



**Planning Department**  
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**REPORT TO:** Doug Russell, City Manager *DR*

**FROM:** Jarod Nygren, Senior Planner

**SUBJECT:** Request from WWEE, LLC and Dwayne Druckenmiller for a Growth Policy Map Amendment

**MEETING DATE:** November 21, 2016

**BACKGROUND:** A request from WWEE, LLC and Dwayne Druckenmiller for a growth policy amendment. The growth policy amendment would change the future land use designation shown on the Kalispell Growth Policy Future Land Use Map from “Suburban Residential” and “Urban Residential” to “Neighborhood Commercial” and “High Density Residential”. The area to be amended is approximately 30 acres (15.75 Neighborhood Commercial and 14.25 High Density Residential) and currently undeveloped grasslands within the county jurisdiction. The 30 acre area to be amended is located at the northwest corner, southwest corner and southeast corner of the intersection of Stillwater Road and Four Mile Drive. From the centerline of the intersection of Stillwater Road and Four Mile Drive the amendment will extend approximately 1,500 feet (750 feet to the east/west) along Four Mile Drive, 700 feet to the north along Stillwater Road (West of the center of the right-of-way) and 700 feet to the south along Stillwater Road, more particularly shown on the attached Exhibit “A”.

The Kalispell Planning Board held a duly noticed public hearing October 11, 2016, to consider the growth policy amendment request. Staff presented staff report KGPA-16-01 providing details of the proposal and evaluation. Staff reported that the proposed growth policy map amendment was consistent with the goals and policies of the Kalispell Growth Policy 2020 Plan, and that the applicant has met the burden of proof requirements for the requested growth policy amendment.

During the public comment portion of the hearing the applicant spoke in favor of the request. In addition, Debbie Street, representing Grosswiler Dairy spoke in favor of the request. She requested that the northwest corner of the intersection of Stillwater Road and Four Mile Drive be included in the amendment, as it was a logical extension and it will comply with the original PUD for the Starling project which was previously approved for the area.

There being no further testimony, a motion was presented to adopt staff report KGPA-16-01 as findings of fact and recommend to the Kalispell City Council that growth policy map amendment be approved. The Board discussed Debbie Street’s request to be included in the amendment request, at which time a motion was presented to add a portion of their property into amendment request. Board discussion concluded that adding the property was appropriate and the motion passed unanimously.

Further discussion concluded that the growth policy amendment was appropriate, and the original motion passed unanimously on roll call vote.

**RECOMMENDATION:** It is recommended that the Kalispell City Council approve the growth policy map amendment from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential.

**FISCAL EFFECTS:** There are no anticipated fiscal impacts at this time.

**ALTERNATIVES:** Deny the request.

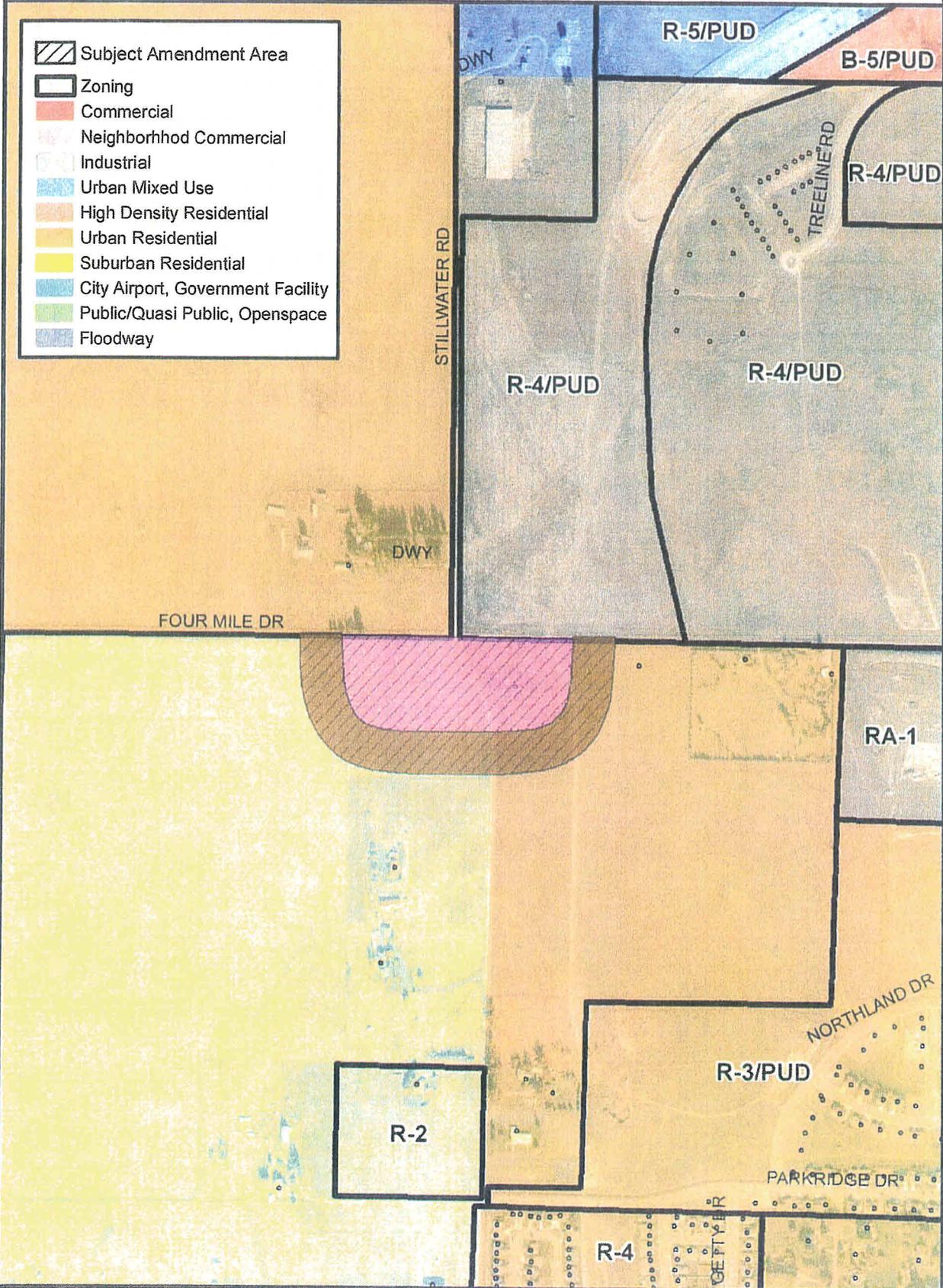
**ATTACHMENTS:** Exhibit A  
October 11, 2016, Kalispell Planning Board Minutes  
Staff Report  
Application Materials & Maps  
Resolution No. KGPA-16-01 signed by the Kalispell Planning Board President

c: Aimee Brunckhorst, Kalispell City Clerk  
Michael Fraser, 690 North Meridian, Ste. 103, Kalispell, MT 59901



# Proposed Growth Policy Amendment Area

-  Subject Amendment Area
-  Zoning
-  Commercial
-  Neighborhood Commercial
-  Industrial
-  Urban Mixed Use
-  High Density Residential
-  Urban Residential
-  Suburban Residential
-  City Airport, Government Facility
-  Public/Quasi Public, Openspace
-  Floodway



Date: Sept. 19th, 2016  
FilePath: \\2016\jarod\09192016

Kalispell Planning Dept.

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**RESOLUTION NO. 5790A**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE KALISPELL GROWTH POLICY 2020 ON 30 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER, SOUTHWEST CORNER AND SOUTHEAST CORNER OF THE INTERSECTION OF STILLWATER ROAD AND FOUR MILE DRIVE IN FLATHEAD COUNTY, MONTANA, BY CHANGING THE DESIGNATION OF LAND FROM “SUBURBAN RESIDENTIAL” AND “URBAN RESIDENTIAL” TO “NEIGHBORHOOD COMMERCIAL” AND “HIGH DENSITY RESIDENTIAL”, TO BE KNOWN AS THE STILLWATER-FOUR MILE DRIVE AMENDMENT.**

**WHEREAS,** pursuant to MCA 76-1-601 the Kalispell Growth Policy 2020 was originally adopted by the Kalispell City Council on February 18, 2003; and

**WHEREAS,** WVEE, LLC, Dwayne Druckenmiller and Debbie Street formally requested a growth policy amendment on approximately 30 acres at the intersection of Stillwater Road and Four Mile Drive in Flathead County, by changing the designation of land from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential; and

**WHEREAS,** on October 11, 2016, the Kalispell City Planning Board held a public hearing, after due and proper notice, received public comment upon, and reviewed Kalispell Planning Department report #KGPA-16-01, which evaluated the proposal based upon the goals and objectives of the Growth Policy and current circumstances in the planning jurisdiction; and

