

JAXON RIDGE

**REQUEST FOR MAJOR SUBDIVISION APPROVAL
STAFF REPORT #KPP-19-03**

**KALISPELL PLANNING DEPARTMENT
SEPTEMBER 30, 2019**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request for a major subdivision preliminary plat to create a 24-lot townhouse subdivision. A public hearing has been scheduled before the planning board for October 8, 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.

BACKGROUND INFORMATION:

Siderius Construction, LLC is requesting to subdivide 3.9-acres into a 24-lot townhouse subdivision. The major subdivision will consist of demolishing an existing residence and subdividing the land into 24 sublots that will be constructed with single-family townhomes, common area/drainage and new city street being extended westerly from S. Woodland Drive. The major subdivision application will be reviewed in accordance with Section 28.2.06 of the Kalispell Subdivision Regulations.

A. Petitioner: Siderius Construction, LLC
737 Egan Road
Kalispell, MT 59901

Technical Assistance: Sands Surveying, INC
2 Village Loop
Kalispell, MT 59901

B. Location and Legal Description of Property:

The property is located at 1702 S. Woodland Drive. The property can be legally described as the south 286 feet of Lots 1-5, Block 4 of Greenacres North-West Subdivision Section 17, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

C. Size:

Total:	3.90 acres
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Lots:	2.53 acres
Roads/Streets:	.66 acres
Common Area:	.71 acres

D. Existing Land Use and Zoning:

The subject property is developed with an old single-family ranch home with the remainder being undeveloped farmland and a wetland slough at the western boundary. The property is currently under Flathead County jurisdiction and within the R-2 (One-family limited residential) Zoning District. This district is defined as “A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.” The single-family home and appurtenant facilities located on the property will be removed prior to construction of the subdivision.

The applicant has concurrently submitted an annexation and initial zoning request application. Their request is to annex the entire property into city limits with an initial zoning of R-4. The R-4 Zoning District is defined as “Comprised of primarily single-family and duplex dwellings. Development within the district would require all public utilities, and community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.” Provided the annexation request is approved the proposed subdivision is in compliance with the Kalispell Zoning Regulations.

E. Adjacent Land Uses:

North: Single-family
East: Single-family and mobile home park
South: Single-family
West: Single-family and slough

F. Adjacent Zoning:

North: City R-2, County R-2
East: City R-2, County R-2
South: County R-2
West: County R-4

G. General Land Use Character:

The general land use category of the area can be described as single-family residential. The area is a mix of county single-family development and city single-family development, of which much of the county development is served by city sewer. There is also a mobile home park located to the southeast of the subject property.

H. Utilities and Public Services:

City water and sewer mains are both located within South Woodland Drive immediately adjacent the subdivision to the east. When developed, the developer will be required to pay the cost for the utility extensions. The design and sizing of water and sewer extensions will be reviewed and approved by the Kalispell Public Works Department prior to development of the site.

Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	City of Kalispell
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5, Elrod Elementary
Fire:	City of Kalispell
Police:	City of Kalispell

I. REVIEW AND FINDINGS OF FACT FOR THE PRELIMINARY PLAT

A. Effects on Health and Safety:

Fire: The property would be considered to be at low risk of fire because any building constructed within the subdivision would be built in accordance with the International Fire Code and have access which meets city standards. The area to be built upon does not have steep slopes or woody fuels. Hydrants will be required to be placed in compliance with the requirements of the Uniform Fire Code and approved by the Fire Chief.

Flooding: Flood Insurance Rate Map, panel number 30029C1820J shows the entire subdivision to be outside of the 100-year floodplain.

Access: Access is provided by South Woodland Drive to the east, an improved collector street. An unnamed local street, which accesses South Woodland Drive, provides direct access into the proposed subdivision. The unnamed city street will be a local street constructed to city standards.

B. Effects on Wildlife and Wildlife Habitat:

There are no known big game wintering ranges, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species per the Kalispell Growth Policy environmental considerations maps.

C. Effects on the Natural Environment:

Surface and groundwater: The subdivision will be served by public water and sewer thereby minimizing any potential impacts to groundwater. The

site is not within a designated 100-year floodplain per the Flood Insurance Rate Map Number 30029C1820J.

Drainage: Curbs and gutters will be installed and a storm management plan will have to be developed to address the runoff from the site. A preliminary storm water design has been submitted for the development showing a detention pond within the open space area that will outfall into the slough to the west. The drainage plan will have to comply with the City of Kalispell standard and designed by a professional engineer.

A condition of approval requires that a homeowner's association be created for the maintenance of the common area which would include the common area drainage easements. As part of the storm easement areas the association will be required to mow the area to reduce fire hazard and reduce spread of noxious weeds. Lastly, the developer is required to submit for review to the Kalispell Public Works Department an erosion/sediment control plan for review and approval. These plans provide for managing storm water on the site and include stabilizing the construction site through an approved revegetation plan after site grading is completed.

D. Effects on Local Services:

Water: Water to the subdivision will be provided by the City of Kalispell. The applicant will extend water service to the property from South Woodland Drive to the east. The water system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision. There is adequate capacity within the city's water system to accommodate this subdivision.

Sewer: Sewer to the subdivision will be provided by the City of Kalispell. The applicant will extend sewer service to the property from South Woodland Drive to the east. The sewer system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision. There is adequate capacity within the city's sewer system to accommodate this subdivision.

Access and Roads: The subdivisions main entrance will be off an improved unnamed city street, constructed to local standards. The unnamed city accesses South Woodland Drive, an improved collector street.

Schools: The property is within the boundaries of School District #5 and Elrod Elementary. The school district could anticipate an additional 12 school aged children from the subdivision. This number takes into account home school education options and private school options as well as those attending public facilities. This subdivision would have a potential impact on the district.

Section 76-3-608(1) of the Montana Code Annotated states that the governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

1. Parks and Open Space: The state and local subdivision regulations have parkland dedication requirements or cash in lieu of parkland dedication in the amount of .03 acres per dwelling unit. Accordingly, the parkland requirement for the subject property would be .75 acres. The applicant intends to pay cash in lieu of parkland. The cash payment will be based off the fair market value of undivided, unimproved land prior to final plat approval. The money would be used for improvements to existing parks and acquisition of new park land in the immediate area. The cash payment will be based off of the fair market value of undivided, unimproved land prior to final plat approval.

Police: Police services will be provided by the Kalispell Police Department. The department can adequately provide service to this subdivision.

Fire Protection: Fire protection services will be provided by the Kalispell Fire Department. The department can adequately provide service to this subdivision. Additionally, the road network to the subdivision provides adequate access for fire protection. Fire station 61 is located approximately 1.5 miles away providing good response time.

Solid Waste: Solid waste will be handled by the City of Kalispell. There is sufficient capacity within the landfill to accommodate this additional solid waste generated from this subdivision.

Medical Services: Ambulance service is available from the fire department and ALERT helicopter service. Kalispell Regional Medical Center is approximately 3.5 miles from the site.

E. Effects on Agriculture and agricultural water user facilities:

The subject property is within an urbanized area with a majority of the neighboring properties lying within city limits and adjacent to City of Kalispell water and sewer. There will be no impact to agriculture facilities in this case, as the property has not been used for agriculture for years and is surrounded by development in all directions. No impact to water user facilities are anticipated since the property will be served by a public water system.

F. Relation to the Kalispell Growth Policy:

The Kalispell Growth Policy Future Land Use Map designates this area as Urban Residential development, which anticipates primarily single-family, including townhouse and duplex development, with a density of not to

exceed 12 dwelling units per acre. The proposed subdivision has a density of 6.2 dwelling units per acre. The density is in compliance with the anticipated density in the area and the proposed residential use of single-family is anticipated.

G. Compliance with Zoning:

Provided the county R-2 (one-family limited residential) portion of the development is annexed, the entire property is located within the R-4 (Residential) Zoning District. The Kalispell Zoning Ordinance describes the intent of this districts as:

“Comprised of primarily single-family and duplex dwellings. Development within the district would require all public utilities, and community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.”

All of the lots shown on the preliminary plat meet or exceed the minimum lot size requirement of 6,000 square feet and minimum 50-foot lot width requirement.

H. Compliance with the Kalispell Subdivision Regulations:

This subdivision request complies with provisions of the Kalispell Subdivision Regulations.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report KPP-19-03 as findings of fact and recommend to the Kalispell City Council that the preliminary plat Jaxon Ridge be approved, subject to the conditions listed below:

CONDITIONS OF APPROVAL

1. Preliminary Plat approval is contingent upon final approval of annexation request KA-19-03.
2. The development of the site shall be in substantial compliance with the application submitted, the site plan, materials and other specifications as well as any additional conditions associated with the preliminary plat as approved by the city council.

3. The preliminary plat approval shall be valid for a period of three years from the date of approval.
4. The developer shall submit to the Kalispell Public Works Department for review and approval a storm water report and an engineered drainage plan that meets the requirements of the current city standards for design and construction. Prior to final plat, a certification shall be submitted to the public works department stating that the drainage plan for the subdivision has been installed as designed and approved.
5. 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.
6. The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department and the Montana Department of Environmental Quality for concurrent review, with approval of both required prior to construction.
7. The developer shall submit the street design to the Kalispell Public Works Department for review and approval prior to construction. Street designs shall meet the city standards for design and construction.
8. South Woodland 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 landscape boulevard adjacent the applicant's property.
9. Prior to final plat, a letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell or a proper bond has been accepted for unfinished work.
10. All existing and proposed easements shall be indicated on the face of the final plat. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.
11. The following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever."

Developer's Signature

12. Prior to filing the final plat, a letter from the U.S. Postal Service shall be included stating the Service has reviewed and approved of the design and location of the mail delivery site. The mail delivery site shall be installed or bonded for prior to final plat. In addition, the mail delivery site and improvements shall also be included in the preliminary and final engineering plans to be reviewed by the Public Works Department. The mail delivery site shall not impact a sidewalk or proposed boulevard area.
13. A 310 permit shall be obtained from the Montana Department of Natural Resources and Conservation – Conservation District Bureau, for any disturbances/and or improvements adjacent the slough along the properties western boundary.
14. A homeowner's association (HOA) shall be formed and established for the common areas prior to final plat. The HOA should include provisions for the maintenance of all common areas.
15. A letter shall be obtained from the Kalispell Parks and Recreation Director approving a landscape plan for the placement of trees and landscaping materials within the landscape boulevards of the streets serving the subdivision. The approved landscape plan shall be implemented or a cash in lieu payment for installation of the street trees and groundcover be provided to the Kalispell Parks and Recreation Department.
16. A cash in lieu of parkland in the amount of .03 acres per dwelling unit shall be provided. The cash payment will be based off of the fair market value of undivided, unimproved land prior to final plat approval.
17. Driveways accessing Lots 3-8 shall be constructed as shown on the submitted site plan.
18. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
19. All utilities shall be installed underground.
20. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.