

**REQUEST FOR AMENDMENT TO TOWN PUMP #5 PUD
KALISPELL PLANNING DEPARTMENT
STAFF REPORT #KZC-19-02
August 5, 2019**

The following is a report to the Kalispell City Planning Board and the Kalispell City Council regarding a request to amend the Kalispell Town Pump #5 Planned Unit Development (PUD). A public hearing has been scheduled before the Kalispell City Planning Board for August 13, 2019 beginning at 6:00 PM, to consider the zone change request. The Planning Board will forward a recommendation to the Kalispell City Council for consideration.

BACKGROUND INFORMATION

- A. Petitioner / Owner:** Town Pump, Inc.
600 S. Main Street
Butte, MT 59701
- B. Summary of Request:** Town Pump has submitted a zoning map amendment application to expand the Town Pump #5 PUD over approximately 1.3-acres of land. Currently, the 1.3-acres is zoned city B-2 and includes an existing convenience store, casino and fuel islands. The requested zone change would rezone the property from B-2 to B-2/PUD, so that the entire property is encompassed by the Town Pump #5 PUD zoning overlay. The Town Pump # 5 PUD zoning overlay was created by Ordinance 1793 in August of 2017. The requested zoning amendment would also serve as an amendment to Ordinance 1793, which did not originally include the subject property, or any additional requirements imposed throughout the review process of this request.

The Town Pump #5 PUD zoning overlay included an expansion of the existing facility through the construction of a new fuel canopy, new fuel islands, increased pedestrian access in the area through a new sidewalk along Cemetery Road, extension of public water and sewer to serve future developments to the west, and new approach into the facility. At that time, no improvements were proposed to the existing building, so the B-2 zoning was maintained on that portion of the property. Currently, the existing casino is operating as a nonconforming use within the B-2 Zone, as casinos are only permitted within the B-5 Zone as a conditionally permitted use.

The zone change is being requested so that Town Pump can construct a new convenience store and casino on the subject property, which would allow for the demolition of the existing facility. In concert with the construction of the new casino and convenience store, the applicant would also be improving the property frontage along U.S. Highway 93 South, thereby supporting the city's entrance corridor standards. The corridor standards are important at this particular location due to the properties location at the southwest

corner of the “four corners” intersection. The intersection is a major entrance into the City of Kalispell and for many people serves as the first impression of the city. Currently, landscape improvements have been made at two of the three of the corners where the auto dealers are located. Improvements on this property would vastly improve the aesthetics at the major intersection and be more in line with the new development in the area. The development is limited to the improvements noted above; however, the expansion needs to take into consideration how the expansion fits in with the overall development plan of the Siderius Commons PUD further to the west and originally encompassed the subject property.

Planned Unit Developments are intended to serve as an overlay zoning district that function in concert with the underlying zone to provide a comprehensive, integrated development plan, which will serve to modify the underlying zone and guide future development. The PUD provides for flexibility in the subdivision standards and architectural designs standards, where appropriate, to preserve and enhance the integrity and environmental values of the area. In this case, the applicant is requesting a deviation in the zoning ordinance to permit a casino within the B-2 Zone, while simultaneously implementing city entrance corridor standards in order to improve the aesthetics of the property. Entrance corridor improvements would include construction of a new building with superior architecture design with increased tax base, increased landscaping along U.S. 93 South, new larger pedestrian sidewalk, access control into the property, elimination of billboards on the property, and increased signage regulations in regards to casinos. Although a casino is not currently permitted within the B-2 Zone, the existing facility can continue to operate on the property in perpetuity in its current state. The request for a new facility allows the city to consider increased standards in an effort to implements the goals and policies of the City Growth Policy Plan-It 2035.

- C. Location and Legal Description of Property:** The property is located at 2910 U.S. 93 South and can be legally described as Tracts 1A and 5A of Ashley Business Park, LOT 5, Revisited in the SE4 NE4 of Section 29, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.
- D. Existing Land Use:** The area to be rezoned is developed with an existing convenience store and casino with associated fuel islands, parking and signage, including a billboard. A majority of the property is undeveloped grasslands that is available for development in the future.
- E. Existing Zoning:** The subject property is located within the B-2 (General Business) and B-2/PUD (Town Pump #5) zoning overlay. The B-2 Zoning District intended to provide areas for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise and by repair of motor vehicles. The district depends on the proximity to major streets and arterials and should be located in business corridors or in islands.

