

**COLTON LEE COMMUNITIES  
REQUEST FOR A CONDITIONAL USE PERMIT  
KALISPELL PLANNING DEPARTMENT  
STAFF REPORT #KCU-20-04  
JULY 8, 2020**

This is a report to the Kalispell City Planning Board and Kalispell City Council regarding a request for a conditional use permit for a 96-unit multi-family residential project within a proposed B-2 Zoning District. A public hearing on this matter has been scheduled before the Planning Board for July 14, 2020, 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**

This application is a request from Colton Lee Communities for a conditional use permit to construct a multi-family residential development with four buildings and a total of 96 dwelling units (72 two-bedroom and 24 one-bedroom units), along with an associated parking lot, storm facilities and recreational amenities, which may include items such as a basketball court, a barbeque area, gazebos and playground equipment. Annexation, initial zoning, and a growth policy amendment related to the proposal were recently considered by City Council at its meeting on July 6 and were approved with the second reading on the initial zoning scheduled for July 20.

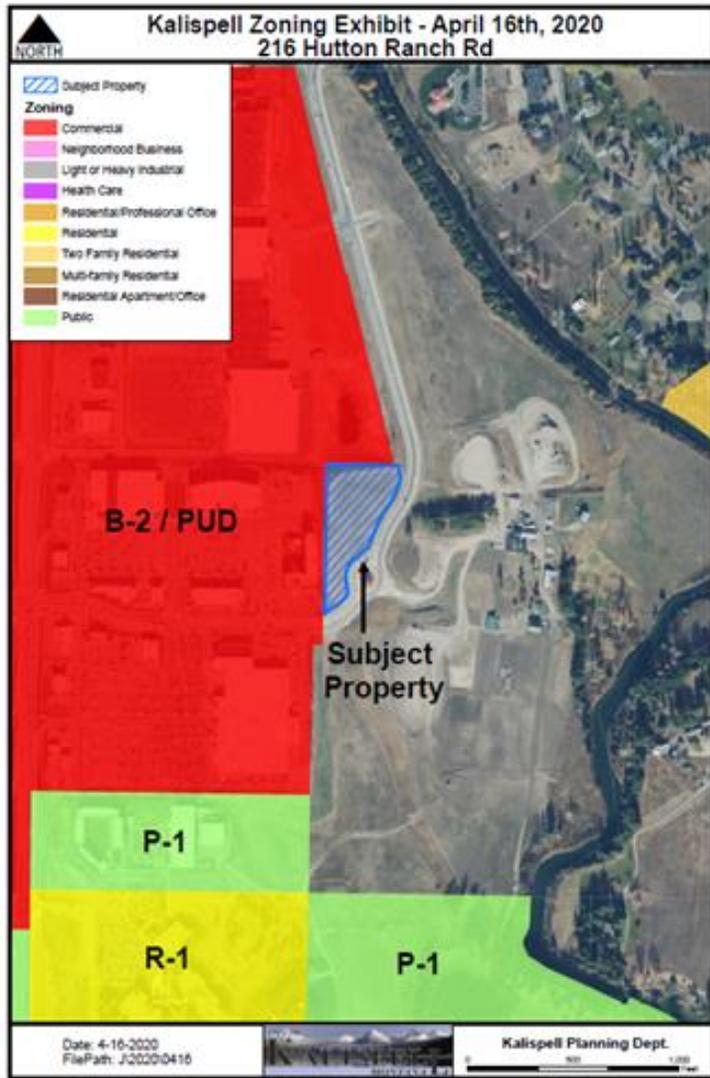
**A: Applicant:** Colton Lee Communities, LLC  
1014 South Westlake Blvd, Ste 14  
Westlake Village, CA 91361

**B: Location:** The property is located at 216 Hutton Ranch Road to the east of Hilton Homewood Suites. It can be described as Tract 1 of COS 21115 in the North ½ of Sec 31, T29N, R21W, P.M., M., Flathead County, Montana.