**WHEREAS,** at the conclusion of said public hearing and after consideration of the proposed amendment, the Kalispell City Planning Board adopted report #KGPA-16-01, as the findings of fact and recommended approval of the proposed Growth Policy amendment; and

**WHEREAS,** the City Council of the City of Kalispell, on November 7, 2016, passed Resolution 5789, a Resolution of Intention to Adopt, Revise or Reject a Proposed Amendment to the Kalispell Growth Policy 2020 and called for a public hearing to be held on November 21, 2016; and

**WHEREAS,** the City Council of the City of Kalispell, after due and proper notice, held a public hearing on November 21, 2016, and received \_\_\_ (\_\_) oral public comments on the recommendations of the City Planning Board and the Kalispell Planning Department report #KGPA-16-01; and

**WHEREAS,** based upon the recommendations of the Kalispell Planning Board, as well as consideration of the evidence provided by public comment, the City Council of the City of Kalispell finds that it is in the best interest of the City to amend the Kalispell Growth Policy 2020, pursuant to the recommendations of the City Planning Board and to adopt, as its findings, Kalispell Planning Department report #KGPA-16-01,

and to amend the designation of the above described property at the intersection of Stillwater Road and Four Mile Drive, Flathead County from Urban Residential and Suburban Residential to Neighborhood Commercial and High Density Residential in the Growth Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, AS FOLLOWS:**

**SECTION 1.** That pursuant to Section 76-1-604, MCA, the Kalispell City Council hereby adopts as an amendment to the Kalispell Growth Policy 2020, the designation of property, at the intersection of Stillwater Road and Four Mile Drive, Flathead County from Urban Residential and Suburban Residential to Neighborhood Commercial and High Density Residential as fully described in Kalispell Planning Department report #KGPA-16-01 attached hereto and incorporated fully herein by this reference.

**SECTION 2.** This Resolution shall become effective immediately upon its passage by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 21ST DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
Mark Johnson  
Mayor

ATTEST:

\_\_\_\_\_  
Aimee Brunckhorst, CMC  
City Clerk

**RESOLUTION NO. 5790B**

**A RESOLUTION REVISING AN AMENDMENT TO THE KALISPELL GROWTH POLICY 2020 ON 30 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER, SOUTHWEST CORNER AND SOUTHEAST CORNER OF THE INTERSECTION OF STILLWATER ROAD AND FOUR MILE DRIVE IN FLATHEAD COUNTY, MONTANA, BY CHANGING THE DESIGNATION OF LAND FROM “SUBURBAN RESIDENTIAL” AND “URBAN RESIDENTIAL” TO “NEIGHBORHOOD COMMERCIAL” AND “HIGH DENSITY RESIDENTIAL”, TO BE KNOWN AS THE STILLWATER-FOUR MILE DRIVE AMENDMENT.**

**WHEREAS,** pursuant to MCA 76-1-601 the Kalispell Growth Policy 2020 was originally adopted by the Kalispell City Council on February 18, 2003; and

**WHEREAS,** WWEE, LLC, Dwayne Druckenmiller and Debbie Street formally requested a growth policy amendment on approximately 30 acres at the intersection of Stillwater Road and Four Mile Drive in Flathead County, by changing the designation of land from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential; and

**WHEREAS,** on October 11, 2016, the Kalispell City Planning Board held a public hearing, after due and proper notice, received public comment upon, and reviewed Kalispell Planning Department report #KGPA-16-01, which evaluated the proposal based upon the goals and objectives of the Growth Policy and current circumstances in the planning jurisdiction; and

**WHEREAS,** at the conclusion of said public hearing and after consideration of the proposed amendment, the Kalispell City Planning Board adopted report #KGPA-16-01, as the findings of fact and recommended approval of the proposed Growth Policy amendment; and

**WHEREAS,** the City Council of the City of Kalispell, on November 7, 2016, passed Resolution 5789, a Resolution of Intention to Adopt, Revise or Reject a Proposed Amendment to the Kalispell Growth Policy 2020 and called for a public hearing to be held on November 21, 2016; and

**WHEREAS,** the City Council of the City of Kalispell, after due and proper notice, held a public hearing on November 21, 2016, and received \_\_\_ (\_\_) oral public comments on the recommendations of the City Planning Board and the Kalispell Planning Department report #KGPA-16-01; and

**WHEREAS,** the City Council of the City of Kalispell finds that it is in the best interest of the City to amend the Kalispell Growth Policy 2020, and revise the recommendations of the City Planning Board by adopting as its findings the following:

**WHEREAS,** in all other respects, not inconsistent with the above, the Council adopts the Kalispell Planning Department report KGPA-16-01 as its findings of fact, and further finds that it is in the best interests of the City to adopt said revised amendment to the Kalispell Growth Policy 2020 consisting of amending the designation of the above described property from Suburban Residential and Urban Residential to \_\_\_\_\_ in the Growth Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, AS FOLLOWS:**

**SECTION 1.** That pursuant to Section 76-1-604, MCA, the Kalispell City Council hereby adopts the revised amendment to the Kalispell Growth Policy 2020, the designation of the property described above at the intersection of Stillwater Road and Four Mile Drive from Suburban Residential and Urban Residential to \_\_\_\_\_, pursuant to the amended findings in Kalispell Planning Department report #KGPA-16-01.

**SECTION 2.** This Resolution shall become effective immediately upon its passage by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 21ST DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
Mark Johnson  
Mayor

ATTEST:

\_\_\_\_\_  
Aimee Brunckhorst, CMC  
City Clerk

**RESOLUTION NO. 5790C**

**A RESOLUTION REJECTING AN AMENDMENT TO THE KALISPELL GROWTH POLICY 2020.**

**WHEREAS,** pursuant to MCA 76-1-601 the Kalispell Growth Policy 2020 was originally adopted by the Kalispell City Council on February 18, 2003; and

**WHEREAS,** WWEE, LLC, Dwayne Druckenmiller and Debbie Street formally requested a growth policy amendment on approximately 30 acres at the intersection of Stillwater Road and Four Mile Drive in Flathead County, by changing the designation of land from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential; and

**WHEREAS,** on October 11, 2016, the Kalispell City Planning Board held a public hearing, after due and proper notice, received public comment upon, and reviewed Kalispell Planning Department report #KGPA-16-01, which evaluated the proposal based upon the goals and objectives of the Growth Policy and current circumstances in the planning jurisdiction; and

**WHEREAS,** at the conclusion of said public hearing and after consideration of the proposed amendment, the Kalispell City Planning Board adopted report #KGPA-16-01 as the findings of fact and recommended approval of the proposed Growth Policy amendment; and

**WHEREAS,** the City Council of the City of Kalispell, on November 7, 2016, passed Resolution 5789, a Resolution of Intention to Adopt, Revise or Reject a Proposed Amendment to the Kalispell Growth Policy 2020 and called for a public hearing to be held on November 21, 2016; and

**WHEREAS,** the City Council of the City of Kalispell, after due and proper notice, held a public hearing on November 21, 2016, and received \_\_\_ (\_\_) oral public comments on the recommendations of the City Planning Board and the Kalispell Planning Department report #KGPA-16-01; and

**WHEREAS,** the City Council of the City of Kalispell finds that it is not in the best interest of the City to amend the Kalispell Growth Policy 2020, as recommended by the Kalispell City Planning Board, said proposed amendment consisting of amending the designation of 30 acres of land from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential in the Growth Policy for the following reasons:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, AS FOLLOWS:**

**SECTION 1.** That pursuant to Section 76-1-604, MCA, the Kalispell City Council hereby rejects the amendment that was the subject of the Kalispell Planning Department report #KGPA-16-01 and recommended by the City Planning Board to the Kalispell Growth Policy 2020.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 21ST DAY OF NOVEMBER, 2016.

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Mark Johnson  
Mayor

ATTEST:

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Aimee Brunckhorst, CMC  
City Clerk

**RESOLUTION NO. KGPA-16-01  
AN AMENDMENT TO THE CITY OF KALISPELL GROWTH POLICY 2020**

**A RESOLUTION RECOMMENDING ADOPTION OF AN AMENDMENT TO THE KALISPELL CITY  
GROWTH POLICY 2020 ADOPTED FEBRUARY 18, 2003 TO BE KNOWN AS THE WWEE, LLC AND  
DWAYNE DRUCKENMILLER MAP AMENDMENT**

WHEREAS, the current Kalispell Growth Policy 2020 was adopted by the Kalispell City Council on February 18, 2003 with Resolution No. 4773; and

WHEREAS, since that time there has been rapid change that has occurred with the construction of the Kalispell Bypass in the vicinity of the amendment area; and

WHEREAS, WWEE, LLC and Dwayne Druckenmiller own the subject properties where the map amendment is being requested; and

WHEREAS, WWEE, LLC and Dwayne Druckenmiller are requesting the subject property have the land use designation changed from Urban Residential and Suburban Residential to Neighborhood Commercial and High Density Residential to better accommodate urban development in proximity to the bypass and planned neighboring developments; and

WHEREAS, the plan amendment is consistent with surrounding development and the goals and policies of the City of Kalispell Growth Policy 2020; and

WHEREAS, the Kalispell City Planning Board held a public hearing on October 11, 2016 at 6:00 PM in the Kalispell Council Chambers after due notice to the public and received comments upon the proposal and evaluated the proposed plan amendment in accordance with the goals and policies of the Kalispell City Growth Policy 2020; and

WHEREAS, at the public hearing, Grossweiler Dairy, the adjoining property owner on the northwest intersection of Stillwater Road and Four Mile Drive did ask to be included in the growth policy amendment; and

WHEREAS, the Kalispell City Planning Board did concur that the addition of the Grossweiler Dairy property was a reasonable and conforming request; and

WHEREAS, the City of Kalispell Planning Board did adopt staff report KGPA-16-01 as findings of fact; and

WHEREAS, the adoption of this resolution would effectively amend the Kalispell Growth Policy 2020 Map to reflect 30 acres of the subject properties being changed to Neighborhood Commercial and High Density Residential (15.75 Neighborhood Commercial and 14.25 High Density Residential) land use categories; and

NOW THEREFORE BE IT RESOLVED, that the Kalispell City Planning Board recommends to the Kalispell City Council, Exhibit A – WWEE and Dwayne Druckenmiller Map Amendment, be adopted as an amendment to the Kalispell Growth Policy 2020.

October 11, 2016



President  
Kalispell City Planning Board

**CITY OF KALISPELL  
REQUEST FOR GROWTH POLICY AMENDMENT  
STAFF REPORT #KGPA-06-01  
KALISPELL PLANNING DEPARTMENT  
SEPTEMBER 28, 2016**

A report to the Kalispell City Council and Kalispell Planning Board regarding a growth policy map amendment from “Urban Residential” and “Suburban Residential” to “Neighborhood Commercial” and “High Density Residential”. A public hearing will be held before the planning board on October 11, 2016. The planning board will make a recommendation which will be forwarded to the city council.

**BACKGROUND INFORMATION:**

A request from WVEE, LLC and Dwayne Druckenmiller for a growth policy map amendment. The growth policy amendment would change the future land use designation shown on the Kalispell Growth Policy Future Land Use Map from “Suburban Residential” and “Urban Residential” to “Neighborhood Commercial” and “High Density Residential”. The area to be amended is approximately 20 acres (10.5 Neighborhood Commercial and 9.5 High Density Residential) and currently undeveloped grasslands within the county jurisdiction. The Kalispell Growth Policy guides development and growth in and around the City of Kalispell. The requested Growth Policy amendment is being submitted by private landowners to accommodate growth and development within the Growth Policy area, where rapid change has occurred since the Kalispell Growth Policy was adopted. The timing requested for the amendment is appropriate given the current and planned improvements to sewer and transportation infrastructure in the amendment request area.

- A. Petitioners:** WVEE, LLC  
690 North Meridian, Suite 103  
Kalispell, MT 59901
- Dwayne Druckenmiller  
391 Stillwater Road  
Kalispell, MT 59901
- B. Location and Legal Description of Property:** The 20 acre area to be amended is located at the southwest corner and southeast corner of the intersection of Stillwater Road and Four Mile Drive. From the centerline of the intersection of Stillwater Road and Four Mile Drive the amendment will extend approximately 1,500 feet (750 feet to the east/west) along Four Mile Drive and 700 feet to the south along Stillwater Road.
- C. Existing Land Use and Zoning:** A majority of the subject area to be amended is currently undeveloped grasslands with one single-family residence located on a large county parcel. Portions of the amendment area also include Kalispell Bypass right-of-way near the intersection of Stillwater Road and Four Mile Drive.
- D. Adjacent Land Uses and Zoning:**

North: Vacant land and single-family residence; city R-3/PUD (Starling) and city R-4/PUD (DNRC Section 36)  
East: Kalispell Bypass and vacant land; county SAG-10  
South: Vacant land and single-family; county SAG-10 and AG-80  
West: Vacant land; county SAG-5

**E. General Land Use Character:** The area surrounding the proposed amendment is largely vacant land with one single-family residence located on a large county lot. The amendment area is undergoing rapid transition due to the following:

- Construction of the Kalispell Bypass.
- Extension of Four Mile Drive between Northridge Drive on the east to Stillwater Road on the west.
- Route of the proposed West Side Interceptor Project
- The Planned Unit Development (PUD) that encompasses commercial, residential and institutional development to the northeast on the Department of Natural Resources (DNRC) Section 36 property.
- Potential development on 640 acres of property known as the Starling PUD, of which the area bordering the proposed development to the northwest has a mixed commercial component.

**EVALUATION OF THE GROWTH POLICY AMENDMENT:**

In order to provide a framework for analysis and evaluation of the proposal a general outline of public-interest criteria related to a proposed change in land use is used.

The following criteria for evaluation will be established as follows:

- Changes in circumstances that warrant the amendment;
- Compliance with the overall goals and policies of the growth policy and its various elements:
  - growth management,
  - land use,
  - economy,
  - environmental considerations,
  - parks and recreation,
  - infrastructure, utilities and public services;
  - annexation and the extension of services.

The proposed plan amendment will be considered in the context of the current Kalispell Growth Policy 2020 as well as current and future development trends for the area.

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

The growth policy for Kalispell was adopted in February of 2003 which has been a useful tool in providing guidance to the community, developers, decision makers

and staff when anticipating growth trends and expansion of the city limits. However, with the completion of the bypass, Four Mile Drive, and aforementioned projects, the growth anticipated in the amendment area has drastically changed.

The adopted growth policy map designates the 20 acre project site as Urban Residential and Suburban Residential. The request is to change the 20 acre area from Urban Residential and Suburban Residential to a combination of Neighborhood Commercial and High Density Residential (10.5 Neighborhood Commercial and 9.5 High Density Residential). This will accommodate the increased growth pressures the city is experiencing and to recognize that this area is no longer appropriate for suburban type development.

As mentioned above, the bypass and other infrastructure projects in the area were off in the future when the growth policy and accompanying map were adopted. The neighboring Planned Unit Developments to the northwest and northeast of the proposed amendment area in tandem with the completion of the infrastructure projects necessitates the amendment in order plan for the future growth in the area. Neighborhood Commercial and High Density land use pods are planned at the major intersections within the Growth Policy boundary in order to achieve convenient neighborhood access to goods and services. The intersection of Four Mile Drive, Stillwater Road and the Kalispell Bypass is developing into a major intersection that at this time is not planned for the type of development you would expect within an urban development area with major infrastructure.

**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 and Urban Residential to Neighborhood Commercial and High Density Residential can be supported by the following goals and policies contained in the Kalispell Growth Policy:

Chapter 3, Goal 1 of the Kalispell Growth Policy states, "Provide an adequate supply and mix of housing that meets the needs of present and future residents in terms of cost, type, design and location." The requested land use changes to the 20 acre project site have been recommended in areas which take into account the particular location and provide a potential mix of housing type to meet the needs of present and future residents. The specific type and design of the future housing in these areas will be determined during future annexation requests at which time an initial zoning district will be placed on the lands to implement the corresponding land use designation.

Chapter 3, Policy 11.b of the Kalispell Growth Policy states that small high-density residential districts are encouraged to be dispersed throughout the urban area. These districts should be located predominantly near schools, employment and service centers, and urban arterials. The proposed location of the High Density Residential land use designation places higher density housing adjacent to a proposed Neighborhood Commercial area which could accommodate a mixture of commercial and professional offices. The High Density Residential land use designation is also within the proximity of Glacier High School and Kidsports Complex. The future uses within this area would be located at the intersection of Four Mile Drive, Stillwater Road and Kalispell Bypass.

The requested growth policy amendment would allow for Neighborhood Commercial land uses adjacent to Suburban Residential, Urban Residential, and High Density Residential land uses. All of these types of residential land uses are to be located and developed with convenient access to services. Therefore, the requested amendment brings the PUD's in the area around the intersection of Four Mile Drive, Stillwater Road and the Kalispell bypass into compliance with Policies 9.d, 10.e., and 11.e in Chapter 3.

**Land Use:** The location of the requested growth policy amendment is currently used for agriculture and one single-family residence. Future conversion of this area from rural agriculture and low density residential land use to neighborhood commercial and high density residential is unavoidable with the changing landscape. 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 and urban land use categories to allow for a combination of neighborhood commercial and high density residential. This land use designation change is a reasonable request due to the PUD's located to the northwest and northeast and completion of infrastructure projects including the Kalispell Bypass which have dramatically changed the landscape of the area.

**Economy:** Chapter 6, GOAL #6 of the Kalispell Growth Policy states that new business and industry should be encouraged to locate in areas where sound infrastructure can be provided. The types of business locating within the neighborhood commercial 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 proximity to the Kalispell Bypass which will provide easy access into the city. Amending the growth policy land use designation on the site to Neighborhood Commercial and High Density Residential would allow compatible residential and commercial development at an area rapidly transitioning into a major urban intersection.

**Environmental Considerations:** The area of the requested growth policy amendment is generally free of sensitive environmental considerations. There are no wetlands, riparian areas, or natural surface drainage which could be impacted by neighborhood commercial and high density residential development. There are no steep slopes or areas that may be prone to landslides in the area. None of the soils are considered sensitive according to the Natural Resources Conservation Service (NRCS), and all the soils are considered "not prime farmland" so there is

no loss of prime farmland as an impact of the potential amendment.

As with most areas of the Flathead Valley, wildlife may be present in the area of the proposed amendment. According to the Montana Fish, Wildlife and Parks “Crucial Area Planning System” website, the area requested for the growth policy amendment is not ranked as habitat for species of concern. There is no critical wildlife habitat nor are there forested areas that may provide wildlife habitat that may be negatively impacted by future neighborhood commercial and high density residential development. Any future developments will be analyzed on an individual basis for environmental impacts.

**Community and Recreational Facilities:** The location of the growth policy amendment is in close proximity to the Kidsports Complex to the east on Four Mile Drive. In general, no community or recreational facilities would be required for commercial development that would be expected within the Neighborhood Commercial land use category. Within the High Density Residential land use category you would expect 500 square feet of recreational amenities per residential unit. This amendment is a long range planning tool that seeks to plan appropriately the transitioning area. At the time the subject area is annexed into the city with a proposed development, the community and recreational facilities will be analyzed in accordance with the applicable city regulations.

**Community Facilities, Infrastructure and Public Services:** Planning for a viable mix of commercial services in areas of adequate infrastructure is another goal of the Kalispell Growth Policy. Goals 1 and 2 of Chapter 4 address the importance of new commercial services. To achieve this goal and provide convenient access to goods series and neighborhoods, Policies, 2.a., b., and c. establish the location scale and role of Neighborhood Commercial areas. The requested growth policy amendment complies with these policies and is consistent with the pattern and scale of other Neighborhood Commercial areas shown on the Kalispell Growth Policy Future Land Use Map. The requested amendment also complies with Recommendation #4 of Chapter 4 by centrally locating commercial services around a rapidly developing intersection surrounded by PUD’S with mixed commercial components.

The location of the requested amendment to the Kalispell Growth Policy Future Land Use Map is not currently within Kalispell city limits. The City of Kalispell is immediately adjacent to the subject amendment area on the north and approximately 1.5 miles away to the south and east. Any strategy to the adequate provision of local services to a neighborhood commercial and high density residential development would begin with a petition to annex into the City of Kalispell. Upon an annexation request, whether adequate local services area being provided would be analyzed.

## **RECOMMENDATION**

- I. The planning staff recommends that the Kalispell Planning Board recommend that the City Council adopt staff report KGPA-16-01 and change the growth policy land use designation on the 20 acre site from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential on the

Kalispell Growth Policy Future Land Use Map as shown on the attached exhibit map.



Planning Department  
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Kalispell, MT 59901  
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**APPLICATION FOR GROWTH POLICY AMENDMENT (GPA)**

PROJECT NAME: Stillwater and Four Mile- Neighborhood Commercial

1. NAME OF APPLICANT: WWEE, LLC & Dwayne Druckenmiller
2. MAIL ADDRESS: WWEE- 690 North Meridian, ste 103, Dwayne Druckenmiller  
391 Stillwater Road
3. CITY/STATE/ZIP: Kalispell, MT. 59901 PHONE: \_\_\_\_\_

NAME AND ADDRESS OF OWNER/S IF DIFFERENT THAN APPLICANT:

4. NAME: \_\_\_\_\_
5. MAIL ADDRESS: \_\_\_\_\_
6. CITY/STATE/ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_
7. TECHNICAL ASSISTANCE: Michael W. Fraser, PE
8. MAIL ADDRESS: 690 North Meridian, ste. 103
9. CITY/STATE/ZIP: Kalispell, mt. 59901 PHONE: 406-253-4326

If there are others who should be notified during the review process, please list those.

\_\_\_\_\_  
\_\_\_\_\_

- A. Property Address: SW Corner of Stillwater Road and Four Mile Drive &  
391 Stillwater Road
- B. Total Area of Property: 11.81 acres
- C. Legal description including section, township & range: WWEE- NE/4,NE/4,  
NE/4 T28N, R22W, Sec 2; Druckenmiller Tract 1BAB NW/4,NW/4 NW/4 T28N,  
R22W, Sec 1 ; excepting road right of ways

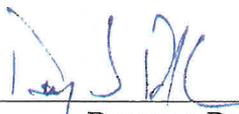
- D. Please provide the following information in a narrative format with supporting drawings or other format as needed:
- a. An overall description of the issues, goals and policies associated with the proposed development.
  - b. Project feasibility and a schedule showing the timeframe in which each phase will be completed.
  - c. A showing of the conformance of this amendment with the growth policy overall.
  - d. A convincing showing of need.
  - e. A showing of neighborhood compatibility. Where there are more intensive uses or incompatible uses planned within the plan area or on the boundaries, how the impacts of those uses would be mitigated.
  - f. A showing of transportation impacts and general proposed mitigation measures.
  - g. A listing of the environmental impacts associated with the plan amendment.
  - h. A listing of all know site hazards and general mitigation strategies
  - i. A strategy for the adequate provision of local services
    - (1). Water
    - (2). Sewer
    - (3). Police
    - (4). Fire
    - (5). Parks and open space, trails and pedestrian ways
    - (6). Storm water
    - (7). Schools
    - (8). Gas, electricity
  - j. A showing of the appropriateness of the proposed location of the project.
  - k. The extent to which the plan departs from the existing growth policy and the reasons why such departures are or are not deemed to be in the public interest.

1. Include site plans, drawings and schematics with supporting narratives where needed that includes the following information:
  - (1). Property boundary locations.
  - (2). Site hazards or environmental constraints including area of steep slopes (10% and 25%), floodplain and flood way, drainage or streams;
  - (3). Total acreage, current growth policy designation and present zoning classifications;
  - (4). Growth policy and zoning classification of all adjoining properties;
  - (5). Assignment of major land use categories. A showing of density and intensity of major land uses including, for example, dwelling units per gross acre, square footages of commercial/acre, square footage of industrial uses/acre, potential public facilities and buildings, open space uses, etc.
  - (6). Collector and arterial road systems. Any unusual road features (bridges, frontage roads, etc.)
  - (7). Location and type of significant open space, common areas or substantial buffers, and major pedestrian trail systems;
  - (8). Proposed schedule of completions and phasing of the development, if applicable;
  - (9). Existing covenants, conditions and restrictions which would significantly alter development within the area;
  - (10). Special or unusual design features intended to mitigate identified site hazards.
  - (11). Any other information that may be deemed relevant and appropriate to allow for adequate review.

The signing of this application signifies that the aforementioned information is true and correct and grants approval for Kalispell Planning Department staff to be present on the property for routine monitoring and inspection during review process.

  
 \_\_\_\_\_  
 WWEE, LLC- Managing Member

  
 \_\_\_\_\_  
 (Date)

  
 \_\_\_\_\_  
 Dwayne Druckenmiller

  
 \_\_\_\_\_  
 (Date)

**SUPPLEMENTAL NARRATIVE**  
City of Kalispell Application for Growth Policy Amendment  
WWEE, LLC

**D. Please provide the following information in a narrative format with supporting drawings or other format as needed:**

**a. An overall description of the issues, goals, and policies associated with the proposed development.**

The requested growth policy amendment is to change the future land use designation shown on the *Kalispell Growth Policy Future Land Use Map* on the southwest and southeast corners of the intersection of Four Mile Drive and Stillwater Road (see **Attachment A**). Currently the southwest corner of this intersection is designated "Suburban Residential" and the southeast corner of this intersection is designated "Urban Residential." The applicant is requesting to amend 10 acres on the southwest corner of the intersection of Stillwater Road and Four Mile Drive and 3.1 acres on the southeast corner of the intersection of Stillwater Road and Four Mile Drive to "Neighborhood Commercial" (see **Attachment B**).

This area of Kalispell is currently undergoing a rapid transition due to:

- Construction of the U.S. Highway 93 Alternate (Kalispell Bypass) with an interchange at Four Mile Drive (see **Attachment C**),
- The extension of Four Mile Drive between Northland Drive on the east to Stillwater Road on the west as a Kalispell urban highway project (see **Attachment C**),
- The route of the proposed West Side Interceptor Project (see **Attachment D**),
- The recent and planned commercial, residential and institutional development of Department of Natural Resources and Conservation (DNRC) Section 36 land (see **Attachment E**); and
- The potential residential and commercial development on 640 acres of annexed land historically referred to as the "Starling Planned Unit Development" (see **Attachment F**).

The *Kalispell Growth Policy* will be the guide for development and growth in and around the City of Kalispell, and is the document upon which consideration of development decisions should be based. This purpose is explicitly stated in Chapter 1, Policies 1 and 4. The requested growth policy amendment is being submitted by private landowners to accommodate growth and development in the City of Kalispell in an area where rapid change has occurred since the *Kalispell Growth Policy* was written and adopted. Requests to amend the growth policy in these

circumstances are allowed pursuant to Policies 6 and 9, as well as Recommendation 5, both of which are found in Chapter 1.

The timing of the requested growth policy amendment is appropriate given the current and planned improvements to sewer and transportation infrastructure in this area of the City of Kalispell. The *Kalispell Growth Policy* addresses the timing of commercial development land use transitions in Chapter 2. Goals 1, 4 and 6 of Chapter 2 are implemented primarily through Policy 6. The timing of the requested growth policy amendment to allow for "Neighborhood Commercial" land uses at the intersection of Stillwater Road and Four Mile Drive is consistent with Policy 6. Additionally, the route of the planned West Side Interceptor Project, approximately one-half mile west of the requested "Neighborhood Commercial" land use designation, complies with Recommendation #2 in Chapter 2.

Chapter 3 of the *Kalispell Growth Policy* establishes goals, policies, and recommendations for housing. The requested growth policy amendment would allow for "Neighborhood Commercial" land uses adjacent to "Suburban Residential," "Urban Residential," and "High Density Residential" land uses. All of these types of residential land uses are to be located and developed with convenient access to services. Therefore, the requested amendment brings the planned residential development in the area around the intersection of Four Mile Drive and Stillwater Road further into compliance with Policies 9.d, 10.e, and 11.3 in Chapter 3.

Planning for a viable mix of new commercial services in areas with adequate infrastructure is another goal of the *Kalispell Growth Policy*. Goals 1 and 2 of Chapter 4 address the importance of new commercial services. To achieve this goal and provide convenient access to goods and services for neighborhoods, Policies 2.a., b., and c. establish the location, scale and role of "Neighborhood Commercial Areas." The requested growth policy amendment complies with these policies and is consistent with the pattern and scale of other "Neighborhood Commercial Areas" shown on the *Kalispell Growth Policy Future Land Use Map*. The requested amendment also complies with Recommendation #4 of Chapter 4 by centrally locating commercial services around a rapidly developing intersection surrounded by significant planned residential development.

Chapter 6, Goal #6 of the *Kalispell Growth Policy* states that "Neighborhood Commercial Areas" are appropriate for high-tech industrial and e-commerce based businesses. These types of businesses would provide employment to the community. Also, they would benefit from both the planned residential development and the close proximity to U.S. Highway 93 Alternate in the vicinity of the requested growth policy amendment.

Lastly, a portion of the requested growth policy amendment is located within the *Kalispell West Growth Policy Amendment* from 2003. Although much has changed at the intersection of Four Mile Drive and Stillwater Road since 2003, the present amendment is compliant with Policies 5.a., b., and c of the 2003 amendment that call for neighborhood commercial areas that are developed in a compact manner to serve residential land uses within a one-mile radius.

**b. Project feasibility and a schedule showing the timeframe in which each phase will be completed.**

The applicants requesting the growth policy amendment do not have a specific commercial project in mind at this time. The requested amendment will update the *Kalispell Growth Policy Future Land Use Map* in the area around the intersection of Four Mile Drive and Stillwater Road in a manner that is both beneficial to the community and consistent with the goals, policies, and recommendations in the text of the *Kalispell Growth Policy* (see applicable Goals, Policies, and Recommendations in the applicant's response to Criteria D.a., above). Future rezoning requests and development projects that may be initiated based on the requested growth policy amendment will be feasible (if timed appropriately) due to convenient motorized and non-motorized access, adequate public infrastructure and services and proximity to existing and future residential development.

**c. A showing of the conformance of this amendment with the growth policy overall.**

An inventory of the goals, policies, and recommendations contained in the *Kalispell Growth Policy* that are applicable to the requested amendment is contained in the applicant's response to Criteria D.a., above. Overall, the *Kalispell Growth Policy* seeks to encourage neighborhood-scale commercial development that is timed appropriately with regard to public infrastructure and that follows a compact, accessible and visually appealing form. Neighborhood commercial services should not be strip developments running parallel and adjacent to major roads, nor should they contain destination shopping that primarily draws from outside the neighborhood. Additionally, neighborhood commercial services are to be three to five acres in size and spaced one-half to one mile apart. The requested growth policy amendment will create a neighborhood commercial node that encourages the clustering of businesses at what will soon be a major community intersection. Examples of existing, functioning neighborhood commercial nodes in Kalispell are located at the intersection of Whitefish Stage Road and West Evergreen Drive and at the intersection of Whitefish Stage Road and West Reserve Drive.

Examples of planned neighborhood commercial nodes are found on the *Kalispell Growth Policy Future Land Use Map* at the intersections of West Springcreek Road and a future extension of Rose Crossing, West Springcreek and Three Mile Drive and at the intersection of U.S. Highway 93 and Church Drive. The requested growth policy amendment will create an additional planned area for neighborhood commercial services that is consistent with the goals, policies, and recommendations of the text of the Kalispell Growth Policy. The requested growth policy amendment is also geographically sized and spaced appropriately from other existing and planned "Neighborhood Commercial" designations on the *Kalispell Growth Policy Future Land Use Map*.

**d. A convincing showing of need.**

The current *Kalispell Growth Policy Future Land Use Map* designates the area immediately surrounding the intersection of Four Mile Drive and Stillwater Road as "Suburban Residential" (two to four dwellings per gross acre), "Urban Residential" (four to 12 dwelling per gross acre), and "High Density Residential" (eight to 20 dwellings per gross acre). Using only the low-end of the three planned residential density ranges to account for utility constraints and U.S. Highway 93 Alternate bisecting the area, it can be conservatively estimated that the *Kalispell Growth Policy* plans for approximately 2,259 dwellings within a half-mile radius of the intersection of Four Mile Drive and Stillwater Road. Based on current commercial designations on the *Kalispell Growth Policy Future Land Use Map*, the nearest cup of coffee available to these homes will be at Starbucks over a mile away at the automobile-oriented Spring Prairie Center. Finding the nearest Snickers bar would require a trip to Walmart at Hutton Ranch Plaza, approximately a mile and a half away on Four Mile Drive and U.S. Highway 93.

Amending the *Kalispell Growth Policy Future Land Use Map* to add a "Neighborhood Commercial" future land use designation at the intersection of Stillwater Road and Four Mile Drive is necessary to provide local, neighborhood-scale commercial services in this area of the community. Without the requested amendment, future residents will have to rely on frequent, brief automobile trips to large-scale destination shopping centers for routine daily needs.

**e. A showing of neighborhood compatibility. Where there are more intensive uses or incompatible uses planned within the plan area or on the boundaries, how the impacts of those uses would be mitigated.**

The subject of this growth policy amendment application, the extension of Four Mile Drive and U.S. Highway 93 Alternate, is currently nearing completion (see **Attachment C**). In the very near future, Four Mile Drive will connect from U.S. Highway 93 near Flathead Valley Community College west to the U.S. Highway 93 Alternate and on to a four-way intersection with Stillwater Road. This connection will provide convenient access to this area of Kalispell and is likely to renew and invigorate interest in residential development of the surrounding area. Residential land uses are already planned to the northwest and northeast of the Four Mile Drive and Stillwater Road intersection (see **Attachments F and E**, respectively). As discussed in the applicant's response to Criteria #D.d. above, a conservative estimate of 2,259 dwelling units may exist in the near future within a half-mile radius of the intersection of Four Mile Drive and Stillwater Road.

The "Neighborhood Commercial" future land use designation is intended to promote the development of convenient goods and services to meet the daily needs of the immediate neighborhood. The "Neighborhood Commercial" future land use designation is typically implemented in the City of Kalispell with a "B-1 Neighborhood Business" zoning. The B-1 zone does not allow outdoor storage or display nor does it allow for large-scale commercial operations. Rather, the B-1 zone permits neighborhood-scale commercial land uses such as bakeries, banks, barbershops, day cares, print shops, and retail enterprises no larger than 4,000ft<sup>2</sup>. Potentially more impactful land uses that may be appropriate to serve a neighborhood such as auto service stations or breweries are subject to Conditional Use Permit review to ensure compatibility. The B-1 zone also blends land uses by allowing single family through multi-family dwellings. The blending of land uses allows for efficient, transitional development patterns that may be desirable to the developer, neighbors, and the community at large. Property development standards in the B-1 zone ensure that the scale of development will be consistent with the neighborhood.

The planned land uses immediately surrounding the area of the requested growth policy amendment would be ideally served by the "Neighborhood Commercial" future land use designation and the development that would ultimately utilize this designation and the subsequent "B-1 Neighborhood Business" zoning. The intensity and overall compatibility of land uses in the neighborhood are appropriate and desirable.

**f. A showing of transportation impacts and general proposed mitigation measures.**

The area surrounding the requested growth policy amendment is currently undergoing a rapid and substantial improvement of the level of service on the surrounding public road network. When current road projects are

completed, October- November 2016, access from the area proposed for a “Neighborhood Commercial” future land use designation to other nearby parts of the community will be significantly improved. Residents of the area may use Stillwater Road to go north or south to residential neighborhoods, Four Mile Drive to go east to residential neighborhoods, Kidsports, Flathead Valley Community College and the hospital, and U.S. Highway 93 Alternate to quickly access south and west Kalispell or Glacier High School and destination retail at Spring Prairie, Hutton Ranch and Mountain View Plaza.

Future development of the intersection of Four Mile Drive and Stillwater Road will require annexation, which will include adjoining streets. Once private properties and adjoining streets are annexed into the City of Kalispell, development will be required to meet *City of Kalispell Standards for Design and Construction*. These standards include a trigger for requiring a traffic impact analysis and state that the developer must maintain the existing level of service. The standards also contain criteria for safe access to public roadways.

Therefore, the transportation impacts of changing the current future land use designations on 10 acres of land designated “Suburban Residential” and approximately 3.1 acres of land designated “Urban Residential” to “Neighborhood Commercial” will be minimal given improvements to the level of service of the road network in the area and city mitigation requirements applicable at the time of development.

**g. A listing of the environmental impacts associated with the plan amendment.**

The location of the requested growth policy amendment is currently used for agriculture and one single-family residence. Future conversion of this area from rural agricultural and low-density residential land uses to neighborhood commercial land uses will unavoidably alter the existing landscape. However, the general absence of sensitive human and natural environmental conditions in the area means that the impacts of neighborhood commercial development may either be negligible or can be adequately mitigated.

**1. Impacts to the Human Environment**

The area is free of sensitive human environmental conditions which could negatively impacted by neighborhood commercial development. There are no at-risk human populations that may be disproportionately impacted by neighborhood commercial development in this location. There are no historic structures or religious land uses in the area. Neighborhood commercial development such as coffee shops,

churches, restaurants and office generally do not disproportionately create objectionable byproducts such as smoke, fumes, noise, detrimental electromagnetic fields, changes in air temperature, solid waste, or chemicals that must be treated and/or disposed. Neighborhood commercial development in the area of the requested growth policy amendment will not alter the social structure of the community or require relocating people or jobs. Neighborhood commercial development generally has minimal impact on public schools, public health services and parks and recreation programming. Furthermore, neighborhood commercial land uses typically contribute to the tax base at a level that creates a net benefit to community services and infrastructure.

Traffic associated with commercial development can negatively impact the human environment if located adjacent to incompatible land uses or if access is not adequately designed for safety and efficiency. Aesthetics of neighborhood commercial development can negatively impact the human environment if development occurs in a manner that is inconsistent with the scale and context of the area or inconsiderate of the needs of all community members. Signage that is unsightly or unsafe can also negatively impact the human environment. Once annexed into the City of Kalispell, all future neighborhood commercial development will be required to meet city standards for access, parking and internal circulation as well as signage and architecture. The City of Kalispell regulates the design and construction of development using the *Kalispell Zoning Ordinance* and the *City of Kalispell Standards for Design and Construction*. Meeting these standards will ensure no disproportionately negative impacts to the human environment as a result of uses, traffic or the aesthetics of a development project. Finally, the location of the requested growth policy amendment is adjacent to U.S. Highway 93 Alternate and Four Mile Drive in a rapidly developing area and the scope and scale of neighborhood commercial development is intentionally limited, further reducing impacts to the human environment.

## **2. Impacts to the Natural Environment**

The area of the requested growth policy amendment is generally free of sensitive natural environmental conditions. There are no wetlands, riparian areas, or natural surface drainages which could be impacted by neighborhood commercial development in the area of the requested growth policy amendment. The nearest intermittent drainage, per the USGS quad map, is approximately one-half mile west of the area of the requested growth policy amendment. This drainage or swale connects to a Zone AE floodplain just south of Quarter Horse Lane

(FEMA FIRM Panel #30029C1805J, see **Attachment G**), approximately seven-tenths of a mile to the south-southwest of the area of the requested growth policy amendment.

There are no steep slopes or areas that may be prone to landslides in the area of the requested growth policy amendment. According to the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey, soils at the site of the requested growth policy amendment are mostly Blanchard very fine sandy loam with some Prospect loam and Tally, Blanchard and Flathead soils (see **Attachment H**). None of these soils are considered sensitive, and all of these soils are classified as “not prime farmland” so there is no loss of prime farmland as an impact of neighborhood commercial development.

As with most areas of the Flathead Valley, wildlife may be present in the area of the requested growth policy amendment. However, according to the Montana Fish, Wildlife and Parks “Crucial Area Planning System” website, the area of the requested growth policy amendment is not ranked as habitat for species of concern. There is no critical wildlife habitat nor are there any forested areas that may provide wildlife habitat that may be negatively impacted by neighborhood commercial development in the area of the requested growth policy amendment.

Neighborhood commercial development generally does not generate emissions or air pollutants that would negatively impact air quality. Existing vegetation in the area of the requested growth policy amendment includes grasses, a few trees and some weeds; no negative impacts to vegetation are anticipated when neighborhood commercial development occurs. Neighborhood commercial development does typically increase impervious surface area and requires storm water runoff mitigation. Once annexed into the City of Kalispell, any future neighborhood commercial development within the area of the requested growth policy amendment will be required to meet city standards for storm water design found in Chapter 4 of the *City of Kalispell Standards for Design and Construction*. Meeting these standards will ensure no disproportionately negative impacts to the natural environment as a result of increased impervious surface or storm water runoff from a neighborhood commercial development project.

**h. A listing of all known site hazards and general mitigation strategies.**

There are no known site hazards in the area of the requested growth policy amendment. The area is open, agricultural and rural single-family residential land. There are no known sensitive environmental conditions,

no known hazardous chemical or biological conditions, no known airborne contaminants, no known steep slopes, no known hazardous weather or climatic conditions, no known hazards resulting from existing or planned access or road conditions, no known high-capacity overhead power lines or gas pipelines, no known noise hazards, no known hazards associated with adjoining land uses such as explosive materials or hazardous chemicals, and no known soil or substrata hazards.

The area is likely to have ongoing agricultural operations in the coming years. Depending on the timing of development it is feasible that neighborhood commercial development may occasionally be impacted by dust, chemicals, and noise associated with ongoing agricultural operations.

**i. A strategy for the adequate provision of local services.**

The location of the requested amendment to the Kalispell Growth Policy Future Land Use Map is not currently within Kalispell city limits. The City of Kalispell is immediately adjacent to the subject properties on the north and is approximately one-half mile away to the south and east. Any strategy for the adequate provision of local services to a neighborhood commercial development begins with a petition for annexation to the City of Kalispell and request for initial zoning. Once annexation is complete, local services may be provided as follows:

**1. Water**

Public water supplies which will be extended to serve development in the area are available within a reasonable distance. City of Kalispell water facilities are available at Timberwolf Parkway approximately 2,460 feet to the north and an existing main on Stillwater Road approximately 2,600 feet south. Determining the best facility and method to serve neighborhood commercial development in the vicinity of the intersection of Four Mile Drive and Stillwater Road will depend on variables that can only be determined closer to the time of actual development. Accessing any City of Kalispell water facility in the future will require coordination with the Kalispell Water Master Plan map (**Attachment L**), City of Kalispell Public Works Department and compliance with Section 3.2 of *The City of Kalispell Standards for Design and Construction*.

**2. Sewer**

Public sanitary sewer service in the area of the proposed growth policy amendment will likely be provided by the City of Kalispell's new West Side Interceptor. The route of the West Side Interceptor is only approximately one-half mile west of the intersection of Four Mile Drive and Stillwater Road. A 24" gravity main is proposed in this location.

This facility is being planned to provide a significant increase in sanitary sewer capacity in a rapidly developing area of Kalispell. Accessing this City of Kalispell sanitary sewer facility in the future will require coordination with the City of Kalispell Public Works Department and compliance with Section 3.3 of *The City of Kalispell Standards for Design and Construction*.

### **3. Police**

The Kalispell Police Department will provide routine patrol of the area and response in the event of an emergency. Given the resource utilization and response times of the Kalispell Police Department and density of road network in the area of the requested growth policy amendment, adequate law enforcement services can be anticipated at the time of development. Current patrols leaving Empire Estates with Timberwolf Parkway or Glacier High school as a destination pass by the area.

A review of the City of Kalispell Police Department Crime Map indicates the annexed residential areas around the intersection of Four Mile Drive and Stillwater Road do not have a high demand for services at the present time. Other areas of the City of Kalispell with existing neighborhood commercial services also do not display an abnormally high demand for services, based on the week of August 15-21, 2016. The current demand for services can't be projected with certainty, but it can be used as a reasonable estimate of existing demand patterns for similar land uses and demographic areas to determine if a proposed land use may have a negative impact. This does not appear to be the case at this location.

### **4. Fire**

The City of Kalispell's north side Station 62 is located at 255 Old Reserve Drive and is currently approximately 1.9 road miles away from the intersection of Four Mile Drive and Stillwater Road. This station is manned with adequate equipment for fire response and emergency services provision. Response times will be improved when the Four Mile Drive extension is completed. All structures must be built to the standards of the International Building Code and Uniform Fire Code, including sprinklers, fire resistivity and exit signage. Given the close proximity of a City of Kalispell fire station and the likelihood of development including commercial structures built to modern fire codes, fire services will be adequate to serve neighborhood commercial development in the future.

### **5. Parks and open space, trails and pedestrian ways**

A shared use path is under construction on the west side of the U.S. Highway 93 Alternate. This path will provide convenient non-motorized

access to neighborhood-scale goods and services that may be developed based on the requested growth policy amendment at the intersection of Four Mile Drive and Stillwater Road. Neighborhood commercial development typically does not introduce negative impacts to other public park facilities and/or open spaces.

Neighborhood commercial development is uniquely suited to design that includes passive recreation amenities meant to serve and please the tenant (thereby increasing lease rates) and customer (increasing time spent on-site and opportunities for sales). A neighborhood commercial development that creates a pleasant sense of place also promotes repeat transactions. Although this is not always required of the developer, some of the most desirable and frequented places in Kalispell are those created by the developer and/or business owner to provide the lessee and/or customer (respectively) with a desirable and relaxing experience.

#### **6. Storm water**

Mitigating the impacts of storm water runoff will be the responsibility of the developer at the time of development. In *The City of Kalispell Standards for Design and Construction*, Chapter 4 is entirely devoted to the subject of storm water design. Storm water management facilities will be designed and constructed at the time of development to maintain the pre-developed runoff condition in the area of the requested growth policy amendment.

#### **7. Schools**

Commercial development of a neighborhood character and scale typically does not introduce significant impacts to community schools. Although commercial development does not increase demand for services from schools, commercial development does pay taxes to the local school district and this commercial tax revenue can be an important source of school funding.

#### **8. Gas and electricity**

Location and extension of necessary utilities such as gas, electric, cable, and telephone will be coordinated with service providers at the time of development. Electricity and telephone are likely already available at the intersection of Four Mile Drive and Stillwater Road. Given the proximity to other urbanized areas of the City of Kalispell, other utilities are likely available to be extended as necessary at the time of development.

- j. A showing of the appropriateness of the proposed location of the project.

Stillwater Road is not a departure from the existing growth policy. The requested amendment to the Kalispell Growth Policy Future Land Use Map will, in fact, bring the map into better compliance with the stated goals, policies, and recommendations of the text of the *Kalispell Growth Policy*.

I. **Include site plans, drawings and schematics with supporting narratives where needed that includes information:**

**(1). Property Boundary Locations.**

Enclosed as Attachment G is a copy of the Flathead County GIS map showing the boundaries of the respective properties. The subject properties are shown on the various attachments for convenience.

**(2). Site Hazards or environmental constraints including area of steep slopes, flooding and flood way.**

On the enclosed USGS Map the slopes within the subject properties are less than 5%. There are no flood plains or flood ways.

**(3) Total acreage, current growth policy designation and present zoning classifications.**

The WWEE properties are designated as Suburban Residential (County Zoning) and zoned SAG-5. The Druckenmiller property is designated urban residential and zoned SAG-10.

**(4) Growth policy designations and zoning classifications of adjoining properties.**

Lands north of WWEE are designated suburban residential and zoned R-3 PUD within the City of Kalispell. Lands south are designated urban residential and zoned Sag-5. Lands west are urban residential and zoned AG-20. Lands east are a mix of urban residential and suburban with zoning of AG-80 and SAG-10. See Attachments for specific locations and designations.

Lands north of the Druckenmiller property are suburban residential with an R-4 PUD zoning. Lands east of the property are Kalispell Highway 93 Alternative Route and beyond Suburban residential with a SAG-10 zoning.

**(5) Assignment of major land use categories.**

This proposal is a Growth Policy designation change in anticipation of a future development plan with specifics of density uses and lot coverage.

**(6) Collector and Arterial Road Systems. Any unusual road features.**

Four Mile Drive and Stillwater Roads are designated as an arterials. Four Mile will provide direct access to Kids Sports and major commercial areas.

**(7) Location and type of significant open space, common areas, or substantial buffers and major pedestrian trail systems.**

This proposal is a Growth Policy designations change in anticipation of a future development plans for both parcels. The specific plans will address open space, common areas, buffers and pedestrian systems.

**(8) Proposed schedule of completion, conditions, and restrictions which would significantly alter development within the area.**

There are no schedules for completion and therefore no conditions or restrictions which effect the properties.

**(9) Existing covenants, conditions and restrictions which would significantly alter development within the area.**

There are no covenants, conditions and/ or restrictions which would alter development.

**(10) Special or unusual design features intended to mitigate identified site hazards.**

There are no site hazards and therefore no mitigation is necessary.

**Attachments:**

- A: Kalispell Growth Policy Future Land Use Map
- B: Kalispell Growth Policy Future Land Use Map- LANDS TO BE CHANGED
- C: Kalispell Bypass - Four Mile Drive
- D: West side Interceptor Route
- E: DNRC Section 36 map
- F: Starling PUD map
- G: National Flood Hazard Map
- H: Soils map
- I: Assessors tract information
- J: City Zoning
- K: County Zoning
- L. Kalispell Water Master Plan Map

**KALISPELL CITY PLANNING BOARD & ZONING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
**October 11, 2016**

<b>CALL TO ORDER AND ROLL CALL</b>	The regular meeting of the Kalispell City Planning Board and Zoning Commission was called to order at 6:00 p.m. Board members present were: Chad Graham, Steve Lorch, Doug Kauffman, Christopher Yerkes, Rory Young & Ronalee Skees. Charles Pesola was absent. Tom Jentz, Jarod Nygren and PJ Sorensen represented the Kalispell Planning Department.
<b>APPROVAL OF MINUTES</b>	Yerkes moved and Skees seconded a motion to approve the minutes of the August 9, 2016, meeting of the Kalispell City Planning Board and Zoning Commission.
<b>VOTE BY ACCLAMATION</b>	The motion passed unanimously on a vote of acclamation.
<b>PUBLIC COMMENT</b>	None.
<b>GROWTH POLICY AMENDMENT – WWRR, LLC /DWAYNE DRUCKENMILLER</b>  <b>BOARD MEMBER STEPPED DOWN</b>	A request from WWRR, LLC and Dwayne Druckenmiller for a growth policy amendment. The growth policy amendment would change the future land use designation. The area to be amended is approximately 20 acres located at the intersection of Stillwater Road and Four Mile Drive.  Doug Kauffman recused himself as his firm is working with the applicant.
<b>STAFF REPORT</b>	Jarod Nygren, representing the Kalispell Planning Department reviewed Staff Report KGPA16-01 for the board.  Nygren said this request would amend the growth policy map from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential for the 20 acre area. Nygren displayed aerial imagery of the site and added the area has drastically changed with the inclusion of the Kalispell Bypass, new residential development, and the planned Westside Interceptor, which is a sewer project through the area.  Nygren reviewed photographs of the area. He noted that this amendment would be more in line with what the future development of the area should be. Nygren displayed a map that showed the intersection of Four Mile Drive and Stillwater Road and noted 10.5 acres of the proposed amendment would be the Neighborhood Commercial land use designation and about 9.5 acres would be high density residential, acting as a transition into future single-family, duplex or townhouse uses.  Nygren reviewed the current growth policy map. He noted since

	<p>there is no development in this area, it is a long-range plan, and rather than setting strict boundaries to property lines the pod was used instead to better suit the area.</p> <p>Staff recommends that the Kalispell Planning Board and Zoning Commission adopt Staff Report KGPA-16-01 as findings of fact and recommend to the Kalispell City Council that the growth policy land use designation be changed on the 20 acre site from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential on the Kalispell Growth Policy Future Land Use Map as shown on the exhibit map provided.</p>
<b>BOARD DISCUSSION</b>	<p>Lorch asked why the proposed growth policy map amendment doesn't apply to the whole intersection and just the property on the south. Nygren said they weren't included because those property owners didn't apply. The properties to the northwest and the northeast, the Starling PUD and DNRC's PUD, already have a Neighborhood Commercial component.</p> <p>Graham asked where is the nearest water and Nygren said at this time there are no services in the direct vicinity of the property. This is long-term planning document and at the time a development is proposed for the city, staff would look more closely at the services that would be provided. Jentz added there is water in Four Mile Drive but all the way back to Northland drive. Nygren explained further.</p>
<b>PUBLIC HEARING</b>	<p>Mike Fraser, 690 North Meridian Road in Kalispell stated he represents the applicants. Fraser said this started when Mr. Druckenmiller came in with this property and asked what options they had for future development. After reviewing the growth policy map they came up with the idea to create another pod for commercial development. With the infrastructure of the bypass and fitting with the current development proposals of commercial and mixed uses it made sense to request neighborhood commercial. The availability of infrastructure also was considered.</p> <p>Fraser added one of the benefits of the locale is the emphasis on the bypass pedestrian access, providing walking access to the people who live there, to small commercial services without the need to drive, which is appropriate for a neighborhood concept.</p> <p>Fraser concluded by adding the staff is thorough and he encouraged the board to vote favorably on this request.</p> <p>Debbie Street, 1400 Rose Crossing stated she represents the Grosswiler Dairy, whose property is on the northwest corner of this intersection. After checking with the planning staff they</p>

	learned that their PUD on this property had expired. Therefore they would like to support the application, and request that their property be included in the request for a growth policy amendment as it mirrors what they originally had approved on the PUD for their property.
<b>MOTION</b>	Lorch moved and Young seconded a motion to adopt Staff Report KPP16-01 as findings of fact and recommend to the Kalispell City Council that the growth policy land use designation be changed on the 20 acre site from Suburban Residential and Urban Residential to Neighborhood Commercial and High Density Residential on the Kalispell Growth Policy Future Land Use Map as shown on the exhibit map provided.
<b>BOARD DISCUSSION</b>	<p>Lorch asked if the board could propose expanding the proposed area to include the Grosswiler property at the northwest corner of the intersection and Nygren said yes.</p> <p>Jentz added it is the Planning Board’s role to look at a growth policy amendment and adopt, amend, or deny based on the staff report prepared and the public comment received. The application was not meant to exclude the Grosswiler or DNRC property it was more a matter of timing on the part of the applicant.</p>
<b>MOTION TO ADD THE NORTHWEST CORNER TO THE REQUEST &amp; AUTHORIZE THE PRESIDENT TO SIGN THE RESOLUTION APPROVING THE AMENDMENT</b>	Lorch moved and Graham seconded a motion to amend the location and legal descriptions of the property to include the approximately 10 acre property to the northwest of the intersection of Stillwater Road and Four Mile Drive. In addition the following amendment was added to the original motion: “and authorize President Graham to sign the resolution approving the amendment”.
<b>ROLL CALL – AMENDMENT</b>	The motion passed unanimously on a roll call vote.
<b>ROLL CALL – ORIGINAL MOTION</b>	The original motion, as amended, passed unanimously on a roll call vote.
<b>BOARD MEMBER TOOK HIS SEAT</b>	Board Member Kauffman returned to his seat on the board.
<b>TEXT AMENDMENT – SECTION 27.22.170 OF THE SIGN REGULATIONS IN THE KALISPELL ZONING ORDINANCE</b>	A request from Western Neon, Inc. for a zoning text amendment. The text amendment request would amend Section 27.22.170 (Nonconforming Signs and Signs Without Permits) of the Kalispell Zoning Ordinance.
<b>STAFF REPORT</b>	Jarod Nygren, representing the Kalispell Planning Department reviewed Staff Report KZTA16-04 for the board.

Nygren noted this section specifically addresses existing signs that do not conform to the sign provisions of the ordinance but were legally in place prior to the adoption of application of the ordinance, and are considered nonconforming. The sign ordinance came into effect in 1992 so this would be signs that were installed prior to 1992.

Nygren continued the applicant is proposing to remove the 50% rule language as noted in red below:

*27.22.170: (2) Signs, on and off-premise, that have been damaged by fire, wind, or other involuntary causes, ~~except in the case of vandalism, in excess of 50% of current or replacement cost shall be brought into compliance immediately upon replacement. In the case of vandalism, a sign may be restored to original condition if done within six months.~~*

In addition the applicant is proposing adding and removing the following language in red:

*27.22.170: (7) Freestanding signs containing removable or replaceable panels shall be brought into compliance when making changes to the structure of the sign. Updated branding, architectural embellishments, painting, and changing of sign faces shall be permitted. ~~when a cumulative total of more than 50% of the sign area or sign panels are replaced or modified.~~*

The growth policy which was adopted in 2003 has this specific recommendation: "Review and revise sign standards and policies so that existing nonconforming signs are eliminated through a more aggressive attrition program." In 2005 the city council and planning board held numerous meetings to address this recommendation and throughout that process there were various methods considered for nonconforming sign attrition such as, immediate compliance; a timeframe for compliance; or at the time 50% of the sign was being replaced. It was found that the 50% rule was a softer approach to address the issue to require (the signs) come into compliance at the time a significant amount of money was being invested into the sign. Nygren added the 50% methodology is consistent throughout the zoning ordinance.

Nygren noted that since 2005 when the 50% rule was put into place, approximately 35 signs have been brought into compliance with the sign ordinance, through implementing the 50% rule.

Staff recommends that the Kalispell City Planning Board adopt staff report KZTA-16-04 as findings of fact and recommend to the Kalispell City Council that the proposed amendment be denied as provided in the staff report.

<b>BOARD DISCUSSION</b>	None.
<b>PUBLIC HEARING</b>	<p>Dan Therrien, 723 5<sup>th</sup> Avenue East, Kalispell stated he is representing Western Neon and proposed the amendment. Therrien said what they have happening is a lot of businesses with nonconforming signs are uninformed, unaware and furious about this 50% rule. They buy a business that has a sign, that they are unaware has been changed in the past, and when they are requesting to make a change to what is designed to be a temporary part of a permanent structure they are denied and given the illusion of choice by either doing nothing and not advertise with signage, or they spend a lot more money to tear their sign down and erect a new one.</p> <p>Therrien said he is not proposing an amendment to new signage going in but proposing that existing signage can be changed. It really comes down to how (the city) wants to treat business owners, what is fair and what kind of burdens do they want to put on them, as advertising is expensive, and signage is an inexpensive way to advertise to a lot of people. It doesn't have anything to do with functionality or a safety issue. He doesn't think with nonconforming signs it is necessary to aggressively go after business owners and force that upon them.</p>
<b>MOTION</b>	Skees moved and Kauffman seconded a motion to adopt staff report KZTA-16-04 as findings of fact and recommend to the Kalispell City Council that the proposed amendment be denied as provided in the staff report.
<b>BOARD DISCUSSION</b>	None.
<b>ROLL CALL</b>	The motion to deny the request passed unanimously on a roll call vote.
<b>OLD BUSINESS</b>	Jentz noted the Vacation Rentals By Owner Text Amendment continues to be a topic of interest. At this point it is tentatively scheduled for council action on November 7, 2016.
<b>NEW BUSINESS</b>	<p>Jentz said on next month's agenda there will be bringing in a several block area for the B-3 Core Area Rezoning from B-2 to B-3, to encourage redevelopment of the Core Area. Notices were sent out to the property owners and an open house was held last month and there was no negative feedback.</p> <p>The hospital has submitted revisions to their Planned Unit Development regarding signage, parking, transportation corridors through the hospital area, setbacks and uses. There will be a work session with the Planning Board at the next meeting.</p>

	<p>The work session tonight regarding The Lofts @ Ashley may lead to a public hearing at next month's meeting also.</p> <p>Jentz noted due to the Election Holiday on November 8<sup>th</sup> the regularly scheduled date of the Planning Board meeting, the meeting would normally be moved to either Wednesday the 9<sup>th</sup> or perhaps the following Tuesday the 15<sup>th</sup>. The board agreed on the November 9<sup>th</sup> date.</p> <p>Graham noted the public comment for the work session tonight will be held after board discussion.</p>
<b>ADJOURNMENT</b>	The meeting was adjourned at approximately 6:40 p.m.
<b>WORK SESSION</b>	<p>A work session was held immediately following the regular to discuss the following:</p> <p>A request to annex 3.79 acres with the initial zoning of RA-2 (Residential Apartment/Office) and for a conditional use permit to construct a 96 unit multi-family apartment complex within the property located at 2050 Airport Road.</p>
<b>NEXT MEETING</b>	The next meeting of the Kalispell Planning Board will be held on Wednesday, November 9, 2016 6:00 p.m. and located in the Kalispell City Council Chambers, 201 1 <sup>st</sup> Avenue East.

\_\_\_\_\_  
Chad Graham  
President

\_\_\_\_\_  
Michelle Anderson  
Recording Secretary

APPROVED as submitted/amended \_\_\_\_/\_\_\_\_/2016