

EAGLE VALLEY RANCH ADDITION

REQUEST FOR ANNEXATION/INITIAL ZONING

#KA-22-03

REQUEST FOR ZONING MAP AMENDMENT

STAFF REPORT #KZC-22-03

REQUEST FOR GROWTH POLICY AMENDMENT

STAFF REPORT #KGPA-22-01

KALISPELL CITY PLANNING BOARD AND ZONING COMMISSION

May 3, 2022

This is a report for the Kalispell City Planning Board and the Kalispell City Council regarding request from Spartan Holdings for a zoning map amendment, growth policy map amendment, and annexation and initial zoning of property to be known as Eagle Valley Ranch Addition on 6.78 acres of land at 3201 U.S. 93 North. A public hearing has been scheduled before the planning board for May 10, 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.

A. Petitioner and Owners: Spartan Holdings, LLC
341 West Second Street, Ste. 1
San Bernardino, CA 92401

Technical Assistance: Jackola Engineering
2250 U.S. 93 South
Kalispell, MT 59901

B. Background Information: A request from Spartan Holdings to amend the Eagle Valley Ranch PUD per Section 27.19.020(9)(a) of the Kalispell Zoning Ordinance to include an additional 6.78 acres to be known as Eagle Valley Ranch Addition. Section 27.19.020(9)(a) allows for the developer of the PUD to bring forth amendments, which shall be processed as an amendment to the official zoning map. The Eagle Valley Ranch PUD was created by Ordinance 1814 in October of 2018, which effectively created the zoning for the Eagle Valley Ranch Development. Spartan Holdings is also requesting a growth policy map amendment and annexation and initial zoning. The developer of Eagle Valley Ranch PUD has acquired land adjacent their development (Homefitters) and neighboring property (vacant) currently within the County that is being requested to be included in the Eagle Valley Ranch PUD.

The application includes a zone change of the existing Homefitters building, which is currently zoned City R-2, to the Eagle Valley Ranch PUD zoning overlay on 1.35 acres. Homefitters originally annexed into the City with an initial zoning of R-2 with the intention of hooking up to City services and operating a residential care facility providing counseling and therapy for short term stay clients with eating disorders. Prior to annexation into the City the Homefitters building operated as a non-conforming retail furniture store in the County. The residential care facility use within the building never come to fruition and the building has sat vacant since 2012. As part of this request the existing Homefitters building would be permitted as commercial space in its existing configuration and staff is recommending the removal of an existing billboard on the property.

The request also includes the annexation and initial zoning of County property from County SAG-10 to the Eagle Valley Ranch PUD zoning overlay on 5.43 acres that is currently an isolated island between the Homefitters building and the Eagle Valley Ranch development. Annexation of this property is what allows for the orderly growth of the surrounding property and commercial use of the Homefitters building, as it provides for access into a larger transportation network discontinuing what has developed as strip commercial. The proposal would also include right-of-way extensions to properties to the south that would then be able to annex into the City and be provided city services in the future. Lastly, the request would also include a growth policy map amendment from Suburban Residential to Urban Mixed Use on the 6.78 acres, allowing for neighborhood commercial uses, similar to the commercial properties within the current Eagle Valley Ranch PUD.

Planned Unit Developments are intended to serve as an overlay zoning district that function in concert with the underlying zone to provide a comprehensive, integrated development plan, which will serve to modify the underlying zone and guide future development. The PUD provides for flexibility in the subdivision standards and architectural designs standards, where appropriate, to preserve and enhance the integrity and environmental values of the area. The goal of the change is similar to that of the Eagle Valley Ranch PUD, which is to provide a diverse neighborhood close to existing services and commercial development on the north side of Kalispell and allows for inclusion of properties that are currently segregated from the development. Overall, the application requests integrate what are currently isolated strip commercial properties into the master plan of the Eagle Valley Ranch PUD providing for more orderly growth along U.S. Highway 93 North. Integration of the subject properties would allow for a City street to be extended through the property that would serve the existing commercial building, as well as future commercial lots. The future City street would tie into the Eagle Valley Ranch development road networks system, thereby eliminating the strip commercial development pattern that had previously been established in the County. A preliminary plat has not been submitted at this time, but a conceptual layout shows how the properties would be served by City services if the requests are approved. The request for the Eagle Valley Ranch Addition allows the city to consider increased standards in an effort to implement the goals and policies of the City Growth Policy Plan-It 2035.



C. Location and Legal Description of Property: The property is generally located east of Northern Pines Golf Course and north of the Montana National Guard facilities. The property is more particularly described as Tract A and Tract B of COS 17674 and Parcel A of COS 6557 in the West ½ of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

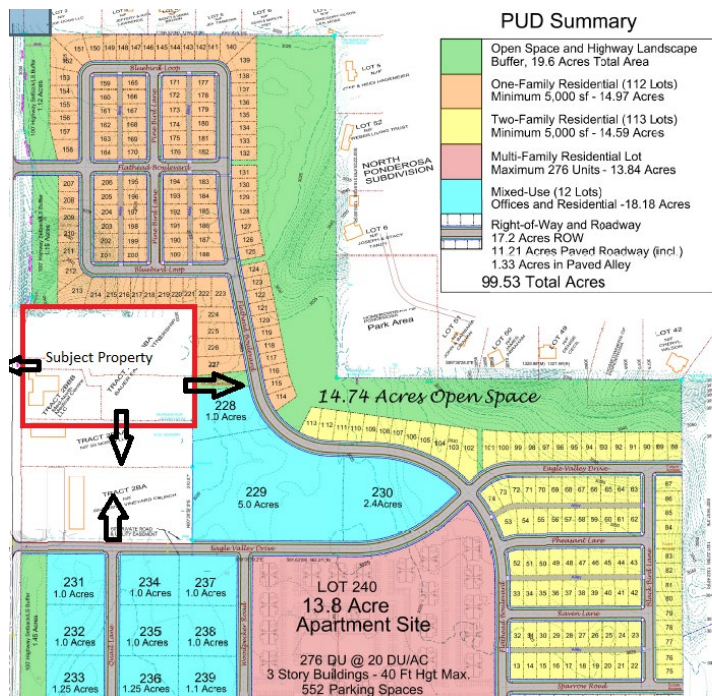


D. Existing Zoning: The current zoning on the property is County SAG-10 (Suburban Agricultural) and City R-2 (Residential). SAG 10 is defined as “A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.” Permitted uses in this district are generally limited to single family homes and agricultural uses. The conditionally permitted uses allow some non-residential uses but those are limited to churches, daycare centers, bed and breakfasts, schools and golf courses. The minimum lot size requirement of the County SAG-10 zoning district is 10 acres.

City R-2 is defined as “providing adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.”



E. Proposed Zoning: Spartan Holdings is requesting to extend the RA-2 portion of the Eagle Valley Ranch Residential Mixed-Use PUD onto the property. The existing Eagle Valley Ranch Residential Mixed-Use PUD functions in concert with both R-3 and RA-2 Zones. The RA-2 Zone functions as a buffer from the highway intended to accommodate small-scale commercial spaces as a transition into the single-family lots. As part of this request the existing Homefitters building would be grandfathered as commercial space in its existing configuration and staff is recommending the removal of an existing billboard on the property. Staff is also recommending as part of the zoning that a 60 foot right-of-way be dedicated to the City along the properties southern boundary when a preliminary plat is submitted, which will provide for a frontage road along the highway and provide for additional commercial development on those other County properties in the vicinity. All other aspects of the original Eagle Valley Ranch PUD approved would remain intact.



F. Existing Land Use: The property has an existing commercial building, approximately 10,000 square feet in size. This building is currently vacant but was most recently occupied by “Montana Homefitters” several years ago. The previous use as a retail home furnishings business occurred as a grandfathered non-conforming use which predated the original county zoning on the property. The remaining land use includes vacant land.

G. Adjacent Land Uses:

North: Future City of Kalispell water storage tank and Eagle Valley Ranch PUD
East: Eagle Valley Ranch PUD, currently vacant land
South: Commercial quonset hut and commercial office space (old Cowboy Church)
West: U.S. 93 and Northern Pine Golf Course

H. Adjacent Zoning:

North: Eagle Valley Ranch PUD
East: Eagle Valley Ranch PUD
South: County SAG-10 and County B-3 HO
West: County SAG-10

I. General Land Use Character: The land use character can be described as an area in transition. The properties in question were developed in the County as strip commercial development. The surrounding properties have historically been farmland but are currently under development with both residential and commercial development. Highway 93 North fronts the property to the west with a private golf course on the opposite side of the highway and an established County residential subdivision in Ponderosa is to the north.

J. Utilities and Public Services:

Sewer: City of Kalispell
Water: City of Kalispell
Refuse: Private contractor
Electricity: Flathead Electric Cooperative
Gas: NorthWestern Energy
Telephone: CenturyTel
Schools: School District #5
Fire: City of Kalispell
Police: City of Kalispell

I. EVALUATION OF THE GROWTH POLICY AMENDMENT

The evaluation and review of growth policy amendments follows the public interest criteria. The Growth Policy Plan-It 2035 is used to provide a general and comprehensive outline of community goals and expectations about where and how the subject property should develop. The following criteria for evaluation are as follows:

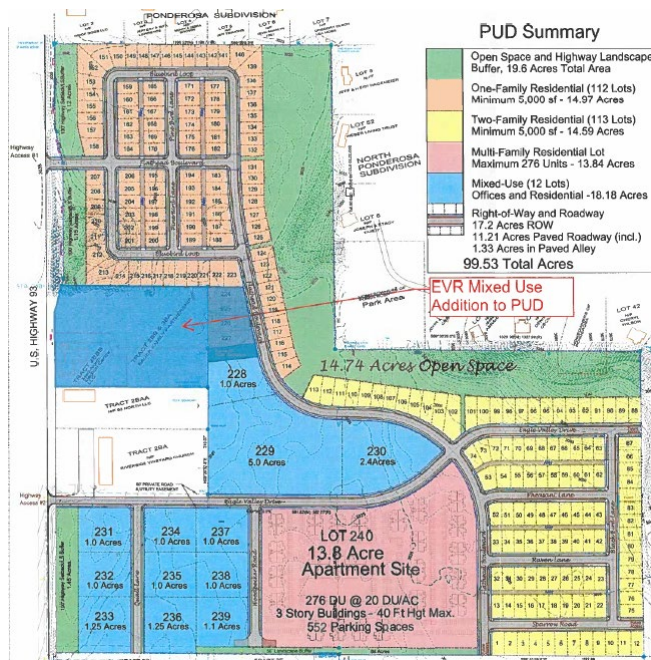
- Changes in circumstances that warrant the amendment;
- Growth Management;
- Land Use: Housing/Business and Industry;
- Natural Environment;
- Community and Recreation Facilities; and
- Public infrastructure and services.

The Growth Policy Future Land Use Map depicts the subject property as Suburban Residential. Suburban Residential supports the R-2 Zone given to the Homefitters property at time of annexation and the desire to not permit strip commercial development along the highway without a development plan. The developer is requesting a growth policy amendment for 6.78 acres to be changed from Suburban Residential to Urban Mixed Use. The Urban Mixed Use land use category would support the requested RA-2 Zone and is the same land use category for the RA-2 portions of the Eagle Valley Ranch development, as well as Kalispell North Town Center further to the south.

Suburban Residential is defined as residential neighborhoods developed at densities not to exceed 4 dwellings per acre on an overall site basis. An integrated development plan within a suburban neighborhood could include single family down to 5,000 square feet, reduced setbacks when accompanied with generous open space and townhouse development.

Urban Mixed Use typically embraces the following concepts as provided in the Kalispell Growth Policy.

- a. Encourages the development of compact, centrally located service and employment areas that provide easy connections between existing commercial and residential neighborhoods.
- b. A complete system of pedestrian and bike paths is important in mixed-use areas.
- c. Expand the depth of urban highway commercial areas as mixed-use corridors, in order to provide an alternative to linear commercial development, concentrate more intensive uses along traffic arterials, improve business district circulation and transportation efficiency areas, by secondary street access, provide flexibility for larger development sites, and expand small business opportunities.
- d. Within these corridor areas, provide for higher-intensity, mixed-use areas roughly two blocks on both sides of urban highways. As distance from the highway increases, create a gradual transition into the residential neighborhoods by encouraging multi-family, offices and other compatible uses as a transition tool with sensitivity to compatible design.
- e. Avoid encroachment into established, intact residential areas.
- f. Allow a compatible mix of higher intensity uses including office as well as some commercial and light industrial; medium and high-density residential and public facilities.



Within the R-2 Zone/Suburban Residential land use category, you would expect a mixture of single-family development at densities not to exceed four (4) dwelling units per acre. The properties within Eagle Valley Ranch and Kalispell North Town Center to the south are located within the Urban Mixed Use land use category and the request would be an extension of that land use designation in order to allow for greater land use options. The proposed amendment for Urban Mixed Use would accommodate an RA-2/PUD, Residential Apartment/Office Zone, which accommodates the mixture of uses the developer is requesting.

The proposed plan amendment will be considered in the context of the current Kalispell Growth Policy Plan-It 2035, as well as current and future development trends for the area.

A. Has there been a change of circumstances under which the proposed plan amendment is being made that warrants its consideration?

The Kalispell Growth Policy is a useful tool in providing guidance to the community, developers, decision makers and staff when anticipating growth trends and expansion of the city limits. In the last 10 years or more there have been a number of infrastructure improvements and development patterns in the area have changed in the following ways:

1. City water and sewer mains have been installed in the U.S. 93 adjacent to the site as part of the Silverbrook Development thus allowing this site immediate access to city water and sewer services.
2. The Kalispell North Town Center and Eagle Valley Ranch have broken ground immediately south and east of this site, which in total equal 580 acres of residential, commercial, and institutional development.

3. Rose Crossing has been extended from Whitefish Stage westerly to U.S. 93 as part of the Kalispell North Town Center development. Jefferson Boulevard has also been extended from Rose Crossing northerly to the subject property's rear boundary, providing for access to the greater transportation system.
4. A new signalized intersection will be constructed at Rose Crossing-U.S. 93 intersection as part of the Kalispell North Town Center development. This will allow the subject property to have a controlled access onto U.S. 93 via Jefferson Boulevard.
5. The west side sewer interceptor is completed and a new water storage tank is currently in engineering design. This interceptor and water tank storage will greatly increase sewer and water capacity for projects (including this site) in north Kalispell.

The changes occurring in this immediate neighborhood coupled with the changes and improvements to the transportation system which will allow convenient access to this site create a changed and improved environment for Urban Mixed Use. The infrastructure projects in the area were not in place when the growth policy and accompanying map were adopted. The neighboring Planned Unit Developments to the south and east of the proposed amendment area, in tandem with the extension of the infrastructure projects in this neighborhood support the requested amendment.

B. Does the proposed plan amendment further the overall goals and objectives of the growth policy when considering the specific elements of the plan?

Growth Management: Two primary mechanisms for managing growth in the City of Kalispell exist which are to rely on redevelopment and infill within the current City limits or annexation of outlying areas. A goal of the growth policy is to provide a comprehensive, effective growth management plan that provides for all the needs of the community, is adaptable to changing trends and is attuned to the overall public welfare.

The changes to the Kalispell Growth Policy Future Land Use Map from Suburban Residential to Urban Mixed Use can be supported by the following goals and policies contained in the Kalispell Growth Policy Plan-it 2035:

- a. Encourages the development of compact, centrally located service and employment areas that provide easy connections between existing commercial and residential neighborhoods.
- b. A complete system of pedestrian and bike paths is important in mixed-use areas.
- c. Expand the depth of urban highway commercial areas as mixed-use corridors, in order to provide an alternative to linear commercial development, concentrate more intensive uses along traffic arterials, improve business district circulation and transportation efficiency areas, by secondary street access, provide flexibility for larger development sites, and expand small business opportunities.

- d. Within these corridor areas, provide for higher-intensity, mixed-use areas roughly two blocks on both sides of urban highways. As distance from the highway increases, create a gradual transition into the residential neighborhoods by encouraging multi-family, offices and other compatible uses as a transition tool with sensitivity to compatible design.

The Urban Mixed Use land use designation would be an extension of existing Urban Mixed Use land use at the Kalispell North Town Center and Eagle Valley Ranch. The development would function as an extension of those two developments and will take advantage of the neighboring infrastructure including Rose Crossing, Jefferson Boulevard, new school site, and water and sewer service.

Land Use: The location of the requested growth policy amendment is currently used for a vacant former commercial building and vacant land no longer used for farming. Future conversion of this area from rural agriculture and low-density residential land use to Urban Mixed Use is unavoidable/already taken place with the changing landscape surrounding the property as well as how it was previously developed in the County. General goals and policies of the growth policy encourage the orderly development in the growth policy area with space for future expansion while ensuring compatibility of adjacent land use. The requested growth policy amendment would change the existing Suburban Residential land use categories to allow for a combination of commercial and high/low density residential. This land use designation change is a reasonable request due to the PUD's located adjacent the property and completion of infrastructure projects including mentioned previously.

Business and Industry: Chapter 4 – Business and Industry Goal 1 states, “*encourage the development and growth of prosperous commercial and industrial districts, each with a viable mix of business, suitable infrastructure, and coordinated development pattern that reduces business costs and increases business opportunities.*”

The types of business locating within an Urban Mixed Use land use category would provide employment to the community. Also, any potential commercial business and residents of a high-density residential development would benefit from the new signal at Rose Crossing which will provide easy access onto U.S. 93 North. Amending the growth policy land use designation on the site to Urban Mixed Use would allow compatible residential and commercial development at an area rapidly transitioning into a major urban area.

Natural Environment: The natural environment is an important part of what makes a neighborhood or community an appealing place to live which may be jeopardized as growth occurs. Various key sectors of the area's economy depend on and impact the natural environment. Prime farmland in rural areas and wildlife habitat is being displaced by development. Future development should take these issues into mind and mitigate them accordingly. Chapter 5, The Natural Environment, contains the following goals and policies which support the requested map amendment.

Goals:

4. *Development should be compatible with important wildlife habitat corridors.*

After review of the Appendix A maps, it was determined that there are not any wildlife habitat or wildlife corridors near the development.

Policies:

5. *Encourage growth only on agriculture lands entirely within the city's annexation boundary.*

The property has not been used for farming and is already partially developed as commercial. Additionally, the property is within the city annexation boundary and the growth policy current designation anticipates residential development as it is. Conversion of the designation from Suburban Residential to Mixed Use will have no more serious impact on agricultural lands.

Community and Recreational Facilities: A land use amendment to Urban Mixed Use would allow the subject property to be integrated into the Eagle Valley Ranch PUD, which includes 19.6-acres of open space area. The open space areas within Eagle Valley Ranch included a 100-foot highway buffer along U.S. in accordance with the entrance corridor standards and 14.7-acre open space are serving as a transition area between the proposed development and the Ponderosa Subdivision. If annexed into the City the subject property will also be subject to City entrance corridor standards, providing for additional open space and an extension of the trail along the highway.

Infrastructure and Public Services: Infrastructure and the provisions of public services is one of the highest priority issues for service providers in the growth policy area. Adequate provisions of services for new development in both the rural and urban areas are important considerations when considering planning for future land uses. Chapter 9, Public Infrastructure Services, contains the following goals and policies which support the requested map amendment.

Sewer:

Goals: "Make public sewer available to areas that are in close proximity to services as directed by the extension of services plan."

Sewer service is located west of the property within the U.S. 93 corridor and also east within Eagle Valley Ranch. As part of the development of the site the developer would extend services to the property and also the entire length of the property as the property develops.

"Ensure the wastewater treatment plant and sewer collection system has adequate capacity to accommodate future development."

The wastewater treatment plant has adequate capacity for this development.

Policies: *“New sewer mains should be designed and constructed to accommodate future expansion of the sewer system.”*

Any development of the site will include requirements that the property is developed in accordance with the City of Kalispell Construction Guidelines and extension of services plan. Prior to construction the development will be reviewed by Public Works determining compliance with those requirements.

Water:

Goals: *“Consider future needs with the replacement or installation of mains.”*

Development of the site will be in compliance with the city’s extension of services plan.

“Provide adequate pressure and flows to meet firefighting and user needs.”

Any development of the site will include requirements that the property is developed in accordance with the City of Kalispell Construction Guidelines and facilities plans, which accounts for pressure and fire flows to meet firefighting needs. Prior to construction the development will be reviewed by Public Works and Fire Department determining compliance with those requirements.

Policies: *“Water lines and utility easements should be extended to the farthest extent of new developments to facilitate orderly growth to adjacent lands in the future.”*

The application request actually facilitates this policy as it allows for an existing isolated County island and commercial to be incorporated into a neighboring development, at which time City services can be extended through the property allowing for more orderly development and the full utilization of land.

Storm Water Management:

Goals: *“Ensure adequate storm water management facilities for all incorporated urban areas.”*

Any development of the site will include requirements that the property is developed in accordance with the City of Kalispell Construction Guidelines, which accounts for storm water facilities. Prior to construction the development will be reviewed by Public Works determining compliance with those requirements.

Policies: *“The quantity and rate of runoff from a developed piece of property should not exceed that which would occur had the property remained undeveloped.”*

Public Works regulations require that all the runoff from the development be maintained on-site. Prior to construction the development will be reviewed by Public Works determining compliance with those requirements.

Police Protection:

Recommendations: “As the community grows, ensure that the law enforcement agencies have adequate staffing and resources.”

The Police Department has been notified of the development and do not have any level of service issues with the proposed development and area already servicing neighboring City developments.

Fire and Ambulance Services:

Goals: “Adequately staff and operate fire companies to be able to handle demand and provide effective fire and EMS response and mitigation.”

The Fire Department has been notified of the development and do not have any level of service issues with the proposed development.

Policies: “All new construction, occupancy remodeling and/or change of documented occupancy use shall be required to comply with adopted fire, electrical and building codes.”

All construction for development will be required to comply with the Uniform Fire Code and International Fire Code.

II. ANNEXATION EVALUATION

5.43 acres is currently within the County and is being requested to annex into the City of Kalispell with an initial zoning of RA-2 with the Eagle Valley Ranch PUD zoning overlay. The initial zoning is further outlined in the next subsection, however, in regards to the annexation the following criteria apply:

1. Compliance with the growth policy:

Two primary means for managing growth in the City of Kalispell are redevelopment/infill within the current city limits or annexation of outlying areas. A goal of the growth policy is to provide a comprehensive, effective growth management plan that provides for all the needs of the community, is adaptable to changing trends and is attuned to the overall public welfare. Chapter 9, Public Infrastructure and Services, includes a goal to “make public water and sewer available to areas that are in close proximity to services,” and annexation allows for such extensions to happen.

In addition, the city council adopted an annexation policy in 2011, with a corresponding map, as an addendum to the city’s growth policy document. The purpose of the annexation policy is to give the planning board, the council, and the development community direction when property owners outside of the city limits are requesting annexation. The property proposed for annexation falls well inside the city’s direct annexation boundary.

2. Municipal Services:

The City of Kalispell has an extension of services plan that details how services would be extended to the annexed property.

Municipal water and sewer mains are located with U.S. Highway 93 adjacent the property, as well as in the process of being extended near the properties eastern boundary within the Eagle Valley Ranch development. The site is currently protected by the West Valley Kalispell Rural Fire District and the Flathead County Sheriff's office. The applicant has submitted a Notice of Withdrawal from Rural Fire District. At the time of annexation, the property will be served by the Kalispell Fire Department. The site lies approximately 2.25 miles from fire station 62 and is readily serviceable by the city fire, police and ambulance services, all of which now respond to the adjacent neighborhoods within the City of Kalispell.

Given the level of existing services available to the property, annexation will not overburden the municipal services in place.

3. Distance from current city limits:

The subject property borders the city along its eastern property line, thus annexation will serve to be a logical expansion of the existing city limits.

4. Cost of services:

Once annexed to the city, full city services will be made available to the property owner. Any necessary infrastructure associated with this development will be required to be constructed in accordance with the City of Kalispell's Design and Construction Standards and any other development policies, regulations or ordinances that may apply.

The analysis is only an estimate based on a variety of assumptions. The analysis does not take into consideration changes in methods of assessment and estimated costs associated with services. The information can only be used as a general estimate of the anticipated cost of services and revenue.

The cost to serve the land proposed for annexation is shown in the attached cost of service analysis – Initial Annexation. The property to be annexed is currently vacant. The total cost of services is estimated to be \$0 per year, as the property is vacant land. Based on the city's taxation and assessment policies, the property will generate approximately \$4,441.93 per year in total annual revenue to the city (\$845.77 in taxes and \$3,596.16 in assessments).

III. INITIAL ZONING OF PROPERTY TO BE ANNEXED

The statutory basis for reviewing a change in zoning is set forth by 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. and Section 27.29.020, Kalispell Zoning Ordinance.

5.43 acres is currently zoned County SAG-10 (Suburban Agricultural). The proposed zoning of the property is City RA-2 (Residential Apartment) with the Eagle Valley Ranch PUD zoning overlay.

The RA-2 is a district 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.”

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

Currently, the proposed zoning of RA-2 does not comply with the Kalispell Growth Policy Future Land Use Map, which designates the subject property as Suburban Residential. The applicants have requested that the Growth Policy Future Land Use Map be changed to Urban Mixed Use on the property on the 5.43 acres, outlined above. The RA-2 Zoning District is an appropriate zone for the Urban Mixed Use land use category and would be in compliance if the Growth Policy Map is concurrently amended.

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

The requested zone will potentially have some effect on the motorized and non-motorized traffic, as the City RA-2 Zoning District allows for higher density than the current county SAG-10 Zone. Upon annexation, there will be no change in use on the property and no impact on transportation, initially. When the property develops, traffic impacts would be reviewed as part of a subdivision or site review process where a traffic impact study would be required. The annexation and initial zoning does provide for the property to be integrated into the Eagle Valley Ranch PUD, which includes an extensive road network tying into a larger transportation system that is not reliant upon just Highway 93 North.

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

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

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 classifications of RA-2,

particularly in conjunction with the PUD overlay, 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 for adequate light and air?

Setback, height, and lot coverage standards for development occurring on this site are established in the Kalispell Zoning Ordinance and PUD to ensure adequate light and air is provided.

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

All public services and facilities are currently available to the property. Upon annexation the property will not require any city utility services. The specifics regarding provision of public services will be determined upon when a preliminary plat is submitted and subsequent development of the property.

7. Will the requested zone promote compatible urban growth?

The requested city RA-2 Zoning District is similar zoning as the neighboring Eagle Valley Ranch PUD development to the east and south, of which this would be incorporated. This zoning district maintains and is compatible with the established land use pattern in this area and would establish an area of higher density between the bypass and the proposed residential area immediately to the east.

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

The proposed RA-2 zoning district is consistent with the development trends of the area. It also gives due consideration of the suitability of this property for the allowed uses in the zoning district, such as proximity of city services.

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

Value of the buildings in the area will be conserved because the RA-2 will promote compatible and like uses on this property as are likely to develop on other properties in the area. 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 as they develop.

10. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

Urban scale development should be encouraged in areas where services and facilities are available. In this case, sanitary sewer exists on the site and water is adjacent to the property.

The proposed zoning is consistent with the proposed growth policy future land use designation and is compatible with current zoning in the immediate area.

IV. EVALUATION OF ZONING MAP AMENDMENT OF CITY PROPERTY

This report evaluates the 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.

1.35 acres is currently zoned City R-2 (Residential). The proposed zoning of the property is City RA-2 (Residential Apartment) with the Eagle Valley Ranch PUD zoning overlay.

The RA-2 is a district 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.”

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

Currently, the proposed zoning of RA-2 does not comply with the Kalispell Growth Policy Future Land Use Map, which designates the subject property as Suburban Residential. The applicants have requested that the Growth Policy Future Land Use Map be changed to Urban Mixed Use on the property on the 1.35 acres, outlined above. The RA-2 Zoning District is an appropriate zone for the Urban Mixed Use land use category and would be in compliance if the Growth Policy Map is concurrently amended.

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

The requested zone will potentially have some effect on the motorized and non-motorized traffic, as the city RA-2 Zoning District allows for higher density than the current county SAG-10 Zone. Upon annexation, there will be no change in use on the property and no impact on transportation, initially. When the property develops, traffic impacts would be reviewed as part of a subdivision or site review process where a traffic impact study would be required. The annexation and initial zoning does provide for the property to be integrated into the Eagle Valley Ranch PUD, which includes an extensive road network tying into a larger transportation system that is not reliant upon just Highway 93 North.

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

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

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 classifications of RA-2, particularly in conjunction with the PUD overlay, 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 for adequate light and air?

Setback, height, and lot coverage standards for development occurring on this site are established in the Kalispell Zoning Ordinance and PUD to ensure adequate light and air is provided.

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

All public services and facilities are currently available to the property. Upon annexation the property will not require any city utility services. The specifics regarding provision of public services will be determined upon when a preliminary plat is submitted and subsequent development of the property.

7. Will the requested zone promote compatible urban growth?

The requested city RA-2 Zoning District is similar zoning as the neighboring Eagle Valley Ranch PUD development to the east and south, of which this would be incorporated. This zoning district maintains and is compatible with the established land use pattern in this area and would establish an area of higher density between the bypass and the proposed residential area immediately to the east.

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

The proposed RA-2 zoning district is consistent with the development trends of the area. It also gives due consideration of the suitability of this property for the allowed uses in the zoning district, such as proximity of city services.

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

Value of the buildings in the area will be conserved because the RA-2 will promote compatible and like uses on this property as are likely to develop on other properties in the area. 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 as they develop.

10. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

Urban scale development should be encouraged in areas where services and facilities are available. In this case, sanitary sewer exists on the site and water is adjacent to the property. The proposed zoning is consistent with the proposed growth policy future land use designation and is compatible with current zoning in the immediate area.

RECOMMENDATION

It is recommended that the Kalispell City Planning Board and Zoning Commission adopt staff report #KGPA-22-01 and recommend to the Kalispell City Council that the Kalispell Growth Policy Future Land Use Map be amended from Suburban Residential to Urban Mixed Use.

It is recommended that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KA-22-03 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the zoning for the property be City RA-2 (Residential Apartment) with the Eagle Valley Ranch PUD zoning overlay and conditions herein.

It is recommended that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-22-03 as findings of fact and recommend to the Kalispell City Council that the property be rezoned from City R-2 to City RA-2 with the Eagle Valley Ranch PUD zoning overlay and conditions herein.

Conditions of Approval

1. The Planned Unit Development for Eagle Valley Ranch allows the following deviations from the Kalispell Zoning Ordinance:
 - a. Kalispell Zoning Ordinance, Section 27.10.020 Permitted Uses – Allows the existing commercial building to operate as a retail use within its existing footprint.
2. All applicable conditions within Ordinance 1814 (Eagle Valley Ranch PUD) shall apply.
3. An all-weather access 20 feet in width shall be provided from the existing commercial building to Jefferson Boulevard prior to occupancy.

4. A City street providing access to the 6.78 acre property shall be installed with Phase 4 (northern residential lots) of the Eagle Valley Ranch PUD in substantial conformance with the conceptual drawing submitted in the application.
5. The Eagle Valley Ranch PUD design guidelines, bylaws and covenants shall be applied to this development, where applicable.
6. The billboard on the property shall be removed from the site prior to certificate of occupancy of the commercial building.
7. The developer shall obtain an approach permit from the Montana Department of Transportation for the approach onto U.S. 93 North.
8. The developer shall improve the properties U.S. 93 North frontage in accordance with Chapter 27.20.29 of the Kalispell Zoning Ordinance related to entrance corridor standards.
9. A 60-foot public right of way shall be dedicated to the property to the south with a subsequent preliminary plat application.