The Town Pump #5 PUD zoning overlay was created by Ordinance 1793 in August of 2017. The PUD functions in concert with the underlying zoning providing an integrated development plan for the entire property. In this case, the PUD allowed for the expansion of the existing Town Pump facility through the construction of a new fuel canopy, new fuel islands, increased pedestrian access in the area through a new sidewalk along Cemetery Road, extension of public water and sewer to serve future developments to the west, and new approach into the facility.

F. Proposed Zoning: The requested zone change would rezone the property from B-2 (General Business) to B-2/PUD, so that the entire property is encompassed by the Town Pump #5 PUD zoning overlay. The zone change is being requested so that Town Pump can construct a new convenience store and casino on the subject property, which would allow for the demolition of the existing facility. In concert with the construction of the new casino and convenience store, the applicant would also be improving the property frontage along U.S. Highway 93 South, thereby supporting the city's entrance corridor standards.

G. Size: The entire property encompasses 8.2-acres and the portion being rezoned from B-2 to B-2/PUD is 1.3-acres.

H. Adjacent Zoning:

- North: B-2
- East: County I-1H and City B-5/Gardner PUD
- West: B-2/Siderius Commons PUD
- South: County I-1H

I. Adjacent Land Uses

- North: Single-family residential, vacant land and Cemetery Road
- East: U.S. 93 South and auto dealerships
- West: Vacant land
- South: Auto body shop

J. General Land Use Character: The general land use character of this area can be described as commercial in transition. The intersection of Cemetery Road and U.S. 93 South is developing into a major commercial intersection. Town pump is located at the southwest corner, Kalispell Toyota at the northeast corner, and two new auto dealerships recently completed at the southeast corner. The northwest corner of the intersection is undeveloped but located within the commercial zoning district.

K. Utilities and Public Services:

- Sewer: City of Kalispell
- Water: City of Kalispell
- Refuse: Private Collector

Electricity:	Flathead Electric Cooperative
Natural Gas:	NorthWestern energy
Telephone:	CenturyLink
Schools:	School District #5, Somers Elementary
Fire:	City of Kalispell
Police:	City of Kalispell

L. Public Comment: No public comment has been received at time of this report.

I. EVALUATION BASED ON STATUTORY CRITERIA

This report evaluates the amendment request in accordance with state and local regulations. The statutory basis for reviewing a change in zoning is set forth by Section 27.29.020 of the Kalispell Zoning Ordinance and 76-2-303 M.C.A. Findings of Fact for the zone change request are discussed relative to the itemized criteria described by 76-2-304, M.C.A.

1. Is the zoning regulation made in accordance with the growth policy?

The subject property is within the Commercial land use category, which provides the basis for the B-2 and B-2/PUD, General 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 convenience store and casino is an appropriate land use for the property. Additionally, the Kalispell Growth Policy Plan-It 2035 has several goals that support the PUD request:

Growth Policy 2035, Chapter 4 – Business and Industry, states the following:

GOAL #1 – Encourage the development and growth of prosperous commercial and industrial districts, each with a viable mix of business, suitable infrastructure, and a coordinated development pattern that reduces business costs and increases small business opportunities.

GOAL #3 – Provide adequate areas within the community for commercial and industrial development that meets the needs of present and future business in terms of cost, type, design and location.

POLICIES (General Commercial, b.) – The expansion of additional commercial districts along major arterials is anticipated to occur at such times as the development or redevelopment of existing commercial districts have significantly developed to avoid creation of a new commercial district and leapfrog development.

POLICIES (Highway Community Entrance):

- a. Emphasize the objective of pleasing corridors that encourage highway landscaping.*
- b. Encourage the use of innovative land use regulations to achieve a pleasing community entrance.*
- c. Encourage highway commercial development to adhere to the following design guidelines:*
 - i. Encourage access by a secondary street or use of shared driveways and interconnected parking lots where secondary street access is not feasible.*
 - ii. Increase building and parking lot setbacks.*
 - iii. Incorporate pedestrian and bicycle facilities into landscaped frontages.*
 - iv. Landscape highway frontage and parking lots to enhance development sites and reduce visual impacts of development.*
 - v. Keep signs simple to reduce clutter and allow rapid comprehension by highway motorists without undue distraction. Encourage variety and creativity in sign design.*
 - vi. Outdoor storage, machinery, utilities, trash dumpsters, service bays, antennas, rooftop equipment, and similar accessory facilities should be hidden or screened from public view to protect aesthetic qualities.*
 - vii. Outdoor lighting should be low intensity, directed downward and shielded to prevent glare.*

Highway 93 South Corridor Area Plan:

Goal #2 – Expansion of commercial development south of Cemetery Road/Lower Valley Road needs to be addressed under a Planned Unit Development in order to adequately address vehicular and pedestrian access, signage, setbacks, and other issues relating to protecting and preserving the community entrance to Kalispell.

Goal #4 – Development along the Highway 93 South Corridor should occur in areas where public services, utilities and facilities area available or can be provided.

Goal #5 – New development whether commercial, industrial or residential should be of high quality in design and architectural quality.

Goal #15 – Provide for the ongoing acquisition, construction and maintenance of parks, bike and pedestrian trails and other recreational facilities.

POLICIES

- 1. Additional accesses onto Highway 93 shall be limited and a grid street system shall be developed when possible.*
- 2. High quality design standards shall be applied to new development along the corridor related to architecture, parking lot layout, lighting, landscaping, setbacks and signage.*
- 3. The following design standards are intended to enhance the gateway entrances to Kalispell:*
 - i. Access control should be the norm along the 93 corridors.*
 - ii. Access should be coordinated so as to allow only collector or arterial streets to intersect Highway 93. The judicious use of right-in right-out approaches, frontage roads and good internal development street design should be the rule to reduce or eliminate the need for direct access onto major gateway roads.*
 - iii. Areas planned for commercial development along Highway 93 should occur as an integrated development utilizing and enhancing the property back from the highway as opposed to occurring as a shallow linear strip. Significant individual business highway exposure, individual access points, and pole signage would not be the norm.*
 - iv. Monument signs are preferred over pole signs.*

In this case, the applicant is requesting a deviation in the zoning ordinance to permit a casino within the B-2 Zone, while simultaneously implementing city entrance corridor standards in order to improve the aesthetics of the property. Increased standards would include a new casino/convenience store building with superior design, increased landscaping along U.S. 93 South, new larger pedestrian sidewalk, access control into the property, dark sky compliant lighting, elimination of billboards on the property, and increased signage regulations.

2. Does the zoning regulation consider the effect on motorized and non-motorized transportation systems?

The requested zone will potentially have an effect on motorized and non-motorized transportation systems, as the proposed zone change to B-2/PUD

would allow for the expansion of the existing casino and convenience store. It is anticipated that the new facility will create additional traffic in the immediate area. Accordingly, any development of the property that creates 300 or more vehicle trip per day would require a traffic impact study prior to construction. The traffic study evaluates the impacts the development has on the traffic system and indicates mitigation necessary to maintain acceptable levels of service.

Traffic circulation will be designed to encourage easier access to the new approaches on Cemetery Road. Additionally, staff is recommending as a condition that the existing approach along U.S. 93 South be moved southerly to line up with the approach that accesses the two auto dealerships across the highway to the east. Having the approaches lined up will create more predictable traffic movements thereby reducing potential traffic conflicts. Staff also recommends that the approach serve as a shared access to Tract 5A to the south, which is also owned by Town Pump. A shared access requirement will limit the amount of driveway approaches onto the highway, also limiting potential vehicle conflicts and promoting the free flow of U.S. 93. Lastly, as part of the city's entrance corridor standards the sidewalk along the highway will be increased from 5 feet to 8 feet in width.

3. That historical uses and established use patterns and recent change in use trends will be weighed equally and consideration not be given to one to the exclusion of the other.

The requested zone is in compliance with the growth policy and the city anticipated the property would develop in the requested manner. Additionally, the proposed PUD in conjunction with the B-2 zoning district is consistent with the surrounding commercial character of the area and its location adjacent to the U.S. 93 right-of-way.

4. Is the zoning regulation designed to secure safety from fire and other dangers?

At the time this property is developed, the property owners will be required to insure that there is adequate infrastructure in the case of an emergency. There are no features related to the property which would compromise the safety of the public. New construction will be required to be in compliance with the building and safety codes of the city. All municipal services including police and fire protection, water and sewer service is available to the property. The site is within the immediate service area of the Kalispell Fire Station 62.

5. Is the zoning regulation designed to promote public health, public safety, and the general welfare?

The requested PUD overlay will promote the health and general welfare by allowing the continued development of the auto service station/casino within an appropriate B-2/PUD Zone. The standards provided for within

the underlying B-2 Zone and additional standards required by this PUD will ensure that the expansion of the auto service facility is safely and appropriately designed and that the associated commercial traffic is managed and directed to traffic routes designed to accommodate it.

6. Does the zoning regulation consider the reasonable provision of adequate light and air?

The requested PUD does not modify the setback, height, and lot coverage standards of the B-2 Zoning District, which are established in the Kalispell Zoning Ordinance to insure adequate light and air are provided. However, amending the PUD allows for the implementation of the city's entrance corridor standards which includes an additional 20 foot buffer along U.S. 93 South.

7. Will the requested zone promote compatible urban growth?

The proposed PUD in conjunction with the B-2 Zoning District is consistent with the surrounding commercial character of the area and its location adjacent to the U.S. 93 right-of-way.

8. Will the requested zone avoid undue concentration of people?

The PUD would allow for the expansion of the existing Town Pump facility. It is anticipated that there will be additional people onsite because of the expansion; however, the additional people onsite will be mitigated through appropriate site design and improved access off U.S. 93 South.

9. Is the zoning regulation designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

Improvements to the property such as water, sewer and drainage would be installed in accordance with city policies and standards at the developer's expense, thereby insuring that there is adequate provision of services to the site prior to development. Any development is reviewed by the city's Site Review Committee to ensure any impacts to the public infrastructure are adequately addressed.

10. Does the zoning regulation consider the character of the district and its peculiar suitability for particular uses?

As outlined earlier, the requested amendment of B-2/PUD is an appropriate designation given the Commercial growth policy land uses assigned to the property on the Kalispell Growth Policy Future Land Use Map. The growth policy map is a long-range planning document providing guidance to the city on how specific areas of the city should develop over time. The requested zone is in compliance with the growth policy and the city anticipated the property would develop in the requested manner. Additionally, the proposed PUD in conjunction with the B-2 zoning district is consistent with the

surrounding commercial character of the area and its location adjacent to the U.S. 93 right-of-way.

11. Does the zoning regulation consider conserving the value of buildings?

No significant negative impacts on property values are anticipated as a result of the requested zoning of the property. City standards, city services, and zoning requirements will insure that there is high quality development. It can be assumed that property values will increase since city services to the property are being added and much of the property is currently undeveloped.

12. Does the zoning regulation encourage the most appropriate use of land throughout the municipality?

The most appropriate land uses throughout the jurisdiction are promoted by encouraging complementary and compatible uses which promote the general well-being of all citizens of the community. As the area is currently developed primarily as commercial, the most appropriate use of the area would be to allow for the expansion of the existing Town Pump facility. The PUD plan submitted does not impact the future development of the remainder of the Siderius PUD negatively, and adequately addresses impacts of this development.

II. Criteria for the Creation of a Planned Unit Development (PUD) District

The intent of the PUD district is to serve as an overlay zoning district. The Kalispell Zoning Ordinance describes the intent of a PUD district as follows: “The district shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of an area.”

Sections 27.19.020(4) of the zoning regulations provide that the Kalispell City Planning Board and Kalispell City Council shall review the PUD zoning based on the following criteria:

A. The compliance of the proposed PUD with the city growth policy and in particular the density and use policies of the plan;

The subject property is within the Commercial land use category, which provides the basis for the B-2 and B-2/PUD, General 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 convenience store and casino is an

appropriate land use for the property. Additionally, the Kalispell Growth Policy Plan-It 2035 has several goals and policies that support the PUD request:

Growth Policy 2035, Chapter 4 – Business and Industry, states the following:

GOAL #1 – Encourage the development and growth of prosperous commercial and industrial districts, each with a viable mix of business, suitable infrastructure, and a coordinated development pattern that reduces business costs and increases small business opportunities.

GOAL #3 – Provide adequate areas within the community for commercial and industrial development that meets the needs of present and future business in terms of cost, type, design and location.

The proposal allows for the expansion of an existing facility within an existing commercial zone. The applicant is proposing the expansion to meet the needs of their clientele provide for future business at a major intersection entering the City of Kalispell.

