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

ORDINANCE NO.802

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 ON PROPERTY DESCRIBED AS LOTS 8, 9 AND 10 OF BLOCK 46 OF COLUMBIA FALLS TOWNSITE, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA, AND THAT PORTION OF THE ABANDONED ALLEY AS DESCRIBED IN RESOLUTION NO. 1415, RECORDED OCTOBER 26, 2005 AS DOC. NO. 2005-299-15250. AS SHOWN ON THE CERTIFICATE OF SURVEY NO. 18057.

WHEREAS, Erik Eckert, 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 CR-5 Two-Family Residential located on 7th Street East between 1st and 2nd Avenues East, described as Lots 8, 9 and 10 of Block 46 of Columbia Falls Townsite, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana and that portion of the abandoned alley as described in Resolution No. 1415, recorded October 26, 2005 as Doc. No. 2005-299-15250. As shown on the Certificate of Survey No. 18057; and

WHEREAS, the Columbia Falls Planning Department, on May 28, 2020, in Staff Report CPUD-20-02, 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 June 9, 2020, at which the Board adopted Staff Report CPUD-20-02 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, July 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-20-02, dated May 28, 2020, as amended by the Columbia Falls City-County Planning Board on June 9, 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 CR-5 Two-Family Residential will the owner to cluster the development into the more accessible and buildable southeast corner of the property described as Lots 8, 9 and 10 of Block 46 of Columbia Falls Townsite, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana and that portion of the abandoned alley as described in Resolution No. 1415, recorded October 26, 2005 as Doc. No. 2005-299-15250. As shown on the Certificate of Survey No. 18057.

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 18.348 of the Columbia Falls Area Zoning Regulations, and that the cluster development provides development on the less sensitive area of the site and it preserves approximately 76% of the site in green space.

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 JULY, 2020, THE COUNCIL VOTING AS FOLLOWS:

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

NOES: None

ABSENT: Piper


City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 20th DAY OF JULY, 2020.

ATTEST:


City Clerk



EXHIBIT A

1. The City Council approves a PUD for a project area less than two acres.
2. The Greenhaven Townhomes PUD will allow the following deviation:
 - Clustering the four units to the southeast corner of the properties.
3. The applicant's surveyor shall produce an amended plat using the townhouse exemption for review by the City Staff and said Amended Plat shall be filed with the Flathead County Clerk and Recorder prior to issuance of Certificates of Occupancy for any of the units.
4. The applicants shall provide an engineered stamped drainage plan to the Columbia Falls Public Works Department for review and approval prior to any dirt work and issuance of a building permit. The drainage plan shall address all site improvements and site work during construction and post construction.
5. The applicant shall provide a stamped set of the full geotechnical exploration and analysis to the City Public Works Department and Building Department prior to any dirt work and issuance of a building permit. The geotechnical analysis shall address all site development and construction including site grading, retaining walls, and the building.
6. The development of the site shall conform to the plans and footprints submitted in the PUD Application dated April 20, 2020.
7. The applicant shall pay a cash-in-lieu of sidewalk payment to the City of Columbia Falls. The payment will be in-lieu of a five foot wide sidewalk the length of the applicant's 7th Street East frontage at the time of Building Permit. Columbia Falls Public Works will verify the lineal foot cost.
8. 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.
9. In the event springs are encountered during the geotechnical analysis or during construction, the applicant and his engineer shall provide a plan on how they will address foundation dewatering without impacting any neighboring properties downslope.