

RESOLUTION 10230

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “CONTRACTOR YARD, TYPE II” LAND USE UPON PARCELS OF LAND ADDRESSED AS 410 14th STREET SOUTHWEST, AND LEGALLY DESCRIBED AS BLOCK 1, AMERICAN BREWERY ADDITION, LOTS 8, 9, AND 10, BLOCK 10, AND LOTS 1 & 2, BLOCK 11, COMMUNITY HALL ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA.

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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 410 14th Steet Southwest, and legally described as Block 1, American Brewery Addition, Lots 8, 9, and 10, Block 10, and Lots 1 & 2, Block 11, Community Hall Addition, Great Falls, 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) Section 17.16.36.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 13, 2018 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 the following conditions:

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT:

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. **Land Use & Zoning:** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for the M-2 Mixed-use transitional district designation.
3. **Subsequent modifications and additions:** If after establishment the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
4. **Expiration and Abandonment:** The Conditional Use Permit shall expire six months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
5. **Design Review Board Process:** When future phases of the project propose to construct new buildings and/or additions that exceed five hundred (500) square feet, and/or exterior renovations, the applicant shall submit the proposed project to the Design Review Board and shall be subject to the Design Review Board's recommendations.
6. **Utilities:** Final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
7. **Building Permits:** A building permit application for development must be submitted within 30 days of final approval of the conditional use. The work on this development shall be substantially completed before June 1, 2018, and a Safety Inspection Certificate for the business approved by the Great Falls Fire Rescue Department by July 1, 2018.
8. **Outside Storage:** Storage and stockpiles of landscape material such as topsoil, bark, mulch, and nursery stock shall be maintained in a neat and orderly fashion and not strewn about the property.
9. **Waste Management:** Waste, yard waste, and other debris shall not be allowed to accumulate on the property. Existing Salvage materials such as wood debris and scrap

metals shall be disposed of properly. Existing piles of dirt and soil shall be stockpiled for future use in an orderly fashion, incorporated into the new landscape, or removed from the property.

10. Erosion Control and Dust Control During Site Development: A Dust Control Plan for the subject property shall be submitted for review and approved with the building permit application.

11. Buffer and Screening: Where the subject property abuts a residential use, the development must maintain a minimum fifteen (15) foot landscape buffer along the shared property line. Where vehicular traffic areas abut adjacent residential property, the area shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

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 410 14th Steet Southwest, and legally described as Block 1, American Brewery Addition, Lots 8, 9, and 10, Block 10, and Lots 1 & 2, Block 11, Community Hall Addition, Great Falls, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OCCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OCCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on 20th day of March, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney