

RESOLUTION 10219

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “CONSTRUCTION MATERIAL SALES” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 1800 NORTHWEST BYPASS AND LEGALLY DESCRIBED AS MARK 26, PARK HIGHWAY GARDEN TRACTS ADDITION, SECTION 3, T20N, R3E, PM, CASCADE COUNTY, MT.

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WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “construction material sales” land use upon the property legally described as Mark 26, Park Highway Garden Tracts Addition, Sec. 3, T20N, R3E, PM, Cascade County, Montana (subject property); and

WHEREAS, the subject property is presently zoned M-2 Mixed Use Transitional and the present use is non conforming; and

WHEREAS, the proposed land use is a non-conforming use and per the Official Code of Great Falls (OCCGF) Section 17.64.020A1b states that a non-conforming, non-residential use may also be changed to another non-conforming use, or may be increased or expanded, through a conditional use permit procedure; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “construction material sales” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) §17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on November 28, 2017, to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a

“construction material sales” land use be granted by the City Commission for the subject property, subject to the following conditions:

CONDITIONS

1. 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.
2. Changes In Use. Conditional Uses are regulated as such because they may, without conditions, have offsite impacts. Therefore, a significant change in the character or intensity of use 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 year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
4. Abandonment. If a conditional use is established, but ceases to operate for more than six (6) months, the conditional use permit shall expire.
5. Design Review Board Process. The applicant shall submit the proposed project to City Staff for review by the Design Review Board and shall be subject to the Design Review Board’s recommendations.
6. Right Of Way. The driveway approach to Watson Coulee Road must meet current City Code requirements and design standards. If a sidewalk is ever to be installed along the west side of Watson Coulee Road, the owner shall cover the cost of sidewalk along the frontages.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That a Conditional Use Permit be granted for a “construction material sales” land use at the property addressed as 1800 Northwest Bypass, Great Falls, Montana, and legally described as Mark 26 of the Park Highway Garden Tracts Addition, Sec. 3, T20N, R3E, PM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on January 2, 2018.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Joseph Cik, Assistant City Attorney