

**LOFTS AT ASHLEY**

**REQUEST FOR CONDITIONAL USE PERMIT  
STAFF REPORT #KCU-16-05**

**KALISPELL PLANNING DEPARTMENT  
DECEMBER 1, 2016**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Lofts at Ashley, LLC for a conditional use permit (CUP) for multi-family residential apartments within the RA-1 Zone. The property is located at 2050 Airport Road in south Kalispell. 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**

**Petitioner / Owner:** Lofts at Ashley, LLC  
P.O. Box 534  
Bigfork, MT 59911

**Summary of Request:** A request for a conditional use permit for a 55 unit multi-family apartment complex within the RA-1 (Residential Apartment) Zoning District. Multi-family apartment complexes are permitted within the RA-1 Zone provided a conditional use permit is obtained per 27.09.030 of the Kalispell Zoning Ordinance. The multi-family apartment complex would be comprised of a 2-story 12-plex, 2-story 14-plex, partial 3-story 20-plex and nine (9) 2-story attached units (single-family row house design). The residential units will be comprised of 34 2-bedroom units and 21 3-bedroom units. The site plan also depicts parking, a berm acting as a buffer between residences to the west and landscaping.

**Location and Legal Description of Properties:** The property under consideration is located at 2050 Airport Road, at the southwest intersection of Airport Road and Teal Drive. The 3.8-acre parcel can be described as Tract 1 of Certificate of Survey #19815, in the Southwest Quarter of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**Existing Land Use:** The 3.8 acre site is currently undeveloped grasslands with some landscaping topography, mature trees, irrigation and "Ashley Park" entry sign. The property was originally owned by the developer of the Ashley Park Subdivision to the west. The landscaping was put in place as an entry into the subdivision. This coincides with the .21 acre "Entry Landscaped Area A" parcel to the north. It can be assumed that this was done in order to create an aesthetically pleasing entrance into the subdivision. Although the small .21 acre parcel to the north is limited to landscaping only, the subject property is not. Subdivision records indicate that the subject property was never required to be parkland, even though it was developed that way. The developer paid a park-in-lieu fee as each phase of the Ashley Park Subdivision was developed, meeting the parkland requirement.

**Existing Zoning:** The subject property is located within the RA-1 (Residential Apartment) Zone. The Kalispell Zoning Regulations state that the RA-1 Zone is “a residential district intended to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.”

**Size:** The subject property is 3.8 acres.

**Adjacent Land Uses:**

*North:* Single-family residence, Ashley Creek and Begg Field

*East:* Single-family residence, vacant land, Ashley Creek and city wastewater treatment plant,

*West:* Single-family residential,

*South:* Single-family residential.

**Adjacent Zoning:**

*North:* City R-4 and county SAG-10

*East:* County I-2

*West:* City R-4

*South:* City R-4 and county R-4

**General Land Use Character:** The general land use category of the area can be described as a mix of uses in transition. The primary use within the area is single-family, with the Ashley Park Subdivision to the west and a few adjacent residences constructed in the county on large lots. Additional uses within the vicinity include a meat processing plant, baseball fields, mobile home park, city wastewater treatment plant, city airport and salvage yard. Much of the area directly to the east of the subject property is located within FEMA Flood Zone adjacent to Ashley Creek. This area will likely not be developed. Looking into the future, School District 5 owns an approximately 25 acre parcel about .10 miles to the south where a new elementary school will be located. It can be suspected that the new elementary school, along with the completion of the bypass, will drive new residential development on the south end town.

**Relation to the Growth Policy:** The Kalispell Growth Policy Future Land Use Map designates this area as Urban Residential development. The project is in compliance with the growth policy in the following ways:

*“Urban residential areas shown on the plan map should be encouraged to be developed when adequate services and facilities are available”.*

The subject property is adjacent to Airport Road, which is an arterial roadway, and the Kalispell Bypass. Both of these transportation modes provide adequate access into the development and city as a whole. Municipal services, such as sewer mains and water mains are located within the vicinity of the property to the south and north. These utilities will be extended to the property at the time it undergoes development. The property will be served by the Kalispell Fire

Department. Similarly, the property will be served by the Kalispell Police Department.

*“Single-family houses are the primary housing type, but duplexes, guest houses, accessory apartments, and small dispersed areas of multi-family housing are also anticipated.”*

The subject property is zoned RA-1, which provides for a dispersed area of multi-family housing. It also provides a housing need in an area that lacks alternative housing options other than single-family residential. Alternative housing options will be important as the area grows with the anticipated construction of a new elementary school directly south of the subject property.

