

ORDINANCE NO. 768

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 35 5TH STREET WEST, MORE PARTICULARLY DESCRIBED AS LOTS THREE (3), FOUR (4) AND FIVE (5) OF BLOCK 28 OF THE ORIGINAL TOWNSITE OF COLUMBIA FALLS, MONTANA, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, STATE OF MONTANA

WHEREAS, Ruis Holdings 35 5th Street West, 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-4;

WHEREAS, the Columbia Falls Planning Department, on June 30, 2017, in Staff Report #CPUD-17-01, 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 July 11, 2017, 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-17-01, with 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, August 7, 2017, 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, and

WHEREAS, the City Council considered the most efficient use of land and public services and determined that the PUD request for the three lots are best developed as a planned unit development even though it does not meet the two acre requirement.

SECOND READING

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-17-01, dated June 30, 2017, 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-4 will allow the development of an 18 unit multi-family building, subject to the Large Building Standards.

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 21st DAY OF AUGUST, 2017. THE COUNCIL VOTING AS FOLLOWS:

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

NOES: None

ABSENT: None

City Clerk

SECOND READING

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 21st DAY
OF AUGUST 2017.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

1. The City Council approves a PUD in an area less than two acres.
2. The Ruis Holding PUD will allow the following deviations:
 - a. Building Height – The maximum building height is 40.5-feet at the top of the gable.
 - b. Residential use may be located on the first floor.
3. The project shall be built in substantial compliance with the submitted “18 unit Multi-Family building” application and all accompanying drawings, as prepared by Montana Creative.
4. The developer shall provide two points of ladder access to the roof. The access needs to provide safe landing at a maximum height of 28-feet. The Columbia Falls Fire Marshall shall approve the ladder access.
5. The multi-family structure shall be fire sprinkled in accordance with the IBC.
6. Public works requires that alley be paved to provide dust free egress from the proposed parking lot.
7. 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. 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 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.
8. Any sidewalk or public infrastructure damaged by the demolition or reconstruction of the building shall be replaced per the Columbia Falls Public Works Standards.
9. The City Planning/Zoning staff will review the sign permit application for compliance with the standards of the Columbia Falls Zoning Regulations prior to issuing a sign.
10. The applicant shall install a bike rack in the front or rear court yard area.
11. The applicant shall plant three trees along the west side of the building to augment the landscaping and provide some scale to that side of the building.
12. Any RTU will be screened by the decorative wood or vinyl fence or similar screening so that it is not visible from the public.
13. The applicant will construct a site obscuring fence with gates around the dumpster site. The refuse screening shall be included with the building permit plans.

SECOND READING

14. 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.
15. 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.