

SOUTHSIDE ESTATES

**REQUEST FOR MAJOR SUBDIVISION APPROVAL
STAFF REPORT #KPP-16-02**

**KALISPELL PLANNING DEPARTMENT
NOVEMBER 30, 2016**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a preliminary plat to create 37 residential lots. A public hearing has been scheduled before the planning board for December 13, 2016, beginning at 6:00 PM in the Kalispell City Council Chambers. The planning board will forward a recommendation to the Kalispell City Council for final action.

BACKGROUND INFORMATION:

A request from Team Development, LLC for a major subdivision of an 8.82 acre parcel into 37 single-family lots. The single-family lots will range in size from 6,000 square feet to 9,633 square feet. The property is located within the R-4 (Residential) Zoning District and is currently undeveloped grasslands. The subject property was previously annexed into the city and given preliminary plat approval for 34 residential lots in 2007. The previous preliminary plat was known as Ashley Park Phase 9 and would have been the last phase of the Ashley Park Subdivision. Ashley Park Phase 9 was never completed due to the economic downturn; however, a new developer has purchased the property and intends to subdivide the property in a very similar design as previously approved with the exception of 3 additional lots.

A. Petitioner and Owners: Team Development, LLC
PO Box 1642
Brush Prairie, WA 98606

Technical Assistance: Jackola Engineering
2250 HWY 93 South
Kalispell, MT 59901

B. Location and Legal Description of Property: The subject property is located approximately 100 feet south of the intersection of Pintail Drive and Merganser Drive. The property can be described as a portion of Tract 4 in the Southwest ¼ of the Southeast ¼ of Section 19. Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

C. Size:

Total area:	8.82 acres
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Lots:	5.70 acres
Roads/Streets:	2.19 acres
Common Area:	.93 acres

D. Existing Land Use and Zoning: The subject property is undeveloped grasslands and is zoned city R-4 (Residential).

E. Adjacent Land Uses:

North: Single-family residence
East: Single-family residence
South: Kalispell Bypass and vacant land
West: Kalispell Bypass and vacant land

F. Adjacent Zoning:

North: City R-4
East: County R-1 and County I-1
South: County R-1
West: County R-1

G. General Land Use Character: The site is somewhat of a mixed use area generally characterized as residential with single-family, townhouse and mobile home park neighborhoods to the north and east, salvage yard to the east and the Kalispell Bypass and vacant land to the south and west.

F. Utilities and Public Services:

Sewer: City of Kalispell
Water: City of Kalispell
Refuse: City of Kalispell
Electricity: Flathead Electric Cooperative
Gas: NorthWestern Energy
Telephone: Centurylink
Schools: School District No. 5
Fire: City of Kalispell
Police: City of Kalispell

REVIEW AND FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF SOUTHSIDE ESTATES SUBDIVISION

A. Effects on Health and Safety:

Fire: The property would be considered to be at low risk of fire because any building constructed within the subdivision would be built in accordance with the International Fire Code and have access which meets city standards. The property does not have steep slopes or woody fuels. Hydrants will be required to be placed in compliance with the requirements of the Uniform Fire Code and approved by the Fire Chief. Due to the fact that there is not currently two ingress/egress points into the subdivision and there are over 30 units, all of the residences will be constructed with fire sprinklers. Fire station 61 is located approximately 1.5 miles away providing good response time.

Flooding: Flood Insurance Rate Map, panel number 30029C1815J shows the entire subdivision to be outside of the 100-year floodplain.

Geology: The subject property has uncontrolled fill across the site. Accordingly, a geotechnical investigation was prepared by CMG Engineering on November 10, 2016 to address the potential issues associated with developing the site. The investigation has a series of recommendations included that address site preparation, excavation/earthwork, drainage, paving and quality control. Staff recommends that these recommendations be followed throughout the development of the site. Additionally, in order for the recommendations to be properly incorporated into the design and construction stages, a geotechnical and construction materials engineer should remain involved in the project to ascertain that the recommendations are being properly implemented.

Noise: Section 28.3.09 of the Kalispell Subdivision requires that noise mitigation techniques be utilized to reduce the noise impacts to 60 dba at the property line. The subject property is located adjacent to the Kalispell Bypass which creates noise in excess of 60 dba. A sound study was completed for the subdivision by Big Sky Acoustics, dated November 7, 2016. The sound study shows that the south end of the proposed subdivision is experiencing 64 dba. To mitigate the traffic noise, the sound study recommends an 8-foot high barrier to meet the city's 60 dba requirement. The barrier can be constructed using a host of materials and techniques ranging from an earth berm to a sound absorption fence to a concrete wall or any combination thereof. Staff also recommends that the wall be reviewed by the Architectural Review Committee prior to installation for aesthetics and neighborhood conformity.

Access: Access is provided by Merganser Drive which is a city street build to city standards and currently serves lots within phases 4, 5, 7, and 8 of the Ashley Park Subdivision. Southside Estates being considered will include a connection via Pintail Drive from Merganser Drive south into the 8.82 acre subdivision site. The preliminary plat shows two internal roads, Destiny Lane and Kismet Court. These two internal roads will be built to city standards within a 60 foot road right-of-way.

The preliminary plat shows Destiny Lane extending to the west side of the subdivision serving lots 5-16 and terminating with a cul-de-sac. Destiny Lane also extends east within the subdivision serving lots 1-4 and 34-37 terminating at the property boundary and serving as a connection point to a large tract of land to the east. Where Destiny Lane terminates at the eastern property boundary a temporary turnaround is required. The turnaround will require an easement from the property owner to the east in order to provide the needed area. If an easement cannot be obtained, Lots 1 and 37 may need to serve as the area needed for the turnaround until the point in time where Destiny Lane can be extended. Kismet Court extends south approximately 560' through the subdivision serving lots 17-33 terminating at a cu-de-sac. Single access into a subdivision is acceptable where the primary access road is less than 1,000 feet.

The preliminary plat shows a pathway connection to the existing bike path along the Kalispell Bypass. Currently, the pathway shown on the preliminary plat connects to the Kalispell Bypass path along Kismet Court at the southwestern most tip of the cul-de-sac. In addition to this connection, staff is recommending that a pathway connection to the Kalispell Bypass path be constructed at the western most point of Destiny Lane.

- B. Effects on Wildlife and Wildlife Habitat:** There are no known big game wintering ranges, migration routes, nesting areas, wetlands, or important habitat

for rare or endangered species per the Montana Fish Wildlife and Parks information checklist for subdivisions.

C. Effects on the Natural Environment:

Surface and groundwater: The Depth to Water Table map indicated the water table is between 10-20 feet below the surface throughout the project site. The geotechnical investigation performed by CMG Engineering, measured groundwater depths from 5 to 9.4 feet on November 2, 2016. Due to the high water table depth, CMG Engineering recommends that basements be prohibited as part of the plat approval. However, crawl spaces with a finished grade above the original ground surface elevation prior to the previous fill material placed onsite should be suitable. CMG recommends foundation drains and emergency sump pumps be installed at all residences that contain a crawl space.

Drainage: The applicant is proposing to develop a subdivision level storm drainage system with two common area ponds located within the subdivision. Curbs and gutter will be installed along the streets throughout the subdivision and the storm water will be conveyed to the two common area storm drain easements. A final storm water design will be reviewed and approved by Kalispell Public Works prior to construction and final plat submittal.

A condition of approval requires that a homeowners association be created for the maintenance of the common area which would include the common area drainage easements. As part of the storm easement areas the association will be required to mow the area to reduce fire hazard and reduce spread of noxious weeds. Lastly, the developer is required to submit for review to the Kalispell Public Works Department an erosion/sediment control plan for review and approval. These plans provide for managing storm water on the site and include stabilizing the construction site through an approved revegetation plan after site grading is completed.

D. Effects on Local Services:

Water: Water service to the subdivision would be provided by the City of Kalispell from an existing 8" water main located within Pintail Drive that the developer would extend south into the subdivision. The water system for the subdivision will be reviewed and approved by the Kalispell Public Works Department and Kalispell Fire Department as part of the development of the subdivision. There is adequate capacity within the city's water system to accommodate this development.

Sewer: Sewer service will be provided by the City of Kalispell with an extension of an existing 8" sanitary sewer main located within Pintail Drive that the developer would extend south into the subdivision. There is an existing sewer lift station located at the north entrance of the subdivision. Sewer from the subdivision will gravity flow through the new sewer main extended south and connected to the above mentioned lift station through a forced main. This lift station currently services multiple phases of the Ashley Park Subdivision and pumps wastewater into the city's gravity system. The sewer system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision. There is adequate capacity within the city's sewer system to accommodate this development.

The Planning Department is recommending that landscaping be installed in addition to the fencing that will be surrounding the lift stations. The purpose of the landscaping is to both screen the facility from the future residents and better integrate the facilities into the fabric of the neighborhood. The landscaping should consist of shrubs and bushes which reach a height of 6 feet or higher and approved by the Parks and Recreation Director.

Roads: The subdivision main entrance will be off of Pintail Drive, which will be extended south approximately 600'. This street extended south is labeled as Kismet on the preliminary plat. Additionally, the internal road system will have an east west road labeled as Destiny Lane. All of these roads will be constructed to city standards and would include curb, gutter, sidewalks and landscaped boulevards.

Traffic projections for this subdivision are estimated to be 352 daily trips in the area. As proposed, the Southside Estates Subdivision would not create any additional road capacity problems in the area. All the intersections within this area will continue to operate la LOS C or better with the additional traffic from the proposed development. No roadway improvements or intersection modifications are necessary at this time.

Schools: This development is within the boundaries of Kalispell School District No. 5. The school district could anticipate an additional 18 school aged children from the subdivision. This number takes into account pre-school aged children, home school education options and private school options. Not all of the children who live in the subdivision will be attending public schools. This subdivision would have a potentially minor impact on the district.

Section 76-3-608(1) of the Montana Code Annotated states that the governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

Parks and Open Space: The state and local subdivision regulations have parkland dedication requirements of or cash in lieu of parkland dedication in the amount of .03 acres per dwelling unit. Accordingly, the parkland requirement for the subject property would be 1.11 acres. However, the applicant intends to pay cash in lieu of parkland. The cash payment will be based off of the fair market value of undivided, unimproved land prior to final plat approval. The money would be used for improvements to existing parks and acquisition of new park land in the immediate area. The subdivision does propose .83 acres of open space; however, that area is designated as storm water common area and does not qualify for parkland.

Police: This subdivision is in the jurisdiction of the City of Kalispell Police Department. The department can adequately provide service to this subdivision.

Fire Protection: Fire protection services will be provided by the Kalispell Fire Department. The department can adequately provide service to this subdivision. Additionally, the road network to the subdivision provides adequate access for fire protection. Due to the fact that there is not currently two ingress/egress points

into the subdivision and there are over 30 units, all of the residences will be constructed with fire sprinklers. Fire station 61 is located approximately 1.5 miles away providing good response time.

Solid Waste: Solid waste will be handled by the city. There is sufficient capacity within the landfill to accommodate this additional solid waste generated from this subdivision.

Medical Services: Ambulance service is available from the fire department and ALERT helicopter service. Kalispell Regional Medical Center is approximately 3 miles from the site.

- E. Effects on Agriculture and agricultural water user facilities:** The subject property is in an urbanized area and located within city limits, and adjacent to city water and sewer. There will be no impact to agriculture facilities in this case, as the property has not been used for agriculture for years and is surrounded by development to the north, south, east and west. No impact to water user facilities are anticipated since the property will be served by a public water system.
- F. Relation to the Kalispell Growth Policy:** The Kalispell Growth Policy Future Land Use Map designates this area as Urban Residential development, which anticipates a mix of primarily single-family and duplex dwellings with a density of 3-12 dwelling units per acre. The proposed subdivision has a density of 4.2 dwelling units per acre. The density is in compliance with the anticipated density in the area.
- G. Compliance with Zoning:** The property is located within the R-4 (Residential) Zoning District. The Kalispell Zoning Ordinance describes the intent of this district:

“This district is comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.”

All of the lots shown on the preliminary plat meet or exceed the minimum lot size requirement of 6,000 square feet and minimum lot width requirement.

- H. Compliance with the Kalispell Subdivision Regulations:** This subdivision complies with the Kalispell Subdivision Regulations and no variances have been requested.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report KPP-16-02 as findings of fact and recommend to the Kalispell City Council that the preliminary plat Southside Estates be approved, subject to the conditions listed below:

CONDITIONS OF APPROVAL

Conditions:

1. The development of the site shall be in substantial compliance with the application submitted, the site plan, materials and other specifications as well as any additional conditions associated with the preliminary plat as approved by the city council.
2. The preliminary plat approval shall be valid for a period of three years from the date of approval.
3. The developer shall submit to the Kalispell Public Works Department for review and approval a storm water report and an engineered drainage plan that meets the requirements of the current city standards for design and construction. Prior to final plat, a certification shall be submitted to the public works department stating that the drainage plan for the subdivision has been installed as designed and approved.
4. The developer shall submit to the Kalispell Public Works Department prior to construction an erosion/sediment control plan for review and approval and a copy of all documents submitted to Montana Department of Environmental Quality for the General Permit for Storm water Discharge Associated with Construction Activities.
5. The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department and the Montana Department of Environmental Quality for concurrent review, with approval of both required prior to construction.
6. The developer shall submit the street design to the Kalispell Public Works Department for review and approval prior to construction.
7. Existing onsite infrastructure shall be improved to meet the minimum City of Kalispell Standards for Design and Construction.
8. A letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell or a proper bond has been accepted for unfinished work.
9. All existing and proposed easements shall be indicated on the face of the final plat. Utility easements for city water and sewer shall be provided to allow for the logical extension of utilities from this subdivision to adjoining properties. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.

10. The following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever."

Developer's Signature

11. Prior to filing the final plat, a letter from the US Postal Service shall be included stating the Service has reviewed and approved of the design and location of the mail delivery site. The mail delivery site shall be installed or bonded for prior to final plat. In addition, the mail delivery site and improvements shall also be included in the preliminary and final engineering plans to be reviewed by the Public Works Department. The mail delivery site shall not impact a sidewalk or proposed boulevard area.
12. A temporary turnaround shall be required at the east terminus of Destiny Lane to the satisfaction of the Public Works Director.
13. An 8-foot sound barrier shall be constructed along the west property boundary. The sound barrier shall extend from the southernmost property line point northerly to a point a minimum of 75 feet past the existing MDT barrier (As shown in FIGURE 3 of the sound study). The materials and construction of the sound barrier shall conform with the recommendations as provided in the sound study completed by Big Sky Acoustics, dated November 7, 2016 and approved by the Architectural Review Committee for aesthetics and neighborhood conformity.
14. Two Kalispell Bypass bike path access points shall be provided. One shall be located at the western most point of Destiny Lane and the 2nd at the southwestern most point of Kismet Court. The access points to the bypass shall be 5 feet in width as they penetrate the sound wall system to limit the amount of noise intrusion.
15. A homeowner's association (HOA) shall be formed and established for the common areas prior to final plat. The HOA should include provisions for the maintenance of all common areas including the storm water ponds, sound wall and wastewater lift station.
16. The developer shall comply with all recommendations of the geological investigation report completed by CMG Engineering, dated November 10, 2016. A geotechnical or construction materials engineer should certify the recommendations are being properly implemented.
17. A letter shall be obtained from the Kalispell Parks and Recreation Director approving a landscape plan for the placement of trees and landscaping materials within the landscape boulevards of the streets serving the subdivision. The approved landscape plan shall be implemented or a cash in lieu payment for

installation of the street trees and groundcover be provided to the Kalispell Parks and Recreation Department.

18. Landscaping shall be installed in addition to the fencing that will be surrounding the lift stations. The landscaping should be of such intensity as to shield the lift stations and consist of shrubs and bushes which reach a height of 6 feet or higher. The plan and actual installation shall be approved by the Kalispell Parks and Recreation Director and Public Works Director.
19. A cash in lieu of parkland in the amount of .03 acres per dwelling unit shall be provided. The cash payment will be based off of the fair market value of undivided, unimproved land prior to final plat approval.
20. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
21. All utilities shall be installed underground.
22. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.
23. Basements are prohibited within the subdivision due to high groundwater.
24. Foundation drains and emergency sump pumps shall be installed at all residences that contain a crawl space.