

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-20-11)
ROCKIN' ROY'S RENTALS, LLC.
SEPTEMBER 21, 2020

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Board of Adjustment regarding a request from APEC, on behalf of Rockin' Roy's Rentals, LLC, for a conditional use permit to allow for a multi-family dwellings. The property is located within the Evergreen Zoning District and is zoned 'RA-1 Residential Apartment'.

B. Application Personnel

1. Owner

Rockin' Roy' Rentals, LLC.
P. O. Box 5280
Kalispell, MT 59903

2. Technical Representative

APEC Engineering, Inc.
75 Somers Road
Somers, MT 59932

C. Process Overview

1. Land Use Advisory Committee/Council

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

2. Board of Adjustment

The Flathead County Board of Adjustments will conduct a public hearing on the proposed zoning map amendment on October 6, 2018 at 6:00 P.M. in the Country Kitchen Building at the Flathead County Fairgrounds, located at 265 North Meridian Road, Kalispell, MT 59901. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

II. PROPERTY CHARACTERISTICS

A. Property Location and Size

The subject property is located at 348 Mountain View Drive in Evergreen, MT (see Figure 1 below). The property is approximately 1.0 acres and can be legally described as Lot 1 in Block 4 of South Addition to Ziesmer Acres, according to the official map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Figure 1: Subject property (outlined in red)



B. Existing Land Use(s) and Zoning

According to the application the proposed use is multi-family dwellings composed of three duplexes. The property is currently developed with two residents and various outbuildings which will be removed prior to construction of the duplexes.

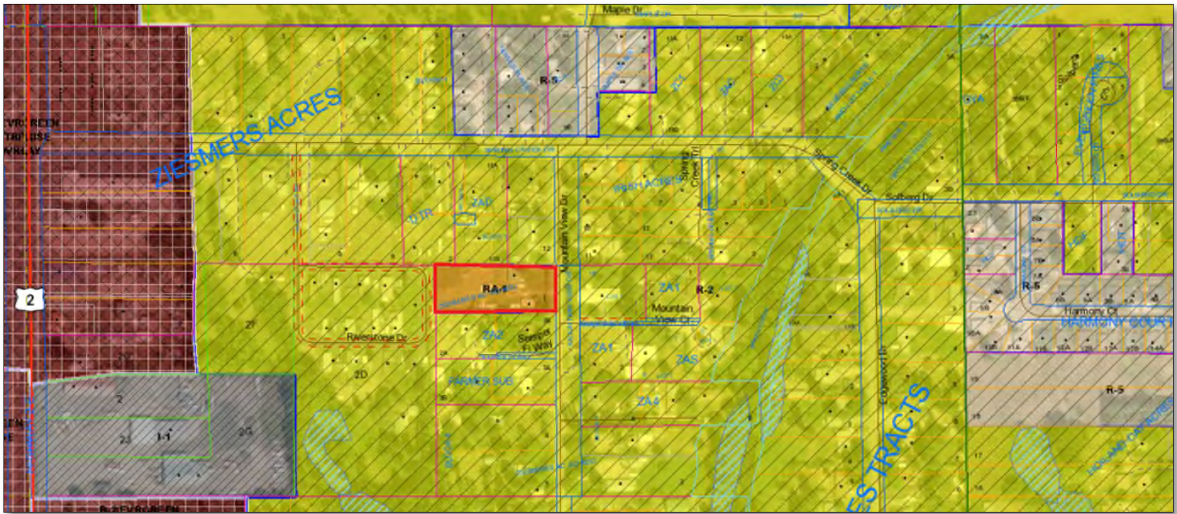
The property was recently changed on August 25, 2020 from ‘R-2 One Family Limited Residential’ to ‘RA-1 Residential Apartment’.

The RA-1 zone is defined as, “A district to provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse, and park facilities.”

C. Adjacent Land Use(s) and Zoning

The zoning on the property was recently changed on August 25, 2020 from ‘R-2 One Family Limited Residential’ to ‘RA-1 Residential Apartment’. Looking at the zoning within a mile of the subject property the character of the area is generally a mixture of business, industrial, and residential zoning. Directly adjacent to the property is generally residential uses which are zoned R-2, with I-1 and B-2/EEO zoning located less than a quarter of a mile west along Highway 2. There is also R-5 zoning to the north, west and east, all less than a quarter of a mile away from the subject property.

