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City of Columbia Falls
130 6th St. W.
Columbia Falls, MT 59912

ORDINANCE NO.816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP TO ALLOW THE DEVELOPMENT OF AN AMENDED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY AT 540 NUCLEUS AVENUE DESCRIBED AS LOTS 11 THRU 15 AND ALSO ALL THAT PORTION OF THE EAST HALF OF THE VACATED ALLEYWAY LYING ADJACENT TO THE WEST BOUNDARY LINE OF SAID LOTS 11 – 15 INCLUSIVE OF BLOCK 37 AND LOT 10A OF THE AMENDED PLAT OF LOTS 1-3 & LOTS 6-10 OF BLOCK 37, COLUMBIA FALLS, MONTANA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

WHEREAS, Ruis Holdings 540 Nucleus Ave LLC, owner of the real 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 located at 540 Nucleus Avenue, described as Lots 11-15 and also all that portion of the east half of the vacated alleyway lying adjacent to the west boundary line of said Lots 11-15 inclusive of Block 37 and Lot 10A of the Amended Plat of Lots 1-3 & Lots 6-10 of Block 37 according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, the Columbia Falls Planning Department, on March 30, 2022, in Staff Report CPUD-22-02, recommended approval of the requested Amendment to the Planned Unit Development (PUD) approved in April 2020, 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 April 12, 2022, at which the Board adopted Staff Report CPUD-22-02 and recommended approval of the requested Amended 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, May 2, 2022, 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 Amended PUD request, subject to certain conditions, is in the best interest of the City and that the unique character of the property justified approval of a PUD of less than two acres.

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-22-02, dated March 30, 2022 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 CB-4 Central Business will allow a building height of 40 feet for the main roof line, 42 feet for the elevator tower and 50 feet for the stair tower and allow the restaurant and bar to have a casino of 541 square feet with 20 gaming machines at 540 Nucleus Avenue further described as Lots 11-15 and also all that portion of the east half of the vacated alleyway lying adjacent to the west boundary line of said Lots 11-15 inclusive of Block 37 and Lot 10A of the Amended Plat of Lots 1-3 & Lots 6-10 of Block 37 according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of 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 of the Columbia Falls Area Zoning Regulations, and that the height deviation results in a more attractive building, allowing for architecture, visual and safety benefit and the casino compliments the restaurant and bar.

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 16th DAY OF MAY, 2022, THE COUNCIL VOTING AS FOLLOWS:

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

NOES: None

ABSENT: Piper

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 16th DAY OF MAY, 2022.

Mayor

ATTEST:

City Clerk

EXHIBIT A

1. The City Council approves a PUD in an area less than two acres.
2. The Ruis Holding 540 Nucleus Ave LLC PUD will allow the following deviations:
 - Building Height – The maximum building height is 40 feet for the main roof line; 42-feet for the elevator, and 50 feet for the stair tower
 - Approval of the PUD will allow the restaurant and bar to have a casino of 541 square feet with 20 gaming machines.
3. The project shall be built in substantial compliance with the submitted “Ruis Holdings Restaurant/Apartments” application and all accompanying drawings, as prepared by Jackola Engineering.
4. Prior to the submittal of plans for the building permit, the applicant shall work with the Columbia Falls Fire Chief for approval of the FDC locations, Knox Box location, and roof access
5. The mixed use structures shall be fire sprinkled in accordance with the IBC.
6. 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 with 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.
7. Any sidewalk or public infrastructure damaged by the demolition or reconstruction of the building shall be replaced per the Columbia Falls Public Works Standards.

8. All connections to sewer and water along with any work in the City's right-of-way shall require review and written approval from the Columbia Falls Public Works Director.
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 and trash receptacle in the parking lot and one bike rack on the Nucleus Avenue side of the site.
11. Any RTU will be screened or sited on the roof so that they are not visible from the public way.
12. The applicant will construct a site obscuring fence with gates around the dumpster sites as indicated on the applicant's site plan. The refuse screening shall be included with the building permit plans.
13. 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.
14. 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.