

RESOLUTION 10220

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A "CONTRACTOR YARD, TYPE II" LAND USE UPON PARCELS OF LAND ADDRESSED AS 814 7TH STREET NORTH AND 611 8TH AVENUE NORTH, AND LEGALLY DESCRIBED AS PARCEL A OF COS 4145, LOTS 1-4, 8-9, 10-11, BLOCK 79, GREAT FALLS ORIGINAL TOWNSITE AND MARK 1, SW ¼ OF SECTION 01, T20N, R3E, PMM, 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 "contractor yard, type II" land use upon the property legally described as Parcel A of COS 4145, Lots 1-4, 8-9, 10-11, Block 79 of the Great Falls Original Townsite, and Mark 1 SW ¼ of Section 01, T20N, R3E, PMM, Cascade County, Montana (subject property); and

WHEREAS, the subject property is presently zoned M-2 Mixed Use Transitional, wherein a "contractor yard, Type II" land use is permitted upon receiving approval of a Conditional Use Permit; and

WHEREAS, the proposed Conditional Use Permit for the establishment of a "contractor yard, type II" 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 "contractor yard, type II" land use be granted by the City Commission for the subject property, subject to all of 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. Future Lighting. Any future lighting modifications shall be reviewed by City Planning Staff before installation.
6. Site Plans. A detailed Site Plan showing all improvements including parking, fencing, berming, and landscaping shall be submitted to the City within thirty days of approval of the permit by City Commission. The design and installation of the improvements, including maintenance of, must be approved by the City prior to installation.
7. Expiration of Improvements Installation. All submitted improvements to the property including parking, berm, landscape, and fencing improvements shall be installed by the applicant and inspected by City Staff by July 1, 2018, or the permit shall be null and void.
8. Alley. No rolled millings be placed within the alley and that the alley not be gated off where it dead ends into the property site.
9. Shared Property Line With City. The sanitary sewer manhole on the northwest corner of the site shall be left unobstructed by the berm. Also, the approach at the southwest property corner shall continue to allow access to the City-owned parcel to the west.
10. Right Of Way. New curbs, sidewalk, driveway, etc. shall be to current OCCGF requirements. The applicant or applicant's contractor shall adhere to the standard permit process for this work and the curb replacement shown on the plans.

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 "contractor yard, type II" land use at the property addressed as 814 7th Street North and 611 8th Avenue North, Great Falls,

Montana, and legally described as Parcel A of COS 4145, Lots 1-4, 8-9, 10-11, Block 79 of the Great Falls Original Townsite, and Mark 1 SW ¼ of Section 01, T20N, R3E, PMM, 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.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Joseph Cik, Assistant City Attorney