*“Inclusion of multi-family dwellings in some areas designated as urban residential may be appropriate depending on the character of the surrounding neighborhoods and anticipated trends.”*

The multi-family project is being developed at a density similar to the single-family densities in the surrounding developments. Additionally, in conjunction with the city’s development standards, the conditions of approval adequately mitigate any potential adverse impacts to the neighboring residences. The proposed multi-family housing units will provide additional housing options in an area lacking multiple housing options. Multiple housing options in south Kalispell will be important as the area grows with the construction of a new elementary school.

**Utilities and Public Services:**

Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	City of Kalispell
Electricity:	Flathead Electric Cooperative
Telephone:	CenturyLink
Schools:	School District No. 5 and Elrod Elementary
Fire:	City of Kalispell
Police:	City of Kalispell

**EVALUATION OF THE CONDITIONAL USE PERMIT**

This application has been reviewed in accordance with the conditional use permit review criteria in the Kalispell Zoning Ordinance (KMC 27.33.080). A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested:

1. **Site Suitability:**

- a. Adequate Useable Space: The subject property is 3.8 acres in size and relatively flat with some undulating topography. Although there is some undulating landscaping topography, the entire property is developable.
- b. Height, bulk and location of the building: There are four groups of buildings proposed. The southernmost building will be comprised of nine (9) 2-story units. These units are designed very similar to what would be seen with attached townhome development and could be considered similar to single-family development. These units are similar to what would be expected if the property were to be developed with an R-4 Zoning. The west side of the development has a 2-story 12-plex building. This building has been oriented as to not have any decks facing the residences to the west and have been setback from the west property boundary 51' in order to limit the perceived scale and bulk of the building. The north side of the development has a 2-story 14-plex. These units have been reduced to 2 stories to limit the perceived scale and bulk of the buildings. Lastly, there is a partial 3-story 20-plex located at the east side of the development. This building is proposed as 3-story only in the middle of the structure to reduce its scale and also give it architectural variation. This building is located far enough away from the single-family residences to the west that they should not be impacted by the height, bulk and location of the building. The location of the building along Airport Road makes this larger building an appropriate location for these units. In addition, the buildings meet all of the required height, setback, parking, landscaping, and recreational requirements limiting the impacts to the surrounding neighborhood.

Staff presented the existing site plan and elevation drawings to the Architectural Review Committee at their September 26, 2016, meeting. The committee was generally favorable of the development and was appreciative of the architecture, i.e. – design, colors, materials, etc. Originally, they had mentioned that the geometry of the site seemed off with a proposed 12-plex at the northwest end of the subject property, and 9 units at the center of the development seeming forced. However, since their last review the site has been redesigned significantly from 96 units to 55 units. The redesign has addressed some of their initial comments; however, prior to building permit issuance their approval will be required.

- c. Adequate Access: The subject property is adjacent to Airport Road, which is an improved arterial roadway, and Teal Drive an improved city street. Additionally, the intersection to the bypass is to the south providing efficient access to the entire city. The project has two access points, one off of Teal Drive and another off of Airport Road.
- d. Environmental Constraints: There are no known environmental constraints, such as steep slopes, streams, floodplains, or wetlands, on the property which could affect the proposed use.

2. **Appropriate Design:**

- a. Parking Scheme/Loading Areas: The development shall comply with the Off-Street Parking and Design Standards as set forth in Chapter 27.24 of the Kalispell Zoning Ordinance. For 55 units the zoning code requires 83 spaces and the applicant has provided 107, exceeding the minimum parking requirement by 24 parking spaces.
- b. Lighting: Chapter 27.26 of the Kalispell Zoning Ordinance sets standards for all outdoor lighting on commercial or residential structures. Exterior lighting installed in conjunction with the development will be reviewed for compliance with the zoning ordinance during site development review.
- c. Traffic Circulation: A 24' wide two-way drive isle will provide access through the development and onto both Teal Drive and Airport Road providing adequate access and circulation.
- d. Open Space: The proposed development has approximately 29,057 square feet of undeveloped area that can be used for recreation. There is additional open space surrounding the development that is being used for setback area and landscaping.
- e. Fencing/Screening/Landscaping: The site plan has provided adequate landscaping area in regards to parking, buffering, etc. Additionally, to ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a landscape plan shall be submitted along with the building permit. The landscape plan shall be approved by the Parks Department prior to issuance of the building permit.

Currently, the subject property does have an undulating landscaped berm approximately 9' tall that functions as a buffer between the residences to the west and Airport Road. The applicant has proposed a 6' tall landscaped berm along the westerly property line in order to replicate this feature (albeit closer to the residences). The landscaped berm is intended to buffer the development from the adjacent single-family residences where there is a proposed parking lot. As a practical matter the intent of the berm is to limit the noise, lights, smell, etc. associated with the vehicles parked (20 parking spaces) in such close proximity to the residences. Staff feels that an adequate berm would be 6' tall and at a 3:1 slope along the entire westerly boundary. A 6' tall berm at a 3:1 slope along the westerly property boundary may require the relocation of the unit at the southwestern most portion of the development. It will also require the redesign of the turnaround area at the southwest portion of the development. A 6' tall berm at a 3:1 slope would adequately obscure the development from the residences and maintain its ability to be maintained. If the berm were not properly maintained it would become an eyesore to the residences west of the development.