Figure 2: Zoning surrounding the subject property (outlined in red)



D. Summary of Request

The applicant is proposing to construct three duplexes on the subject property, for a total of six (6) units. Since three duplexes are proposed on one lot, the application would meet the definition of dwelling, multi-family “*buildings designed to house three or more families living independently of each other in separate dwelling units but having one yard in common*” [Section 7.05.120 FCZR]. Multi-family dwellings require a conditional use permit under RA-1 zoning [Section 3.15.030(10)].

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on September 1, 2020:
 - Evergreen Fire District
 - Flathead County Solid Waste
 - Flathead City-County Environmental Health Department
 - Flathead County Road and Bridge Department
 - City of Kalispell Planning Department
 - Bonneville Power Administration
 - Flathead High School District
 - Evergreen School District
 - Evergreen Water and Sewer District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Evergreen Water and Sewer
 - Comment: “The District had previously provided a letter concerning availability of water and sewer service to the property, subject to conditions, including compliance with our rules and regulations. Based on the conceptual site plan that was provided by APEC as part of the application, I want to point out the proposed project will require a water and sewer main extension as well as other potential requirements involving fire protection. We have not yet received a proposed set of plans from APEC and express no opinion about the feasibility of water or sewer service to the

project.” Email received September 8, 2020.

- BPA
 - Comment: “At this time, BPA does not object to this request, as the property is located 1.59 miles away from the nearest BPA transmission lines or structures.” Email received September 3, 2020.
- Montana Department of Transportation
 - Comment: “We do not have any comments regarding this proposal.” Email dated September 15, 2020.
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated September 3, 2020.
- Flathead City-County Health Department / Environmental Health Department
 - Comment: “This office has reviewed the information provided and submits the following comments:
 1. This proposal is not subject to review under Title 76-4 Part 1 Sanitation in Subdivision, MCA. It is located within the Evergreen Water and Sewer District and services are available at this location.
 2. Stormwater drainage should be addressed.
 3. This property is located within the Kalispell Air Pollution Control District. All development must be compliant with the Flathead County Air Pollution Control Program.” Letter dated September 10, 2020.

B. Public Comments

1. Notification was mailed to property owners within 150 feet of the subject property on September 16, 2020, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the September 20, 2020 edition of the Daily Interlake.
2. Public Comments Received

As of the date of the completion of this staff report, no written public comments have been received to date regarding the requested 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 October 6, 2020. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

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.

