

RESOLUTION NO. 10108

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A LARGE FORMAT RETAIL STORE ON THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, EAST GREAT FALLS RETAIL CENTER ADDITION, NW¼ OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M., CASCADE COUNTY, MONTANA

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WHEREAS, Kyso Corporation is the owner of record of the property legally described as Lot 1, Block 1, East Great Falls Retail Center Addition, NW¼ of Section 15, T20N, R4E, P.M., Cascade County, Montana; and

WHEREAS, the subject property is presently zoned C-2 General Commercial district wherein a large format retail store is permitted upon processing and approval of a Conditional Use Permit; and

WHEREAS, Kyso Corporation has applied for a Conditional Use Permit to allow a large format retail store to be established on a portion of said property; and

WHEREAS, the proposed Conditional Use Permit for a large format retail store on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.20.5.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 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 1, Block 1, East Great Falls Retail

Center Addition, NW¼ of Section 15, T20N, R4E, P.M., Cascade County, Montana, to allow a large format retail store on a portion of the site, subject to the following conditions:

1. The final engineering drawings, specifications and cost estimates for public improvements for the large format retail store shall be submitted to the City Public Works Department for review and approval.
2. 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.
3. The proposed project shall be developed in accord with the preliminary plans on record.
4. An Improvement Agreement shall be entered into containing terms and conditions for the proposed development including, but not limited to the requirements set forth by Section 17.20.5.040(E) of the OCCGF:
 - i. A provision that prevents the property owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purposes.
 - ii. A provision requiring long-term maintenance of the development if the building is vacated.
 - iii. A provision requiring the preparation of an adaptive reuse plan or a demolition plan acceptable to the City.
 - iv. Other provisions deemed necessary by the City to address the particular circumstances related to the project.

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

That a Conditional Use Permit be granted for the property legally described as Lot 1, Block 1, East Great Falls Retail Center Addition, NW¼ of Section 15, T20N, R4E, P.M., Cascade County, Montana, to allow a large format retail store, conditioned upon the owner complying with the above 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 March 17, 2015.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney