

**KALISPELL CITY PLANNING BOARD & ZONING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
**November 9, 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 October 11, 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>KALISPELL CITY PLANNING DEPARTMENT B-3 CORE AREA BUSINESS ZONING</b>	A request from the Kalispell City Planning Department to rezone 72 lots from B-2 (General Business) to B-3 (Core Area Business) and 10 lots from B-4 (Central Business) to B-3 (Core Area Business).
<b>STAFF REPORT</b>	Jarod Nygren, representing the Kalispell Planning Department reviewed Staff report KZC-16-03 for the board.  Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC16-03 as findings of fact and recommend to the Kalispell City Council that the areas zoned B-2 (General Business) and B-4 (Central Business) be rezoned to B-3 (Core Area Business).
<b>BOARD DISCUSSION</b>	Young asked if there have been any objections, stating he assumes there has been positive feedback. Nygren said there have been no objections at this point, at least from the property owners that have been notified to date.
<b>PUBLIC HEARING</b>	None.
<b>MOTION</b>	Kauffman moved and Lorch seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC16-03 as findings of fact and recommend to the Kalispell City Council that the areas zoned B-2 (General Business) and B-4 (Central Business) be rezoned to B-3 (Core Area Business).
<b>BOARD DISCUSSION</b>	Graham mentioned it is really good to see this core area idea continue to move in this direction.
<b>ROLL CALL</b>	The motion passed unanimously on a roll call vote.

<p><b>THE LOFTS @ ASHLEY ANNEXATION, INITIAL ZONING AND CONDITIONAL USE PERMIT</b></p>	<p>A request to annex a 3.79 acre parcel into the city and zone the land RA-2 (Residential Apartment/Office) upon annexation. The property is located at 2050 Airport Road in south Kalispell.</p> <p>A request for a conditional use permit for an 82 unit multi-family apartment complex within the RA-2 (Residential Apartment/Office) Zoning District.</p>
<p><b>BOARD MEMBER STEPPED DOWN</b></p>	<p>Board member Lorch stepped down from the discussion and vote on the Lofts @ Ashley due to a conflict of interest.</p>
<p><b>STAFF REPORT</b></p>	<p>Jarod Nygren, representing the Kalispell Planning Department reviewed Staff report KA-16-03 and KCU-16-05 for the board.</p> <p>Nygren noted there is some hesitation with the proposed zoning because it would allow approx. 29 units per acre and the growth policy land use designation is urban residential which is approx. 4-12 dwelling units per acre. Nygren compared the density allowed in RA-1 zoning that was considered for this property, to the RA-2 zoning. Staff does support the RA-2 zoning based on the fact that multi-family can be conditioned. Nygren reviewed the changes to the site plan that reduced the units proposed from 96 to 82 units. Staff met with the neighborhood again regarding redesign and they still had concerns with the density. Based on those concerns some additional changes were recommended and have been incorporated into the conditions of approval.</p> <p>Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KA-16-03 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the initial zoning for this property upon annexation be RA-2 (Residential Apartment/Office).</p> <p>Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report KCU-16-05 as findings of fact and recommend to the Kalispell City Council that the conditional use permit, be approved subject to the conditions listed in the Staff Report.</p>
<p><b>BOARD DISCUSSION</b></p>	<p>Yerkes asked Nygren to briefly go over the difference in density between the RA-1 and RA-2. Nygren explained RA-1 is one dwelling unit per 3,000 sq ft, which would be approx. 55 units whereas RA-2 is one dwelling unit per 1,500 sq ft which would be approx. 110 units on this property, both are zoned multi-family, however the RA-2 includes an office component.</p> <p>Graham asked if RA-1 is more compatible with the surrounding area, then why is that not the recommendation. Jentz said when we started with the project the applicant asked if multi-family would work there and we indicated that it is a place we could see multi-</p>

	<p>family coming in with a design that works with the neighborhood. We didn't specifically talk about zoning designations but the density they were looking at was going to drive an RA-2 recommendation so we said we would work with them to see where it would go. Because of the conditional use permit (CUP) process we always felt that we could condition a project to be compatible with the neighborhood. As we went through the process it became apparent that the neighborhood had some concerns with the density. Jentz continued that the RA-1 may be more appropriate but that is a decision for the board.</p> <p>Graham then asked if the board were not to approve the request recommended in the report would the board amend the zoning or deny the request and then the applicant could submit an amended application?</p> <p>Nygren explained to change the zoning to RA-1 would considerably change the design of their project. They could submit an RA-1 planned unit development (PUD) at which point we could increase the density allowed by the RA-1 but not allow office space.</p> <p>Jentz went on to explain that the board has the ability to recommend the annexation RA-2 request be changed to an RA-1. At that point the applicant can determine if they want to go forward or not.</p> <p>Young noted the staff report is based on RA-2, so if we change the zoning, the staff report is no longer specific to that zone so it would have different findings of fact.</p>
<p><b>PUBLIC HEARING</b></p>	<p>Garth Schuscke, 2245 Canvasback Ct – stated they have tried to stay informed throughout this process. They had hoped to present a compromise tonight between the residents and the developer, Dr. Weber. They attempted to meet with him but were unsuccessful. At the informal meeting on the 25<sup>th</sup> there were approx. 20 residents there along with city staff. Schuscke reviewed the neighborhood recommendations, a copy of which is attached to the minutes. He added with these recommendations in mind they would ask the board to approve RA-1 zoning for this property. He then presented the signatures collected from the neighbors to the planning board.</p> <p>Debra Arnold, 2133 Harlequin Ct – stated she has lived at this address for 12 years. She is an insurance auditor and inspector and has inspected a number of apartment complexes in her career. She indicated that there is a concern with the corrugated metal that has been used on other projects because when painted it could chip. She noted this complex would be built on what currently is a very large open area, and the proposal provides very little space for</p>

children to play. She stated she would propose the RA-1 instead of the RA-2 and asked that considerable attention be paid to the quality of the design. She presented photographs of other projects to the board.

Lorraine Reid, 705 Demarco Rd – stated she and her husband own the home at 2256 Canvasback Ct. She has reviewed the project and canvassed the neighborhood numerous times and everyone she has talked to is upset. They are hoping that the project will be mitigated in a way that the neighborhood could live with. She submitted photographs to the board.

Mike Morgan, 265 W Front St, Missoula, stated that he is the architect representing the applicant. He began by thanking the board, staff and neighbors for all their help thus far and assured them they have listened closely and have made adjustments to their proposed design as a result. They feel this property is a perfect transitional location from single family to urban residential. Their goal is to meet the city's growth policy goals and create a better living environment for everybody. They have reviewed the current design of the proposal and are taking every measure to mitigate impacts. They have adequate parking so there is minimal parking on the street, good open space for people to gather outside and are preserving most of the landscaping. Graham asked if the metal siding was going to be used as more of an accent cover and Morgan said yes. Morgan added the metal is nothing like the metal used on the project in NW Kalispell.

Mary Kate Smith, 2209 Teal Dr – expressed concern with the RA-2 and future plans as far as commercial business. She does not feel it would be a good fit for the neighborhood.

Gordon Parsons, 2347 Coot Ct – stated he is concerned with the potential loss of privacy of the existing residences with a 3 story building as opposed to a 2 story building.

Gary Grace, 2002 Airport Rd – has lived on the north corner of Teal and Airport Rd for 43 years. He feels a 2 story building rather than a 3 story building, with some trees along the proposed berm, would help mitigate the view.

Barb Gallagher, 2245 Canvasback Ct – stated she feels an 82 unit building would not be best for the integrity of the neighborhood and hopes that the developer will try to work with them on the density.

Kimberly Milliron, 2312 Coot Ct – stated that they built their home in 2003. She feels a 2 story building instead of a 3 story building would provide more green space for children to play.

	<p>Phyllis Lucht, 2351 Coot Ct – stated she was a part of the Sweat Equity Program (Self Help) 13 years ago to help her get out of renting and into her own home. She bought this particular lot for the views of the mountains and now feels it’s unfair that the views are going to be given to renters.</p> <p>Mike Morgan, representing applicant – stated what they are proposing is what the residences can count on. There will be no commercial use whatsoever. Their main concern is for the current needs as well as the future needs of the community; however the density must meet certain criteria in order for it to sustain itself and succeed.</p> <p>Garth Schuscke, 2245 Canvasback Court – stated he is concerned that this project is being forced upon the existing residences; they are not new homeowners buying property in a neighborhood where an apartment complex already exists and know what they are getting into. He feels that as existing residences they don’t know what to expect if this project is approved.</p> <p>Valerie Stewart, 2194 Golden Eye Ct – stated that she is concerned with the density as well as the building being 3 stories as opposed to 2 stories and there not being enough open space.</p>
<p><b>MOTION</b></p>	<p>Skees moved and Young seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KA-16-03 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the initial zoning for this property upon annexation be RA-2 (Residential Apartment/Office).</p>
<p><b>BOARD DISCUSSION</b></p>	<p>Graham stated he is concerned whether the RA-2 is the right fit, he feels an RA-1 is more suitable for the area and with a PUD attached it would give the developer more flexibility but would also decrease the density. Nygren agreed. Graham went on to say that it would resolve the concerns of any commercial use that is attached with an RA-2 as well.</p> <p>Young agreed that the RA-1 zoning would be appropriate, whether they choose to do a PUD or not.</p> <p>Nygren stated the board could then amend the motion to apply an RA-1 zone on the property based on public comment and give the applicant the option of applying for an RA-1 PUD.</p> <p>Young asked if the alternative was to deny the RA-2 and let the applicant decide how they would like to proceed. Jentz advised that yes that is an option and stated that an RA-1 would require that the CUP be tabled.</p> <p>Graham then asked the applicant if they were open to an RA-1</p>

	zoning with this project. Dr. Weber said they would be, however it would require they go back to the drawing board and drastically change the design.
<b>MOTION-AMENDMENT</b>	Young moved and Kauffman seconded a motion to amend the zoning from RA-2 to RA-1.
<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>MOTION TO TABLE THE CONDITIONAL USE PERMIT</b>	Graham moved and Yerkes seconded a motion to table the conditional use permit until the December 13, 2016 meeting.
<b>ROLL CALL</b>	The motion passed unanimously on a roll call vote.
<b>BOARD MEMBER SEATED</b>	Board member Lorch returned to his seat.
<b>OLD BUSINESS</b>	None.
<b>NEW BUSINESS</b>	Nygren mentioned the next meeting will include a subdivision in the Ashley Park area. He added it was previously Ashley Park phase 9, located on Pintail adjacent to the bypass. There will also be the annexation for the School District No. 5, located on Airport Road and a work session to discuss the next round of zone changes to the B-3 Core area zone.
<b>ADJOURNMENT</b>	The meeting was adjourned at approximately 7:30 p.m.
<b>NEXT MEETING</b>	The next meeting of the Kalispell Planning Board will be held on Tuesday, December 13, 2016 6:00 p.m. and located in the Kalispell City Council Chambers, 201 1 <sup>st</sup> Avenue East.

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

\_\_\_\_\_  
Kari Hernandez  
Recording Secretary

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