

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-15)
NANCY REID
JANUARY 20, 2013

This is a report to the Flathead County Board of Adjustment regarding a request from George Joseph, on behalf of Nancy Reid for a conditional use permit to allow for an 8-unit apartment building on the subject property. The subject property is located within the Evergreen Zoning District and is zoned 'RA-1 Residential Apartments.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on February 3, 2015 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space is reserved for an update regarding the February 3, 2015 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

George J. Joseph
18 Mountainside Dr.
Whitefish, MT 59937

ii. Landowner

Nancy L. Reid
2004 Trumble Creek Road
Kalispell, MT 59901

B. Property Location and Size

The subject property is located at 32 West Evergreen Drive and is approximately 0.5 acres. The property can be legally described as Tract 1DBA in Section 04, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana (see Figure 1 below).

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on January 16, 2015, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the January 18, 2015 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on December 18, 2014:

- Flathead County Road and Bridge Department
 - Reason: The property is located on a county road, and has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact county facilities.
- Evergreen Fire Department
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact Evergreen Fire Department response.
- Evergreen Water and Sewer District
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact Evergreen Water and Sewer District facilities.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department's jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- Montana Department of Natural Resources and Conservation
 - Reason: The DNRC has requested a copy of all agency referrals.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.
- Evergreen Elementary School District
 - Reason: Property is located within school district boundaries and has potential to impact Evergreen Elementary School District facilities.
- Flathead High School District
 - Reason: Property is located within school district boundaries and has potential to impact Flathead High School District facilities.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding this request for a conditional use permit. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for February 3, 2015. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objection to the approval of this request at this time.” Email dated 12.23.14
- Flathead County Road and Bridge Departments
 - Comment: “It appears the new apartment building will access West Evergreen Drive. In the application, Site Suitability A.2, it states the proposed building will be accessed by an internal driveway which connects to Spruce Road. We are confused as to this statement. Assuming this is just a typo accessing onto West Evergreen Drive is acceptable.” Letter dated 12.22.14
- Flathead City-County Health Department
 - Comment: “This parcel lies within the Evergreen Water and Sewer District. Additional development would be served by the district for water and wastewater disposal. The proposed development would not be subject to further review through the Sanitation and Subdivision Act as a parcel was created in the 1940’s. Storm water drainage must be addressed as to maintain any additional storm water produced by rooftops or other impervious surface on the property.” Comment received 12.23.14

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

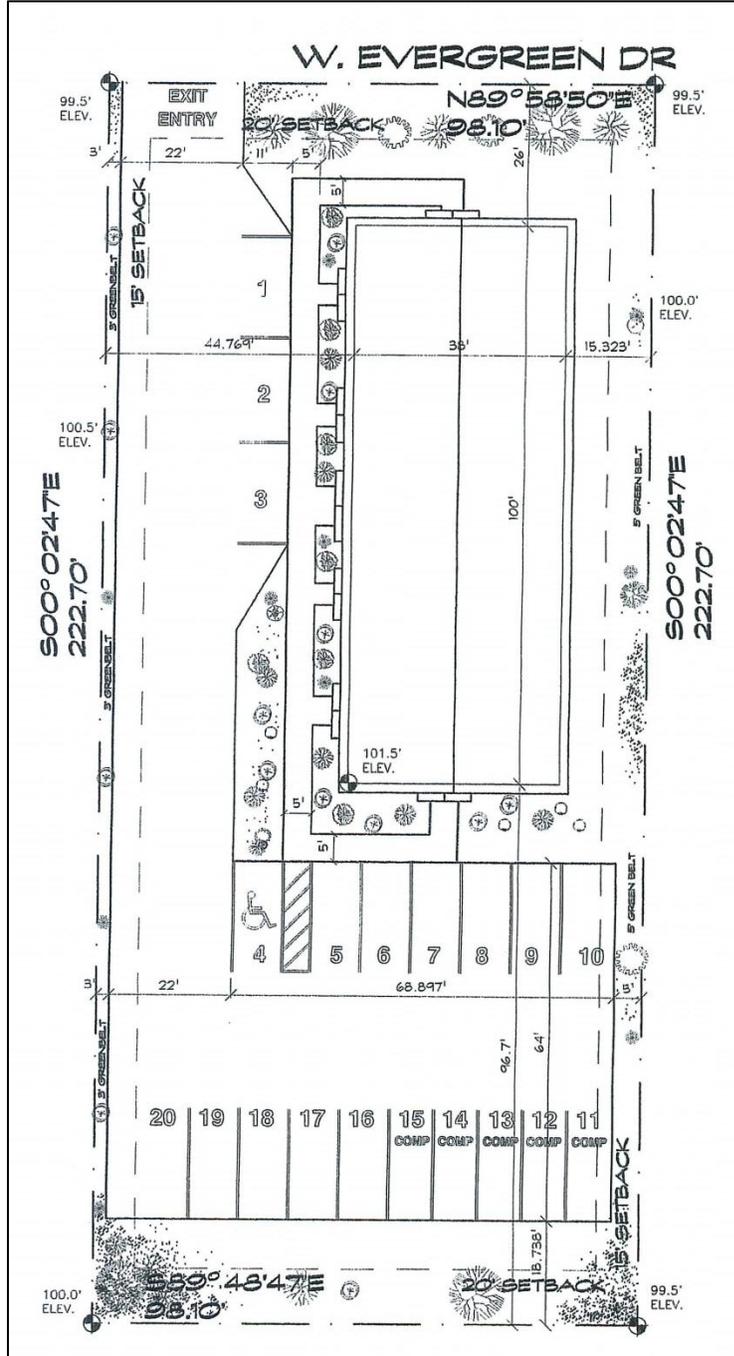
i. Adequate Usable Space

The subject property is currently zoned RA-1. In the ‘RA-1’ zone, the minimum lot size is 7,500 square feet but requires an additional 1,500 square feet for each dwelling unit in excess of two. For the proposed 8-unit apartment building a minimum lot size of 16,500 square feet would be required. The subject property is approximately 21,846 square feet in size. The applicant is proposing to construct a building approximately 3,800 square feet in size. The permitted lot coverage in an RA-1 zone is 35% and the proposed building would cover 17.4% of the lot.

The proposal provides for 20 off-street parking spaces, a 5 foot landscaping buffer around the property boundary and a sidewalk connecting the parking area with the entryways (see Figure 4). The front and rear setbacks for the property are 20 feet and the side setback for a 3-plex or larger is 15 feet. The site plan shows the building located outside the required setbacks. Based on the submitted site plan and staff’s site visit there appears to be adequate space to accommodate the proposed use on the property.

Finding #1 – The subject property appears to contain adequate usable space because the lot is approximately 21,846 square feet which is larger than the minimum lot size required for an 8-unit apartment building, the proposed building will be located outside the setbacks, the building will cover 17.4% of the lot, and there will be adequate room for parking, and a landscape buffer.

Figure 4: Proposed site plan



ii. Adequate Access

The application states, “The proposed building will be accessed by a 22 foot wide dovetail internal driveway which connects to Spruce Road (sic). This surface will be professionally engineered and finished in concrete and or asphalt by a local paving company.” The subject property is actually located on West Evergreen Drive a paved 20 foot wide, two lane collector within a 60 foot easement. The site plan shows one access located at the northwest corner of the property via West Evergreen Drive. Per Section 6.11.010 [FCZR], no driveway in the front yard setback shall be wider than 22 feet and the approach is proposed to be 22 feet wide within the front yard setback. Based on staff’s site visit it appears there is adequate sight distances from the proposed access to enter and exit the property safely. All access onto county roads shall have been approved by the County Road and Bridge Department with the issuance of an approach permit, per Section 6.16.020(4) [FCZR].

Figure 5: West Evergreen Drive in front of subject property



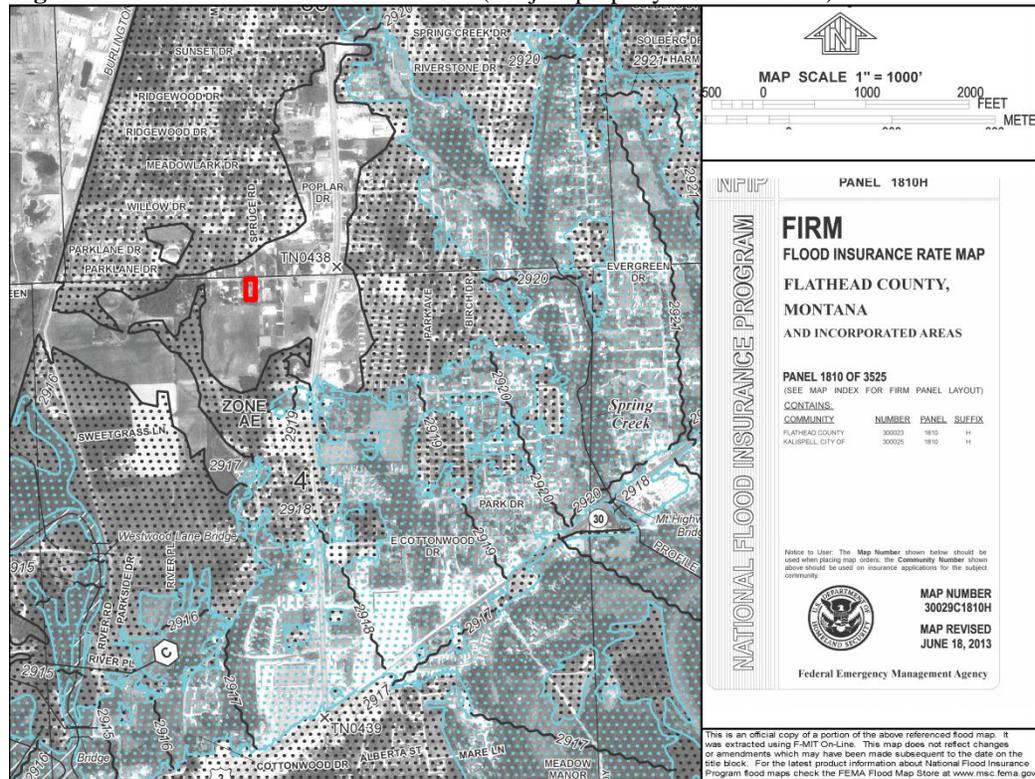
Finding #2 – There appears to be adequate access for the proposed use because the site plan shows a 22 foot wide driveway within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain an approach permit from Flathead County Road and Bridge Department.

