



Development Services
Department
201 1st Avenue East
Kalispell, MT 59901
Phone (406) 758-7940

PETITION FOR ANNEXATION AND INITIAL ZONING

Email: planning@kalispell.com

Website: www.kalispell.com

Project Name Eagle Valley Ranch Addition **Property Address** 3205, 3211 Hwy 93 N, Kalispell, MT

NAME OF APPLICANT Spartan Holdings **Applicant Phone** 909.772.7800

Applicant Address 341 W. Second Street STE 1 **City, State, Zip** San Bernardino, CA 92401

Applicant Email Address joecharger@yahoo.com

If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.

OWNER OF RECORD See Attached Property Cards **Owner Phone**

Owner Address **City, State, Zip**

Owner Email Address

CONSULTANT (ARCHITECT/ENGINEER) Jackola Engineering & Architecture **Phone** 406 755 3208

Address 2250 US Hwy 93 S **City, State, Zip** Kalispell, MT, 59901

Email Address ryoung@jackola.com

POINT OF CONTACT FOR REVIEW COMMENTS Rory Young **Phone** 406 755 3208

Address 2250 US Hwy 93 S **City, State, Zip** Kalispell, MT, 59901

Email Address ryoung@jackola.com

List ALL owners (any individual or other entity with an ownership interest in the property):

See Attached

Legal Description (please provide a full legal description for the property and attach a copy of the most recent deed):

See Attached CoS 17674 and CoS 6557

Please initial here indicating that you have verified the description with the Flathead County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.



Development Services
Department
201 1st Avenue East
Kalispell, MT 59901
Phone (406) 758-7940

1. Land In project (acres) 5.45 Ac

2. Current estimated market value \$335,785

Estimated market value of proposed development at 50% build out \$ 1,000,000

Estimated market value of proposed development at 100% build out \$ 2,000,000

3. Is there a Rural Fire Dept RSID or Bond on this property? YES NO

If yes, remaining balance is: \$ _____

4. Present zoning of property See Attached Property Cards

5. Proposed zoning of property R-3 PUD

6. State the changed or changing conditions that make the annexation necessary:

Addition of these parcels to the City is a logical extension to the existing Eagle Valley Ranch PUD and subdivision and continues the orderly development of North Kalispell.

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF (attach separate sheet w/ answers):

- a. Promoting the Growth Policy
- b. Lessening congestion in the streets and providing safe access
- c. Promoting safety from fire, panic and other dangers
- d. Promoting the public interest, health, comfort, convenience, safety and general welfare
- e. Preventing the overcrowding of land
- f. Avoiding undue concentration of population
- g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities
- h. Giving reasonable consideration to the character of the district
- i. Giving consideration to the peculiar suitability of the property for particular uses
- j. Protecting and conserving the value of buildings
- k. Encouraging the most appropriate use of land by assuring orderly growth

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Kalispell City staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature _____

Date _____

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF:

a. Promoting the Growth Policy

The Eagle Valley Ranch Addition is a logical extension to the existing Eagle Valley Ranch subdivision. This subdivision was approved in 2018 and includes a mix of retail, multi-family and single family uses within RA-2 and R-3 zones, both of which have a PUD overlay. The goal of this zone change is similar to that of the original PUD which is to provide a diverse neighborhood close to existing services and commercial developments on the north side of Kalispell, thereby promoting the Growth Policy.

b. Lessening congestion in the streets and providing safe access

A new ¾ turn movement approach is planned to US93 to provide access to the Eagle Valley Ranch Addition as well as additional access to the Eagle Valley Ranch Subdivision. The Eagle Valley Ranch subdivision is well served with transportation infrastructure with a connection to Rose Crossing. The installation of the Rose Crossing and US 93 traffic signal later this year will improve safety along this busy highway corridor.

c. Promoting safety from fire, panic, and other dangers

Development plans will ensure adequate access to public infrastructure and private structures in the case of an emergency, and there are no proposed features or land uses that may compromise the safety of the public. The development will also be served by municipal services, including police, fire protection, water, and sewer. New construction in the development will be required to be in compliance with current City adopted building codes and relevant City ordinances and design standards. Development infrastructure will be designed in accordance with local regulations to minimize undue risk from fire, panic, and other dangers.

d. Promoting the public interest, health, comfort, convenience, safety, and general welfare

The proposed zoning designation will promote the health and general welfare of the public by providing new mixed use and single-family rental units which is needed within the City based on low rental vacancy rates. The proposed development will provide residents with open space and other amenities to further help promote the public's health, comfort, and general welfare.

e. Preventing the overcrowding of land

The addition of this property to the Eagle Valley Ranch subdivision allows for more land to be designated mixed-use which will reduce the density of the overall residential dwellings and thereby prevent overcrowding of land. The mix of single family and multi-family units within the subdivision allows for open space and provides the ability to prevent overcrowding.

f. Avoiding undue concentration of population

As discussed previously, the proposed zoning districts are consistent with the Growth Policy Future Land Use designations and neighboring urban and suburban development of the area. The proposed development will result in an increase in number and concentration of residents, as compared to the property's current vacant state. However,

the provision of municipal services and facilities, as well as compliance with City design standards will aide in mitigating overcrowding of land or undue concentration of people.

g. Facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public facilities

The development will be provided with all municipal water and sewer facilities. Stormwater will be addressed through water quality and flow control measures on site. Transportation infrastructure adequately exists adjacent to the development. The amenities will provide outdoor opportunities for the residents along with open space areas within the original Eagle Valley Ranch PUD. Sidewalks and pathways in the City ROW will allow for convenient pedestrian circulation.

h. Giving reasonable consideration to the character of the district

The proposed zoning is consistent with the area, which is experiencing residential, multi-family, and commercial growth.

i. Giving consideration to the peculiar suitability of the property for particular uses

The proposed R-3 PUD zoning district is a logical extension to the existing Eagle Valley Ranch subdivision and is consistent with the growth policy future land use designation.

j. Protecting and conserving the value of buildings

By including this area into the existing Eagle Valley Ranch PUD we are encouraging the continuing orderly development of the City as already approved with the original PUD. This serves to maintain the value of buildings in this area.

k. Encouraging the most appropriate use of land by assuring orderly growth

Higher density residential development should be encouraged in areas with access to City-owned services and facilities. The proposed development is consistent with the growth policy future land use designation and is also compatible with current city zoning in the immediate area.

APPLICATION PROCESS

(application must be received and accepted by the Kalispell Planning Department 35 days prior to the Planning Board Hearing)

A pre-application meeting with a member of the planning staff is required.

Application Contents:

1. Completed application form & attachments
2. Completed Petition to Annex and Notice to Withdrawl from the Rural Fire District form (attached), including an Exhibit A, legal description of the property.
3. A bona fide legal description of the subject property and a map showing the location and boundaries of the property.
 *Note - verify with the Flathead County Clerk & Recorder that the legal description submitted is accurate and recordable. They can be reached at (406) 758-5526.
4. Electronic copy of the application materials submitted. Either copied onto a disk or emailed to planning@kalispell.com (Please note the maximum file size to email is 20MB)
5. Application fee based on the schedule below, made payable to the City of Kalispell:

Annexation (includes initial zoning)	\$250 plus \$20 per acre	\$359.00 \$390.00
--	------------------------------------	--

Return to:
Aimee Brunckhorst
Kalispell City Clerk
P.O. Box 1997
Kalispell, MT 59903

PETITION TO ANNEX
AND
NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT

The undersigned hereinafter referred to as Petitioner(s) respectfully petition the City Council of the City of Kalispell for annexation of the real property described below into the City of Kalispell.

The Petitioner(s) requesting City of Kalispell annexation of the property described herein and further described in Exhibit A hereby mutually agree with the City of Kalispell that immediately upon annexation of the land all City of Kalispell municipal services will be provided to the property described herein on substantially the same basis and in the same manner as such services are provided or made available to other properties within the rest of the municipality. Petitioner(s) hereby state that there is no need to prepare a Municipal Annexation Service Plan for this annexation pursuant to Section 7-2-4610, M.C.A. since the parties are in agreement as to the provision of municipal services to the property requested to be annexed.

The Petitioner(s) further herein express an intent to have the property as herein described withdrawn from the West Valley Rural Fire District under the provisions of Section 7-33-2127, Montana Code Annotated; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Council of the City of Kalispell, the property shall be detracted from said district.

In the event the property is not immediately annexed, the Petitioner(s) further agree(s) that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the above described property.

This City hereby agrees to allow Petitioner(s) to connect and receive the utilities from the City of Kalispell.

Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Commercial Property
Geocode: 07-4078-19-3-01-05-0000 **Assessment Code:** 0000971698
Primary Owner: **PropertyAddress:** 3211 US HIGHWAY 93 N
BAUR FAMILY PARTNERSHIP LP KALISPELL, MT 59901
MAIL TO JD ECKHOFF
SAINT LOUIS, MO 63141-6884
COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S19, T29 N, R21 W, ACRES 3.79, TR 3BA IN L2, COS 6557-A

Last Modified: 9/30/2021 9:19:14 AM

General Property Information

Neighborhood: 207.150.H **Property Type:** VAC_R - Vacant Land - Rural
Living Units: 0 **Levy District:** 07-131005-05 - J
Zoning: County SAG-10 **Ownership %:** 100
Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 **Limited:** 0

Property Factors

Topography: **Fronting:**
Utilities: **Parking Type:**
Access: **Parking Quantity:**
Location: **Parking Proximity:**

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	3.790	191,933.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
7/30/2015			9/9/2015	201500021028	Quit Claim Deed
7/6/2015			7/7/2015	201500013609	Quit Claim Deed
3/8/2007			3/9/2007	200706810310	Warranty Deed

CERTIFICATE OF SURVEY

W1/2, Sec. 19, T29NR21W

Flathead County, Montana

OWNER: J. K. LE DUC
 PURPOSES: PARCEL A - OCCASIONAL SALE
 PARCEL B - REMAINDER
 PARCEL C - FAMILY TRANSFER
 DATE: JANUARY 20, 1982

LEGAL DESCRIPTIONS

PARCEL A
 THOSE PORTIONS OF GOVERNMENT LOTS 2 AND 3, SECTION 19, TOWNSHIP 29 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA DESCRIBED AS FOLLOWS:
 COMMENCING AT THE WEST 1/2 CORNER, SECTION 19; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, SECTION 19, SOUTH 89°39'28" EAST 83.65 FEET TO THE EASTERLY LINE OF U.S. HIGHWAY No. 93; THENCE ALONG THE EASTERLY LINE OF THE HIGHWAY NORTH 0°21'42" EAST 64.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY LINE OF THE HIGHWAY NORTH 0°21'42" EAST 204.13 FEET; THENCE SOUTH 89°39'25" EAST 660.13 FEET; THENCE SOUTH 0°21'42" WEST 280.21 FEET; THENCE NORTH 89°39'00" WEST 388.13 FEET; THENCE NORTH 17°50'51" WEST 80.00 FEET; THENCE NORTH 89°39'00" WEST 247.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.795 ACRES OF LAND, ALL AS SHOWN HEREON.

TOGETHER WITH A 40 FOOT PRIVATE ROAD AND UTILITY EASEMENT AS SHOWN.

PARCEL B

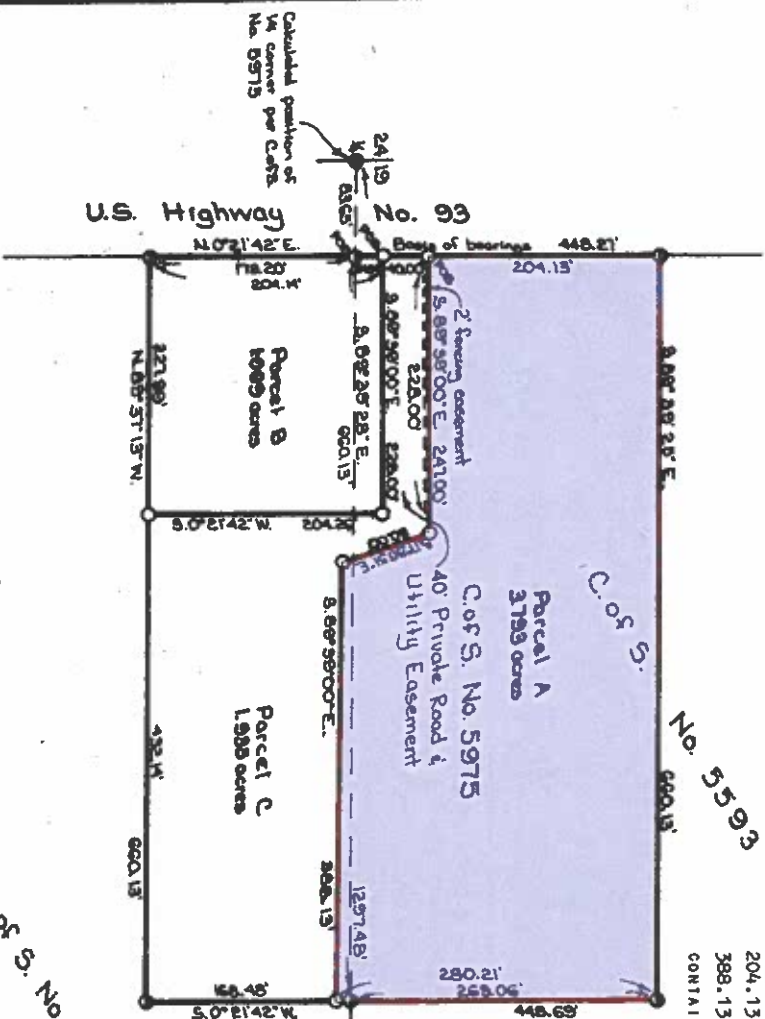
THOSE PORTIONS OF GOVERNMENT LOTS 2 AND 3, SECTION 19, TOWNSHIP 29 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA DESCRIBED AS FOLLOWS:
 COMMENCING AT THE WEST 1/2 CORNER, SECTION 19; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, SECTION 19 SOUTH 89°39'28" EAST 83.65 FEET TO A POINT ON THE EASTERLY LINE OF U.S. HIGHWAY No. 93 AT THE POINT OF BEGINNING;
 THENCE ALONG THE EASTERLY LINE OF THE HIGHWAY NORTH 0°21'42" EAST 24.94 FEET; THENCE SOUTH 89°39'00" EAST 228.00 FEET; THENCE SOUTH 0°21'42" WEST 204.26 FEET; THENCE NORTH 89°37'13" WEST 227.99 FEET TO THE EASTERLY LINE OF SAID HIGHWAY; THENCE ALONG THE EASTERLY LINE NORTH 0°21'42" EAST 179.20 FEET TO THE POINT OF BEGINNING, CONTAINING 1.069 ACRES OF LAND, ALL AS SHOWN HEREON.

TOGETHER WITH A 40 FOOT PRIVATE ROAD AND UTILITY EASEMENT AS SHOWN.

PARCEL C

THOSE PORTIONS OF GOVERNMENT LOTS 2 AND 3, SECTION 19, TOWNSHIP 29 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA DESCRIBED AS FOLLOWS:
 COMMENCING AT THE WEST 1/2 CORNER, SECTION 19; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, SECTION 19 SOUTH 89°39'28" EAST 83.65 FEET TO THE EASTERLY LINE OF U.S. HIGHWAY No. 93; THENCE ALONG THE EASTERLY LINE OF THE HIGHWAY NORTH 0°21'42" EAST 40.00 FEET; THENCE SOUTH 89°39'00" EAST 247.00 FEET; THENCE SOUTH 17°50'51" EAST 80.00 FEET; THENCE SOUTH 89°39'00" EAST 388.13 FEET; THENCE SOUTH 0°21'42" WEST 168.48 FEET; THENCE NORTH 89°37'13" WEST 432.14 FEET; THENCE NORTH 0°21'42" EAST 204.26 FEET; THENCE NORTH 89°39'00" WEST 228.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.935 ACRES OF LAND, ALL AS SHOWN HEREON.

SUBJECT TO A 40 FOOT PRIVATE ROAD AND UTILITY EASEMENT WITH A 2 FOOT FENCING EASEMENT RESERVED THEREFROM AS SHOWN.



I CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO CREATE A PARCEL AS AN OCCASIONAL SALE, AND THAT THIS DIVISION OF LAND COMPLIES WITH ALL CONDITIONS IMPOSED ON ITS USE; THEREFORE THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207 (1)(e), M.C.A. 1978. I ALSO CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO TRANSFER PARCEL C TO Debra L. Le Duc, NY Wife, AND THAT THIS DIVISION OF LAND COMPLIES WITH ALL CONDITIONS IMPOSED ON ITS USE; THEREFORE THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207 (1)(e), M.C.A. 1978.

STATE OF MONTANA)
 COUNTY OF FLATHEAD) ss.

ON THIS 19th DAY OF February, 1982, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE AFORESAID, PERSONALLY APPEARED J. K. LE DUC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

APPROVED: E. H. ..., 1982
 EXAMINING LAND SURVEYOR
 REGISTRATION No. 4738 S

STATE OF MONTANA
 COUNTY OF FLATHEAD

FILED ON THE 16 DAY OF Feb, 1982, A.D., AT 3:49 O'CLOCK P.M.

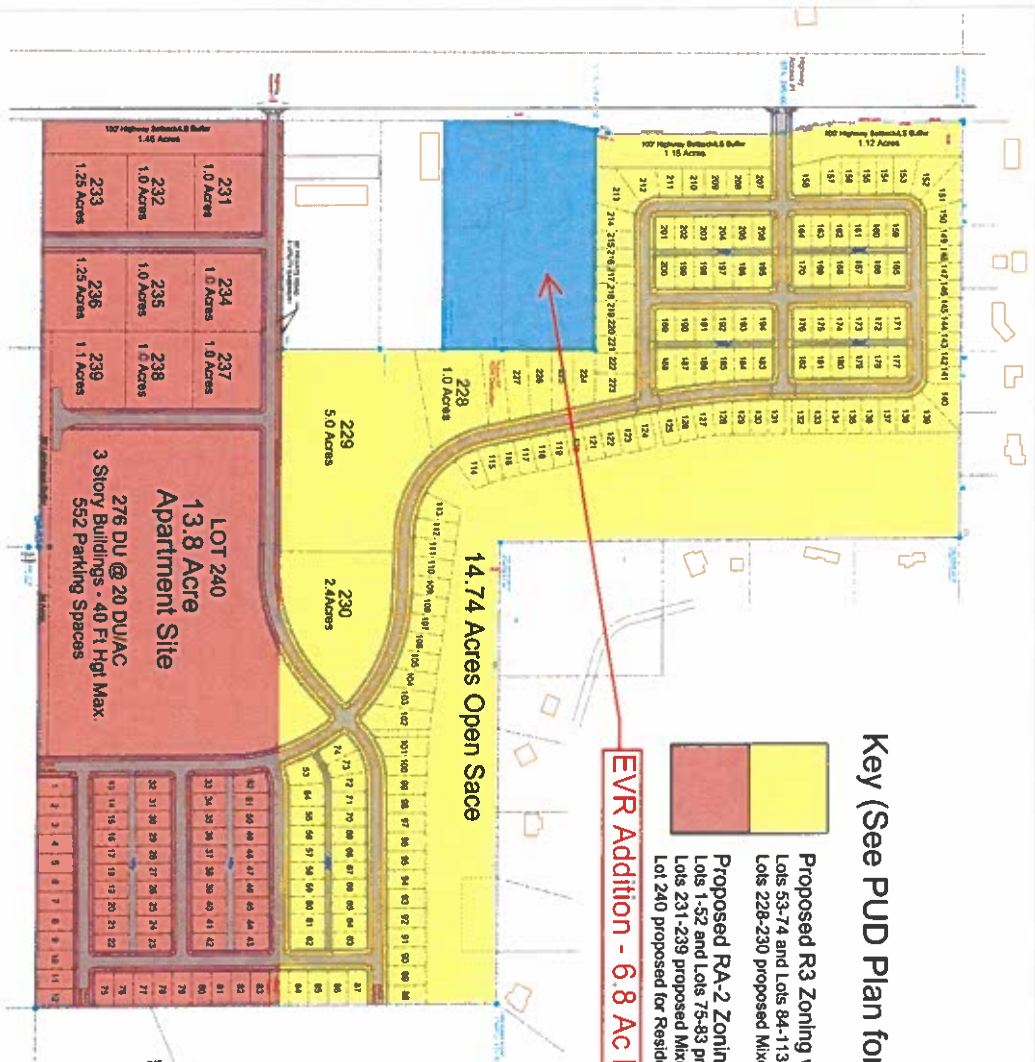
COUNTY CLERK AND RECORDER
 BY Debra L. Le Duc
 DEPUTY

CERTIFICATE OF SURVEYOR

D. K. Harquardt
 D. K. HARQUARDT
 REGISTRATION No. 2989 ES

DEED BOOK _____ PAGE _____
 INSTRUMENT REC. NO. 2069

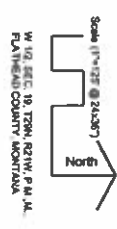
CERTIFICATE OF SURVEY NO. 6557



Key (See PUD Plan for additional detail)

- Proposed R3 Zoning with PUD Overlay
Lots 53-74 and Lots 84-113 proposed Two-Family Lots
Lots 228-230 proposed Mixed-Use Lots
59.12 Acres
- Proposed RA-2 Zoning with PUD Overlay
Lots 1-32 and Lots 73-83 proposed Two-Family Lots
Lots 231-239 proposed Mixed-Use Lots
Lot 240 proposed for Residential Apartments
40.57 Acres
- EVR Addition - 6.8 Ac R-3 PUD**

Zoning Exhibit



Scale: 1"=120' @ 24x36"
 W 1/2 SEC. 18, T28N, R27W, P.M. #1
 FULTON COUNTY, MONTANA

Planned Unit Development
Eagle Valley Ranch
 Developer: Sparrow Holdings, Kalispell, Montana

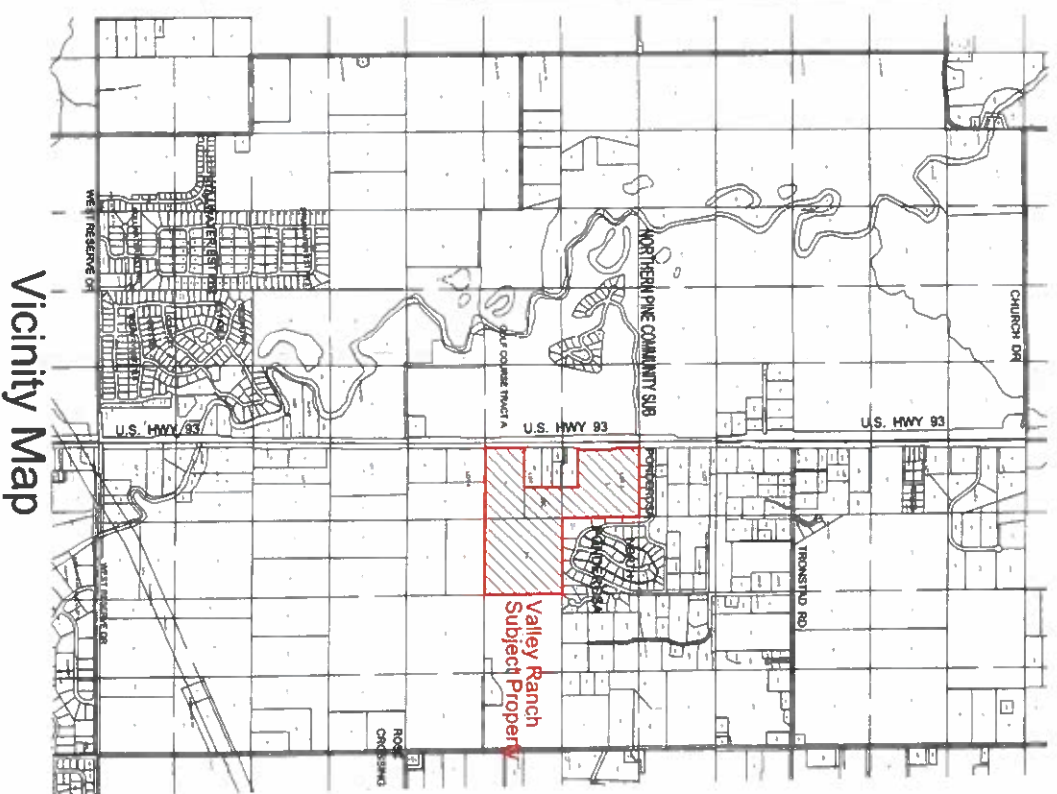
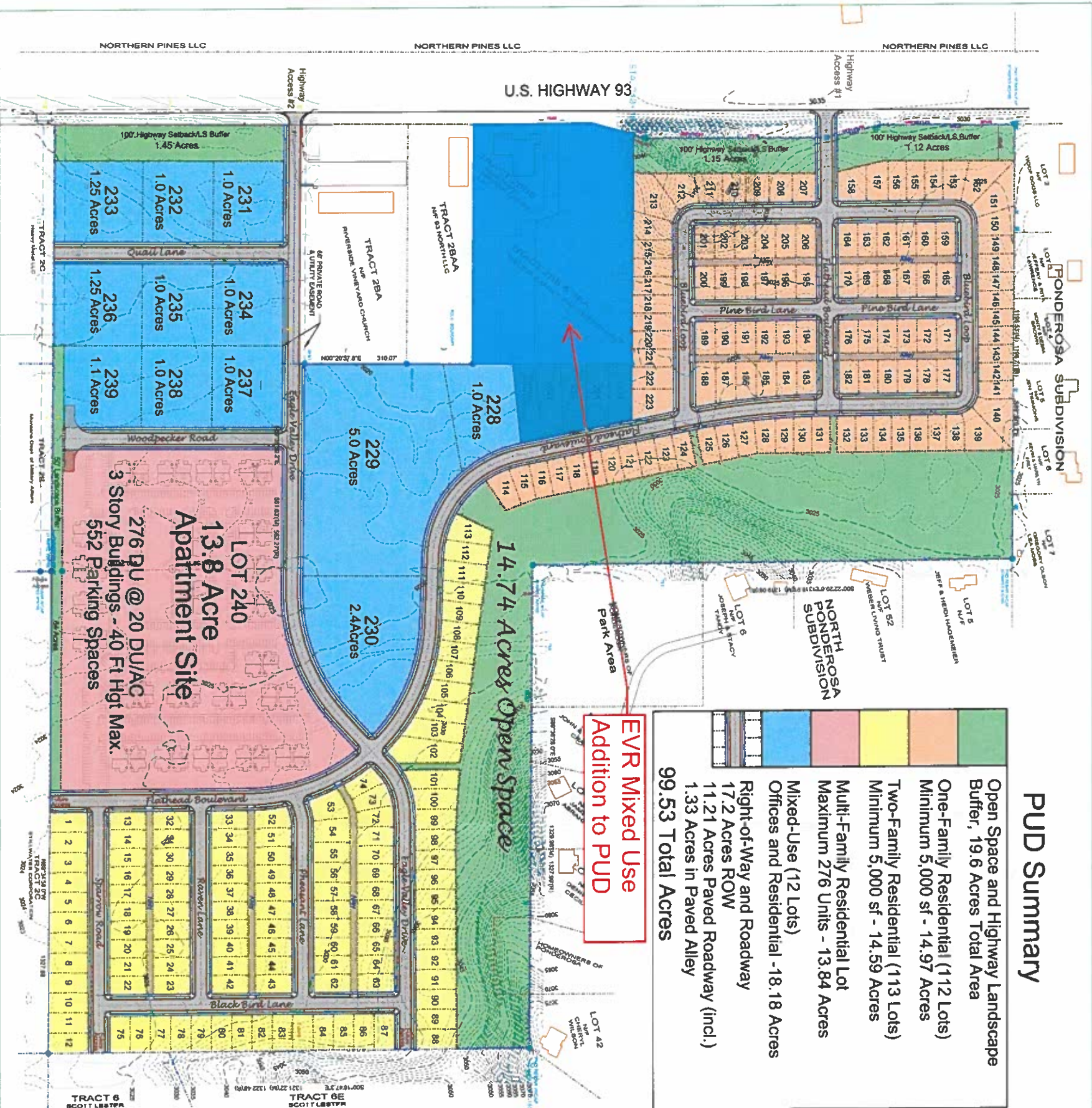
Land Planner and Landscape Architect: WSGM Group
 Civil Engineer: WSGM Group
 Traffic Engineer: WSGM Group
 Surveyor: Sam Cardé Surveying
 Geo-technical Consultant: CMG Engineering Inc.

