

BLUE DUCK

**ZONE CHANGE – STAFF REPORT #KZC-22-02
KALISPELL PLANNING DEPARTMENT
APRIL 6, 2022**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from John Todd for a zone change from RA-2 (Residential Apartment/Office) to B-4 (Central Business). A public hearing has been scheduled before the Planning Board for April 12, 2022, 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

John Todd has submitted a request to change the current zoning of property located at 130 2nd Street East and certain adjoining properties from RA-2 (Residential Apartment/Office) to B-4 (Central Business). The combined properties (other owners include the City of Kalispell and Villa Normandy, LLC) contain approximately 0.44 acres of land. The requested change is in anticipation of changing the use of the existing dry cleaner on the property to an indoor golf simulator.

A: Applicant: John Todd
535 5th Ave E
Kalispell, MT 59901

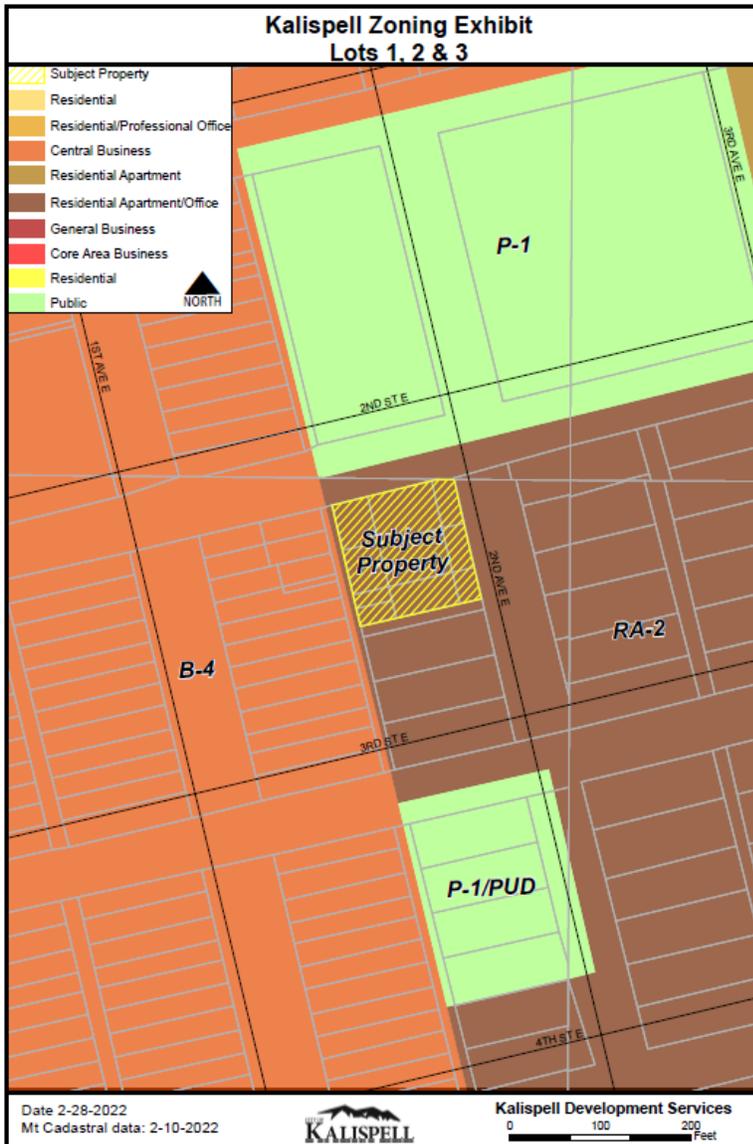
B: Location: The properties are located at 128 and 130 2nd Street East and the entirety of the properties can be described as Lots 1, 2, and the northern 37.5 feet of Lot 3, Block 57 of Kalispell Original Township, according to the map or plat thereof in the Office of the Clerk and Recorder, Flathead County, Montana.



C: Existing Land Use and Zoning: The subject properties contain an office building, parking lot for city hall, and a dry cleaner which has closed and is being converted to other uses. The zoning of the property is RA-2 (Residential Apartment). Section

27.10.010 of the zoning ordinance states that the RA-2 district is intended to “provide areas for residential development including multi-family housing and compatible non-residential uses of high land use intensity. This district would typically serve as a buffer zone between other commercial districts and adjacent residential areas. The location of this district depends on proximity to major streets, arterials, and business districts. This district shall be located within or adjacent to business corridors, shopping islands or the Central Business District. This zoning district would typically be found in areas designated as urban mixed use, high density residential and commercial on the Kalispell Growth Policy Future Land Use Map.”

D: Proposed Zoning: Per Section 27.14B.010 of the zoning ordinance, the B-4 zone is a “business district intended to set apart that portion of the city which forms the center for financial, commercial, governmental, professional and cultural activities. This district is not intended for general application throughout the planning area. This zoning district would typically be found in areas designated as commercial on the Kalispell Growth Policy Future Land Use Map.” The applicant intends to convert the dry cleaner to an indoor golf simulator, which would not be allowed under the current zoning. It would be allowed as a permitted use in the proposed B-4 zone.



D. Size: The subject property is approximately 0.44 acres.

E: Adjacent Zoning:
 North: P-1
 East: RA-2
 South: B-4
 West: B-4

F: Adjacent Land Uses:
 North: Central School
 Museum; Park;
 School Facility; City
 Hall Parking
 East: Bank
 South: Multi-Family
 Residential; Church
 West: City Hall; Offices;
 Library

G: General Land Use Character: The area is on the edge of the core downtown area, which includes a wide range of commercial, offices, restaurants, and residential uses. The properties are immediately adjacent to City Hall and on the same block as the county library. Residential uses become more predominant a block to the east. There is a drive-through bank facility and other commercial uses between the residential area and the subject properties.

H: Availability of Public Services and Extension of Services: The property is currently located within the City of Kalispell and all services are available to the property.



Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	City of Kalispell
Electricity:	Flathead Electric Cooperative
Gas:	NorthWestern Energy
Telephone:	CenturyTel
Schools:	School District #5 (Hedges/Flathead High School)
Fire:	City of Kalispell
Police:	City of Kalispell

ZONE CHANGE EVALUATION BASED ON STATUTORY CRITERIA

This report evaluates the zoning map 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. The subject property is currently zoned RA-2 (Residential Apartment/Office). The applicant is requesting B-4 (Central Business).

1. Does the requested zone comply with the growth policy?



The Kalispell Growth Policy Future Land Use Map designates the subject property as Urban Mixed Use. The zoning ordinance anticipates a wide range of potential zoning districts with that designation, including business districts. Being adjacent to the B-4 zone makes the half block extension of the zone a logical designation rather than creating a small pocket with other types of commercial zoning.

2. Will the requested zone have an effect on motorized and non-motorized transportation systems?

The requested zoning of B-4 will have minimal effect on the motorized and non-motorized transportation system. The existing zoning already allows uses with a similar

traffic demand. The properties have sidewalks on all frontages as part of the downtown grid system.

3. Will the requested zone secure safety from fire, panic, and other dangers?

Adequate access and public facilities are available to the properties in the case of an emergency. There are no features related to the properties which would compromise the safety of the public. All municipal services including police/fire protection, water and sewer service are available to the properties.

4. Will the requested zone promote the public health, safety and general welfare?

As with safety from fire and other dangers, the general health, safety, and welfare of the public will be promoted through general city regulations designed to regulate allowable uses when the property is developed. In this case, the requested zoning classification of B-4 will promote the health and general welfare by restricting land uses to those that would be compatible with the adjoining properties and those in the vicinity.

5. Will the requested zone provide reasonable provisions for adequate light and air?

Setback, height, and lot coverage standards for new development in the area of the zone change are established in the Kalispell Zoning Ordinance to ensure adequate light and air is provided. The current zoning has minimum lot sizes of 6,000 square feet and minimum lot width of 50 feet, with setbacks of 15 feet in the front, 5 feet on the side, 10 feet in the rear, and 15 on the side corner, as well as a maximum 50% lot coverage and 45-foot maximum height. The B-4 has no minimum lot sizes, lot width, setbacks, or maximum lot coverages. Height is limited to 60 feet, but more height is allowed with a conditional use permit. It is not anticipated that any substantial additional construction will occur in the foreseeable future on any of the properties.

6. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

The property is located within city limits and all public services and facilities are currently available to the property. The requested zone will not alter any of the public requirements and standards are in place for provision of services.

7. Will the requested zone promote compatible urban growth?

The B-4 zoning district is the central business district, as distinguished from general business zones elsewhere in the city. The zone change would extend the B-4 on a portion of half of a block in an area that has already developed in a manner consistent with the B-4. The nature of the zone is consistent with the surrounding area and would promote compatible growth.

8. Does the requested zone give consideration to the character of the district and its particular suitability of the property for particular uses?

The proposed B-4 zone allows for a variety of uses, both commercial and residential. As noted above, the property is adjacent to the B-4 and has already developed in a manner consistent with that zone. It is part of the same city grid pattern and is suitable for the uses allowed in that district.

9. Will the proposed zone conserve the value of buildings?

Future development in the area will be reviewed for compliance with the dimensional standards and design review criteria, to ensure its appropriateness for the area and compatibility with the surrounding neighborhoods. The conservation of values of the existing buildings in the vicinity depends largely on the design and construction quality of the potential development in the area of the zone change, which will be subject to city review.

10. Will the requested zone encourage the most appropriate use of the 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.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-22-02 as findings of fact and recommend to the Kalispell City Council that the subject properties currently zoned RA-2 (Residential Apartment/Office) be rezoned to B-4 (Central Business).