

RESOLUTION 10124

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A WORSHIP FACILITY ON THE PROPERTY ADDRESSED AS 1300 FERGUSON DRIVE, AND LEGALLY DESCRIBED AS LOT 3, BLOCK 1 OF SHANAHAN MINOR, LOCATED IN THE SW¹/₄ NE¹/₄ OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M. MT, CASCADE COUNTY, MONTANA.

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WHEREAS, Faith Lutheran Church has petitioned the City of Great Falls for a Conditional Use Permit to allow for the construction of a Worship Facility on the property legally described as Lot 3, Block 1 of Shanahan Minor, located in the SW¹/₄ NE¹/₄ of Section 22, Township 20 North, Range 3 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 Worship Facility is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the construction of a Worship 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 September 8, 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 1300 Ferguson Drive and legally described as Lot 3, Block 1 of Shanahan Minor, located in the SW¹/₄ NE¹/₄ of Section 22, Township 20

North, Range 3 East, P.M. MT., Cascade County, Montana, to allow for the construction of a Worship Facility on a portion of the site, subject to the following conditions:

General

1. Approved Plans and Conditions: Failure to build and/or operate the conditional use in accord with the 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 involves 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. Dust Control: Prior to start of construction, including any earthwork, except for boring and drilling for soil samples, the Applicant shall provide a Dust Control Plan that applies during construction operation. A Dust Control Plan shall be reviewed and approved by the Administrator.

7. Outdoor Lighting: The Applicant shall submit a photometric outdoor lighting plan to the Administrator for review and approval prior to issuance of zoning and building permits.

8. Landscaping: The Applicant shall submit a landscape plan that is consistent with all applicable standards listed in Chapter 44 of Title 17 of the OCCGF to the Administrator for review and approval, prior to issuance of zoning and building permits.

a. The Applicant shall install a 15-foot landscape buffer on the southern and western property line, consistent with the requirements outlined in Sections 17.44.3.030.C and 17.44.3.030.G of the OCCGF.

b. The Applicant shall install a 15-foot landscape buffer on the northern property line, consistent with the requirements outlined in Section 17.44.3.030.G of the OCCGF.

c. Due to soil conditions, the Applicant shall use xeriscaping techniques along the edges of the property, except for the eastern property line along Ferguson Drive, to reduce potential flooding of neighboring properties from irrigation.

d. The Applicant shall design all retention or detention ponds to be physically, functionally, and visually integrated into adjacent landscape areas, pursuant to Section 17.44.3.030.E of the OCCGF. Compliance with this code section shall be noted on the landscape plan. If necessary, the Administrator shall require the Applicant to provide a rendering to better illustrate compliance with this code section.

9. Noise: All noise producing activities, including, but not limited to bells or chimes, shall not exceed the prescribed residential district decibel (dB(A)) limits in Section 8.56.040 of the OCCGF, and adhere to the time restrictions.

10. Trash Enclosure: The Applicant shall install a trash enclosure. The enclosure shall be constructed of masonry block or decorative block or other durable material. Texture and color shall blend with the architecture of the building. Gate height shall be equal to enclosure height, and the gate shall be of a durable material, color and design which will blend with the enclosure.

11. Development Standards: In addition to other relevant standards in the OCCGF, the project shall comply with the dimensional development standards, prescribed in Exhibit 20-4 of the OCCGF of its assigned zoning district of R-3 Single-family high density.

12. Design Review: Prior to issuance of building and zoning permits, the Applicant shall receive approval from the Design Review Board. The Applicant is responsible for submitting an application and applicable plans and materials to the Planning and Community Development Department.

Building

13. Building Plans: The Applicant shall provide a full set of building plans 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.

14. Architectural Plans: The applicant shall provide a full set of architectural plans to the Planning and Community Development Department for review and approval, prior to issuance of building permits.

Fire

15. 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

16. Civil Plans (Initial Compliance On and Off Site Civil): The Applicant shall provide a half size set of civil plans for review and approval by the Director of Public Works and/or Montana Department of Environmental Quality 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.

a. Plans. The Applicant shall provide a set of civil plans, for review and approval by the Director of Public Works, for the construction and design of Ferguson Drive adjacent to Lot 3; extension of the water main from Ferguson Drive to Flood Road including provisions for future extensions to Serve Lot 1; extension of the storm drain from Grande Vista Park to serve the subject property including

provisions for future extension to serve Lots 1 and 2 (see b. below); extension of sanitary sewer main from Ferguson Drive to serve the subject property and provisions for future extension to serve Lots 1 and 2 (see b. below).

b. Master Planning. The civil plans (see a. above), shall show a master plan layout of: 1) future extension of a public street from Flood Road to a cul-de-sac terminus near the east end of Lot 1; 2) water main extensions along the future public street and portion of Lot 1 fronting Flood Road (not including the water main required for initial looping); westerly extension of the sanitary sewer main along the future public street to Flood Road; the northwesterly extension storm drain to the east side of the future public street cul-de-sac.

17. Stormwater: A Stormwater Management Plan shall be developed to City storm drain and design manual standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of zoning and building permits. The Applicant shall submit a final grading plan to the Director of Public Works for review and approval prior to issuance of zoning and building permits.

18. 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.

19. Private Driveway: The Applicant shall, at a minimum width of 22 feet, pave the private driveway with asphalt material, from Flood Road to the northern entrance of the property's parking lot. The Applicant shall submit detailed plans to the Public Works Department for review and approval by the Director of Public Works. At the time Lots 1 and 2 of Shanahan Minor annex and develop, the driveway shall be developed to a local public roadway standard, subject to review and approval by the Director of Public Works.

20. Public Easements: The Applicant shall provide easements for all public utilities on the subject property. The easements shall be 10 feet on each side of the centerline of the utility. The Applicant shall provide required easement documents to the Public Works Department for review and approval.

Acknowledgment

21. 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 addressed as 1300 Ferguson Drive to allow for the construction of a Worship Facility, 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 April 5, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney