



Item: Public Hearing – a Resolution approving a Conditional Use Permit to allow the construction of a Residence, townhouse on the property addressed as 114 2nd Street Northwest, and legally described as Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East, P.M. MT, Cascade County, Montana

From: Gregory Gordos, Planner I, Planning and Community Development

Initiated By: Dana Hennen dba Phoenix Group

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission conduct public hearing for a minor subdivision, approve Resolution 10128.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (approve /deny) the Amended Plat of the subject property and accept the Findings of Fact and conditions stipulated by the Planning Advisory Board.”

and;

“I move that the City Commission (adopt/deny) Resolution 10128, granting a Conditional Use Permit for a Residence, townhouse on the subject property, and (accept/reject) the accompanying Findings of Fact, preliminary plans, and conditions stipulated by the Zoning Commission.”

2. Mayor calls for a second, Commission discussion, and calls for the vote.

Recommendation

At the conclusion of a public hearing held on November 24, 2015, the Zoning Commission recommended the City Commission approve the Conditional Use Permit to construct a Residence, townhouse on the subject property legally described above.

At the conclusion of a public hearing held on December 8, 2015, the Zoning Commission recommended the City Commission approve the Minor Subdivision to amend the plat for the subject property legally described above.

Both recommendations are subject to the attached conditions of approval.

Notice of public hearing before the Planning Advisory Board/Zoning Commission was published in the *Great Falls Tribune* on November 5, 2015. Notice of Public Hearing before the City Commission was published in the *Great Falls Tribune* on January 9, 2016.

Project Description

Dana Hennen, the property owner, has proposed the use of a single residential lot for the creation of two (2) townhouse units. The lot requires a minor subdivision of the lot in addition to a Conditional Use Permit in order to create two separate properties for the townhome. The shared wall would divide the single two story structure.

Both townhome units consist of one floor above grade and a basement below, and a set of stairs joining the floors on the east side of the building. The prominent entrance for each unit is a garage facing 2nd Street Northwest; however, there are separate entryways with connections to the proposed sidewalk. Each unit contains two bedrooms and two bathrooms with a shared wall along the proposed property line. The front of the townhouses are set back twenty feet from the property line.

Conditional Use Permit

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may be appropriate under certain conditions. Chapter 20 of Title 17 of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use Permit (CUP) before permitting a use that is classified as a “Residence, townhouse”. A “Residence, townhouse” is defined as a building that contains multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances. The CUP process is typically done to allow staff and the City’s decision making bodies to establish appropriate conditions onto the project to protect the health, safety and general welfare of neighboring property owners and the public. Additionally, it gives the public the opportunity to voice any concerns or support they may have on the proposed development.

Subdivision Request

The applicant is requesting a minor subdivision of the subject property, which consists of ±8,700 square feet. The request is to subdivide the property into two lots. The proposed northern lot will become Lot 6A-A and the proposed southern lot will become Lot 6A-B. Both lots will be ±4,350 square feet and each will have one townhouse unit (see attached Draft Amended Plat).

Zoning Analysis

The proposed development is within the R-2 Single-family medium density zoning district. This zoning district is intended to accommodate primarily single-family homes in a residential setting, although commercial corridors such as 3rd Street Northwest and Smelter Avenue are within proximity to this neighborhood. The development standards of this zoning district facilitate buildings set back from the street and from their neighbors. Special standards applying to townhouse new construction requires this development to be set back twenty feet from 2nd Street

Northwest, equal to R-2 zoning standards. The proposed development building envelope lines up with an adjacent commercial land use. Entrances for both units will face the street by utilizing concrete pathways leading to 2nd Street Northwest.

Infrastructure

Streets & Utilities

Sidewalk, curb and gutter improvement along both Colorado Avenue Northwest and 2nd Street Northwest would significantly improve what is a currently vacant lot adjacent to a commercial business. Each unit would have an attached garage and driveway facing 2nd Street Northwest.

The applicant will be providing substantial improvements to both 2nd Street Northwest and Colorado Avenue Northwest as part of the subdivision and Conditional Use Permit (CUP) process. Curb and gutter as well as sidewalks are proposed and will be designed with the assistance of the City Public Works Department and is outlined in the conditions of approval, which would be formalized if Resolution 10128 is adopted.

Stormwater Management

There is no drainage infrastructure currently in place on the subject property. The lot is currently vacant.

Proposed infrastructure and drainage conveyance shall be maintained as directed by the City Public Works Department. This may consist of a drainage easement and a ditch. It may be necessary to re-grade and realign this swale.

The applicant is required to provide a site grading plan of the subject property for review and approval by the City Public Works Department.

Traffic Analysis

Traffic is expected to be minimal with the proposed development. Traffic flow will enter and exit from 2nd Street Northwest with each unit containing a front-facing garage. Driveway locations will prevent on-street parking. Units are a city block from Smelter Avenue Northwest and the flow of traffic will likely continue south from the proposed garages to this arterial road. Construction of curb, gutter and sidewalk along both street faces is required.

Parking

The proposed project would provide two parking spaces per dwelling as required under Exhibit 36-1 of Title 17-Land Development Code. Spaces are provided within front-facing two-car garages facing 2nd Street Northwest.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. Patty Cadwell, Neighborhood Council Coordinator, itemized the project on the Council's November 5th 2015 agenda. The council voted to support the project. To date staff has received two letters in opposition to the project, which are attached.

Fiscal Impact: Approval of the Conditional Use Permit and minor subdivision will allow the applicant to develop a vacant lot. The improvements will increase the tax base of the City and improve the public right of way.

Concurrences: Representatives from the City's Public Works, Park and Recreation, and Fire Departments have been involved throughout the review and approval process for this project.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits: Conditions of Approval
 Findings of Fact - Minor Subdivision
 Findings of Fact - Conditional Use Permit
 Resolution 10128
 Aerial Map
 Zoning Map
 Proposed Site Plan
 Draft Amended Plat
 Citizen Letters

Cc: Jim Rearden, Public Works Director
 Dave Dobbs, City Engineer
 Patty Cadwell, Neighborhood Council Coordinator
 Dana Hennen, Applicant, Property Owner
 phoenixgroup@bresnan.net

CONDITIONS OF APPROVAL

Conditional Use Permit – Residence, townhouse

Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East,
P.M. MT, Cascade County, Montana

General

1. **Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the City approved plans and these conditions of approval is a violation of the Official Code of the City of Great Falls (OCCGF), subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
2. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the Director of Planning and Community Development) is hereby authorized to permit minor changes, as provided below.
 - a. **Revised Plans.** Before making changes, the Applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
 - b. **Dimensional Changes.** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
 - c. **Materials Changes.** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
 - d. **Public Works Changes.** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
 - e. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. ‘Substantial Change’ is defined here in order to clarify the contrasting term, ‘Minor Change.’ A Substantial Change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
 - f. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional

uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the permit be amended following the same public process used for its adoption.

Planning

3. **Expiration:** The conditional use permit shall expire one (1) 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.
4. **Abandonment.** If a conditional use ceases to operate for more than six (6) months, the Conditional Use Permit is void.
5. **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.

Building

6. **Building Plans:** The Applicant shall provide a full set of building plans for future construction that includes, but is not limited to, architectural plans to the Administrator for review and approval, prior to the issuance of zoning and building permits.

Fire

7. **Building Plans:** The Applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.

Public Works

8. **Civil Plans:** The Applicant shall provide a half size set of civil plans for review and approval by the Director of Public Works before zoning or building permits are issued by the Administrator. The Applicant will provide a full set of as-built plans to the Director of Public Works within 90 days after completion of the approved work.
9. **Water and Sewer:** The civil plans shall be accompanied by estimates of the project's demand for water, including fire flows, domestic and industrial water demand, and wastewater discharge amounts. A properly sized domestic water service line and sewer service line shall conform to standard City sizes.
10. Each townhome shall have a separate water and sewer service. The existing water and sewer service line(s) stubbed into the lot may be reused providing they are in accordance with current City Code and standards.
11. **Sidewalk Drains:** The Applicant shall submit plans to the Director of Public Works for review and approval showing compliance with City Standard Drawing 5-16 for any and all proposed sidewalk drains on either 2nd Street Northwest or Colorado Avenue Northwest adjacent to the property.

- 12. Initial Compliance On and Off Site Civil:** The Applicant shall submit for review to the Director of Public Works any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Director of Public Works for review.
- 13.** The Developer shall be responsible for grading the boulevard areas to a +2% grade from top of curb to the property line and installing standard public sidewalk in the boulevard area along 2nd Street Northwest and Colorado Avenue Northwest. A standard sidewalk handicap ramp shall be installed at the southwest corner of the intersection. Driveways shall be in accordance with City codes and standards.
- 14. Curb and Gutter:** The Developer shall be responsible for the installation and cost of street curb and gutter abutting 2nd Street Northwest and Colorado Avenue Northwest. Per request of the Developer, the City Engineers Office has agreed to survey site and design the curb and gutter alignment and grade. The Developer would reimburse the City for our design services and construction staking costs. Developer shall have his contractor perform excavation for the curb and gutter and the portion of the street being reconstructed, and install the curb and gutter. The City will supply and install the subgrade separation fabric, gravel base and asphalt pavement under curb and in reconstructed portion of the street at the City's cost.

Minor Subdivision

- 15.** The Amended Plat of Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 03 East, P.M. MT, Cascade County, Montana, shall incorporate corrections of any errors or omissions noted by Staff.
- 16.** Any development in the subdivision is subject to review and approval by the City of Great Falls as necessary, and the applicant shall be required to submit any plans including engineering, architectural, and landscaping as required for review and approval by the City.
- 17.** Applicant shall provide a site grading plan of the subject property for review and approval by the City Public Works Department.
- 18.** Each property owner for lots in subdivision shall be responsible for any current or future maintenance of their own property with the understanding a shared maintenance agreement for the common or shared features of the townhouse structure will be established; the City shall not be responsible for any property maintenance in the subdivision.
- 19.** Applicant shall work with the City's addressing department to establish a new address for the proposed residences and provide facilities for adequate mail delivery to both residences as required by the post office.

FINDINGS OF FACT

Minor Subdivision

PREPARED IN RESPONSE TO 76-3-608(3)MCA

Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East,
P.M. MT, Cascade County, Montana

PRIMARY REVIEW CRITERIA:

Effect on Agriculture: The lots within the proposed subdivision are in the City of Great Falls and are not currently being utilized for agricultural purposes. The development of the property will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that are existing in the vicinity are residential uses and the infill development would occupy one of the last vacant lots within the neighborhood.

Effect on Local Services: When development occurs on the lots within the subdivision, they will connect to City water and sewer mains. The applicant agrees to pay for and install all necessary utilities to the subdivision after the Amended Plat is approved. The City shall provide water and sewer service to the lots, which will be assessed and required to pay standard City fees for these services. The City should not experience an appreciable increase in maintenance and operating costs by approving the subdivision.

The lots are located within the City of Great Falls, and the City provides law enforcement and emergency services to the tracts of land in the subdivision. The nearest fire station is within approximately four minute response coverage from the subject parcel, which is within sufficient travel time for emergency services. Providing these services to the proposed development is expected to be a negligible cost to the City.

Adjacent to the subdivision are Smelter Avenue Northwest, Colorado Avenue Northwest, and 2nd Street Northwest, which are paved public roadways maintained by the City of Great Falls. 2nd Street Northwest will be used to access the proposed subdivision. There are no additional roadways, other than driveways, proposed internally for this subdivision. Driveways will be maintained at the property owner's expense.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the quality or quantity of ground water because the future development proposed on the subject property is limited to a single Residence, townhouse structure occupying both lots.

Effect on Wildlife and Wildlife Habitat: The proposed subdivision is located adjacent to an area containing urbanized development. The project is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands. A letter received by the Planning and Community Development Department on November 23, 2015, indicated that a Swainson Hawk seasonally nests within trees adjacent to the subject properties. The subdivision and subsequent redevelopment of the lot is not anticipated to displace the animal as these trees will remain in place.

Effect on Public Health and Safety: Based on available information, the proposed subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines. The proposed development would remove a vacant, unmaintained lot.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The minor subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

The applicant shall provide all necessary utility easements to accommodate water, stormwater and sanitary sewer mains to serve any future development on the subject property.

LEGAL AND PHYSICAL ACCESS

The subject property is bounded by 2nd Street Northwest and Colorado Avenue Northwest; these roadways are paved public roadways that are maintained by the City of Great Falls. The proposed subdivision will have direct access from 2nd Street Northwest, which provides the legal and physical access required by state statute.

FINDINGS OF FACT

Conditional Use Permit – Residence, townhouse

PREPARED IN RESPONSE TO 17.16.36.040 OF THE LAND DEVELOPMENT CODE

Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East,
P.M. MT, Cascade County, Montana

Conditional Use Permit Basis of Decision

The basis for decision for Conditional Use Permits is listed in Section 17.16.36.040 of the Land Development Code of the City of Great Falls. The Zoning Commission recommendation and the decision of the City Commission shall at a minimum consider the following criteria:

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

The proposed Conditional Use Permit request is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project specifically supports Social and Physical Goals and Policies of the Growth Policy.

Social:

§ Soc 1.4.6: *Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.* Approving the CUP provides a townhouse development option to residents in the northeast side of the city, providing an alternative to single-family detached housing and apartments while proposing for-ownership units with front-facing attached garages.

§ Soc 1.4.13 *Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.* Approving the CUP removes a vacant lot from the neighborhood and proposes a structure consistent with building setbacks of residences adjacent to the development (both minimum front yard setbacks equal 20 feet, per the Land Development Code Exhibit 20-4). Sidewalks connecting the neighborhood would be provided under this proposal.

Environmental:

§ Env 2.3: *Enhance the urban built environment by promoting infill and redevelopment in the City.*

This project utilizes vacant, residentially zoned land in Great Falls by utilizing existing infrastructure.

Physical:

§ Phy 4.1.4: *Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.*

The proposed development would provide curb-and-gutter street facilities where none currently exist and add sidewalks to both 2nd Street Northwest and Colorado Avenue Northwest. The developer has proposed concrete walkways to each unit from the street to provide safe, walkable access for residents. The proposed Residence, townhouse adds diversity of housing types while preserving the residential intent of the area.

§ Phy 4.1.5: *Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.*

Approval of the CUP allows development on the vacant site, maximizing the City's existing infrastructure.

No neighborhood plans have been adopted for this area.

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

The CUP allows the City to place appropriate conditions on specific projects to help mitigate or reduce the total off-site nuisances a project may have on the surrounding properties and environment. The conditions listed under the Conditions of Approval in this report apply specific measures to protect the health, safety, and general welfare of the public. It is not anticipated the proposed development will have an adverse impact on the surrounding properties or to the public.

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.

Development of the lot will not impair property values within the neighborhood and the project will not be injurious to the use and enjoyment of property in the immediate vicinity, as the development will comply with the development standards in the R-2 zoning district. Once completed, the project will be a compatible addition to the urban environment of the block by providing comparable setbacks to adjacent commercial and residential uses in the area.

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 proposed project will not impede the normal and ordinary development and improvement of surrounding properties. Adjacent property owners have been notified about the project. Staff has received comment regarding the neighborhood on November 17th. Neighbors to the proposed development voiced concerns regarding existing neighbors' storage of vehicles, in the neighborhood but not within the project area. The residents had no concern with on-site parking but voiced concerns about how current on-street parking is being utilized on Colorado Avenue Northwest. In addition, it was noted that a Swainson Hawk seasonally uses trees within the area for nesting. There are no plans by the developer to remove these trees on the western portion of the property.

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

Adequate services and infrastructure exist to operate the proposed project. Substantial investments by the applicant include installation of road curb and gutter per Public Works standards and installation of sidewalks on the property facing both Colorado Avenue Northwest and 2nd Street Northwest.

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 proposed project will be accessed from the 2nd Street Northwest public right-of-way. It is anticipated that the two units will create minimal traffic; the existing public street has adequate capacity to accommodate any new traffic.

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 proposed project will conform to all the applicable regulations of the Land Development Code, specifically within the R-2 zoning district, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

RESOLUTION 10128

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A RESIDENCE, TOWNHOUSE ON THE PROPERTY ADDRESSED AS 114 2ND STREET NORTHWEST, AND LEGALLY DESCRIBED AS LOT 6A, BLOCK 2, VILES AND ROBINSON ACRE TRACTS, SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M MT, CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, Dana Hennen dba Phoenix Group, owner, has petitioned the City of Great Falls for a Conditional Use Permit to allow for the construction of a Residence, townhouse on the property addressed as 114 2nd Street Northwest and legally described as Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East, P.M. MT, Cascade County, Montana; and,

WHEREAS, the subject property is presently zoned R-2 Single-family medium density wherein the operation of a Residence, townhouse is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the construction of a Residence, townhouse on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on November 24, 2015 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property legally described as Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East, P.M. MT, Cascade County,

Montana, to allow for the construction of a Residence, townhouse on a portion of the site, subject to the following conditions:

1. Approved Plans and Conditions: Failure to build and/or operate the conditional use in accord with the City approved plans and these conditions of approval is a violation of the Official Code of the City of Great Falls (OCCGF), subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
2. Modifications: It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
 - a. Revised Plans. Before making changes, the Applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
 - b. Dimensional Changes. Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
 - c. Materials Changes. Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
 - d. Public Works Changes. Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
 - e. Substantial Change. Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A Substantial Change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
 - f. Changes in Use. Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or

changes in the types of materials present on the site, may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the permit be amended following the same public process used for its adoption.

3. **Expiration:** The conditional use permit shall expire one (1) 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.
4. **Abandonment.** If a conditional use ceases to operate for more than six (6) months, the Conditional Use Permit is void.
5. **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.
6. **Building Plans:** The Applicant shall provide a full set of building plans for future construction that includes, but is not limited to, architectural plans to the Administrator for review and approval, prior to the issuance of zoning and building permits.
7. **Building Plans:** The Applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.
8. **Civil Plans:** The Applicant shall provide a half size set of civil plans for review and approval by the Director of Public Works before zoning or building permits are issued by the Administrator. The Applicant will provide a full set of as-built plans to the Director of Public Works within 90 days after completion of the approved work.
9. **Water and Sewer:** The civil plans shall be accompanied by estimates of the project's demand for water, including fire flows, domestic and industrial water demand, and wastewater discharge amounts. A properly sized domestic water service line and sewer service line shall conform to standard City sizes.
10. Each townhome shall have a separate water and sewer service. The existing water and sewer service line(s) stubbed into the lot may be reused providing they are in accordance with current City Code and standards.
11. **Sidewalk Drains:** The Applicant shall submit plans to the Director of Public Works for review and approval showing compliance with City Standard Drawing 5-16 for any and all proposed sidewalk drains on either 2nd Street Northwest or Colorado Avenue Northwest adjacent to the property.
12. **Initial Compliance On and Off Site Civil:** The Applicant shall submit for review to the Director of Public Works any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Director of Public Works for review.

13. The Developer shall be responsible for grading the boulevard areas to a +2% grade from top of curb to the property line and installing standard public sidewalk in the boulevard area along 2nd Street Northwest and Colorado Avenue Northwest. A standard sidewalk handicap ramp shall be installed at the southwest corner of the intersection. Driveways shall be in accordance with City codes and standards.
14. Curb and Gutter: The Developer shall be responsible for the installation and cost of street curb and gutter abutting 2nd Street Northwest and Colorado Avenue Northwest. Per request of the Developer, the City Engineers Office has agreed to survey site and design the curb and gutter alignment and grade. The Developer would reimburse the City for our design services and construction staking costs. Developer shall have his contractor perform excavation for the curb and gutter and the portion of the street being reconstructed, and install the curb and gutter. The City will supply and install the subgrade separation fabric, gravel base and asphalt pavement under curb and in reconstructed portion of the street at the City's cost.
15. Acceptance of Conditions: No zoning or building permit shall be issued until the Applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

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

That a Conditional Use Permit be granted at the property legally described as Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East, P.M. MT, Cascade County, Montana to allow for the establishment of a Residence, townhouse, conditioned upon the owner complying with the said conditions; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on February 2, 2016.

Robert Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk



(SEAL OF CITY)

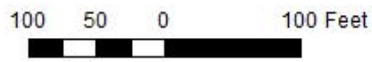
APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

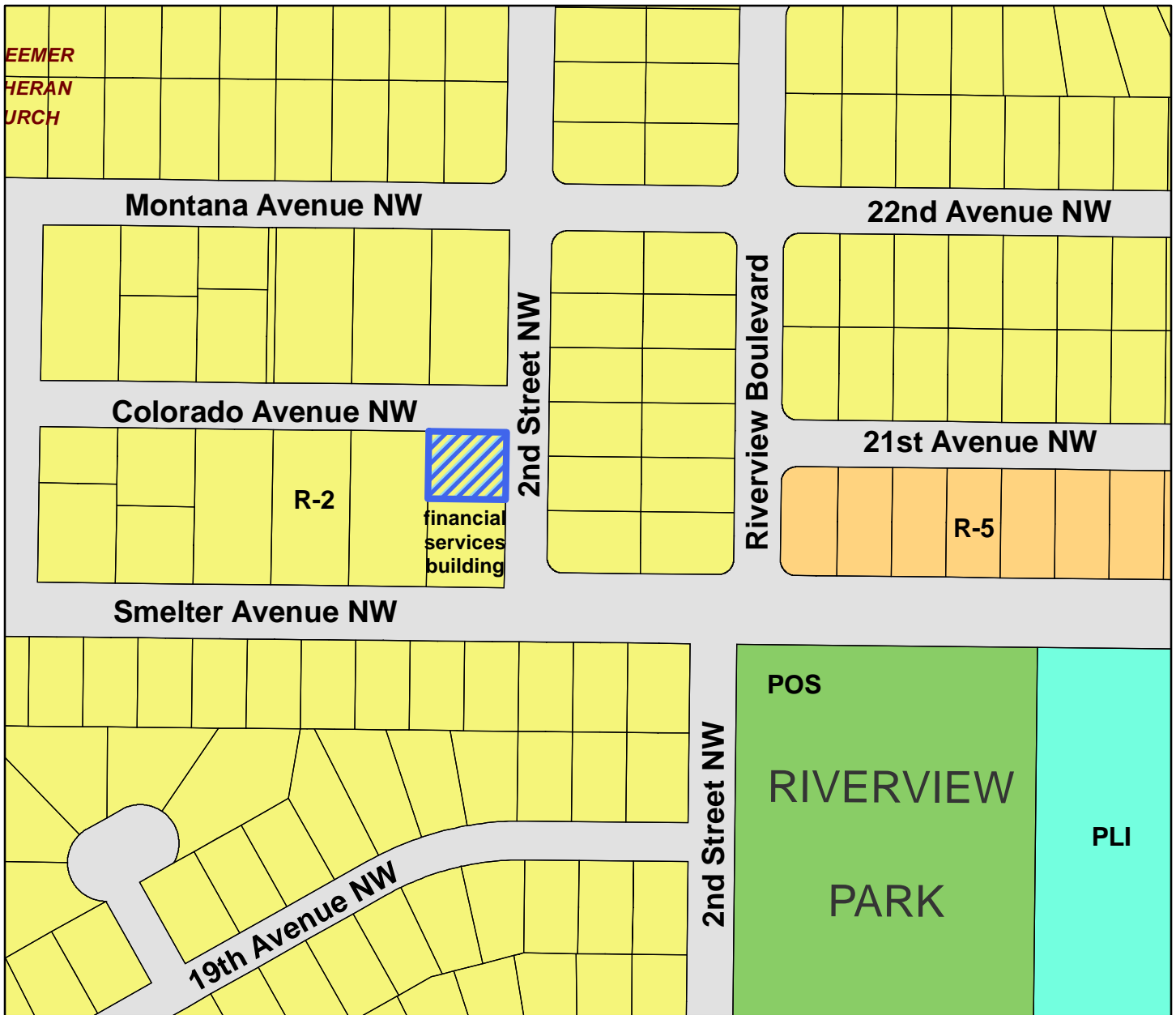
Aerial Photo










-  Subject Property
-  Tracts of Land

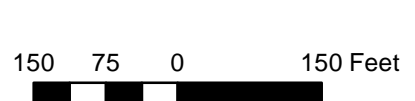


Zoning Map



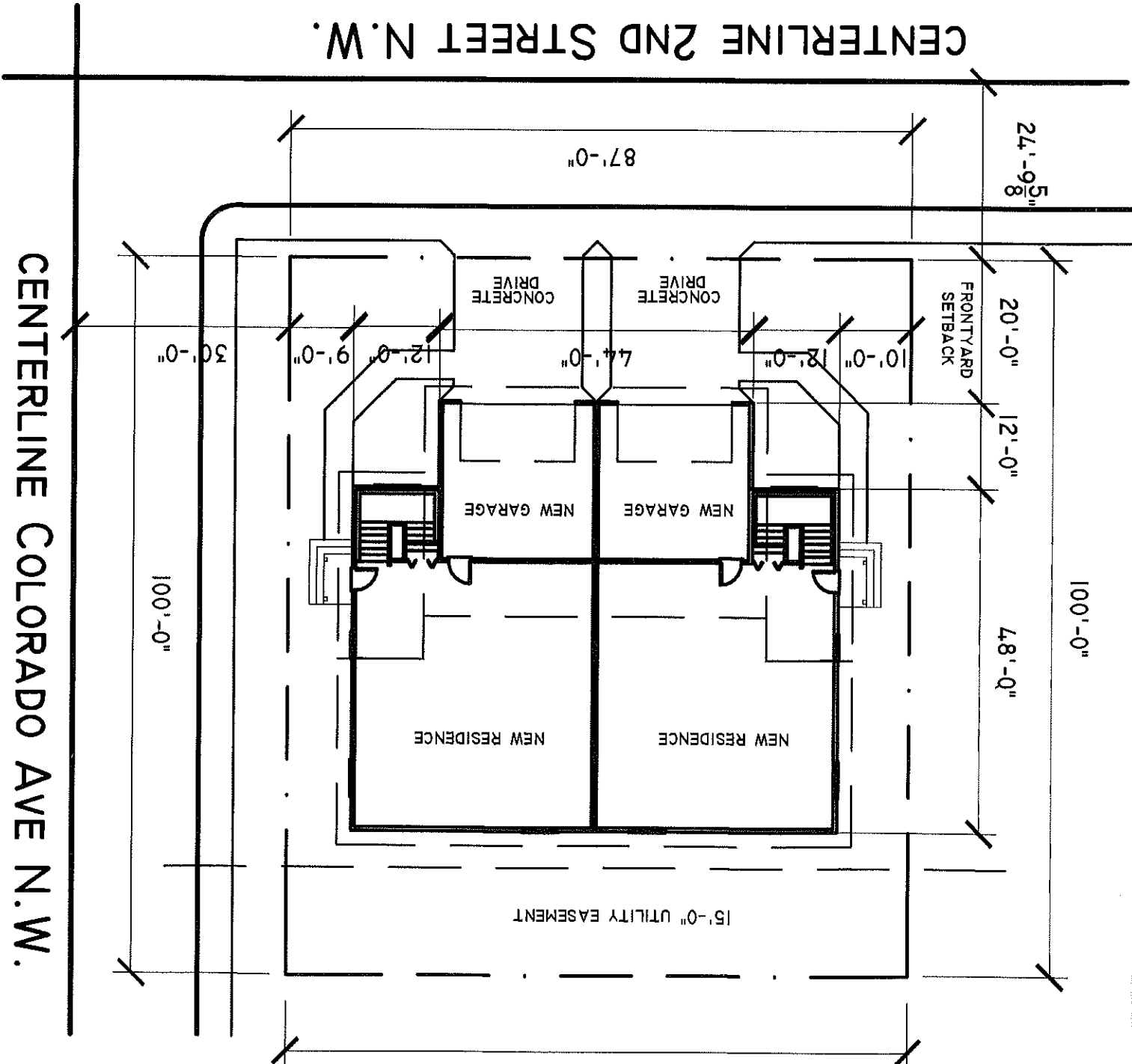
-  Subject Property
-  R-2 Single-family Medium Density
-  POS Parks and Open Space
-  Tracts of Land
-  R-5 Multi-family Medium Density
-  right-of-way
-  PLI Public Lands and Institutional

