

RESOLUTION 10128

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A RESIDENCE, TOWNHOUSE ON THE PROPERTY ADDRESSED AS 114 2<sup>ND</sup> 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.

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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 2<sup>nd</sup> 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.

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Robert Kelly, 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