iii. Absence of Environmental Constraints

The subject property is relatively flat with no significant elevation changes. The subject property is located on FEMA FIRM panel 30029C 1810H, the lot is located in an un-shaded Zone X, classified as an area outside the 500-year

floodplain. Additionally, there are no wetlands, streams, or creeks located on the parcel and there appears to be no other environmental constraints.

Figure 6: FEMA FIRMette 30029C 1810H (Subject property outlined in red)



Finding #3 – As proposed, the multi-family apartments appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.

B. Appropriateness of Design

i. Parking Scheme

According to the submitted application and site plan, the applicant is proposing 20 parking spaces including; 5 compact spaces and 15 standard spaces (one of which is handicapped). Section 6.02.030 of the Flathead County Zoning Regulations requires that multi-family dwellings have 2 parking spaces per dwelling unit. Additionally, off-street visitor parking shall be provided equal to 1 parking space per every 4 living units. The applicant is proposing to build an 8-unit apartment; therefore the applicant would be required to provide 16 parking spaces for residents and another 2 for guests or 18 total spaces.

Per Section 6.01.010(6) [FCZR], no more than 20% of the required parking spaces are allowed to be compact and all spaces are required to be clearly marked. Because 18 spaces are required 15 of the parking space are required to be standard spaces and the remaining 3 can be compact spaces. Therefore the 2 additional spaces, over the 18 required, can also be compact spaces. Based on the applicant's submitted site plan and staff's site visit to the subject property, there appears to be adequate space for the required parking.

The site plans shows a driving lane, between parking spaces, 24 feet wide for two-way traffic, meeting the requirements set forth in Appendix A [FCZR] based on the angle of the parking. Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated, therefore the applicant will be required to clearly designate and demarcate parking spaces.

ii. Traffic Circulation

The site is accessed from West Evergreen Drive, a paved two lane county collector. The site plan shows traffic aisles approximately 22 feet to 24 feet wide. The 24 foot wide traffic aisle is required for two way traffic with 90 degree parking per Appendix A [FCZR]. The driveway width of 24 feet would provide for adequate travel lanes and area to turn around. The proposed parking area appears large enough to accommodate the number of proposed spaces, while affording adequate and compliant internal traffic circulation.

Finding #4 – The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows 20 designated and demarcated parking spots which is more than the 18 required, and the proposed traffic aisle widths meet standards set forth in Appendix A [FCZR].

iii. Open Space

The subject property is approximately 21,846 square feet in size and the proposed apartment building would cover about 17.4% of the total lot. The parking lot will be located in the rear yard. The front yard and an area on the east side of the building will remain open space. A 5 foot landscape stripe is being proposed along the entire boundary of the property. The proposed size of the building and location shown on the site plan would be able to comply with the setbacks and permitted lot coverage requirements within the RA-1 zone.

iv. Fencing/Screening

The application states, “We intend to landscape and or fence the required setback areas along the edges of the property. If a fence is built, it will conform to the zoning of this property.” Any fencing constructed on the property would be required to comply with Section 5.04 [FCZR].

v. Landscaping

Landscaping is required within RA-1 zones when open air parking is located within the side and rear setbacks to serve 3-plex or larger residential uses [Section 6.11.040 FCZR]. Since the applicant is proposing to build an 8-unit apartment building and open parking is proposed within the setback, a 5 foot landscaping and solid screening area is required to be provided adjacent to the adjoining property boundary. The application states, “Landscaping will be completed by a professional landscaping contractor as per the site plan. Intend to install sprinkler/drip system to ensure proper growth and management.” The site plan shows a 5 foot landscaping buffer around the subject property.