POLICIES (General Commercial, b.) – The expansion of additional commercial districts along major arterials is anticipated to occur at such times as the development or redevelopment of existing commercial districts have significantly developed to avoid creation of a new commercial district and leapfrog development.

POLICIES (Highway Community Entrance):

- d. Emphasize the objective of pleasing corridors that encourage highway landscaping.*
- e. Encourage the use of innovative land use regulations to achieve a pleasing community entrance.*
- f. Encourage highway commercial development to adhere to the following design guidelines:*
 - i. Encourage access by a secondary street or use of shared driveways and interconnected parking lots where secondary street access is not feasible.*
 - ii. Increase building and parking lot setbacks.*
 - iii. Incorporate pedestrian and bicycle facilities into landscaped frontages.*
 - iv. Landscape highway frontage and parking lots to enhance development sites and reduce visual impacts of development.*

- v. *Keep signs simple to reduce clutter and allow rapid comprehension by highway motorists without undue distraction. Encourage variety and creativity in sign design.*
- vi. *Outdoor storage, machinery, utilities, trash dumpsters, service bays, antennas, rooftop equipment, and similar accessory facilities should be hidden or screened from public view to protect aesthetic qualities.*
- vii. *Outdoor lighting should be low intensity, directed downward and shielded to prevent glare.*

Highway 93 South Corridor Area Plan:

Goal #2 – Expansion of commercial development south of Cemetery Road/Lower Valley Road needs to be addressed under a Planned Unit Development in order to adequately address vehicular and pedestrian access, signage, setbacks, and other issues relating to protecting and preserving the community entrance to Kalispell.

Goal #4 – Development along the Highway 93 South Corridor should occur in areas where public services, utilities and facilities area available or can be provided.

Goal #5 – New development whether commercial, industrial or residential should be of high quality in design and architectural quality.

Goal #15 – Provide for the ongoing acquisition, construction and maintenance of parks, bike and pedestrian trails and other recreational facilities.

POLICIES

1. *Additional accesses onto Highway 93 shall be limited and a grid street system shall be developed when possible.*
2. *High quality design standards shall be applied to new development along the corridor related to architecture, parking lot layout, lighting, landscaping, setbacks and signage.*
3. *The following design standards are intended to enhance the gateway entrances to Kalispell:*
 - v. *Access control should be the norm along the 93 corridors.*
 - vi. *Access should be coordinated so as to allow only collector or arterial streets to intersect Highway 93. The judicious use of right-in right-out approaches, frontage roads and good internal*

development street design should be the rule to reduce or eliminate the need for direct access onto major gateway roads.

- vii. Areas planned for commercial development along Highway 93 should occur as an integrated development utilizing and enhancing the property back from the highway as opposed to occurring as a shallow linear strip. Significant individual business highway exposure, individual access points, and pole signage would not be the norm.*
- viii. Monument signs are preferred over pole signs.*

In this case, the applicant is requesting a deviation in the zoning ordinance to permit a casino within the B-2 Zone, while simultaneously implementing city entrance corridor standards in order to improve the aesthetics of the property. Increased standards would include a new casino/convenience store building with superior design, increased landscaping along U.S. 93 South, new larger pedestrian sidewalk, access control into the property, elimination of billboards on the property, and increased signage regulations.

B. The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

The applicant is requesting a deviation in the zoning ordinance to permit a casino within the B-2 Zone, while simultaneously implementing city entrance corridor standards in order to improve the aesthetics of the property. Thus, approval of this request would be an amendment to the Kalispell Zoning Ordinance, Section 27.13.020 Permitted Uses, by allowing casinos as a permitted use. Casinos are only permitted within the B-5 Zone with approval of a Conditional Use Permit. Although a casino is not currently permitted within the B-2 Zone, the existing facility can continue to operate on the property in perpetuity in its current state under the nonconforming regulations of the Kalispell Zoning Ordinance.