- f. Signage: The development shall comply with all of the sign standards as set forth in Chapter 27.22 of the Kalispell Zoning Ordinance. At this point no signs are being proposed.

3. **Availability of Public Services/Facilities:**

- a. Sewer: Sewer service will be provided by the city. The developer will be required to pay the cost for the utility extension.
- b. Water: Water service will be provided by the city. The developer will be required to pay the cost for the utility extension.
- c. Storm Water Drainage: Storm water runoff from the site shall be managed and constructed per the City of Kalispell Construction and Design Guidelines. Final design will be approved by Kalispell Public Works Department prior to building permit issuance. Prior to receiving a building permit the developer will need to submit a construction storm water management plan to the Public Works Department. This plan will need to show how storm water will be treated and where it will be directed during construction activities.

Additionally, there is an existing storm water line locate along the westerly boundary of the subject property. The storm water line is currently located where the landscaped berm would be constructed. A berm cannot be located on top of the storm water due to maintenance reasons. Accordingly, staff has conditioned the project to require the applicant to provide for a 15' easement for the storm water line. The landscaped buffer would not start until the edge of the 15' easement, which allows for the city to maintain the existing line. If providing the easement is not an option, the storm water line could be relocated into another location. If the storm water line is relocated so as to not require the 15' easement, a minimum setback should be required between the neighboring properties to the west and the toe of the proposed slope. The setback should be of size to accommodate all the drainage coming off of the berm so the neighboring properties to the west are not flooded.

- d. Solid Waste: Solid waste pick-up will be provided by the city.
- e. Fire Protection: Fire protection will be provided by the Kalispell Fire Department. There is adequate access to the property from the public road system and the buildings will be constructed to meet current building and fire code standards. Station 61 is 1.5 miles from the site and response time will be good.
- f. Police: Police protection will be provided by the Kalispell Police Department. No unusual impacts or needs are anticipated from the proposed use.
- g. Streets: The primary street frontages are Teal Drive and Airport Road, both improved city streets capable of handling the traffic anticipated from the proposed development.
- h. Sidewalks: There are existing sidewalks along the entire property frontage of Teal Drive. The developer will need to install sidewalks along the entire property frontage of Airport Road in accordance with the City of Kalispell Construction and Design Guidelines.

- i. Schools: This site is within the boundaries of School District #5. An impact to the district may be anticipated from the proposed development depending on the demographics of the residents. On average twenty eight (28) students K-12 would be anticipated from 55 dwelling units.
- j. Parks and Recreation: Section 27.34.060 of the Kalispell Zoning Ordinance requires approximately 27,500 square feet of recreational amenities for the development based on 500 square feet of land, or equivalent value in recreational amenity based on 55 units. The design shows approximately 29,057 square feet of area that could be classified as recreational area, therefore meeting the recreational amenity requirement.

4. **Neighborhood impacts:**

- a. Traffic: A traffic impact study for the development was completed by Abelin Traffic Services. The document studied the possible effects on the surrounding road system from the multi-family project. The study evaluated all of the intersections between 18<sup>th</sup> Street and the Kalispell Bypass, which included the intersections of 19<sup>th</sup> Street, Teal Drive, Merganser Drive, Cemetery Road and the Kalispell Bypass. The study projected that the apartments would generate 638 (based off of 96 units) daily trips in the area. Accordingly, the project will not create any additional roadway capacity problems within the area studied. All of the intersections within the area will continue to operate at a level of services (LOS) C or better with the additional traffic being counted. No roadway improvements or intersection modifications are necessary. Therefore, although there will be a change in the amount of traffic in the area, the traffic study has concluded that there are no significant traffic impacts and that the transportation system will continue to operate at a satisfactory level with the construction of 55 multi-family units.
- b. Noise and Vibration: The development of the property as multi-family residential will create additional noise and vibration. Primarily the aforementioned will be generated from automobiles. The residents most impacted by the noise and vibration from the automobiles would be the residences immediately adjacent the development. The site plan shows 107 parking spaces of which approximately 20 are adjacent to single-family residences to the west. Additionally, there is a turn-around area located at the southwest area of the subject property that is adjacent to the residences to the west. The noise and vibration can be mitigated through the construction of a 6' tall landscaped berm built at 3:1 slope.
- c. Dust, Glare, and Heat: The use of the property as a multi-family residential would not generate any unreasonable dust, glare, and heat other than during construction.
- d. Smoke, Fumes, Gas, or Odors: The development of the property as multi-family residential will create additional smoke, fumes, gas and odors. Primarily the aforementioned will be generated from automobiles. The residents most impacted by the smoke, fumes, gas and odors from the automobiles would be the residences immediately adjacent the development. This issue can be mitigated through the development of the

6' tall landscaped buffer as mentioned previously.

- e. Hours of Operation: As the development if for residential there will be no hours of operation.

5. **Consideration of historical use patterns and recent changes:**

The property was originally owned by the developer of the Ashley Park Subdivision to the west. The landscaping was put in place as an entry into the subdivision. The residents of the Ashley Park Subdivision have perceived the property was parkland, as it had been developed that way. Subdivision records indicate that the subject property was never required to be parkland, even though it was developed that way. The developer paid a park-in-lieu fee as each phase of the Ashley Park Subdivision was developed; meeting the parkland requirement and leaving the property open for future development.

The general character of the area is mixed and in transition. Although the land uses in the area is mixed, the primary character of the area would be single-family residential with the Ashley Park Subdivision to the west. The area is also in transition as the bypass has been completed allowing for unobstructed north/south access and a new elementary school is proposed just south of the subject property which will spur new development.

6. **Effects on property values:**

The requested development could have negative impact on the immediately adjacent single-family residences to the west of the project site. However, those potential impacts can be mitigated through the conditions of approval listed below. The development itself will bring considerable value to the neighborhood and surrounding community that is in need of new development and additional housing options.

**RECOMMENDATION:**

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 below:

**CONDITIONS OF APPROVAL**

**General Conditions**

1. That commencement of the approved activity must begin within 18 months from the date of authorization or that a continuous good faith effort is made to bring the project to completion.

2. That the development of the site shall be in substantial conformance with the submitted architectural and site plan drawings in regards to setbacks, landscaping, parking, recreational amenity and height. In particular, the building plans shall incorporate decks, roof pitch, colors and materials as shown on the architectural renderings submitted.
3. Architectural renderings are required to be submitted to the Kalispell Architectural Review Committee for review and approval prior to issuance of a building permit.
4. Future sanitary sewer connections east of the subject property are unlikely due to low-lying floodplains between Ashley Creek and Airport Road. Rather than extending the sanitary sewer main in Teal Drive to the far east property line as required in the City of Kalispell Design and Construction Standards, the development may opt to extend the sewer main west in Teal Drive far enough to provide future sewer service to lot 4C to the north of the subject property. If the development chooses this option to meet the intent of the City of Kalispell Design and Construction Standards, an appropriate easement for future sewer service shall also be provided through Entryway Landscape Area "A".
5. The existing water main south of the subject property shall be extended to connect with the existing water main in Teal Drive to form a looped connection.
6. 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 City of Kalispell Construction and Design Standards.
7. 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.
8. Sidewalks, curb and gutter shall be constructed per the City of Kalispell Construction and Design Standards within the right-of-way of Airport Road the length of the property.
9. A minimum 15' wide unobstructed utility easement shall be provided for the existing storm main and appurtenances running adjacent to the westerly property line. Vehicle access shall be provided to maintenance points on the existing storm system. The 15' easement shall be outside of the landscaped berm as provided for in condition number 13.
10. If the storm main along the westerly property boundary is relocated, it shall be constructed per the City of Kalispell Construction and Design Standards.
11. To ensure the traffic flow and access comply with Kalispell Design and Construction Standards, the development shall receive Site Review Committee approval prior to issuance of the building permit.
12. To ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a landscape plan shall be submitted along with the building permit. The landscape plan shall be in substantial compliance with the submitted

renderings and approved by the Parks and Recreation Director prior to issuance of the building permit.

13. A 6' tall landscaped berm with a 3:1 slope shall be constructed along the entire westerly property boundary. The berm shall be landscaped with grass, trees bushes and shrubs to form a pleasing sight obscuring visual barrier. The plan shall be approved by the Parks and Recreation Director. The toe of the berm shall be setback a minimum distance from the westerly property line in order to provide for drainage swell/feature to address storm water runoff.
14. The applicant shall provide a minimum 4' tall fence along the westerly property line.
15. Prior to any work within the public right-of-way along Teal Drive, the property/owner will work with the Parks and Recreation Director to establish tree protection zones and file a permit for any tree removals with the Parks Department.
16. A minimum of 500 square feet of land per unit which has recreational value as determined by the Kalispell Parks and Recreation Director, or recreational amenities equivalent to the fair market value of 500 square feet of land shall be provided.
17. Prior to filing the building permit issuance, the Site Review Committee shall review the design and location of the mail delivery site. The mail delivery site shall not impact a sidewalk or proposed boulevard area.