**C: Existing Land Use and Zoning:** The subject property is currently undeveloped on generally flat land adjacent to a major retail development. The B-2 (General Business) zoning for the property that was recently approved on first reading is a “district which

provides for a variety of sales and service establishments to serve both the residents of the area and the travelling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. This zoning district would typically be found in areas designated as commercial and urban mixed use on the Kalispell Growth Policy Future Land Use map.”



**D. Size:**

The subject property is approximately 3.27 acres.

**E: Adjacent Zoning:**

- North: City B-2/PUD & County SAG-10
- East: County SAG-10
- South: City B-2/PUD & County SAG-10
- West: City B-2/PUD

**F: Adjacent Land Uses:**

- North: Retail center & undeveloped
- East: FVCC accessory facilities
- South: Retail center, FVCC & undeveloped
- West: Retail center

**G: General Land Use Character:** The subject property sits at the edge of Hutton Ranch Plaza, one of the larger retail centers in the valley. It is next to Hilton Homewood Suites and the movie theatres as well as being across the street from Wal-Mart. At the same time, this property is part of an extensive amount of undeveloped land owned by Flathead Valley Community College on the other side of Hutton Ranch Road. The undeveloped property runs to the Stillwater River with a mix of primarily single-family residential uses and some offices on the east side of the river. The college is selling this portion of the property to the applicant.

**H: Relation to the Growth Policy:** A recently approved amendment to the Kalispell Growth Policy Future Land Use Map designates the subject property as Commercial. The Commercial land use category provides areas for commercial uses such as general retail, offices, restaurants, and other uses consistent with general business zoning districts, including multi-family. The City of Kalispell Growth Policy Plan-It 2035, Chapter 4A on Housing, encourages a variety of residential development that provides housing for all sectors and income levels within the community. City services including sewer, water and streets are in the vicinity and available to the subject property.