In exchange for the ability to reconstruct a new casino and convenience store, the applicant is proposing to implement entrance corridor standards that would include a building with superior design, increased landscaping along U.S. 93 South, new larger pedestrian sidewalk, access control into the property, elimination of billboards on the property, and increased signage regulations in regards to casinos. The zoning ordinance has the following design standards and when appropriate may be placed on the casino:

- a. Limiting or prohibiting the on-premise signage or building from using the following:

1. Any terms such as gaming, gambling, cards, dice, chance, etc.
 2. Any reference to any associated activity or any symbols or words commonly associated with gambling.
 3. Any words, terms, figures, art work, or features intended or designed to attract attention to the fact that a casino is on site.
 4. Neon lighting.
- b. Limiting the number and location of entrances to the casino.
 - c. Increasing landscaping requirements in order to create a buffer between the casino and adjacent land uses.

Due to this site's location on a major entrance corridor and proximity to other commercial developments where casinos have otherwise been prohibited, staff recommends prohibiting onsite signage as mentioned above in Section 27.34.040(4)(a) and have added them as conditions of approval. The request for a new facility allows the city to consider these increased standards in an effort to implement the goals and policies of the City Growth Policy Plan-It 2035.

C. The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and the public works standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

The proposed PUD for the expansion of the Town Pump facility does not depart from the subdivision regulations or Public Works standards for design and construction.

D. The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;

As mentioned previously, in exchange for the ability to reconstruct a new casino and convenience store, the applicant is proposing to implement entrance corridor standards that would include a building with superior design, increased landscaping along U.S. 93 South, new larger pedestrian sidewalk, access control into the property, elimination of billboards on the property, and increased signage regulations in regards to casinos. The request for a new facility allows the city to consider these increased

standards in an effort to implements the goals and policies of the City Growth Policy Plan-It 2035.

- E. The nature and extent of the public parks and common open space in the PUD, the reliability of the proposal for maintenance and conservation of these areas and the adequacy or inadequacy of the amount and function of the parks and open space in terms of the land use, densities and dwelling types proposed in the PUD;**

No public parks and common open space are within the PUD because the development is commercial and no parks or open space are required as part of commercial development.

- F. The manner in which the PUD plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of recreation and visual enjoyment;**

1. Public Services:

Police and Fire Services

The Kalispell Fire Department and Police Department can adequately provide service to the property. No increased impacts to police and fire are anticipated as a result of the proposed expansion.

Water and Sewer

The city has the ability to serve the property and any future expansions. Any new water and sewer mains/service lines will be required to be installed per the City of Kalispell Construction and Design Standards, including the extension of them to the western property boundary.

Storm water

Storm water runoff from the site shall be managed and constructed per the City of Kalispell Construction and Design Guidelines. Final design will be approved by Kalispell Public Works Department prior to building permit issuance. Prior to receiving a building permit the developer will need to submit a construction storm water management plan to the Public Works Department. This plan will need to show how storm water will be treated and where it will be directed during construction activities.

2. Control Over Vehicle Traffic:

The requested PUD overlay will positively affect the motorized system and non-motorized system as staff is recommending as a condition of PUD approval that the applicant move their approach on U.S. 93 South southerly

to align with the approach with the auto dealerships across the highway to the east. Having the approaches lined up will create more predictable traffic movements thereby reducing potential traffic conflicts. Staff also recommends that the approach serve as a shared access to Tract 5A to the south, which is also owned by Town Pump. A shared access requirement will limit the amount of driveway approaches onto the highway, also limiting potential vehicle conflicts and promoting the free flow of U.S. 93. Additionally, traffic circulation will be designed to encourage easier access to the new approaches on Cemetery Road where there is a lighted intersection.

3. Recreational Amenities:

No recreational amenities are required for the expansion as it is a commercial use.

4. Visual Enjoyment

The applicant is proposing implement the city's entrance corridor standards as provided in Chapter 27.20.29 of the Kalispell Zoning Ordinance. The requirements include an additional 20 feet of landscaping along the property frontage which incorporates live landscaping including undulating topography and have a mix of planting with ground cover of predominately sod. Additionally, a new building is proposed to be constructed in place of the existing building. The applicant has submitted pictures of similar building that includes architectural features including use of rock, wood, pitched roofs and emphasis on the entry. Staff is also recommending conditions that the Architectural Review Committee could use to assure the architectural embellishments are incorporated into the building design at time of building permit. Staff is recommending removal of the nonconforming billboards on the property, which serve as visual distraction/visual clutter along the major entrance into the city.

Staff is also recommending the applicant include plans for landscaping the area adjacent the public lift station located at the southwest corner of U.S. 93 South and Cemetery Road through the use of vines and tall shrubs. Currently, the facility is very industrial in nature and detracts from the private improvements occurring in the vicinity.

