

RESOLUTION 10011

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A MINI-STORAGE FACILITY ON THE PROPERTY LEGALLY DESCRIBED AS LOT 3 & LOT 5, HEREN ADDITION, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

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WHEREAS, JKW Enterprises, Inc. is the owner of record of the property legally described as Lot 3 & Lot 5, Heren Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, JKW Enterprises, Inc. has petitioned said property be rezoned to City zoning classification of M-2 Mixed-use transitional district; and,

WHEREAS, a Mini-storage Facility is permitted upon processing and approval of a Conditional Use Permit application in the M-2 zoning district; and

WHEREAS, JKW Enterprises, Inc. has applied for a Conditional Use Permit to allow multiple buildings consisting of ±58,716 square feet on said property to serve as a Mini-storage Facility; and

WHEREAS, the proposed Conditional Use Permit for a Mini-storage Facility 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 February 12, 2013, to consider said Conditional Use Permit application and at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit be granted to allow a Mini-storage Facility on said property subject to the following conditions:

1. **Amended Plat.** The Amended Plat of Lot 3 and Lot 5, Block 3, Heren Addition, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, herein referred to as Amended Plat, which eliminates property lines, thus aggregating two lots into one lot shall be filed by the developer with the County Clerk & Recorder's Office, and shall incorporate corrections of any errors or omissions noted by staff.
2. **Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
3. **Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings dated 12/19/2012.
4. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the M-2 Mixed-use transitional district designation.
5. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
6. **Subsequent modifications and additions.** If after establishment of a conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes 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.
7. **Landscape Screening.** Applicant shall provide and maintain a 15-foot landscape buffer including trees and shrubs along the north and northwestern portion of the property. Applicant shall provide landscaping in the boulevard.
8. **Utilities.** Any additional water and sewer lines be abandoned at the main so there is only one irrigation line serving the Mini-storage Facility (Lots 3 & 5), and one water and one sewer line serving the trailer court (Lot 4).

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

That the Conditional Use Permit to allow a Mini-storage Facility is hereby approved; and,

BE IT FURTHER REOLVED BY SAID CITY COMMISSION that, pursuant to Title 17, Section 16, Article 36 of the Unified Land Development Code, (1) the development of the subject property shall be substantially in accordance with the site plan attached as Attachment A and, by this reference; made a part hereof; (2) the Conditional Use Permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners; and, (3) the Conditional Use

Permit shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this resolution shall become effective immediately upon its passage and approval by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on April 2, 2013.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David L. Nielsen, Interim City Attorney