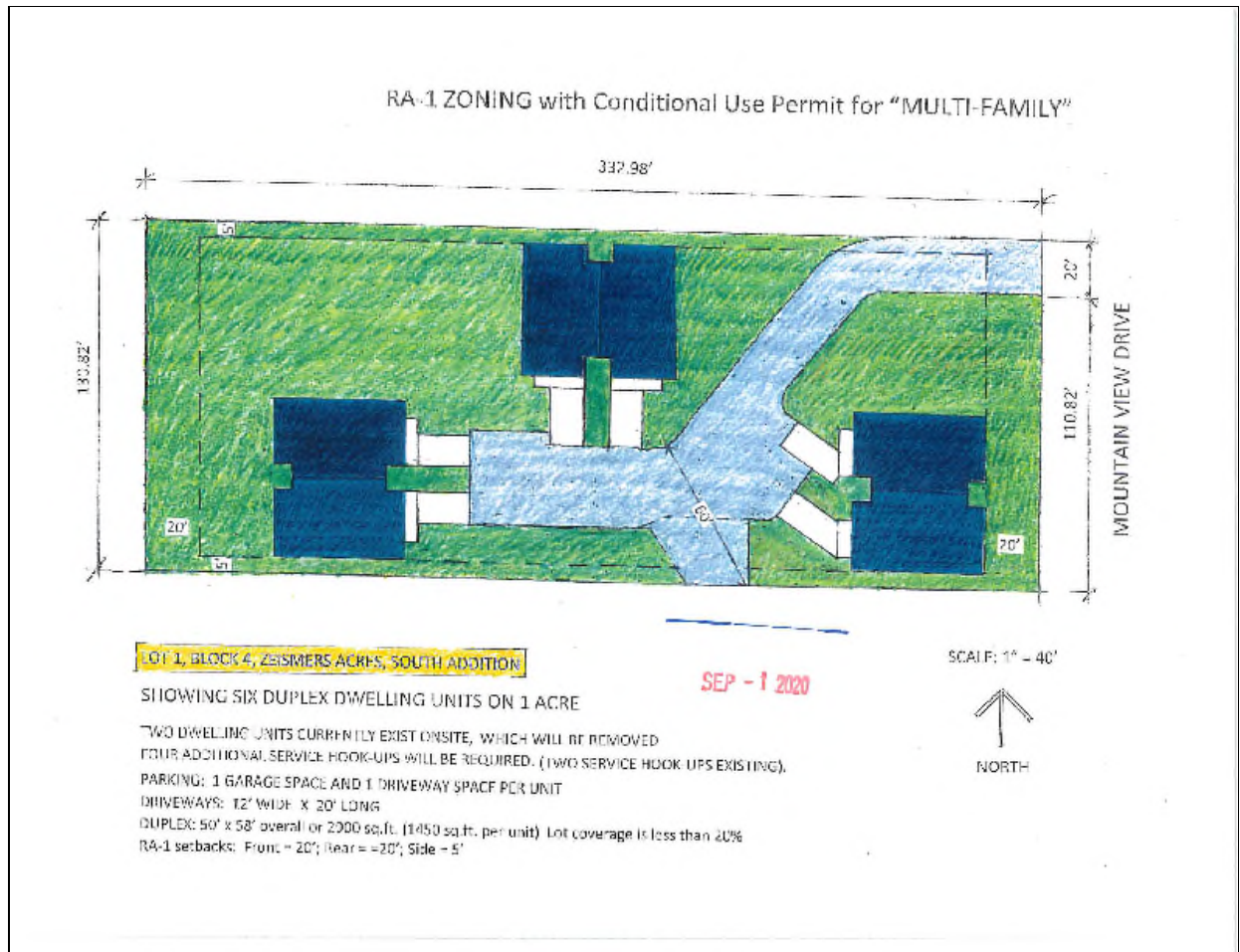
A. Site Suitability

1. Adequate Usable Space

In the RA-1 zone, the minimum lot size is 7,500 square feet with 1,500 square feet additional for each dwelling unit in excess of two. The permitted lot coverage is 35%. The subject property is approximately 1.0 acres or 43,560 square feet. According to the site plan, each of the three duplexes will cover 2900 square feet for a total of 8,700 square feet. The shared driveway according to the site plan will be 20 feet in width with a turnaround area of

approximately 60 feet with individual driveways measuring 12 feet by 20 feet. The proposed use would cover approximately 20% of the subject property.

Figure 3: Site Plan



The front setbacks for the property are 20 feet, the side setback is 5 feet, and the rear setback is 20 feet. As discussed below the applicant has provided adequate parking. 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 1.0 acres, the proposed buildings will be located outside the setbacks, the built out area will cover 20% of the lot, and there will be adequate room to accommodate the required parking spaces.

2. Adequate Access

The applicant is proposing primary access to the property off Mountain View Drive via Spring Creek Drive. Mountain View Drive is a 2-lane paved local road with a 60 foot easement. According to the application, "A shared approach to Mountain View Drive serves this location, with immediate access to Spring Creek Drive and a short distance to US Highway 2 (That is 0.37 miles distance overall)."

Comments from the Flathead Road and Bridge Department state, “At this point the County Road Department does not have any comments on this request.”

The Road and Bridge Department had no comments regarding this proposal.

Finding #2 – The access appears adequate access for the proposed multi-family dwelling (three duplexes) because the property has legal and physical access to Mountain View Drive and the applicant will be required to contact the Flathead County Road and Bridge Department for a possible revised approach permit.

3. Absence of Environmental Constraints

Indicated in the application, “This location is in the center of a residential neighborhood of Evergreen, and is over 600’ away from Spring Creek, so there is no direct interaction with environmentally sensitive areas. This property is served by Evergreen Water & Sewer District, no individual drain fields.”

The property is relatively flat and currently developed with two single family residences. According to FEMA FIRM panel 30029C1810J, the property is located within a shaded Zone X, an area determined to be outside the 1% annual chance flood hazard and inside the 0.2% annual chance flood hazard. Given the location of the proposed buildings on the property the site appears suitable for the proposed use.

Finding #3 – The site appears suitable for the proposed multi-family dwellings (three duplexes) because the proposed building site is located within a shaded Zone X outside the 1% annual chance flood hazard.

B. Appropriateness of Design

1. Parking Scheme

Section 6.02.030 of the Flathead County Zoning Regulations requires multi-family housing projects have 2 parking spaces per dwelling unit. The applicant states, “The proposed parking scheme includes the required two spaces per unit, with a garage providing one space and the driveway the other. This scheme allows for less paving and more open space.”

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.

2. Traffic Circulation

According to the application, “A 20’ wide driveway opens to a 30’ wide area at each duplex to allow for backing out of each unit; an emergency turnaround is located at the widest portion.”

The site plan indicates primary access to the property for the multi-family dwelling (three duplexes) will be via a 20 foot wide shared driveway with a 60 foot turnaround area and 20 foot long by 12 foot wide individual driveways for each dwelling unit.

The proposed parking area with the 12 foot driveways and single car attached garages appear large enough to accommodate the required two parking spaces per dwelling unit for residential use and affording adequate and compliant internal traffic circulation.

Finding #4 – The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows the ability to meet the required two parking spaces per dwelling unit and adequate space for internal traffic circulation.

3. Open Space

The application states, “The three proposed units are spaced apart for sufficient open space for privacy and landscaping, making the best use of the narrow lot.”

In the RA-1 zone, the minimum lot size is 7,500 square feet with 1,500 square feet additional for each dwelling unit in excess of two. The permitted lot coverage is 35%. The subject property is approximately 1.0 acres or 43,560 square feet. According to the site plan, each of the three duplexes will cover 2900 square feet for a total of 8,700 square feet. The driveways. The proposed use would cover approximately 20% of the subject property.

The open space appears to be appropriately designed.

Finding #5 – The proposed open space on the subject property appears adequate because the proposed use will cover 20% of the lot which is within the permitted lot coverage of 35%.

4. Fencing/Screening

The application states, “The owner proposes a perimeter fence for privacy and safety of residents (4’ maximum height in front, no more than 6’ high on side and rear yards).”

The proposed maximum fence heights complies with RA-1 Bulk and Dimensional Requirements.

5. Landscaping

The application states, “Landscaping will be lawn, trees and shrubs typical to a residential neighborhood.” No landscaping is required for multi-family dwellings (three duplexes) in the RA-1 zoning designation.

Finding #6 – The proposed fencing, screening, and landscaping on the subject property appears adequate because the proposed fence heights complies with RA-1 Bulk and Dimensional Requirements and no landscaping is required for multi-family dwellings (three duplexes) in the RA-1 zoning designation.

6. Signage

The application states, “There will be no signage other than for a neighborhood name and necessary house numbers.” Any signage installed on the subject property would be required to conform to Section 7.01 FCZR.

7. Lighting

The applicant has stated, “All lighting will be downward, on any yard lights, or side lighting on dwelling units.” Lighting must comply with performance standards set forth in [FCZR] Section 5.12.020 and 5.12.030, which state, “*All porch and yard lighting shall be hooded, screened or directed in a manner such that the light source or the diffuser emitting the light shall not be deleterious to the adjoining property owners or occupants.*” And “*Any lights provided to illuminate any public or private parking area or vehicles sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential land use district or residential use.*”

Finding #7 – The proposed lighting and signage appears appropriately design because when installed, the signage and lighting will be required to comply with sections 7.01 and 5.12 respectively.

C. Availability of Public Services and Facilities

1. Sewer

The subject property is located within the Evergreen Water and Sewer District. Comment from the Evergreen Water and Sewer District states, “The District had previously provided a letter concerning availability of water and sewer service to the property, subject to conditions, including compliance with our rules and regulations. Based on the conceptual site plan that was provided by APEC as part of the application, I want to point out the proposed project will require a water and sewer main extension as well as other potential requirements involving fire protection. We have not yet received a proposed set of plans from APEC and express no opinion about the feasibility of water or sewer service to the project.”

The application states, “Evergreen Water & Sewer District service is available at this location.” The applicant also replied to the comment via email sent September 9, 2020 stating, “Ms. Murray mentions a letter about the feasibility of water and sewer service to this location. (Please see this attached letter.) We have already discussed adding more units with the District, last winter, when we were not sure how to best accomplish this...”

The referred to attached letter is a ‘Will Serve’ letter dated January 27, 2020. The letter states, “Tamara Tanberg of APEC Engineering, on behalf of the developer, Rockin’ Roy’s Rentals, LLC, has requested that Flathead County Water District No. 1-Evergreen (“the District”) confirm to the County for its planning purposes the availability of services for the above-referenced property based on preliminary lay-out drawings provided to us on January 24, 2019.

“Based on the preliminary drawings and subject to a review of detailed Plans and confirmation based on a Final Plat, Water and Sewer services for 348 Mountain View Drive are available from the District. The provision of such services is subject to compliance with all our policies, specifications, approval by the Board of Proposed Plans, a signed Water & Sewer Mainline Extension Agreement, and payment to the District of all associated fees and charges. Prior to the time the District can provide wastewater services, the developer of 348 Mountain View Drive will also be required to obtain consent from the City of Kalispell pursuant to the requirements of the Sanitary Sewer Treatment Agreement between the City and the District and pay the City’s impact fees.

“Please be further advised that while the District has current capacity to serve this property, that capacity will not be reserved or committed to this Project until the Project Proponent has complied with all requirements listed above and has paid all fees and costs due, both to the District and the City of Kalispell.”

The applicant will be required to meet the conditions of the Evergreen Water and Sewer before being able to meet the sanitation requirements of the proposed multi-family dwelling (three duplexes).

2. Water

The subject property is located within the Evergreen Water and Sewer District. According to the Evergreen Water and Sewer District, “The District had previously provided a letter concerning availability of water and sewer service to the property, subject to conditions, including compliance with our rules and regulations. Based on the conceptual site plan that was provided by APEC as part of the application, I want to point out the proposed project will require a water and sewer main extension as well as other potential requirements involving fire protection. We have not yet received a proposed set of plans from APEC and express no opinion about the feasibility of water or sewer service to the project.”

Please see the above discussion concerning service availability. The applicant will be required to meet the conditions of the Evergreen Water and Sewer before being able to meet the water service requirements of the proposed multi-family dwelling (three duplexes).

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 with the compliance of the District’s conditions.

3. Storm Water Drainage

The total foot print of the project covers approximately 8,700 square feet. The proposed use would cover 20% of the subject property, leaving the remainder of the property open. The applicant states, “Storm water drainage will remain onsite as there is no provision within Mountain View Drive.”

Storm water runoff would be captured on-site.

Finding #9 – The storm water drainage appears adequate because the proposal will result in a coverage of 20% of the property and the storm water drainage will continue to remain onsite.

4. Fire Protection

The subject property is served by the Evergreen Fire Department and is located 0.6 road miles from the nearest fire station, which is located southwest of the property on Highway 2. According to the application, “Evergreen Fire & Rescue is located very nearby (0.6 miles).”

Evergreen Water and Sewer mention potential requirements for fire protection in one of their comments concerning the proposal. The applicant will be required to meet all conditions of Evergreen Water and Sewer before service will be available for the project.

No comments were received from the Fire Department to indicate concern with the proposal. The property is not located in a Wildland Urban Interface (WUI) or county wide priority area. Due to the close proximity to the fire station, it is anticipated response times in the event of an emergency would be reasonable.

5. Police Protection

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

Finding #10 – The proposed expansion 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.

6. Streets

The applicant states, “These streets exist as reasonable routes: Mountain View Drive, Spring Creek Drive, which connects to a major route, U.S. Highway 2 and other alternate routes, Helena Flats Road and Evergreen Drive.”

As stated before, the applicant is proposing primary access to the property off Mountain View Drive via Spring Creek Drive utilizing the existing access. Mountain View Drive is a 2-lane paved local road with a 60 foot easement while Spring Creek is a paved two lane public road. The streets appear adequate to handle the increase of traffic due to the proposal.

Finding #11 – There appears to be adequate availability of streets for the proposed use because the residents of the proposal will be utilizing Mountain View Drive which is a paved two lane local road within a 60 foot easement.

D. Immediate Neighborhood Impact

1. Excessive Traffic Generation

No recent traffic counts exist for Mountain View Drive and as a result, Staff utilized the Trip Generation Manual to estimate approximately 346 ADT on Mountain View Drive. Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for an apartment building. According to the Trip Manual the average trip generation rate is 6.65 trips per dwelling unit. Assuming 6 dwelling units are placed at full-buildout this could lead to 40 ADT an 11% increase on Mountain View Drive.

The traffic generated by the proposal will end up on Spring Creek Drive which connects to Helena Flats Road and U.S. Highway 2. The most recent traffic counts from Spring Creek Drive East of Highway 2 is 1,791 ADT. Spring Creek Drive is paved local county road within a 60 foot easement. The potential 40 ADT would be a 2.2% increase on Spring Creek Drive.

The application indicates, “This Conditional Use Permit proposal is within existing streets and traffic configurations, and is well connected to businesses, work, and schools, and is adding exactly six dwelling units to this network.”

Finding #12 – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or Mountain View Drive and Spring Creek Drive because the increase in traffic would be 11% and 2.2% respectively.

2. 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 (three duplexes).

3. Dust, Glare or Heat

While some dust is anticipated during construction activities, the resulting impacts will be limited in duration. Excessive dust is not anticipated as a result of the proposed multi-family dwelling (three duplexes), as the proposed ingress and egress and the proposed parking lot will 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.

4. Smoke, Fumes, Gas, or Odors

The proposed multi-family dwelling (three duplexes) 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.

5. Inappropriate Hours of Operation

The proposed multi-family dwelling (three duplexes) 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 #13 – The proposed use is not anticipated to have an immediate neighborhood impact because the multi-family dwellings (three duplexes) will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, 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 1.0 acres, the proposed buildings will be located outside the setbacks, the built out area will cover 20% of the lot, and there will be adequate room to accommodate the required parking spaces.
2. The access appears adequate access for the proposed multi-family dwelling (three duplexes) because the property has legal and physical access to Mountain View Drive and the applicant will be required to contact the Flathead County Road and Bridge Department for a possible revised approach permit.
3. The site appears suitable for the proposed multi-family dwellings (three duplexes) because the proposed building site is located within a shaded Zone X outside the 1% annual chance flood hazard.
4. The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows the ability to meet the required two parking spaces per dwelling unit and adequate space for internal traffic circulation.
5. The proposed open space on the subject property appears adequate because the proposed use will cover 20% of the lot which is within the permitted lot coverage of 35%.
6. The proposed fencing, screening, and landscaping on the subject property appears adequate because the proposed fence heights complies with RA-1 Bulk and Dimensional Requirements and no landscaping is required for multi-family dwellings (three duplexes) in the RA-1 zoning designation.
7. The proposed lighting and signage appears appropriately design because when installed, the signage and lighting will be required to comply with sections 7.01 and 5.12 respectively.
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 with the compliance of the District's conditions.
9. The storm water drainage appears adequate because the proposal will result in a coverage of 20% of the property and the storm water drainage will continue to remain onsite.
10. The proposed expansion 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.
11. There appears to be adequate availability of streets for the proposed use because the residents of the proposal will be utilizing Mountain View Drive which is a paved two lane local road within a 60 foot easement.

12. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or Mountain View Drive and Spring Creek Drive because the increase in traffic would be 11% and 2.2% respectively.
13. The proposed use is not anticipated to have an immediate neighborhood impact because the multi-family dwellings (three duplexes) will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, 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 a multi-family dwelling (three duplexes) 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-20-11 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 OF APPROVAL

1. Construction of the multi-family building (three duplexes) 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 approved use shall connect to Evergreen Water and Sewer for water and sewer services.
5. All required off-street parking and residential driveways associated with the multi-family dwelling (three duplexes) shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.01, and 6.11].
6. The proposed use shall be reviewed by the Flathead County Road and Bridge Department and the Montana Department of Transportation and obtain an updated approach permit for a multi-family dwelling (three duplexes) if required. A copy of the approved permits shall be available upon request by Flathead County Planning and Zoning.
7. 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.
8. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
9. 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].
10. 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: DV