G. The relationship, beneficial or adverse, of the PUD plan upon the neighborhood in which it is proposed to be established in concert with the underlying zone;

The PUD is beneficial to the neighborhood, as the development will include implementation of the city entrance corridor standards, construction of a new building with superior architecture design with increased tax base, removal of existing billboards and access control improvements on U.S. 93 South. The land use on the property will not change and is compatible with the established land use pattern in the area of commercial uses.

H. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the PUD;

The development area was planned for commercial and does not inhibit any future utility extensions that will be needed for the remainder of the property to properly develop.

I. Conformity with all applicable provisions of this chapter.

No specific departures from the Kalispell Zoning Ordinance, other than listed above, or subdivision regulations can be identified based upon the information submitted with the application.

RECOMMENDATION

It is recommended that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC19-02 as findings of fact and recommend to the Kalispell City Council that the Town Pump #5 PUD amendment be approved subject to the following conditions:

Conditions of Approval

1. The Planned Unit Development for Town Pump #5 allows the following deviations from the Kalispell Zoning Ordinance:
 - a. Kalispell Zoning Ordinance, Section 27.13.020 Permitted Uses – Allows one (1) casino as a permitted use.
2. The development of the Kalispell Town Pump #5 PUD shall substantially comply with the following site plan and elevations submitted as part of the Planned Unit Development application:
 - a. Site Layout Plan
 - b. Building footprint site plan
 - c. Pictures of proposed building materials and design concepts
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. Architectural rendering are required to be submitted to the Kalispell Architectural Review Committee for review and approval prior to issuance of a building permit. Building design shall be provided as listed below:
 - a. Four sided architecture is required for all structures and buildings. Large, rectangular masses should be avoided by incorporating offsets in the wall and roof. A change in the plane of the walls,

changing the direction or providing some variety in the roof form gives diversity and visual interest.

- b. Entries should be a prominent component of the building face by providing an architectural covered or recessed entry with modified roof accent and increased usage of windows and trim.
 - c. Franchise architecture may be subject to modification to achieve the building style objectives.
5. A development agreement shall be drafted by the Kalispell City Attorney between the City of Kalispell and the developer outlining and formalizing the terms, conditions and provisions of approval. The final plan as approved, together with the conditions and restrictions imposed, shall constitute the Planned Unit Development (PUD) zoning for the site that shall be completed and signed by the city and owner prior to the issuance of a building permit.
 6. A landscape plan shall be submitted to the Parks and Recreation Department for the area adjacent the public lift station located at the southwest corner of U.S. 93 South and Cemetery Road, which shall be screened through the use of vines and tall shrubs in landscape beds.
 7. To ensure the property is fully landscaped and is compatible with the surrounding developments, a landscape plan shall be submitted along with the building permit. Dead or removed trees from original landscaping shall be replaced.
 8. The developer shall improve the properties U.S. 93 South frontage in accordance with Chapter 27.20.29 of the Kalispell Zoning Ordinance.
 9. The following on-premises signs are prohibited;
 - a. Any terms such as gaming, gambling, cards, dice, chance, etc.
 - b. Any reference to any associated activity or any symbols or words commonly associated with gambling.
 - c. Any words, terms, figures, art work, or features intended or designed to attract attention to the fact that a casino is on site.
 - d. Neon lighting.
 10. The developer shall submit to the Kalispell Public Works Department for review and approval a stormwater management plan that meets the requirements of the current city standards for design and construction. The approved stormwater management plan for on-site facilities shall be completed prior to the issuance of a building permit.

11. The properties U.S. 93 South entrance into the property shall be relocated southerly to a point where it lines up with the auto dealerships to the east.
12. A shared access easement shall be granted to Lot 5A of Ashley Park, Lot 5, Revisited situated in the SE4 NE4 of Section 29, Township 28 North, Range 21 West, P.M.M., Flathead County, MT off of U.S. 93 South.
13. The billboards on the property shall be removed from the site prior to certificate of occupancy of building.
14. The developer shall obtain an approach permit from the Montana Department of Transportation for the approach onto U.S. 93 South.
15. Prior to development of Lot 5A, the developer shall submit an amendment to the Town Pump #5 PUD showing the location, size, elevations, landscaping and parking associated with the proposed use.