Finding #5 – The proposed open space, fencing, screening, and landscaping on the subject property appears adequate because the proposed use will cover only 17.4% of the lot, the applicant is providing a 5 foot landscaping buffer and solid

screening area and screening or fencing will be in accordance with Section 5.04 [FCZR].

vi. Signage

The applicant is not proposing any signs at this time. However, the application states, “If any signs are installed they will conform with the sign standards for this district.” If the applicant installs signage, it must conform to Section 5.11 FCZR.

Finding #6 – There will be limited impacts resulting from signage because the applicant is not proposing signage and the applicant has stated that if any signage is constructed it would comply with sign standards set forth in the Flathead County Zoning Regulations.

vii. Lighting

It appears likely that because the building is a multi-family residence, exterior lighting would be included. The applicant has stated, “Any and all lighting, if used will be shielded and directed onto the subject property.” If the applicant chooses to install lighting it must comply with performance standards set forth in [FCZR] Section 5.12.

Finding #7 – There will be limited visual impacts resulting from lighting because any proposed lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.

C. Availability of Public Services and Facilities

i. Sewer

Comment from Flathead City/County Health Department (FCCHD) states, “This parcel lies within the Evergreen Water and Sewer District. Additional development would be served by the district for water and wastewater disposal.” The subject property is located within the Evergreen Water and Sewer District. Staff contacted the Evergreen Water and Sewer District and the District indicated they had no concerns with the proposal.

ii. Water

Comment was received from the FCCHD which states, “This parcel lies within the Evergreen Water and Sewer District. Additional development would be served by the district for water and wastewater disposal.” The subject property is located within the Evergreen Water and Sewer District. Staff contacted the Evergreen Water and Sewer District and the District indicated they had no concerns with the proposal.

Finding #8 – The proposed use is expected to minimally impact public water and sewer services because water and sewer service is available from the Evergreen Water and Sewer District and the District had no concerns with the proposal.

iii. Storm Water Drainage

The applicant is proposing that all storm water be directed towards the landscaped areas surrounding the property and an in ground drainage basin will be installed for storm water run-off. According to FCCHD, “The proposed development would not be subject to further review through the Sanitation and Subdivision Act as a parcel was created in the 1940’s. Storm water drainage must be addressed as to maintain any additional storm water produced by rooftops or other impervious surface on the property.”

All parking areas and access driveways shall have at a minimum, per Section 6.11.030(1) [FCZR], adequate drainage so that injuries not be caused to adjacent properties nor will water drain across a public walk. All storm water runoff is required to be absorbed on-site.

Finding #9 – The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and construction of a drainage swale.

iv. Fire Protection

The applicant states, “Building will be engineered and built to current state and federal commercial building codes. [...]. Fire Department is approximately one (1) mile from subject building.” The subject property is currently served by the Evergreen Fire Department and is located approximately 1/3 of a mile southwest of the existing fire station. Due to the centralized location of the property in Evergreen and the proximity to a fire station, quick response times in the event of an emergency are possible.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in an emergency would not be unreasonably long given the property’s proximity to an urban, developed area of the County.

vi. Streets

The subject property is accessed via West Evergreen Drive, south of Spruce Road. West Evergreen Drive is classified as a collector and is a paved two lane road within a 60 foot right-of-way. West Evergreen Drive is maintained by the Flathead County Road and Bridge Department. The property is located approximately 800 feet west of U.S. Highway 2 which would likely be used by many of the residents of the proposed apartment building. Highway 2 is a paved five lane MDT maintained highway.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the Evergreen Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by West Evergreen Drive, a paved two lane county collector.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

As previously discussed, West Evergreen Drive is a paved two lane county collector. According to the ITE Trip generation 5th Edition an 8-unit apartment building would generate approximately 50 vehicle trips per day. This is based on an average daily rate of 6.28 trips generated per dwelling unit. The most recent traffic counts for West Evergreen Drive east of River Road were taken in April of 1999 by the Flathead County Road and Bridge Department. The average daily trips on West Evergreen Drive was determined to be 4,258 at that time. The vehicle trips generated as a result of this proposal amounts to an increase of approximately 1.2% from the 1999 counts.