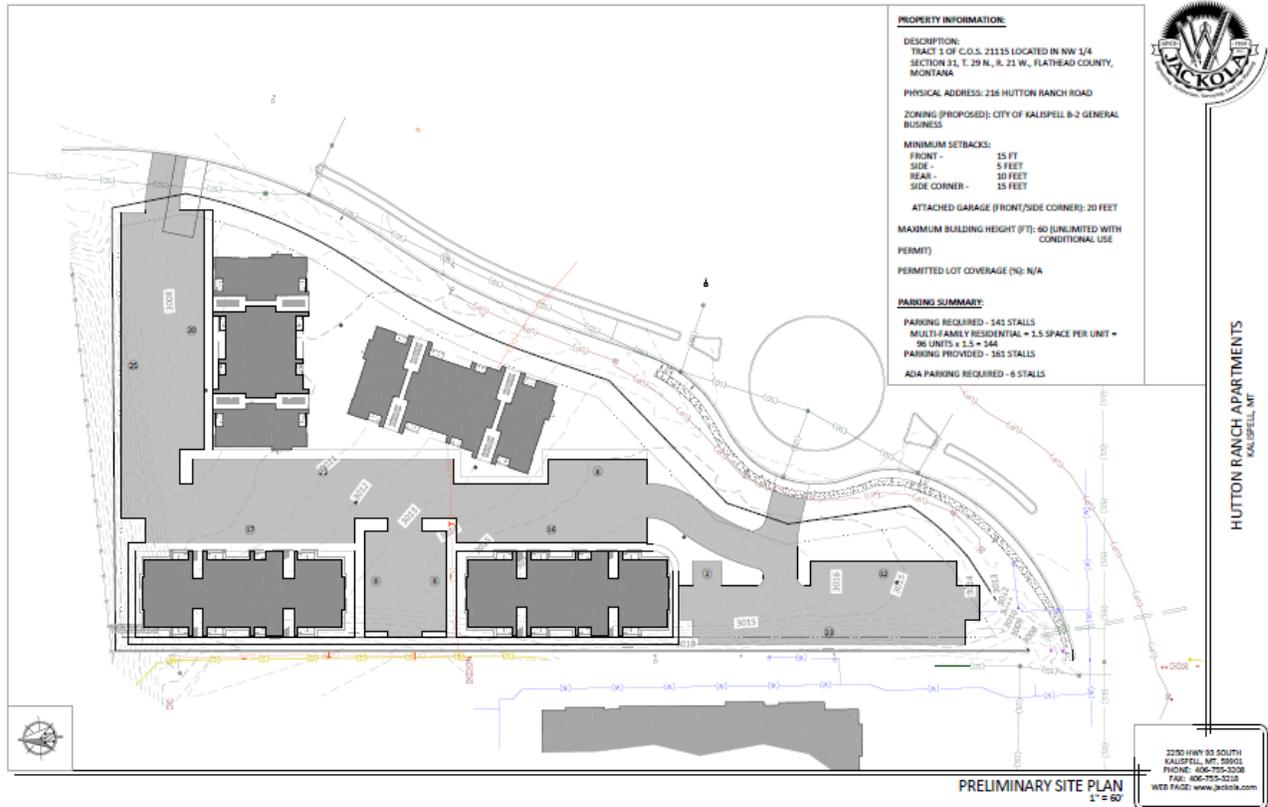
**I: Utilities/Services:**

- Sewer: City of Kalispell upon annexation
- Water: City of Kalispell upon annexation
- Refuse: Private contractor
- Electricity: Flathead Electric Cooperative
- Gas: NorthWestern Energy
- Telephone: CenturyTel
- Schools: School District #5, Edgerton Elementary/Glacier High School
- Fire: City of Kalispell upon annexation
- Police: City of Kalispell upon annexation



## 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 subject property is approximately 3.27 acres. The entire project site is flat with no significant impediments, thus leaving the entire site developable. When the project is submitted for building permit review, the total number of units on the property may need to be reduced in order to meet city development requirements for items such as parking, storm drainage, and recreational amenities.
- b. Height, bulk and location of the building: The proposed multi-family project appears to meet the required setbacks of 15 feet in the front, 5 feet on the sides and 10 feet in the rear. The B-2 zone also limits the maximum height to 60 feet. There is no maximum lot coverage in the B-2 zone. Verification of all these standards would occur during building permit review and site review.

- c. Adequate Access: The primary access will be Hutton Ranch Road along the south/east boundary of the property. It is anticipated that there will be two accesses: one near the north property line that is stubbed in and a second off of the roundabout near the southern end of the property. Both accesses to Hutton Ranch Road are subject to review and approval by the Montana Department of Transportation (“MDOT”). At this time, it is unclear what would be allowed for movements at the northern access, as currently the center of Hutton Ranch Road at this location is marked with a cross-hatched median which would not permit for left turns either in or out of the access. It may be right-in/right-out only. While not required, it is possible that the applicant and the adjacent property owner may agree to a connection from this property to the existing parking lot to the west to allow for both connectivity and overflow parking. It is recommended that the applicant include provisions for pedestrian access with or without the driveway connection. The access points sufficiently serve the property.
- 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.

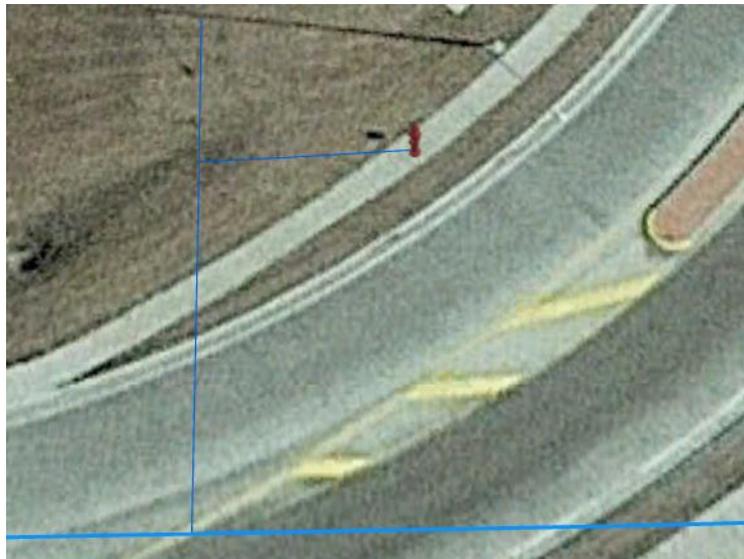
**2. Appropriate Design:**

- a. Parking Scheme/Loading Areas: The off-street parking requirement for multi-family dwellings is 1.5 spaces per dwelling unit with one or more bedrooms. There are a total of 96 units proposed, which would equate to 144 required parking spaces. The development plan provides 161 parking spaces, exceeding the minimum parking requirements.
- 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: As noted above, the primary access will be Hutton Ranch Road. It is anticipated that there will be two accesses including one off of the roundabout. While not required, it is possible that the applicant and the adjacent property owner may agree to a connection from this property to the existing parking lot to the west to allow for both connectivity and overflow parking. On-site traffic circulates through parking designed to meet city standards.
- d. Open Space: The development is proposing pockets of open space around the project. It also includes the possibility of amenities such as a basketball court, a barbeque area, gazebos and playground equipment in order to meet the recreational amenity requirements under the zoning ordinance for multi-family developments. Under the zoning ordinance, 500 square feet of land with recreational value or the equivalent value in amenities shall be provided. The specific plans for the recreational component will be reviewed during the building permit and site review processes.

- e. Fencing/Screening/Landscaping: The application provides for landscaping in regards to parking, buffering, and open space. In order 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 include provision for boulevard trees and landscaping along Hutton Ranch Road. The landscape plan shall be approved by the Parks and Recreation Department prior to issuance of a building permit.
- 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 specific 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 project.
- b. Fire Protection: Fire protection will be provided by the Kalispell Fire Department. Fire hydrants will be located as required by the Fire Chief. There is generally adequate access to the property from the public road system. The buildings will be constructed to meet current building and fire and safety code standards. Station 62 is approximately 2500 feet from the subject property giving good response time.
- c. Water: City water is available and would serve the property. The developer will be required to pay the cost for the utility extensions. A 12-inch water main will need to be extended to the north property line. (Design and Construction Standards 4.1.1) Developer should coordinate with the City and MDT for the utility extensions.



There is currently a six-inch fire service/ fire hydrant on the southern part of the property. The line does not meet city standards, which do not allow a fire hydrant off of a fire service lateral. The six-inch lateral to the north of the hydrant needs to be abandoned with the 12-inch main to be extended to the north.

- d. Sewer: Sewer service will be provided by the City. The developer will be required to pay the cost for all of the utility extensions. A 12-inch sewer main needs to be extended to the north property line. (Design and Construction Standards 4.1.1) The developer should coordinate with the City and MDT for the utility extensions.
- e. Storm Water Drainage: Storm water runoff from the site shall be managed and constructed per the City of Kalispell Standards for Design and Construction. Final design will be approved by Kalispell Public Works Department prior to building permit issuance. Prior to receiving a building permit the developer will also 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.
- f. Solid Waste: Solid waste pick-up will be provided by the City. The application indicates screened trash enclosures will be installed. Prior to building permit issuance, the location of these trash enclosures will need to be approved by Public Works.
- g. Streets: The primary street frontage is Hutton Ranch Road, an existing road which provides access to the greater City of Kalispell circulation system.
- h. Sidewalks: A sidewalk has been installed along the southern half of the property frontage. The sidewalk needs to be extended to the north property line. The sidewalk should be continued through both access approaches in a manner designed to meet City of Kalispell Standards for Design and Construction.
- i. Schools: This site is within the boundaries of School District #5. An impact to the district may be anticipated from the proposed development depending on the demographics of the residents. On average, 48 students (K-12) would be anticipated from 96 dwelling units.
- j. Parks and Recreation: Section 27.34.060 of the Kalispell Zoning Ordinance requires 48,000 square feet of land or the equivalent value of improvements as recreational amenities for the 96 unit development based on a ratio of 500 square feet of usable land per dwelling. The development plan includes the potential for a basketball court, barbeque area, gazebos and playground equipment. Prior to issuing a building permit, the Parks and Recreation Department will need to approve the recreational amenities to be provided.

**4. Neighborhood impacts:**

- a. Traffic: The multi-family project gains its primary ingress and egress from Hutton Ranch Road, which is an improved public street that was constructed to urban standards. Any development of the property that creates 300 or more vehicle trip per day would require a traffic impact study. At full build-out, the project would likely generate 643 vehicle trips per day according to standard traffic models for multi-

family. The traffic study evaluates the impacts the development has on the traffic system and indicates mitigation necessary to maintain acceptable levels of service.

- b. Noise and Vibration: The development of the property as multi-family residential will create minimal additional noise and vibration. While any development of the property from vacant land will increase the amount of noise, the expected level would be consistent with the surrounding neighborhood.
  - c. Dust, Glare, and Heat: The use of the property as a multi-family residential would not generate any unreasonable dust, glare, and heat other than during construction.
  - d. Smoke, Fumes, Gas, or Odors: The development of the property as multi-family residential will create minimal additional smoke, fumes, gas and odors.
  - e. Hours of Operation: As the property is proposed for residential use, there will be no hours of operation, although there will be people residing on the premises 24-hours a day.
5. **Consideration of historical use patterns and recent changes**: Until approximately 15 years ago, the general area near this property was undeveloped with a large gravel pit to the north. Since that time, the area has developed as primarily a commercial retail center (Hutton Ranch Plaza is immediately adjacent to the property) and Flathead Valley Community College (“FVCC”) has expanded to the south. The property transitions into an extensive amount of undeveloped land owned by FVCC on the other side of Hutton Ranch Road. The college is selling this portion of the property to the applicant.
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.
7. **Public comment**: The Planning Office has not received any comments.

### RECOMMENDATION

The staff recommends that the Kalispell Planning Board adopt staff report #KCU-20-04 as findings of fact and recommend to the Kalispell City Council that the conditional use permit be approved subject to the following conditions:

### 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 conditional use permit is not valid until the B-2 zoning for the property becomes effective under statutory timelines 30 days from approval of the zoning on second reading.

3. That the development of the site shall be in substantial conformance with the submitted application and architectural/site plan drawings.
4. Architectural renderings are required to be submitted to the Kalispell Architectural Review Committee for review and approval prior to issuance of a building permit.
5. To ensure the traffic flow and access comply with Kalispell Design and Construction Standards, as well as compliance with other site development standards, the development shall receive Site Review Committee approval prior to issuance of the building permit.
6. 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 and shall include provision of boulevard trees and landscaping along Hutton Ranch Road. The landscape plan shall be in substantial compliance with the submitted application and approved by the Parks and Recreation Director prior to issuance of the building permit.
7. 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.
8. 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 City of Kalispell Construction and Design Standards.
9. 12-inch water and 12-inch sewer mains shall be extended to the north property line. (Design and Construction Standards 4.1.1). The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department for approval prior to construction as well as coordinate with MDOT for any requirements under MDOT regulations.
10. The six-inch fire service/fire hydrant water line on the southern part of the property does not meet city standards. A fire hydrant cannot be placed off of a fire service lateral. The six-inch lateral to the north of the hydrant shall be abandoned.
11. Prior to construction, the developer shall submit to the Kalispell Public Works Department an erosion/sediment control plan for review and approval, as well as a copy of all documents submitted to Montana Department of Environmental Quality for the General Permit for Storm Water Discharge Associated with Construction Activities.
12. A Traffic Impact Study shall be submitted to the Kalispell Public Works Department. The terms and conditions of a Traffic Impact Study (TIS) shall be complied with prior to the issuance of any building permits.
13. Access to Hutton Ranch Road, including both the access to the roundabout and the existing access stubbed in near the north property line, is subject to review and approval by Montana

Department of Transportation. A letter of approval from MDOT shall be provided prior to issuance of a building permit.

14. The existing sidewalk along Hutton Ranch Road shall be extended to the north property line. The sidewalk should be continued through both access approaches in a manner designed to meet City of Kalispell Standards for Design and Construction.