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City of Columbia Falls  
130 6<sup>th</sup> Street West  
Columbia Falls, MT 59912

**RESOLUTION NO. 1729**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY PATRICK W. ROSE TO CONVERT THE FORMER CONVENIENCE STORE AND GAS STATION INTO A THREE PLEX APARTMENT AND MAINTAIN THE EXISTING MANAGERS UNIT ON TRACT B OF THE CRESCENT AMENDED PLAT EXCLUDING MDOT RIGHT-OF-WAY IN SECTION 9, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY.

WHEREAS, an Application been filed with the City by Patrick W. Rose requesting permission to convert the former convenience store and gas station property into a three plex apartment and maintain the existing managers unit to remain as the fourth residential unit on the property;

WHEREAS, the property is currently zoned CB-2 General Business but the applicant has also applied for a zone change to CRA-1 Residential Apartment which would allow, with conditional use, the proposed apartment complex;

WHEREAS, multi-family dwellings are a conditional use pursuant to 18.332.030 in the Columbia Falls Municipal Code;

WHEREAS, said requested conditional use permit was considered by the Columbia Falls City-County Planning Board at its regular meeting on July 12, 2016, and said Board recommended granting the proposed conditional use permit, with certain conditions; and

WHEREAS, said conditional use permit was considered by the City Council of the City of Columbia Falls, Montana, at a public hearing held during the Council's regularly scheduled meeting on Monday, August 1, 2016, pursuant to public notice as required by law, and all comments filed or voiced concerning said requested conditional use permit having been considered by the City Council, along with the recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact. That the City Council specifically finds that the conditions set forth in Section 18.332.030 of the Columbia Falls Municipal Code are accurately evaluated as set forth in Conditional Use Report #CCU-16-01 of the Columbia Falls Planning Office, and the City Council hereby adopts said report as findings of fact in support of the requested conditional use permit.

Section Two. Permit Approved. That based upon the findings of Section One of this Resolution, the Application by Patrick W. Rose to convert the former convenience store and Gas Station into a three plex apartment and maintain the existing managers unit on Tract B of the Crescent Amended Plat excluding MDOT right-of-way in Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County, is hereby approved.

Section Three. Conditional Use Permit. That the conditional use permit is approved, specifically contingent upon the conditions set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section Four. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 1<sup>st</sup> DAY OF AUGUST, 2016, THE COUNCIL VOTING AS FOLLOWS:

AYES: Lovering, Petersen, Piper, Shepard, Fisher, Karper and Barnhart

NOES: None

ABSENT: None

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CITY CLERK

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 1st DAY OF AUGUST, 2016.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT "A"**

1. The applicant shall develop the project as proposed, except as modified by these Conditions.
2. The applicant shall pave all parking areas and driveways.
3. The applicant shall provide an engineered drainage plans to address on site storm water disposal for the new impervious surface. This plan will need to be accepted by the City prior to issuance of a building permit.
4. The applicant shall either store individual refuse containers indoors or shall fully enclose with a sight obscuring fence materials the shared garbage container.
5. All sewer and water hookups shall be built according to plans and specifications approved by the City of Columbia Falls and meeting the City Standards for Public Works Improvements and the Montana Public Works Standard Specifications.
6. All conditions provided above and all improvements necessary for the operation of an apartment complex must be in place prior to the occupancy of the complex. Any elements such as landscaping not finished prior to the issuance of an occupancy permit, may be bonded for with signed improvements agreement approved by the City Manager for an amount not less than 125% of the cost of the remaining improvement.
7. The applicant shall remove the asphalt as indicated on the landscape plan and replace with grass and/or other groundcover and landscaping.
8. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations and all of the existing signage advertising the Stop and Shop shall be removed
9. A \$1,000 payment for the single parcel will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to Columbus Park or the baseball park just west of the project.
10. The applicant shall landscape the property in accordance with a plan approved by the City Planning Staff/City Manager.
11. The Conditional Use Permit shall terminate 18 months from the date of issuance if commencement of the authorized activity has not begun.