ZONING



SITE PLAN

SCALE 1" = 20'-0"



A NEW HOME FOR:

PHOENIX CONSTRUCTION

ADDRESS: 114 2ND STREET N.W.

LEGAL:

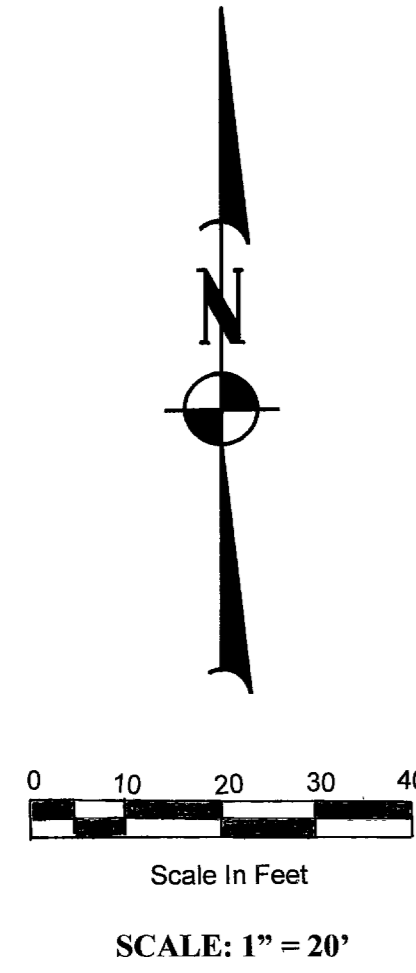
LOT 6A, AMENDED LOT 6

BLOCK 2

VILES' & ROBINSON'S ACRE TRACTS

GREAT FALLS, MT 59404

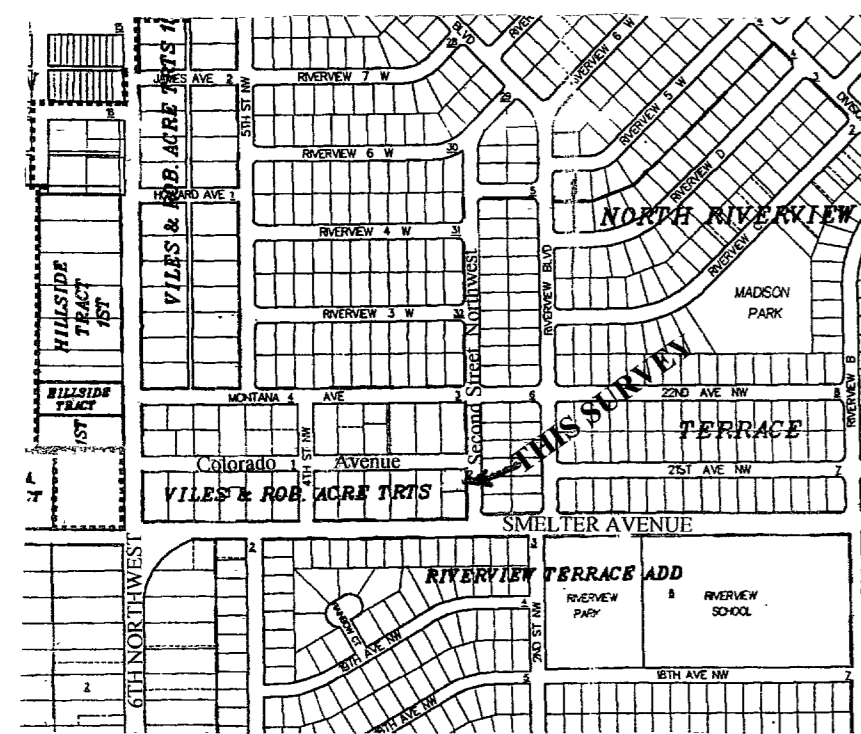
Amended Plat Of Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana. A SUBDIVISION IN THE SOUTHWEST 1/4 SOUTHWEST 1/4 SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M.



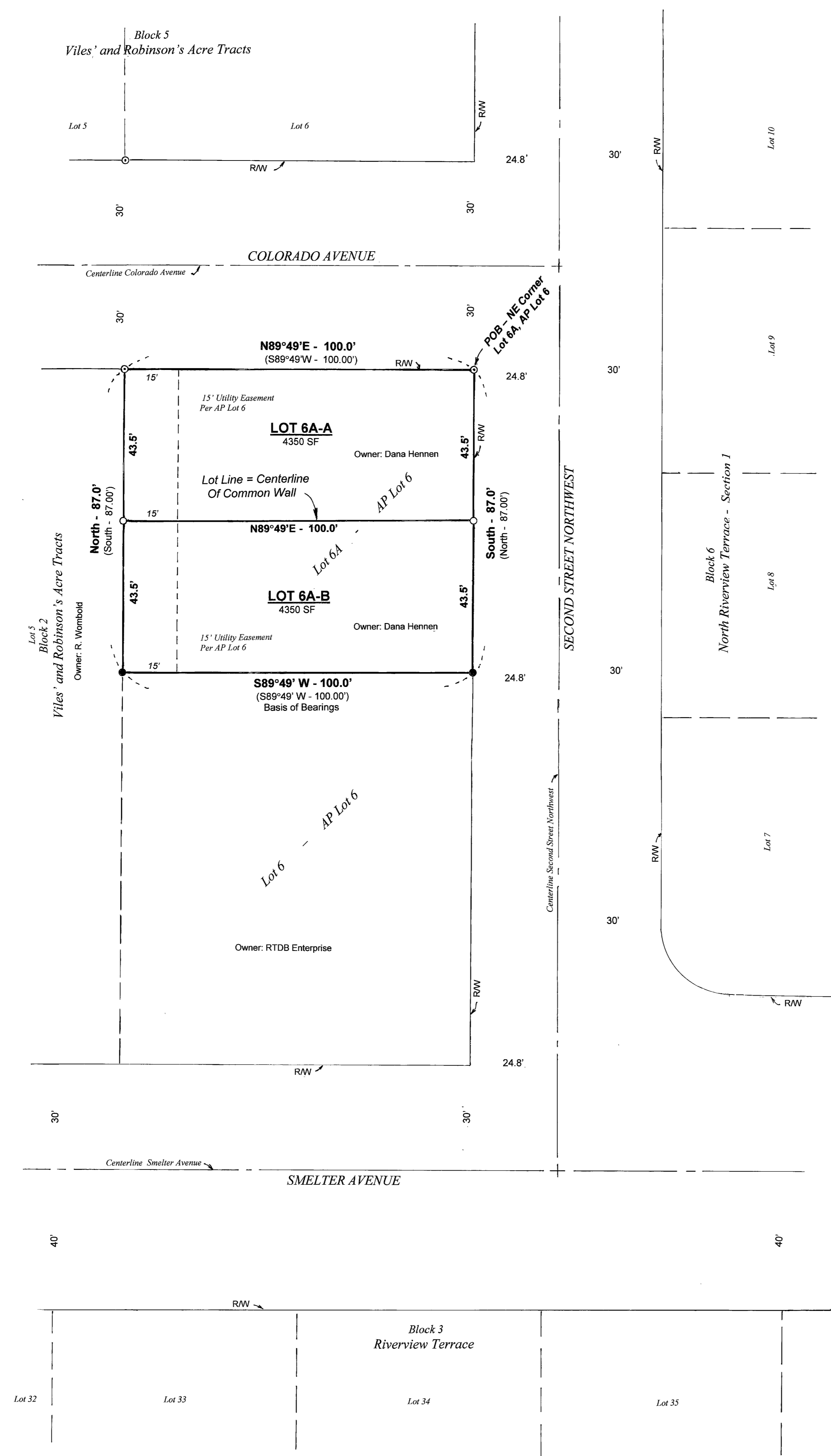
TOTAL AREA: 0.20 Acre = 8700 SF
DATES OF SURVEY: September 17 - 18, 2015

- LEGEND**
- Found 1/2" Iron Pin (Rebar) With YPC "D. Hennen"
 - ⊙ Found 1/2" Iron Pin (Rebar) With Damaged YPC
 - Set 5/8" Iron Pin (Rebar) with YPC "HODGES 4593ES"
 - AP Lot 6 Amended Plat of Lot 6, Block 2, Viles' and Robinson's Acre Tracts to Great Falls, Cascade County, Montana
 - () Record Per AP Lot 6
 - POB Point of Beginning
 - YPC Yellow Plastic Cap
 - R/W Street Right of Way
 - SF Square Feet

- NOTES:**
1. It was not the intent of this survey to locate or show all easements that may affect the subject property.
 2. Basis of Bearings – Between found monuments on south line of Lot 6A, Amended Plat of Lot 6, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana.



LOCATION MAP
No Scale



CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND
Pursuant to Section 76-3-621(3)(d), M.C.A.: "A park dedication may not be required for: (d) a subdivision in which only one additional parcel is created", I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Cascade County, Montana, found that no cash donation or dedication of any park or playground is required within the Amended Plat of Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana.

Date: _____
GREGORY T. DOYON, City Manager,
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION
I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying amended was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting on the _____ day of _____, 20____.

Date: _____
GREGORY T. DOYON, City Manager,
City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES
I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-124, M.C.A., thereby permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

Date: _____
GREGORY T. DOYON, City Manager,
City of Great Falls, Montana

CERTIFICATE OF PUBLIC SERVICE DIRECTOR
I, Jim Rearden, Public Service Director for the City of Great Falls, Montana, do hereby certify that I examined the accompanying amended plat and the survey it represents, and that I found the same conforms to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same.

Date: _____
JIM REARDEN, Public Service Director,
City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD
We, the undersigned, R. Nathan Weisenburger, President of the Great Falls Planning Board, Great Falls, Cascade County, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that this amended plat was submitted to said Great Falls Planning Board for examination and was found to conform to law and was approved at a meeting held on the _____ day of _____, 20____.

R. NATHAN WEISENBURGER, President CRAIG RAYMOND, Secretary

PURPOSE
The purpose of the survey shown on this plat was to subdivide Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana, into two lots.

CERTIFICATE OF OWNER
I, the undersigned property owner, do hereby certify that I have caused to be surveyed and subdivided into two lots as shown on the attached plat, a tract of land in the southwest quarter of the southwest quarter of Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, said tract being Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana, and being more fully described as follows: Beginning at the northeast corner of Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls; thence South 87.0 feet along the west right of way line of Second Street Southwest to the southeast corner of Lot 6A; thence South 89°49' West 100.0 feet to the southwest corner of Lot 6A; thence North 87.0 feet to the south right of way line of Colorado Avenue and the northwest corner of Lot 6A; thence North 89°49' East 100.0 feet along the south right of way line of Colorado Avenue to the northeast corner of Lot 6A and the Point of Beginning; containing 0.20 acres (8700 square feet).

The above described tract is to be known and designated as **Amended Plat of Lot 6A, Amended Plat Of Lot 6, Block 2, Viles' and Robinson's Acre Tracts To Great Falls, Cascade County, Montana.**

I also certify that this division of land is excluded from review by the Montana Department of Environmental Quality pursuant to Section 76-4-125(2)(d), M.C.A.: "divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided".

Date: _____
DANA R. HENNEN
STATE OF MONTANA }
County of Cascade } ss
On this _____ day of _____, 20____, before me, _____
a Notary Public in and for the State of Montana, personally appeared DANA R. HENNEN and he acknowledged to me that he executed the foregoing Certificate of Owner.

Notary Public, State of Montana Residing at: _____
My Commission Expires: _____

CONSENT OF MORTGAGEE
The undersigned mortgagee does hereby consent to the division shown on this amended plat.

Date: _____
RTDB Enterprise, LLC
By: _____
RANDY BOGDEN Title: Principal
STATE OF MONTANA }
County of Cascade } ss
On this _____ day of _____, 20____, before me, _____
a Notary Public in and for the State of Montana, personally appeared RANDY BOGDEN and he acknowledged to me that he executed the foregoing Consent of Mortgagee.

Notary Public, State of Montana Residing at: _____
My Commission Expires: _____

CERTIFICATE OF SURVEYOR
I, James E. Hodges, Professional Engineer and Land Surveyor, do hereby certify that I made the survey as shown on this plat and that said survey is true and complete as shown.

Date: _____
JAMES E. HODGES, P.E. & L.S.
Montana License No. 4593ES

CERTIFICATE OF TREASURER
I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I examined the records covering the areas included on this amended plat, and find that all taxes on same have been paid up to date.

Date: _____
JAMIE BAILEY, Treasurer

Survey For Owner: DANA R. HENNEN			
1/4	Sec	T	R
SW	36	21N	3E
Job No. 2015-14			Sheet
F.B. No. LL			1
Drawn - JEH			Of
Date - 9/21/15			1

JAMES E. HODGES
Professional Engineer & Land Surveyor
Great Falls, Montana

DRAFT

To: Great Falls Zoning Commission

Re: Purposed CUP for two-unit townhouse at 114 2nd St NW (lot 6A, block 2, Viles and Robinson Acre Tracts)

November 23, 2015

We live at 120 2nd St NW, directly north, across Colorado Ave NW, from the purposed townhouse units, and have two main concerns about the request.

1. Parking and Population Density

Parking in the area is already a problem, mainly because the people at 109 and 113 2nd St NW, although they both have large double garages and double driveways, park on the street. Their garages are used for "other purposes" and their driveways always filled with many unused vehicles. This requires the vehicles they, and other people, use to often park on our east and south boulevards, plus the lot where the purposed townhouses would be built. We try to maintain our boulevard grass; we even purchased and planted special dry-land turf seed. However, the vehicles parked there kill the grass and leave ruts.

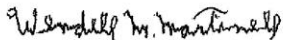
The purposed townhouses could add at least ten additional people living on a very small lot, and add untold number of vehicles to the problem.

2. Hawk Attack Danger


Anyone considering living on this lot in question must be told that they and their pets have a very good chance of being attacked by the large hawks living in the area every summer. We have put up with being attacked, as have other people here. We cannot go into our back yard from about June 23 to Sept 1 without danger. These hawks (Swainson's) are federally protected and according to the Federal Fish and Wildlife, the only thing that can be done to eliminate the problem is to remove the attractions. In this situation would be to remove the five large spruce trees on the west side of the lot and replace with small trees/shrubs. This might help the people in the townhouses otherwise they should expect to be attacked every summer.

We would like to see a residence built on this lot although the proposed townhouses appear to add too many people to a small area. Randy Bogden did a very nice job on remodeling the building on the south end of the lot and helped the appearance of the neighborhood.

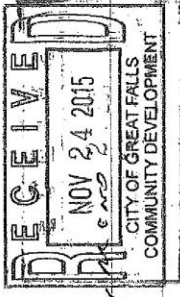
Sincerely,



Wendell M. Martinell



Carol Martinell



MR CLAY RAY

WE ARE STRONGLY AGAINST
ANY HOUSING AT 1142 W
ST NW

THE STREET IS NOT WIDE
ENOUGH TO HANDLE
THE PARKING NEEDS

AND IT WOULD TAKE
AWAY OUR CURRENT VIEW

ALSO OUR NEIGHBOR NEXT
TO US HAS A MENTAL
ISSUE. SHE DONT OK

ISNT ABLE TO HANDLE
CHANGE HAVING SOME ONE
ACROSS THE STREET MIGHT
JUST NOT WEE BEE

SHE DONT EVEN KNOW HER
GARS BECAUSE SHE DONT

KNOW HOW TO RUN A
LOCAL MARKET

PRETTY SURE MOST OF
US DONT WANT A
BUILDING ON THAT LOT.

SO - NO - WE ARE
AGAINST IT.

PAUL HUBER