Comments from the Flathead County Road and Bridge Department states, “It appears the new apartment building will access West Evergreen Drive. In the application, Site Suitability A.2, it states the proposed building will be accessed by an internal driveway which connects to Spruce Road. We are confused as to this statement. Assuming this is just a typo accessing onto West Evergreen Drive is acceptable.”

The subject property is located within a RA-1 zone and there are other multi-family apartments in the neighborhood. The amount and type of traffic resulting from the proposed use is anticipated to be similar to existing traffic conditions in the area and around the intersection of West Evergreen Drive and Spruce Road, and does not appear to generate excessive traffic.

Finding #11 – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated to be similar to existing traffic conditions in the area and the Road and Bridge Department has no concerns with the proposal.

ii. Noise or Vibration

While some noise and vibration will naturally occur as a result of construction activities related to the development of the building, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise or vibration beyond what is typical for a residential area is anticipated as a result of the proposed multi-family dwelling.

iii. Dust, Glare or Heat

While some dust is anticipated during construction activities, the resulting impacts will be limited in duration, similar to the impacts of construction noise and vibration. Excessive dust is not anticipated as a result of the proposed multi-family dwelling, as West Evergreen Drive is a paved roadway and the proposed parking lot will also be paved.

As with any development, increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as the surrounding area. However, these impacts can be mitigated by retaining open space on the subject property in conformance with

the bulk and dimensional requirements of the zoning and ideally, landscaping these areas or maintaining them as grass or other types of pervious surfaces.

iv. Smoke, Fumes, Gas, or Odors

The proposed multi-family dwelling is not expected to create any smoke, fumes, gas or odors beyond those typically associated with residential activities. The proposed use will likely not impact the surrounding neighborhood with regard to these types of emissions.

v. Inappropriate Hours of Operation

The proposed multi-family dwelling will operate as is typical for a residential area; no hours of operation have been proposed by the applicant or are necessary for a residential dwelling.

Finding #12 – The proposed use is not anticipated to have an immediate neighborhood impact because the multi-family dwelling will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, other odors or have inappropriate hours of operations and will operate in a manner consistent with residential uses in the surrounding residential area.

V. SUMMARY OF FINDINGS

1. The subject property appears to contain adequate usable space because the lot is approximately 21,846 square feet which is larger than the minimum lot size required for an 8-unit apartment building, the proposed building will be located outside the setbacks, the building will cover 17.4% of the lot, and there will be adequate room for parking, and a landscape buffer.
2. There appears to be adequate access for the proposed use because the site plan shows a 22 foot wide driveway within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain an approach permit from Flathead County Road and Bridge Department.
3. As proposed, the multi-family apartments appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.
4. The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows 20 designated and demarcated parking spots which is more than the 18 required, and the proposed traffic aisle widths meet standards set forth in Appendix A [FCZR].
5. The proposed open space, fencing, screening, and landscaping on the subject property appears adequate because the proposed use will cover only 17.4% of the lot, the applicant is providing a 5 foot landscaping buffer and solid screening area and screening or fencing will be in accordance with Section 5.04 [FCZR].
6. There will be limited impacts resulting from signage because the applicant is not proposing signage and the applicant has stated that if any signage is constructed it would comply with sign standards set forth in the Flathead County Zoning Regulations.

7. There will be limited visual impacts resulting from lighting because any proposed lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.
8. The proposed use is expected to minimally impact public water and sewer services because water and sewer service is available from the Evergreen Water and Sewer District and the District had no concerns with the proposal.
9. The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and construction of a drainage swale.
10. The proposed use appears to have acceptable impacts on public services and facilities because the Evergreen Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by West Evergreen Drive, a paved two lane county collector.
11. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated to be similar to existing traffic conditions in the area and the Road and Bridge Department has no concerns with the proposal.
12. The proposed use is not anticipated to have an immediate neighborhood impact because the multi-family dwelling will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, other odors or have inappropriate hours of operations and will operate in a manner consistent with residential uses in the surrounding residential area.

VI. CONCLUSION

Upon review of this application, the request to allow for an 8- unit multi-family dwelling on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-14-15 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS

1. Construction of the multi-family building on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the 'RA-1 Residential Apartment' zoning designation [FCZR Section 3.15].

4. The subject property shall have a minimum of 18 parking spaces to accommodate the proposed 8 units, in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
5. All required off-street parking and residential driveways associated with the multi-family dwelling shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.01, 6.11 and 6.14].
6. The proposed use shall maintain a 5 foot landscape buffer and solid screening around the perimeter of the property, in accordance with Section 6.11.040 FCZR.
7. The proposed use shall be reviewed by the Flathead County Road and Bridge Department and obtain an approach permit for a multi-family dwelling. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
8. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
9. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
10. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
11. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EKM