



**Planning Advisory Board/Zoning Commission
Agenda October 11, 2022
3:00 PM
2 Park Drive South, Great Falls, MT
Commission Chamber, Civic Center**

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, October 11, 2022, to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

OPENING MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions

Dave Bertelsen - Chair

Tory Mills - Vice Chair

Lindsey Bullock

Kelly Buschmeyer

Pat Green

Samantha Kaupish

Chuck Pankratz

3. Recognition of Staff
4. Approval of Meeting Minutes - September 27, 2022

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Conditional Use Permit for a "Two-family residence" land use upon the property addressed as 306 21st Avenue South and legally described as Lot 10, Grandview Tracts Addition, Section 13, T20N, R3E, P.M.M., Cascade County, Montana.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Planning Advisory Board/Zoning Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Planning Advisory Board/Zoning Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Thursday at 7 p.m.

**MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
SEPTEMBER 27, 2022**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chuck Pankratz at 3:01 p.m. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

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Planning Board Members present:

Kelly Buschmeyer

Pat Green

Samantha Kaupish

Chuck Pankratz

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Planning Board Members absent:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Lindsey Bullock

Planning Staff Members present:

Craig Raymond, Director Planning and Community Development

Tom Micuda, Deputy Director Planning and Community Development

Sara Doermann, Planner I

Brad Eatherly, Planner II

Jamie Nygard, Sr. Administrative Assistant

Chastity Tarrow, Permit Technician

Other Staff present:

David Dennis, Deputy City Attorney

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chuck Pankratz asked if there were any comments or corrections to the minutes of the meeting held on September 13, 2022. Seeing none, the minutes were approved.

COMMISSION ACTIONS NOT REQUIRING A PUBLIC HEARING

Addition of Three Mobile Home Pad Sites to Montana Adventure Mobile Park located at 3829 Lower River Road and legally described as Mark 6 in Section 23, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana

Brad Eatherly, Planner II, presented to the Board. He stated that the current owners of the Montana Adventure Park would like to expand the number of pad sites for their mobile home park. They are also proposing to connect to the city sewer main located on Lower River Road.

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Mr. Eatherly stated that the park was established as early as 1968 based off of historical photography and that the property was annexed into the City in 2007.

The former property owners were expected to connect to the water and sewer mains at the time of annexation. While they did connect to the water main, they did not connect to the sewer main and have been using a septic system/drain field to serve six mobile homes. The current owners are ready to remedy the problem by connecting to the sewer main.

Mr. Eatherly stated that the original Rada Mobile Home Park was licensed for ten pad sites, however, when the park was annexed into the City, the park had down-sized in order to reduce taxes and was only licensed for six pad sites. The current owners would like to add three sites to increase the total to nine.

Mr. Eatherly stated that the City Code requires the Minor Subdivision process but that no plat or findings of fact are required. The final site plan will need to be approved by the City Commission.

Mr. Eatherly presented an Aerial Map, Zoning Map, Site Photos and a Draft Amended Plat to the Board.

APPLICANT PRESENTATION

Robby Osowski, with Woith Engineering, was available to answer any questions.

BOARD DISCUSSION AND ACTION

Mr. Green asked if the drain field was going to be abandoned. Mr. Osowski responded that the drain field will be abandoned and they will tap into the city sewer. Mr. Green asked if the septic tank would be retained. Mr. Osowski responded that the septic tank will be removed. Mr. Pankratz asked if the mobile homes would be installed by the owner or if a person would bring their own into the park. Mr. Osowski responded that people would bring their own mobile homes into the park.

MOTION: That the Planning Advisory Board recommend the City Commission approve the final site plan as legally described in the Staff Report.

Made by: Mr. Green

Second: Ms. Buschmeyer

VOTE: All in favor, the motion carried 4-0

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COMMUNICATIONS

Mr. Raymond stated that there will be a Conditional Use Permit request coming forward at the October 11, 2022 meeting for a duplex.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Mr. Pankratz adjourned the meeting at 3:13 p.m.

CHAIRMAN

SECRETARY



Meeting Date: October 11, 2022

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

Item: Conditional Use Permit for a “Two-family residence” land use upon the property addressed as 306 21st Avenue South and legally described as Lot 10, Grandview Tracts Addition, Section 13, T20N, R3E, P.M.M., Cascade County, Montana.

Initiated By: Casey Carter, Owner

Presented By: Brad Eatherly, Planner II, Planning and Community Development

Action Requested: Recommendation to the City Commission

Public Hearing:

1. Chairman of the Commission conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Commission closes public hearing and asks the will of the Board.

Suggested Motion:

1. Commission Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the Conditional Use Permit as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

2. Chairman calls for a second, commission discussion, and calls for the vote.

Background:

The applicant, Casey Carter, has submitted an application to request a Conditional Use Permit to allow for the legalization of a “two-family residence” land use upon the property addressed as 306 21st Avenue South and legally described as Lot 10, Grandview Tracts Addition, Sec. 13, T20N, R3E, PMM, Cascade County, Montana. The subject property is zoned R-2 Single-family medium density, wherein a “two family residence” land use is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

The subject property is identified in the City’s records as containing a single-family residence with no indication of ever being used as a two-family residence. The current owner acquired the property and is requesting to turn it into an “up/down” duplex. While the property in question is located within an R-2 Single family medium density zoning district, there are no other properties with the land use of “two-family residence” or “multi-family residence” that are located in close proximity. Many nearby properties are outside the City limits. Despite the lack of “two –family residences” or “multi-family

residences” in the vicinity, City staff believes the request to have a land use of “two-family residence” is appropriate for this property for the following reasons. First, the property’s lot size is abnormally large at 1.583 acres. This is over six times the minimum lot size for the R-2 zoning district. If the applicant was interested in subdividing this property, the size of the property could accommodate several additional single family lots. Second, the property has a very large existing driveway that can easily accommodate the required four parking spaces.

The basis for a decision for a Conditional Use Permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, and additional information demonstrates that the criteria which are attached as Findings of Fact - Conditional Use have been met.

Impacts:

Increasing the residential density of the lot from one to two units will not adversely impact the area. The property is over 1.5 acres in size and there is more than ample room for the required four parking spaces. A more detailed analysis of impact can be found in the attached Basis of Decision.

Improvements:

Staff is not recommending any improvements to the property based on its large lot size and availability of required parking.

Proximity to Other Uses:

The Subject Property is surrounded by single family homes on large lots or properties that are outside of the City limits

Neighborhood Council Input:

As of the writing of this report, the owner is planning to meet with Neighborhood Council #6 on October 5, 2022. Input from this meeting will be incorporated into the Zoning Commission staff presentation and the City Commission staff agenda report.

Concurrences:

Representatives of the City’s Public Works Department have reviewed the proposal and have no objections to issuance of the Conditional Use Permit.

Fiscal Impact:

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Approval would result in the legal use of the second unit on the parcel, which would increase the value of the property

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit, subject to the conditions stated within the agenda report.

Conditions of Approval:

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 fire-rated floor/ceiling to allow the up/down duplex to pass building code.
6. **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.

Alternatives:

The Zoning Commission could recommend denial of the Conditional Use Permit, providing an alternate Basis of Decision to support the action.

Attachments/Exhibits:

Basis of Decision
 Site Layout
 Aerial Map
 Zoning Map
 Applicant Narrative

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 306 21st Avenue South in the R-2 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 within 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.

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

Soc1.4.6 – Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

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 and Building staff. Because the property is so large, increasing the density will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare of the surrounding properties.

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 properties in this area, whether in the City, or outside the City limits, are much larger than the average City residential lot. Many of the surrounding properties are outside the City limits and therefore do not conform to typical City standards for residential lots. The applicant's parcel is six times larger than the R-2 minimum lot size requirement and could be subdivided into more residential lots. 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. Water,

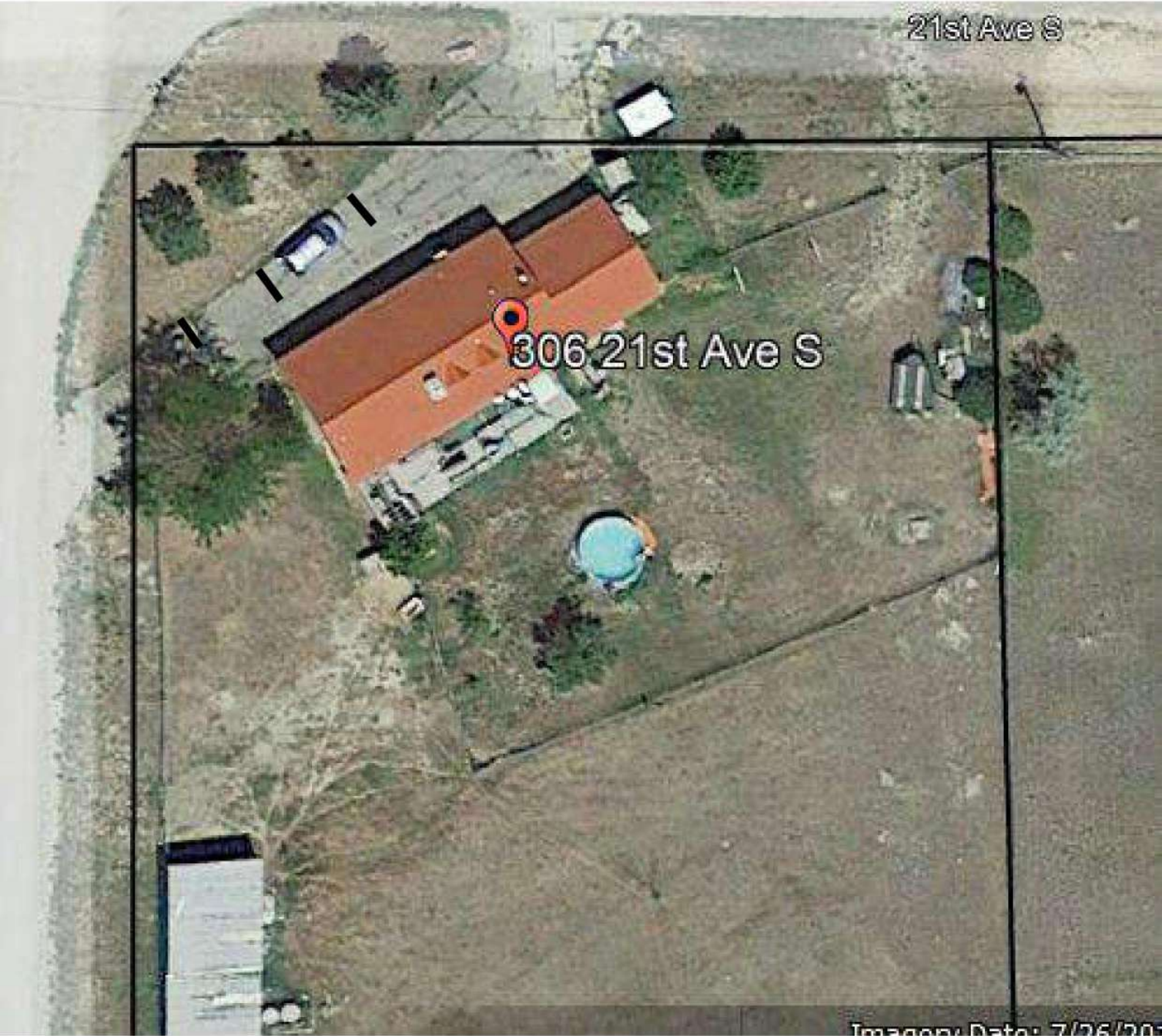
sewer and gravel roads already exist adjacent to the subject parcel. Any utilities needed for the duplex will need to be permitted through the City.

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 both 21st Avenue South and 3rd Street South. Local traffic in this area is minimal and the second residential unit would not congest the area further.


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-2 Zoning District. The City's Building Department will require fire-rated construction between the lower and upper dwelling units.



Aerial Map

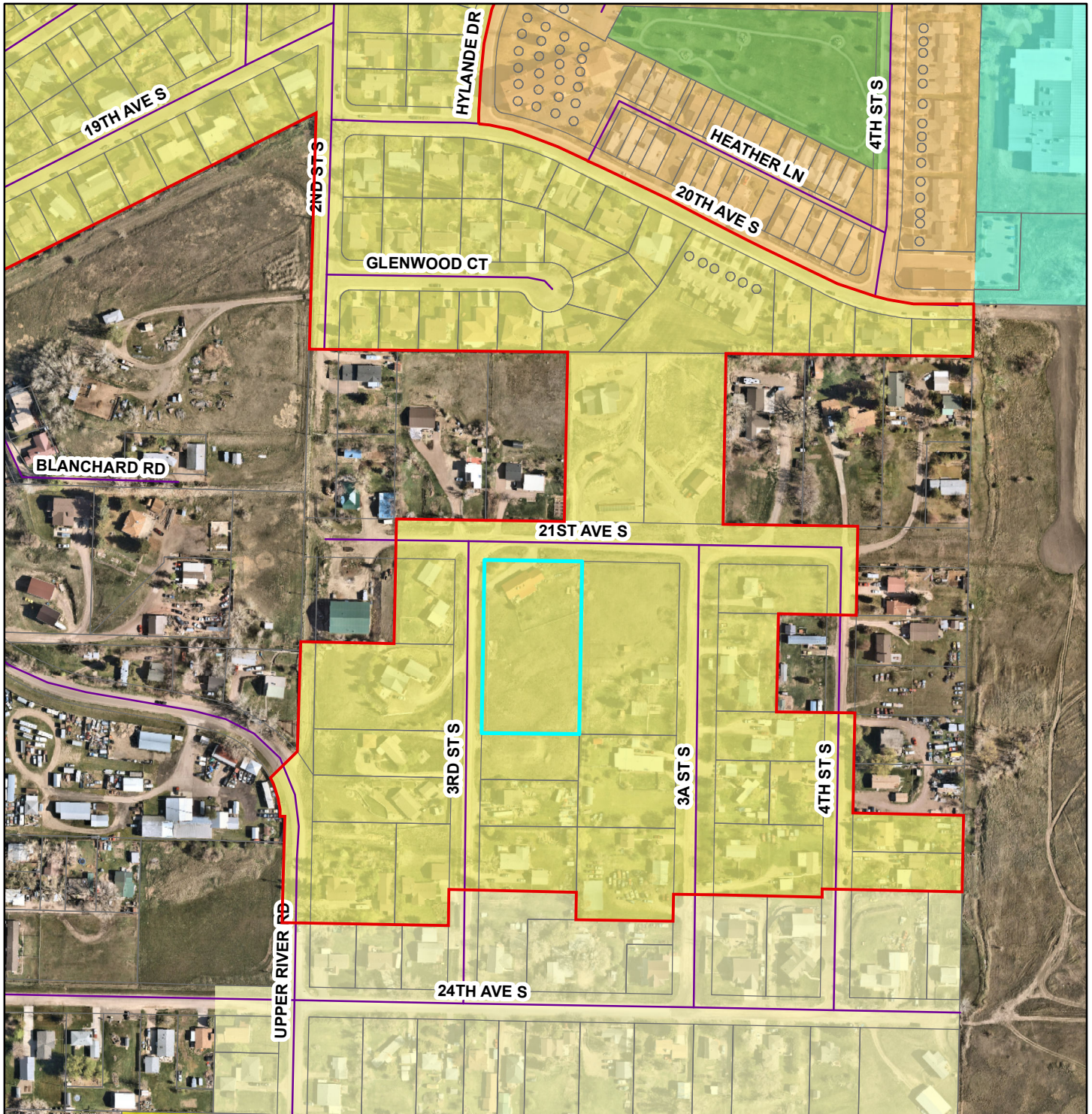


 Parcel selection







 City Limits

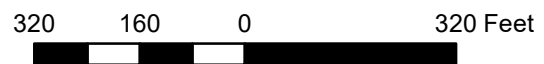


ZONING MAP



Legend

-  R-1 Single-family Suburban
-  R-2 Single-family Medium Density
-  R-3 Single-family High Density
-  R-5 Multi-family Medium Density
-  PLI Public Lands and Institutional
-  POS Parks and Open Space



N

We are seeking a Conditional Use Permit so that we can remodel our current residence into an up/down duplex. One of us, Kristine M Lasein, will live in the top portion and we will rent out the bottom portion once remodel is completed.

We have contacted contractors, understand to have plans ready to create fire rated ceilings throughout the apartment. Thank you for your time and attention to this matter.