

RESOLUTION 10277

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN "INDOOR SPORTS AND RECREATION" LAND USE UPON A PARCEL OF LAND ADDRESSED AS 901 9<sup>TH</sup> STREET NORTH, AND LEGALLY DESCRIBED AS LOTS 2-10A, BLOCK 76, GREAT FALLS ORIGINAL ADDITION, T20N, R3E, PMM, CASCADE COUNTY, MT.

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WHEREAS, Dan Bateman petitioned the City of Great Falls to approve a Conditional Use Permit to allow for the establishment of an "Indoor Sports and Recreation" land use upon the property legally described as Lot 2-10A, Block 76 of the Great Falls Original Addition, T20N, R3E, PMM, Cascade County, Montana (subject property); and,

WHEREAS, the subject property is presently zoned M-2 Mixed-use Transitional, wherein an "Indoor Sports and Recreation" land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of an "Indoor Sports and Recreation" 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 November 27, 2018 to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending that a Conditional Use Permit for an "Indoor Sports and Recreation" 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. Subsequent Modifications and Additions: If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. Expiration: The Conditional Use Permit shall expire one 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 involve landscaping that cannot be successfully established until the weather permits.
3. Abandonment: If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. 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.
5. Acceptance of Conditions: No zoning or building permit shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.
6. Off-Street Parking: Owner shall increase the off-street parking by constructing 15 new parking spaces. An additional 11 spaces shall be used as overflow in the northwest section of the property. The owner of the property shall provide additional parking in compliance with Title 17 or submit a written shared parking agreement when additional tenants occupy the premises or when change in use intensifies the parking demand. Any shared parking agreement shall be reviewed and approved by the Director of Planning and Community Development prior to tenant expansion or parking demand.
7. Compliance with Fire Department: Owner shall obtain written approval from the City Fire Marshall to allow low-light recreation use such as "laser-tag" within the building.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing on December 18, 2018, 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 an “Indoor Sports and Recreation” land use at the property addressed as 901 9<sup>th</sup> Street North, Great Falls, Montana, and legally described as Lot 2-10A, Block 76 of the Great Falls Original Addition, 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, pursuant to the Official Code of the City of Great Falls (OOCGF) 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 OOCGF 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 December 18, 2018.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney