



ORDINANCE NO.801

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 540 NUCLEUS AVENUE FURTHER DESCRIBED AS LOTS 1 – 15 OF BLOCK 37 OF COLUMBIA FALLS TOWNSITE IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA

0157049, 0238845

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 1-15 of Block 37 of Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and

WHEREAS, the Columbia Falls Planning Department, on February 24, 2020, in Staff Report CPUD-20-01, 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 March 10, 2020, at which the Board adopted Staff Report CPUD-20-01 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, April 6, 2020, 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 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-20-01, dated February 24, 2020, as amended by the Columbia Falls City-County Planning Board on March 10, 2020, 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 42 feet 8 inches at the top of the gable at 540 Nucleus Avenue further

described as Lots 1 – 15 of Block 37 of Columbia Falls Townsite in Section 8, 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 of the Columbia Falls Area Zoning Regulations, and that the height deviation results in a more attractive building, allowing for architecture and visual benefit.

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 18th DAY OF MAY, 2020, THE COUNCIL VOTING AS FOLLOWS:

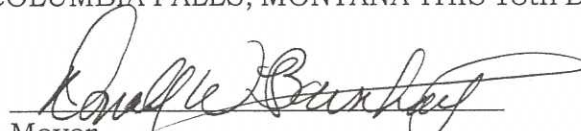
AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart

NOES: None

ABSENT: None


City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 18th DAY OF MAY, 2020.


Mayor

ATTEST:


City Clerk

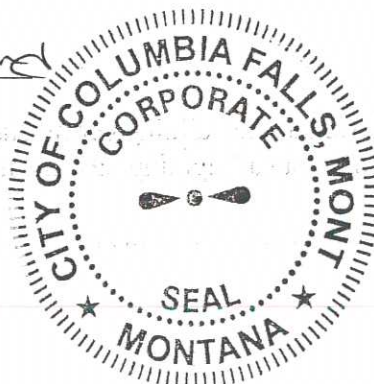


EXHIBIT A

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 42-8”-feet at the top of the gable.
3. The project shall be built in substantial compliance with the submitted “Nucleus Mix Use” application and all accompanying drawings, as prepared by Montana Creative and TD&H.
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, attic access, and turning radius within the parking lot.
5. The mixed use structures shall be fire sprinkled in accordance with the IBC.
6. Should the old bank tunnels remain, the applicant shall provide a Professional Engineer’s certification that the parking lot driving isles will support a 70,000 pound ladder truck.
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 approximately 2,500 sq. ft. as indicated on the PUD plan and 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 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 site 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.

15. Applicant shall install appropriate fencing during construction, including demolition.