this use would be in the interests of the people of Great Falls since it would provide affordable housing for the community. This house appears to have already been used for this purpose in the past since it was constructed in such a way as to make the basement apartment divisible from the rest of the house with its own access door. Additionally egress windows have been added to allow for two bedrooms in the basement. Also, it is my understanding that the previous layout of the house included a complete kitchen and all the facilities needed for a separate unit. Currently the only drawback is that dual occupancy is not allowed at this property.

I have already begun a remodel of the structure to return it to a livable condition which will include a complete overhaul of the plumbing, electrical, and heating systems throughout the house. Additionally, I am in the process of completing work to reinforce the old foundation. All this work has been permitted through the city and parts of it have already been inspected.

I believe that allowing this property to be used in this way would not be outside the bounds of what the city has deemed permissible. I have noted 16 different properties within a two-block radius of my house that are being used as multi-unit dwellings, some with more then two units. In the map below I have marked these units with a star and my house is marked with the heart.



Site Photos



Looking east from 17th Street North



Looking NE from 17th St. North



View of vegetation and fence between properties

Brad Eatherly

From: Jamie Nygard
Sent: Monday, January 10, 2022 12:34 PM
To: Craig Raymond; Thomas Micuda; Brad Eatherly
Subject: FW: Comments regarding Agenda #5 for the Jan 11th Public Hearing

FYI. I will forward it to the Board tomorrow morning, after I see what else we get before the meeting.
Thank you,
Jamie

From: RONKE, BRUCE R GS-11 USAF AFGSC 341 OSS/OSB <bruce.ronke@us.af.mil>
Sent: Monday, January 10, 2022 12:30 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Comments regarding Agenda #5 for the Jan 11th Public Hearing

Dear Board members,

In regards to the request for the property located at 1700 1st Ave N to be used as a two family residence, let it be known that both myself and my wife strongly disagree with the idea. We have been long term residents of this neighborhood (38 years) and know that rental properties end up detracting from the neighborhood and decrease home values of neighboring properties. Honestly, do you want to live next to a multifamily property? This particular neighborhood has been slowly declining over the years as it is. Mostly due to homeowner neglect. The house directly across 1st Ave N is, and has been vacant for many years, and has been in a sorry state of repair for a long time. We filed a complaint with the city about it and the owner came by and slapped a quick coat of paint on part of it, not that that did any good. That house should be renovated or raised. The house directly across 17th St is also in bad condition. Although not vacant, it looks like it is. If the City of Great Falls wants to do something good, get after those property owners! Adding another rental property to this neighborhood will not help a thing. Although we sincerely appreciate the fact that someone has finally saw fit to renovate one of the neighborhood eye sores, turning it into a two-family unit is something we highly object to. Property conditions can deteriorate rapidly depending on the property owner and since we have no idea if Mr. Guest has other properties in Great Falls and/or how well those properties might be cared for or looked after, we cannot agree to having the aforementioned property designated as a two-family residence. We all know about some of the Great Falls "Slum Lords" and how badly they manage their properties, and getting the city to do anything about that is almost impossible. Again, nothing against Mr. Guest as we do not know him, and we really do appreciate how he is renovating the house, we just don't want to see another rental property in an already declining neighborhood.

Sincerely,

Bruce & Kathy Ronke
1621 1st Ave N.
Great Falls, MT 59401

From: [Lisa C. Kunz](#)
To: [Brad Eatherly](#); [Craig Raymond](#); [Krista Artis](#)
Subject: FW: resolution 10437
Date: Thursday, February 17, 2022 1:16:17 PM

fyi

From: Lisa C. Kunz
Sent: Thursday, February 17, 2022 1:16 PM
To: 'teriberri@bresnan.net' <teriberri@bresnan.net>
Subject: RE: resolution 10437

Hi Theresa – thank you for your comments. Resolution 10437 was set for a public hearing on March 1st. However, due to advertising issues with the Tribune, the requested action on March 1st will be to **reset** the public hearing for **March 15, 2022**.

Your comments will be included with this public hearing agenda item for commission consideration.

Best regards,

Lisa Kunz

City Clerk/Records Manager
Civic Center Room 204
406.455.8451

From: teriberri@bresnan.net <teriberri@bresnan.net>
Sent: Thursday, February 17, 2022 1:08 PM
To: commission <commission@greatfallsmt.net>
Subject: resolution 10437

I am the property owner directly to the south of this property. Since my property is on the back lot toward the alley of this property i have limited parking in front of my house. I have concern that making 1700 1st Ave No into a two family home will increase the amount of vehicles needing to park. I realize that there is a driveway but double the families means double the cars. This concern would be a strike against allowing for the rezoning.

Sincerely,
Theresa M Drake