

ORDINANCE NO.779

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 104 AND 105 BILLS LANE AND FURTHER DESCRIBED AS LOTS 3 AND 4 OF WILLIAMS ESTATES IN SECTION 16, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA

WHEREAS, John Vallings, owner, and Greenway Capital, LLC, purported purchaser, of the real property, have requested an amendment to the Columbia Falls zoning map to allow the development of a Planned Unit Development (PUD) overlay on property zoned CRA-1 located at 104 and 105 Bills Lane, described as Lots 3 and 4 of Williams Estates in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and

WHEREAS, the Columbia Falls Planning Department, on June 29, 2018, in Staff Report CPUD-18-05, recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions; and

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on July 10 2018, at which the Board adopted Staff Report CPUD-18-05 with revisions and recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions as shown in Exhibit A; and

WHEREAS, a hearing on the Planned Unit Development (PUD) was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, August 6, 2018, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, 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 Office Report #CPUD-18-05, dated June 29, 2018, as amended by the Columbia Falls City-County Planning Board on July 10, 2018, 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 Planning Unit Development (PUD) overlay on property presently zoned CRA-1 Residential Apartment will allow the development of a 207 unit apartment complex in six buildings, subject to the Large Building Standards on property located at 104 and 105 Bills Lane, further described

as Lots 3 and 4 of Williams Estates in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Section Three. All documents included in the site plan and the recommendation of the Columbia Falls Planning Office is hereby incorporated by reference and the Conditions are shown in Exhibit A.

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 20th DAY OF AUGUST, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Robinson, Shepard, Karper, Lovering, Piper and Barnhart

NOES: None

ABSENT: Fisher

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 20th DAY OF AUGUST, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A**

1. The Highline PUD will allow the following deviations:

- a. Building Height - The maximum building height is 43-feet at the top of the gable.
  - b. Parking - The applicant will provide 1 off-street parking space per studio unit; 1.5 off-street parking spaces per one-bedroom unit; and 2 off street parking spaces per two-bedroom unit.
2. The project shall be built in substantial compliance with the submitted "The Highline" application and all accompanying drawings, as prepared by Montana Creative and TD&H Engineering. This includes the recreational amenities and club house.
3. 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.
4. The developer shall provide plans for the building entrances compliant with 18.428.050.A of the Columbia Falls zoning regulations.

5. The proposed carports shall comply with the large building design standards as they are part of a larger project subject to said standards.
6. Refuse enclosures shall comply with the Columbia Falls Large Building Standards.
7. The developer of the multi-family development shall install an eight foot bike/pedestrian path on the south side of Bills Lane. The developer shall connect the interior pedestrian sidewalks with the new pedestrian path on Bills Lane. Improvements within the City Right-of-Way shall be approved by the Public Works Director. This work shall be done in Phase 1.
8. The applicant shall secure approval from the City of Columbia Falls Public Works Department and the Montana Department of Transportation for adding a turn lane on 3rd Avenue East, southbound, and the intersection of Highway 2. This improvement shall be installed with Phase 2
9. 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.
10. As specified in the PUD application, the project shall have on-site management to insure compliance with rental rules.
11. No individual BBQ's are allowed in the development. This shall be part of the rental rules.

12. 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.
13. The applicants shall install a minimum six foot privacy fence along the north boundary of the property with a tree buffer approved by City staff to keep future residents from harassing any stock being raised on the property to the north and a minimum four foot fence from the northwestern-most corner of the subject property to Bills Lane.
14. The applicant shall secure approval of water, sewer, and stormwater extension from the City of Columbia Falls and the Montana Department of Environmental Quality. All private drives/driveways shall be constructed to City of Columbia Falls Standards.
15. Approximately 65% of the subject property shall be kept in greenbelt/common recreational area. The trees along the southern and eastern bank shall be preserved in open space. Trees and brush along the north property line shall be preserved common area.
16. The phase plan as proposed with the PUD application is acceptable.
17. 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. The PUD is valid for a period of three years for completion of the first phase. The applicant will have up to two years for each successive

phase. Extensions of additional time are at the discretion of the City Council.

18. The Applicant shall obtain a Weed Management Plan from Flathead County.
19. No Recreational Vehicle parking on site or developer can add a designated area for Recreational Vehicle parking.
20. Require City Council to initiate a review of Bills Lane parking standards in accordance with city code.
21. Before the issuance of building permits for Phase 3, the applicant will complete a new traffic study and return to City Council to address the issue of traffic and to seek an evaluation of a second emergency access and a determination by the City Council of the need for such a second emergency access.
22. Short-term vacation rentals are not permitted within this development.