

**WOODLAND APARTMENTS  
REQUEST FOR A CONDITIONAL USE PERMIT  
KALISPELL PLANNING DEPARTMENT  
STAFF REPORT #KCU-19-03  
June 28, 2019**

This is a report to the Kalispell City Planning Board and Kalispell City Council regarding a request for a conditional use permit for the construction of a 9-unit apartment building located at 23 Woodland Drive. A public hearing on this matter has been scheduled before the Planning Board for July 9, 2019, beginning at 6:00 PM, in the Kalispell City Council Chambers. The Planning Board will forward a recommendation to the Kalispell City Council for final action. Approval of the conditional use permit only authorizes the proposed land use and does not waive the requirement to obtain the required permits from applicable City of Kalispell departments.

**BACKGROUND INFORMATION:** A request from Woodland Apartments, LLC for a conditional use permit for multi-family housing within the B-1 Zoning District. Multi-family housing is permitted within the B-1 Zoning District provided a conditional use permit is obtained per Section 27.12.030 of the Kalispell Zoning Ordinance. The multi-family project would include one 9-unit building, parking, walkways, trash disposal area, landscaping, BBQ/Pergola area and bike racks. The proposed building is 2-story (30 feet tall) with five units on the first floor and four units on the second floor. The units will consist of two efficiency units approximately 580 square feet, and seven two-bedroom units approximately 1,060 square feet.

**Applicant:** Woodland Apartments, LLC  
P.O. Box 7584  
Kalispell, MT 59901

**Location and Legal Description of Property:** The subject property is located at 23 Woodland Drive. The property can be legally described as the southern 25 feet of Lot 8 and Lot 9, Block 1 of the Plat of Phillips Addition to Kalispell in Section 8, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**Size:** The subject property is .34 acres (14,964 SF).

**Existing Land Use and Zoning:** The property is undeveloped grasslands with a number of large mature trees.

The property is located within the B-1 (Neighborhood Business) Zoning District. The Kalispell Zoning Ordinance describes the intent of this district:

“A business district intended to provide certain commercial and professional office uses where such uses are compatible with adjacent residential areas. The district would typically serve as a buffer between residential areas and other commercial districts. Development scale and pedestrian orientation are important elements of this district. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale, and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations. This zoning district would typically be found in areas designated as neighborhood commercial or urban mixed use on the Kalispell Growth Policy Future Land Use Map”.

**Adjacent Zoning:** The zoning surrounding the subject property is as follows:

- West: City P-1
- North: County B-1
- East: County R-5 and City R-3
- South: County B-1

**Adjacent Land Uses:** The land uses surrounding the subject property are as follows:

- West: Woodland Park
- North: One single-family residence and Conrad Complex
- East: Single-family residences
- South: Storage facility

**Relation to the Growth Policy:** The subject property is within the Commercial land use category, which provides the basis for the B-1, Neighborhood Commercial Zoning. The growth policy would anticipate a variety of uses under that designation, including, but not limited to, apartments, offices, retail, and other commercial uses. The requested conditional use permit is an appropriate land use for the property.

<b>Utilities/Services:</b>	Sewer service:	City of Kalispell
	Water service:	City of Kalispell
	Solid Waste:	Private Disposal
	Electric:	Flathead Electric Cooperative
	Gas:	Northwest Energy
	Phone:	CenturyLink
	Police:	City of Kalispell
	Fire:	City of Kalispell
	Schools:	School District #5, Hedges Elementary

**A. EVALUATION OF THE REQUEST**

This application has been reviewed in accordance with the conditional use review criteria in the Kalispell Zoning Ordinance. A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested:

**1. Site Suitability:**

- a. Adequate Useable Space: The property is .34 acres and is adequate in size in order to accommodate the proposed buildings, parking, trash, recreation area, and stormwater facilities. A majority of the subject property is flat with a small rise at the northern property boundary making the majority of the site developable. There are a number of large trees that will have to be removed in order to allow for the development of the site.
- b. Height, bulk and location of the building: The structure is proposed to be 2-story with a building footprint of 4,500 square feet. The proposed building height of 30 feet is well below the 35 feet

maximum height permitted. The B-1 Zone and design standard requirements give due consideration to the height, bulk and location of the proposed apartment building.

- c. Adequate Access: The apartment building will be gaining its access via a private driveway that connect to Shady Glen Drive, an improved public roadway. The private driveway is required to meet the minimum 24 feet width requirement for ingress and egress.
- d. Environmental Constraints: There are no known environmental constraints, such as steep slopes, streams, floodplains, or wetlands, on the property, which could affect the proposed use.

## 2. **Appropriate Design:**

- a. Parking Scheme/Loading Areas: The development shall comply with the Off-Street Parking and Design Standards as set forth in Chapter 27.24 of the Kalispell Zoning Ordinance. The project consists of two efficiency units, which require 1 parking space each and seven units with more than 1 bedroom, which require 1.5 parking spaces each. As configured, the 9-unit building requires 12.5 parking spaces. The parking standards also allow for a parking reduction of one parking space for every bicycle rack (minimum space for five bicycles) provided. The applicant is providing one bike rack, reducing their parking requirement to 12 spaces. The project site plan shows 12 parking spaces, therefore, meeting the minimum parking requirement for the number of units proposed.
- b. Lighting: Chapter 27.26 of the Kalispell Zoning Ordinance sets standards for all outdoor lighting on commercial or residential structures. Exterior lighting installed in conjunction with the development will be reviewed for compliance with the zoning ordinance during site development review.
- c. Traffic Circulation: The apartment will gain their access via a private driveway that connects to Shady Glen Drive. Shady Glen Drive connects to a network of streets in the vicinity, providing adequate traffic circulation.
- d. Open Space: The proposed apartment is required to meet the setbacks required by the B-1 Zone, which provides for open spaces around the units. There is also additional open space between the proposed units and Shady Glen Drive that totals about 1,200 square feet and landscaping to the east of the building that equals about 1,000 square feet.
- e. Fencing/Screening/Landscaping: To ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a landscape plan for the entire site shall be submitted along with the building permit. The landscape plan shall be approved by the Parks and Recreation Department prior to issuance of the building permit.

Fencing for the units will have to comply with Section 27.20.040 of the Kalispell Zoning Ordinance.

- f. Signage: The development shall comply with all of the sign standards as set forth in Chapter 27.22 of the Kalispell Zoning Ordinance. At this point no signs are being proposed.

### 3. Availability of Public Services/Facilities:

- a. Police: Police protection will be provided by the Kalispell Police Department. No unusual impacts or needs are anticipated from the proposed multi-family use.
- b. Fire Protection: Fire protection will be provided by the Kalispell Fire Department. There is adequate access to the property from the public road system and the buildings will be constructed to meet current building and fire code standards. Station 61 is 1 mile from the site and response time will be good.
- c. Water: City of Kalispell water infrastructure is located within the west side of Woodland Park Drive to the southwest. The developer will be required to pay the cost for service line connections for the proposed units. The developer is also required to pay the cost for the water main extension from the existing main to the east property line of the subject property.
- d. Sewer: City of Kalispell sewer infrastructure is located within Shady Glen Drive to the south. The developer will be required to pay the cost for service line connections for the proposed units.
- e. Storm Water Drainage: Storm water runoff from the site shall be managed and constructed per the City of Kalispell Construction and Design Standards. Prior to receiving a building permit the developer will need to submit a construction stormwater management plan to the Public Works Department. The applicant has not clearly shown the location of the required stormwater system, however, underground stormwater facilities are a possibility provided the city water quality and detention requirements are also provided. Storm water installed in conjunction with the development will be reviewed for compliance with the city standards during site development review.
- f. Solid Waste: Solid waste pick-up will be provided by a private company. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from the subdivision.
- g. Streets: The proposed apartment fronts Shady Glen Drive on the south and Woodland Park Drive on the west. Both Shady Glen Drive and Woodland Park Drive need to be improved to city standards including curb, gutter, boulevard, sidewalk, and trees along the property frontages of those streets.
- h. Sidewalks: Sidewalks are not currently available, however, as part of the building permit process the developer will be required to improve the adjacent right-of-ways to city standards, which will include sidewalks. Sidewalks will also be required to connect from the building to the sidewalk system being constructed with the public right-of-ways.
- i. Schools: This site is within the boundaries of School District #5. A very minor impact to the district may be anticipated from the proposed apartments depending on the demographics of the residents. On average four students K-12 would be anticipated from nine dwelling units.
- j. Parks and Recreation: Section 27.34.060 of the Kalispell Zoning Ordinance requires 4,500 square feet of recreational land or a combination of equivalent recreational amenities based on

500 square feet of land per residential unit based. The site plan indicates 2,200 square feet landscaped recreational area, pergola, and BBQ area. The recreational value will be determined by the Parks and Recreation Director at time of building permit.

**4. Neighborhood impacts:**

- a. Traffic: The apartments will not have a significant impact on the traffic generated in the area. It is anticipated that each unit will produce approximately 9.57 trip ends/day (Per ITE trip generation model). The nine units would generate approximately 86 trips per day cumulatively. The width and quality of Shady Glen Drive and Woodland Park Drive are more than adequate to handle the additional traffic load.
- b. Noise and Vibration: Other than during construction, the apartments will not create any objectionable noise and vibration beyond what would normally be associated with residential housing.
- c. Dust, Glare, and Heat: Other than during construction, the apartments will not create any objectionable dust, glare, and heat beyond what would normally be associated with residential housing.
- d. Smoke, Fumes, Gas, or Odors: Other than during construction, the apartments will not create any objectionable smoke, fumes, gas, or odors beyond what would normally be associated with residential housing.
- e. Hours of Operation: Hours of operation does not apply to this project since it is for residential purposes. If a home based occupation were to occur the residents would have to comply with the home based occupation section of the zoning ordinance, outlined in Section 27.20.060 of the Kalispell Zoning Ordinance.

**5. Consideration of historical use patterns and recent changes:** All of the properties located along Woodland Park Drive are commercial, as they provided a buffer between the arterial roadway and the lower density residential development further to the east. The proposed multi-family housing is an appropriate use within the commercial zone and will function as a transition from the arterial roadway into the single-family residential development to the east. A market study conducted by Property Dynamics – Mill Creek, Washington, indicated that in the summer of 2017 indicated there was a 0% vacancy of multi-family units within the Kalispell area, indicating a strong need for additional housing options. Although the study is nearing two years old, there has been no indication that the vacancy rate within Kalispell has improved.

**6. Effects on property values:** No significant negative impacts on property values are anticipated as a result of the requested conditional use of the property. It can be assumed that property values will increase since city services to the property are being added and the property is currently undeveloped.

**B. RECOMMENDATION**

The staff recommends that the Planning Board adopt staff report #KCU-19-03 as findings of fact and recommend to the Kalispell City Council that the conditional use permit be approved subject to the conditions

listed below.

### **CONDITIONS OF APPROVAL**

1. That commencement of the approved activity must begin within 18 months from the date of authorization or that a continuous good faith effort is made to bring the project to completion.
2. The building permit application site plan and elevations shall substantially comply with the approved site plan.
3. To ensure the traffic flow and access comply with Kalispell Design and Construction Standards, the development shall receive Site Review Committee approval prior to issuance of the building permit.
4. The developer shall submit to the Kalispell Public Works Department for review and approval a stormwater report and an engineered drainage plan that meets the requirements of the City of Kalispell Construction and Design Standards.
5. The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department with approval prior to construction.
6. The developer shall submit to the Kalispell Public Works Department prior to construction an erosion/sediment control plan for review and approval and a copy of all documents submitted to Montana Department of Environmental Quality for the General Permit for Storm Water Discharge Associated with Construction Activities.
7. Shady Glen Drive and Woodland Park Drive shall be upgraded to an urban standard in accordance with the City of Kalispell Construction and Design Standards the length of the property. Upgrades include sidewalks, curb and gutter, street trees and boulevard adjacent the applicant's property.
8. To ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a landscape plan shall be submitted along with the building permit. The landscape plan shall be in substantial compliance with the submitted renderings and approved by the Parks and Recreation Director prior to issuance of the building permit.
9. A minimum of 500 square feet of land per unit which has recreational value as determined by the Kalispell Parks and Recreation Director, or recreational amenities equivalent to the fair market value of 500 square feet of land shall be provided on-site.
10. A letter from the Public Works Department shall be submitted to the Building Department stating that all new public infrastructure has been accepted by the City of Kalispell.
11. The bike rack shall provide a minimum area for five bicycles.
12. The two lots shall be consolidated into one lot prior to building permit issuance.

