

RESOLUTION 10127

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A COMMUNITY RESIDENTIAL FACILITY, TYPE II ON THE PROPERTY ADDRESSED AS 2211 5<sup>TH</sup> AVENUE NORTH, AND LEGALLY DESCRIBED AS LOT 12 AND EAST ½ LOT 13, BLOCK 169, GREAT FALLS FOURTH ADDITION, SECTION 6, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M. MT., CASCADE COUNTY, MONTANA.

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WHEREAS, The Society of St. Vincent de Paul of North Central Montana has petitioned the City of Great Falls for a Conditional Use Permit to allow for the construction of a Community residential facility, type II on the property legally described as Lot 12 and East ½ Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range 4 East, P.M. MT., Cascade County, Montana; and,

WHEREAS, the subject property is presently zoned R-3 Single-family high density wherein the operation of a Community residential facility is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the construction of a Community residential facility, type II 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 addressed as 2211 5<sup>th</sup> Avenue North and legally described as Lot 12 and East ½ Lot 13, Block 169, Fourth Addition, Section 6, Township 20 North, Range

4 East, P.M. MT., Cascade County, Montana, to allow for the construction of a Community residential facility, type II 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. Lot Aggregation: The applicant shall submit a development application for an Amended Plat in order to aggregate Lot 12 and East 1/2 Lot 13 before building permits are issued by the Administrator. Approval of the lot aggregation can be done administratively and upon review and approval will be filed with the Cascade County Clerk and Recorder.
7. 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.
8. 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.
9. 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.
10. Ingress/Egress: The applicant shall submit a file a written agreement between the property owner and Gateway Community Services and/or landowners of West 1/2 Lot 13 and Lot 14 in order to continue use of a driveway access off of 22nd Street North. If the applicant chooses not to maintain the aforementioned access, this driveway may not be used for the subject property.
11. 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 the 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 addressed as 2211 5th Avenue North to allow for the establishment of a Community residential facility, type II, 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 December 15, 2015.

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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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Sara R. Sexe, City Attorney