WSGM GROUP
 Date: 05-17-2018
 BFL

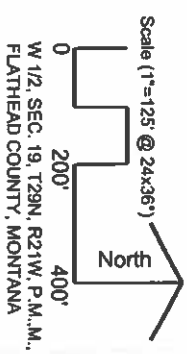
PUD Summary

- Open Space and Highway Landscape Buffer, 19.6 Acres Total Area
- One-Family Residential (112 Lots) Minimum 5,000 sf - 14.97 Acres
- Two-Family Residential (113 Lots) Minimum 5,000 sf - 14.59 Acres
- Multi-Family Residential Lot Maximum 276 Units - 13.84 Acres
- Mixed-Use (12 Lots) Offices and Residential - 18.18 Acres
- Right-of-Way and Roadway 17.2 Acres ROW
- 11.21 Acres Paved Roadway (incl.) 1.33 Acres in Paved Alley
- 99.53 Total Acres

EVR Mixed Use Addition to PUD



Vicinity Map



W 1/2, SEC. 19, T29N, R21W, P.M.M.,
FLATHEAD COUNTY, MONTANA

Planned Unit Development
Eagle Valley Ranch
 Developer: Spartan Holdings Kalispell, Montana

Land Planner and Landscape Architect: WGM Group
 Civil Engineer: WGM Group
 Traffic Engineer: WGM Group
 Surveyor: Sam Cordi Surveying
 Geo-technical Consultant: CMG Engineering Inc.



Date: 06-04-2018