

RESOLUTION 10391

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW "CONTRACTOR YARD, TYPE II" LAND USE UPON A PARCEL OF LAND ADDRESSED AS 214 7TH AVENUE SOUTH, AND LEGALLY DESCRIBED AS LOTS 5-10, BLOCK 479, GREAT FALLS ORIGINAL TOWNSITE 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 Lots 5-10, Block 479 of the Great Falls Original Townsite, 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 23, 2021 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. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, 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. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
3. **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.
4. **Acceptance of Conditions:** No Safety Inspection Certificate shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.
5. **Site Improvements:** The existing fence shall have, at the minimum, slats installed to screen the use from the public outside the property. The portion of the fence that is located on City Right-of-Way shall be moved to the property line.

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 214 7th Avenue South, Great Falls, Montana, and legally described as Lots 5-10, Block 479 of the Great Falls Original Townsite, 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 June 15, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney