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

ORDINANCE NO.805

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 FOR THE PROPERTY LOCATED AT 812 4TH AVENUE WEST, FURTHER DESCRIBED AS THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, DESCRIBED AS FOLLOWS, TO WIT: PARCEL B OF CERTIFICATE OF SURVEY NO. 12484.

WHEREAS, The Thomas and Terrie Nitopi Family Trust, 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-2 located at 812 4th Avenue West, further described as "That portion of the Southwest Quarter of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described as Follows, To Wit: Parcel B of Certificate of Survey No. 12484;" and

WHEREAS, the Columbia Falls Planning Department, on October 13, 2020, in Staff Report CPUD-20-04, 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 October 13, 2020, at which the Board adopted Staff Report CPUD-20-04 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, November 2, 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-20-04, dated September 30, 2020, as amended by the Columbia Falls City-County Planning Board on October 13, 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-2 General Business will allow the development of nine residential units and three commercial units at 812 4th Avenue West, further described as "That Portion of the Southwest Quarter of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described as Follows, To Wit: Parcel B of Certificate of Survey No. 12484."

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 the Columbia Falls City Growth Policy and the requested mixed-use PUD is consistent with the neighboring uses that are both commercial and multi-family residential.

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 NOVEMBER, 2020, THE COUNCIL VOTING AS FOLLOWS:

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

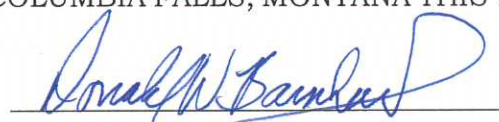
NOES: None

ABSENT: Shepard




City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 16th DAY OF NOVEMBER, 2020.



Mayor

ATTEST:


City Clerk

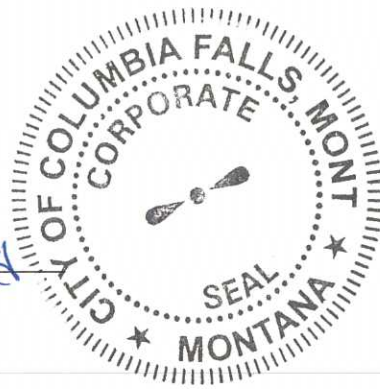


EXHIBIT A

1. The City Council approves a PUD in an area less than two acres.
2. The Nitopi PUD will allow the following deviations:
 - a. Parking - 22 parking spaces.
 - b. Mixed use with residential and commercial use.
3. The project shall be built in substantial compliance with the PUD Site Plan dated September 1, 2020 and prepared by WMW Group.
4. The Columbia Falls Fire Chief shall approve the fire hydrant location.
5. 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.
6. The applicant shall construct a six foot wide detached sidewalk along the 4th Avenue West and 8th Street West frontages along with curb and gutter.
7. The applicant shall submit an engineered and stamped drainage plan to the Columbia Falls Public Works Director for review and approval prior to issuance of a building permit. Said plan shall also include snow storage.
8. The developer will produce a sign plan for the three commercial uses that is compliant with the zoning regulations. Future sign permits will be reviewed subject to the master sign plan.
9. The architectural designs submitted with the application were only to provide context and scale of the proposed project and as such were not reviewed for compliance with the "Small Building" requirements of the Columbia Falls Zoning Ordinance. The applicant shall submit the detailed architectural building plans to the Planning Office for review and approval prior to obtaining a Building Permit.
10. 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.

11. The lighting 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.
12. 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.
13. Safety fencing will be installed during construction.