

ORDINANCE NO. 754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP TO ALLOW THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY AT 930 SECOND AVE WEST, A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M, FLATHEAD COUNTY, MORE PARTICULARLY DESCRIBED AS ALL OF BLOCK 67 OF FIRST ADDITION TO COLUMBIA FALLS ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN FLATHEAD COUNTY, STATE OF MONTANA TOGETHER WITH THE ABANDONED PORTIONS OF THIRD AVENUE WEST AND TENTH STREET IMMEDIATELY ADJACENT TO THE ABOVE DESCRIBED PARCELS AND LOT 1, LOT 6, THE NORTH 15-FEET OF LOT 2, AND THE NORTH 15-FEET OF LOT 7 OF BLOCK 70 OF FIRST ADDITION TO COLUMBIA FALLS ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN FLATHEAD COUNTY, STATE OF MONTANA TOGETHER WITH THE ABANDONED PORTIONS OF THIRD AVENUE WEST AND TENTH STREET IMMEDIATELY ADJACENT TO THE ABOVE DESCRIBED PARCELS. TOGETHER WITH AND SUBJECT TO ALL APPURTENANT SERVITUDES EXISTING OR OF RECORD. CONTAINING 2.55 ACRES MORE-OR-LESS.

WHEREAS, Ruis Holdings, LLC, the purported owner of the property, has requested an amendment to the Columbia Falls zoning map to allow the development of a Planned Unit Development (PUD) overlay on property zoned CB-2;

WHEREAS, the Columbia Falls Planning Department, on October 2, 2015, in Staff Report #CPUD-15-01, recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions;

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on October 13, 2015, and the Planning Board recommended approval of said Planned Unit Development subject to certain conditions;

WHEREAS, the Columbia Falls Planning Department adopted Staff Report #CPUD-15-01, without revision and recommended approval of the request to the City Council; and

WHEREAS, a hearing on the Planned Unit Development was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, October 19, 2015, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Columbia Falls City-County Planning Board, the report of the Columbia Falls Planning Department, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the PUD request, subject to certain conditions, is in the best interest of the City.

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

Section One. Findings of Fact: That the Columbia Falls Planning Department Report #CPUD-15-01, dated October 2, 2015, as approved by the Columbia Falls City-County Planning Board and City Council, is hereby adopted by the Council as findings of fact with respect to said PUD request.

Section Two. Change in Zoning Classification: That the requested Planned Unit Development (PUD) overlay on property presently zoned CB-2 will allow the development of an 82 room Hotel and Conference Center subject to the "Large Building Standards" with three deviations for height, perimeter landscape buffering and parking, subject to the conditions as set forth on Exhibit "A" attached hereto. Said property is more particularly described on Exhibit "B," an attached legal description.

Section Three. All documents included in the site plan and the recommendation of the Columbia Falls Planning Department are hereby incorporated by reference.

Section Four. The Council finds that the proposal complies with Chapter 18.428 and 18.348 of the Columbia Falls Area Zoning Regulations, and that the proposal results in a more efficient use of the land than is otherwise permissible.

Section Five. Inconsistent Provisions: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section Six. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Seven. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 2nd DAY OF NOVEMBER, 2015. THE COUNCIL VOTING AS FOLLOWS:

AYES: Shepard, Fisher, Lovering, Petersen, Plevel and Barnhart

NOES: None

ABSENT: Karper

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 2nd DAY OF NOVEMBER 2015.

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Mayor

ATTEST:

City Clerk

EXHIBIT "A"

1. The Ruis Holding PUD will allow the following deviations:
 - a. Building Height – The maximum building height is 48-feet at the top of the gable.
 - b. Landscape Buffer - The projection on the west side of the building (approximately 35-feet) may encroach within five feet of the western property boundary.
 - c. Parking – The applicant will have a minimum of 126 off street parking stalls for the hotel and conference facility.
2. The project shall be built in substantial compliance with the submitted “Columbia Falls Hotel” application and all accompanying drawings, as prepared by Jackola Engineering and Architecture.
3. The fire department specifies that the clearance under the porte-cochere be a minimum of 13’ – 6”.
4. Public Works requires the sewer main manhole be moved south so that it is not under the structure and is accessible for maintenance.
5. Landscaping and landscaping features will generally follow the PUD plan with the understanding that the PUD plan is not a detailed Landscaping Plan. The applicants shall provide the City Manager a detailed Landscape plan, in compliance with the landscape provisions of the “Large Building Standards”. The landscape plan shall be approved and the landscaping installed prior to the issuance of an occupancy permit. If, due to weather, the landscaping cannot be completed prior to occupancy, the applicant may enter into a developer’s agreement with the City of Columbia Falls and provide a security (bond or letter of credit) in the amount of 125% of the landscape improvements. The security amount will be determined by actual bid or licensed engineer. The developer’s agreement will not be for longer than six months.
6. The developer will cost share in the construction of the sidewalk along Second Avenue West. The cost share will be determined by the City Manager and Public Works Director.
7. The City staff will review the sign permit application for compliance with the standards of the Columbia Falls Zoning Regulations prior to issuing a sign permit.
8. Where the eight foot walkway crosses the driveway in front of the hotel, the developer shall install stamped asphalt or pavers to delineate and differentiate the pedestrian crossing from the driveway asphalt.
9. Any RTU will be screened by the parapet or similar screening so that it is not visible from the public.
10. The light details will be reviewed at the building permit stage to insure that they comply with the 18-foot height standards and that all lighting has full cut off and/or opaque shields.

11. All conditions of the PUD shall be complied with prior to the issuance of the occupancy permit or otherwise addressed as provided for in this PUD.

EXHIBIT "B"

Legal Description

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, PRINCIPAL MERIDIAN, FLATHEAD COUNTY, MONTANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF BLOCK 67 OF FIRST ADDITION TO COLUMBIA FALLS ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN FLATHEAD COUNTY, STATE OF MONTANA TOGETHER WITH THE ABANDONED PORTIONS OF THIRD AVENUE WEST AND TENTH STREET IMMEDIATELY ADJACENT TO THE ABOVE DESCRIBED PARCELS AND LOT 1, LOT 6, THE NORTH 15-FEET OF LOT 2, AND THE NORTH 15- FEET OF LOT 7 OF BLOCK 70 OF FIRST ADDITION TO COLUMBIA FALLS ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN FLATHEAD COUNTY, STATE OF MONTANA TOGETHER WITH THE ABANDONED PORTIONS OF THIRD AVENUE WEST AND TENTH STREET IMMEDIATELY ADJACENT TO THE ABOVE DESCRIBED PARCELS. TOGETHER WITH AND SUBJECT TO ALL APPURTENANT SERVITUDES EXISTING OR OF RECORD. CONTAINING 2.55 ACRES MORE-OR-LESS.