

RESOLUTION 10158

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A VEHICLE REPAIR FACILITY ON THE PROPERTY ADDRESSED AS 800 CENTRAL AVENUE, AND LEGALLY DESCRIBED AS LOTS 1-4, BLOCK 360, GREAT FALLS ORIGINAL TOWNSITE, SECTION 12 TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M MT, CASCADE COUNTY, MONTANA.

WHEREAS, Lithia Real Estate, Inc. owners, have petitioned the City of Great Falls for a Conditional Use Permit to allow for the construction of a Vehicle repair facility on the property addressed as 800 Central Avenue and legally described Lots 1-4, Block 360, Great Falls Original Townsite, Section 12, T20N, R03 E, P.M. MT, Cascade County, Montana; and

WHEREAS, the subject property is presently zoned C-4 Central Business Core wherein the operation of a Vehicle repair facility is permitted upon processing and approval of a Conditional Use Permit; and

WHEREAS, the proposed Conditional Use Permit, for the construction of a Vehicle repair facility on said property, meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on July 26, 2016, 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 Lots 1-4, Block 360, Great Falls Original Townsite, Section 12, T20N, R03 E, P.M. MT, Cascade County, Montana, to allow for the construction of an Vehicle repair facility on a portion of the site, subject to the following conditions:

1. **General Code Compliance:** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the OCCGF, the State of Montana, and all other applicable regulatory agencies.
2. **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 OCCGF, subject to the penalties provided for such violations, and/or to civil process to compel the correction of violations.
3. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator is hereby authorized to permit minor changes, as provided below.

4. 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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 Conditional 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.
10. Abandonment: If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
11. 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, to the greatest extent possible.
12. Aggregation of Lots: The applicant shall aggregate the four lots that are shown

- within the project site into a single lot. Planning and Community Development staff shall approve the Amended Plat administratively and at a fee to be provided to the City.
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. 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.
 15. 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.
 16. Water and Sewer: Being the site is located in the Central Business District, a formal storm drainage design report and plan will not be required. The drainage improvements (inlets, piping and connection to City's existing storm drain) are satisfactory. An approved precast concrete manhole or inlet shall be utilized to connect to the City's storm drain.
 17. 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.
 18. Curb and Gutter: The Developer shall be responsible for the installation and cost of new street curb and gutter abutting 8th Street and Central Avenue where abutting the subject property. The abandonment of an existing driveway near the intersection of 9th Street and installation of the new driveway on Central Avenue shall include replacement of the curb and gutter. The cross section of the new curb and gutter shall match the existing curb. The new driveway shall conform to City standards (other than cross section of the curb).
 19. Loading Areas: The applicant shall submit for approval the dimensions of the proposed loading zone on 8th Street where City parking meters exist to date.
 20. Curb Cut: The curb cut as proposed on Central Avenue shall be approved by the City as required under OCCGF 17.32.150. Prior to the installation of a driveway curb cut or other access point onto a public street or right-of-way, the developer or owner shall obtain approval from the Montana Department of Transportation, Cascade County, or from the City. The City Engineer may require site driveway plans prior to approval and the start of construction on any driveway accessing any public street or right of way within the City. Curb cuts shall be located at the discretion, and by the approval of, the City Engineer to ensure traffic safety and the character of the neighborhood is maintained.
 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 CITY COMMISSION
OF THE CITY OF GREAT FALLS, MONTANA:**

That a Conditional Use Permit be granted at the property legally described as Lots 1-4, Block 360, Great Falls Original Townsite, Section 12, T20N, R03 E, P.M. MT, Cascade County, Montana to allow for the establishment of a Vehicle repair 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 August 16, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney