

KALISPELL NORTH TOWN CENTER – PHASE 3

**REQUEST FOR MAJOR SUBDIVISION APPROVAL
STAFF REPORT #KPP-19-04**

**KALISPELL PLANNING DEPARTMENT
November 1, 2019**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a preliminary plat application to create 22 lots within Kalispell North Town Center. A public hearing has been scheduled before the planning board for November 12, 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:

A request from Eagle Valley Ranch Apartments, LLC and Stillwater Corporation for major subdivision approval of Kalispell North Town Center, Phase 3. The subdivision is located within Kalispell North Town Center and is generally located east of Kalispell Ford, east of the Kalispell Armory, west of Jefferson Boulevard and north of Lincoln Street. Kalispell North Town Center is 485.5 acres and includes four zoning designations of R-3 (single-family residential), R-4 (two-family residential), B-1 (neighborhood business), and B-2 (general business). The subdivision request encompasses the commercial component of the PUD at its northwest boundary. Phase 3 totals 39.3-acres and includes 22 commercial lots, common area, and new city street. The lots range in size from .50 acres to 4.73 acres. The new city street will be constructed to city standards. The application will be reviewed in accordance with Section 28.2.06 of the Kalispell Subdivision Regulations.

A. Petitioner and Owners: Stillwater Corporation
P.O. Box 7338
Kalispell, MT 59904

Eagle Valley Ranch Apartments
341 W. Second Street #1
San Bernardino, CA 92401

Technical Assistance: Jackola Engineering
2250 HWY 93 South
Kalispell, MT 59901

B. Location and Legal Description of Property: The property can be legally described as Lot 1A of the amended plat of Block 3 of Kalispell North Town Center – Phase 2 and Lots 8 & 9, Block 1 and Lot 1, Block 2 of Kalispell North Town Center – Phase 2 located in portions of the S1/2 of Section 19 and the N1/2 of Section 30, Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

C. Size:

Total area:	39.3 acres
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Lots:	36.25 acres
Roads/Streets:	1.16 acres
Open Space:	1.9 acres

D. Existing Land Use and Zoning: The subject property is undeveloped grass lands with city infrastructure in place including, streets, water and sewer. The area to be subdivided has a PUD overlay that contains the zoning designations B-2/PUD.

E. Adjacent Land Uses:

North: Vacant land, MDT Facility and National Guard Armory
East: Vacant Land
South: Vacant land
West: Ford dealer, U.S. 93 and vacant land

F. Adjacent Zoning:

North: City P-1 and RA-2/PUD
East: City B-2/PUD and R-3/PUD
South: City B-2/PUD
West: City B-2/PUD

G. General Land Use Character: The area can be largely described as rural but in transition. The subject property was annexed into the city prior to the recession with the plan of developing the property into a mixed development consisting of commercial development, multi-family, townhouses, open space and single-family residential. The development will be of urban scale and be an extension of the already developed city.

F. Utilities and Public Services:

Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	Private
Electricity:	Flathead Electric Cooperative
Gas:	NorthWestern Energy
Telephone:	Centurylink
Schools:	School District No. 5, Edgerton Elementary
Fire:	City of Kalispell
Police:	City of Kalispell

REVIEW AND FINDINGS OF FACT FOR THE PRELIMINARY PLAT KALISPELL NORTH TOWN CENTER – PHASE 3 SUBDIVISION

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 property 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. Fire station 62 is located approximately 1.6 miles away providing good response time.

Flooding: Flood Insurance Rate Map, panel number 30029C1415J shows the entire subdivision to be outside of the 100-year floodplain.

Access: Access to the subdivision will be provided by U.S. 93 North, a four lane highway. Two access roads (Rose Crossing and Lincoln Street) provide access into the subdivision off of U.S. 93 North. Rose Crossing has been constructed through the property to the east connecting with Whitefish Stage Road. Rose Crossing will include a fully lighted intersection when warrants are met. Lincoln Street has been constructed and its intersection with U.S. 93 North has a $\frac{3}{4}$ movement. Cascade Loop and Jefferson Boulevard have been constructed providing direct access to the lots within the phase. Phase 3 includes the construction of a new north/south unnamed street located between Cascade Loop and Lincoln Street providing additional connectivity. In order to maintain the functionality of Rose Crossing as an arterial roadway, which should have access control, staff is recommending that Lots 8-10 only gain their access off of Cascade Loop. Cascade Loop connects to Jefferson Boulevard and provides for access onto Rose Crossing via a controlled street intersection.

The preliminary plat includes common area that will include a trail system, providing additional connectivity/access. Staff recommends that the trail system only cross the public right-of-ways of Cascade Loop, Jefferson Boulevard and Lincoln Street at designated intersections for pedestrian safety. Where the trail heading north/south crosses Rose Crossing staff recommends that the crossing include a pedestrian-actuated rectangular rapid flashing beacon to alert drivers of pedestrian crossing along the major roadway.

B. Effects on Wildlife and Wildlife Habitat: Map 7.8 located within Appendix A of the Growth Policy does not show this area active wildlife habitat. Additionally, this phase of the development is not located adjacent the Stillwater River Riparian Corridor. Therefore, one can reasonably assume there will not be an effect on the wildlife and wildlife habitat.

C. Effects on the Natural Environment:

Topography, Geology and Soils: There are no areas of shallow bedrock within the proposed development. There are no areas with rock falls, slides or slumps, or rock outcroppings. Best Management Practices, such as appropriate grading and vegetation establishment will preclude erosion problems and standard good operating procedures during construction will inhibit any nuisance dust

problems.

Based off of a previous field study completed by CMG Engineering the site is suitable for commercial development. The study did have concern with the presence of loose sand and silts encountered at anticipated foundation bearing elevations of Lots 24-29. Depending on the foundation loads, some sort of soil treatment, such as over excavation and replacement with structural fill is anticipated. The proposed project site is within Seismic Hazard Zone 3. All buildings will be designed to the appropriate seismic engineering standard for the area and reviewed by the building department.

Surface and Groundwater: The only natural surface water with this project is the Stillwater River which is located approximately .5 miles from the proposed subdivision to the south. There is a shallow perched aquifer table located on the northeast section of the entire Kalispell North Town Center property. The minimum depth to the water table was observed and was approximately 6'. The limits of the perched aquifer do not protrude into the proposed subdivision where development would be expected.

Drainage: The applicant has developed a subdivision level storm drainage system with a detention pond located south of the subdivision. Curbs and gutter are installed along the streets throughout the subdivision and the storm water will be conveyed to the detention pond. A final storm water design will be reviewed and approved by Kalispell Public Works prior to construction and final plat submittal.

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.

Noise: U.S. 93 North is approximately 10 feet below the proposed elevation of the subdivision. The Federal Highway Administration recognizes depressing the highway below grade as a common noise mitigation measure. In addition, there is an approximately 100' open space buffer located between the highway and the nearest parcel already platted with Phase 2. Lastly, the nearest proposed land use is commercial which is not considered as noise sensitive as residential development and therefore is considered as additional noise mitigation for the overall development.

D. Effects on Local Services:

Water: Phase 3 will be provided water service via an existing 14" water main located within the right-of-way boundary of U.S. Hwy 93 North and water mains located within Lincoln Street, Jefferson Boulevard and Cascade Loop. The water system has been designed in accordance with the City of Kalispell Standards for Design and Construction and Montana Department of Environmental Quality Design Standards for Water Works. There is adequate capacity within the city's water system to accommodate this development. There is a latecomers fee

associated with this 14" main.

Sewer: Phase 3 will convey sewer via gravity flow into an existing 18" sanitary sewer main located within the right-of-way boundary of U.S. Hwy 93 North and sewer mains located within Lincoln Street, Jefferson Boulevard and Cascade Loop. The sanitary sewer system has been designed in accordance with City of Kalispell Standards for Design and Construction and Montana Department of Environmental Quality Design Standards for Public Sewage Systems. There is adequate capacity within the city's sewer system to accommodate this development. There is a latecomers fee associated with this 18" sewer main.

Roads: As discussed under the "Access" section of this document, U.S. 93 North will provide access to the subdivision in coordination with an internal road system. All of the roads are designed and constructed in accordance with the City of Kalispell Standards for Design and Construction. All private internal road systems providing access to the lots will require Site Review Committee approval for pedestrian and vehicular access prior to building permit issuance of any structures on the lots.

Schools: This development is within the boundaries of Kalispell School District No. 5., Edgerton Elementary. The commercial lots will not have an impact on the school district. Lots 25-29 will likely develop with as many as 300 multi-family units. The multi-family lots have the potential to have a minor impact on the district, as 150 students can be expected by the development on average.

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.

Parks and Open Space: 2.6-acres of open space is proposed, in addition to the open space that was already platted with Phase 1 and Phase 2 of the Subdivision. No parkland or open space is required for those lots. The 2.6-acres includes common area that will be used for trail connectors and a pond within the development. Phase 1 and Phase 2 included the 100' wide open space buffer area located along U.S. Hwy 93 and an open space buffer area located between the multi-family residential lot and the National Guard Armory (Lots 25-29). The open space areas will have a path located within them for recreation and pedestrian connectivity. Overall the PUD requires that a minimum of 72.3 acres of open space and parkland shall be provided within the development.

Police: This subdivision is in the jurisdiction of the City of 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 will provide adequate access for fire protection. Fire station 62 is located approximately 1.6 miles away providing good response time.

Solid Waste: Solid waste will be private disposal. 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 2.7 miles from the site.

- E. Effects on Agriculture and agricultural water user facilities:** The proposed subdivision site was previously used for agricultural purposes. The location and proximity to urban services and surrounding urban development make this property suited for commercial development as recommended in the Kalispell Growth Policy Future Land Use map. By allowing higher density development within the City's growth policy area, it could reasonably be expected that more farmland could be conserved because the availability of residential and commercial lots within the Kalispell Growth Policy boundary, limiting sprawl development further out into the county.
- E. Relation to the Kalispell Growth Policy:** The Kalispell Growth Policy Future Land Use Map designates this area as Urban Mixed Use, which anticipates a mix of commercial, single-family and multi-family residential development. The subdivision is proposing commercial 22 commercial lots; therefore the proposed uses are in compliance with the Kalispell Growth Policy.
- F. Compliance with Zoning:** In 2008 the city council approved the Glacier Town Center PUD which provided a master plan for a 485.5 acre site. The subject subdivision is a 39.3-acre portion of the master plan. The area to be subdivided contains the zoning designations B-2/PUD, for which the proposed subdivision complies. In addition, as the properties develop additional standards will be applied in regards to open space, landscaping, architecture, signage, etc. as outlined in Ordinance No. 1630. The Site Review Committee will evaluate compliance with those standards at time of overall site layout for the subdivision and building permit issuance.
- H. Compliance with the Kalispell Subdivision Regulations:** This subdivision complies with the Kalispell Subdivision Regulations and no variances have been requested.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report KPP-19-04 as findings of fact and recommend to the Kalispell City Council that the preliminary plat Kalispell North Town Center – Phase 3 be approved, subject to the conditions listed below:

CONDITIONS OF APPROVAL

Conditions:

1. 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.
2. All applicable conditions within Ordinance 1630 (Kalispell North Town Center PUD) shall apply.
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, or a proper bond is in place for said improvements.
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 of any new mains located within the new unnamed street located between Cascade Loop and Lincoln Street.
7. The developer shall submit the street designs to the Kalispell Public Works Department for review and approval prior to construction of the new unnamed street located between Cascade Loop and Lincoln Street.
8. 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.
9. All existing and proposed easements shall be indicated on the face of the final plat. Utility easements for city water and sewer shall be provided to allow for the logical extension of utilities from this subdivision to adjoining properties. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.
10. 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

11. Prior to filing the final plat, a letter from the US 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.
12. 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 including the storm water ponds and open space areas.
13. A note shall be placed on the final plat stating that owners waive their right to protest a Special Improvement District for maintenance of common areas. A district shall only be activated in the event that the homeowner's association defaults on their common area maintenance obligations. The taxes levied within the special improvement district shall be determined by the appropriate city department with approvals by the Kalispell City Council.
14. 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.
15. All utilities shall be installed underground.
16. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.
17. A letter from the Kalispell Fire Department approving the access, placement of the fire hydrants and fire flows within the subdivision shall be submitted prior to final plat.
18. The trail crossing at Rose Crossing shall include the installation of a pedestrian-actuated rectangular rapid flashing beacon.
19. The trail crossings at Lincoln Street, Cascade Loop and Jefferson Boulevard are permitted only at designated intersections.
20. Lots 8, 9, and 10 shall only gain access off of Cascade Loop.

