



# Flathead County Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



## PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

**FEE ATTACHED \$ 860.00**

### APPLICANT/OWNER:

- 1. Name: Phillip Klevmoen Phone: (702) 271-9288
- 2. Mail Address: PO Box 5119
- 3. City/State/Zip: Whitefish, MT 59904 37
- 4. Interest in property: Owner

Check which applies:  Map Amendment  Text Amendment:

### TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc. Phone: 755-6481  
 Mailing Address: 2 Village Loop  
 City, State, Zip: Kalispell, MT 59901  
 Email: erica@sandssurveying.com

### IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

A. What is the proposed zoning text/map amendment?

To change an R-1 zoning designation to a B-2 zoning designation in the Willow Glen Zoning District.

### IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: Not addressed at this time.
- B. Legal Description: Tract 3P in Section 3, Range 28N, Township 21W  
(Lot/Block of Subdivision or Tract #)
- C. Total acreage: 1.8 acres
- D. Zoning District: Willow Glen
- E. The present zoning of the above property is: R-1
- F. The proposed zoning of the above property is: B-2
- G. State the changed or changing conditions that make the proposed amendment necessary: This piece of property is surrounded by existing commercial

enterprise. It is adjacent to and across the highway from a B-2 zoning district, so this would be considered an extension of the B-2 zoning boundary. It is EXCLUDED FROM the Evergreen Water and Sewer District. The property is no longer suitable for residential use.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan? The Master Plan (Growth Policy) does not have a Neighborhood Plan that corresponds to this area. The map that is included as part of the Growth Policy adopted in 2007 is a snapshot of current land use and does not have any predictive qualities. There are many policies within the Growth Policy that support the zone change proposal starting within Chapter 1, the Seven Elements of the Public's Vision, (*Promote a Diverse Economy, Manage Transportation, Properly Manage and Protect the Natural and Human Environment, and Preserving the Rights of Private Property Owners*). In the Land Use Chapter of the Growth Policy, G.2 reads to "*Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights of all property owners.*", G.6 offers "*Adequate commercial land that is safely accessible and efficiently serviceable*". P6.2 "*Restrict commercial development in unsafe, inaccessible, remote rural areas.*" P6.3: "*Provide ample commercial land designation to promote affordability.*" G.7 is "*Consider existing community character in commercial land development*", and the subject property is surrounded by existing commercial development. Policies 7.1-7.6 all relate to commercial development and can be held up to support the argument for the approval of the proposed zone.

2. Is the proposed amendment designed to:
  - A. Secure safety from fire and other dangers? The property is located along a major transportation network in easy reach of emergency services. The properties are within the boundaries of the Evergreen Volunteer Fire District, a short drive from the newly constructed fire station located on Highway 2 (approximately three miles to the north). There are public fire hydrants along the highway that would be available for tanker recharge

should it become necessary. There is adequate police protection provided by the Flathead Sheriff's department and, the State Highway patrols Highway 35. Setbacks and minimum lot sizes requirements ensure that buildings are not too close together and parking standards (adequate number and size) would be upheld through zoning.

B. Promote public health, public safety and the general welfare? The success of the existing surrounding businesses shows that there is public interest in having some types of commercial enterprise in this area. Increased commercial development in the immediate vicinity also shows that these properties are becoming more viable as commercial rather than residential and/or agricultural. The convenience of being located on a major transportation route on a newly re-constructed highway also promotes safe, efficient travel to the area for customers, employees and service.

C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? Transportation needs within this zone change proposal are addressed by the MT Highway 35 corridor, which is accessed via several paved County Roads in the immediate vicinity, At this time, there is no bike path, but the right-of-way allowances for Highway 35 would certainly accommodate a path should there be future funding. As this zone change proposal promotes commercial enterprise, there will be little effect on the school district other than to contribute tax monies to Evergreen Public schools. At this time, public water and sewer infrastructure is adjacent to the subject property, however, the property has been excluded from the District boundaries because at the time the RSID was created, the subject property was in the floodplain (it has subsequently been filled) and it was determined to have no development potential at that time. The landowner will petition the City of Kalispell to allow the property to utilize the District should that become necessary depending upon the development options. Parkland is typically not impacted with commercial development, only that tax funds will be contributed to existing County parkland in the immediate vicinity.

3. Does the proposed amendment consider:

- a. The reasonable provision of adequate light and air? Due to the minimum property size, setbacks and likely infrastructure improvements, (roads and sidewalks), there is a reasonable provision for light and air.
- b. The effect on motorized and non-motorized transportation systems? At this time, there is no formal non-motorized transportation path (i.e. bike path), but there is right-of-way available should funds be allocated for that purpose. At this time, MDOT allow for access, although the landowner will have to apply for a “change in use” permit from that agency if/when the zone change from residential to commercial is successful. It has long been thought that highway corridors are the best place to locate a commercial enterprise. Highways improve commercial visibility and improved access to businesses for employees, shipping services and customers. Many of the policies from the Growth Policy, Chapter 6 note the promotion of safe access, adequate carrying capacity, public transportation, bike paths, county-state partnerships and maintaining mobility as important items for consideration.
- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities? The commercial development pattern is already well established in this MT Highway 35 corridor, which continues at the same density/use pattern into the City of Kalispell’s boundaries. It is difficult to discern where Kalispell stops and starts in this general area.
- d. The character of the district and its peculiar suitability for particular uses? The property is currently vacant. It has been leveled and appears to be well-suited for any type of commercial application. It holds an existing MDOT access and is surrounded by existing commercial development. Situated along a major transportation network near an incorporated city and easy access to other highly populated areas (Evergreen and Bigfork), this is an area that also has a growing commercial component. The topography is generally level, and it is open ground with little tree cover. There are no

wetlands, streams or water corridors to be protected. The soils are general sandy loams and can support a variety of building uses. Fire hazard for the properties would be generally low, and emergency vehicles would have an easy, direct route for access. It is not within the 100 year floodplain. (FIRM Panel 1810). This subject property is located at the eastern edge of the highway corridor between Evergreen and Bigfork/Lake Blaine area. This landowner feels that his land-development needs have been stifled by the residential zoning designation. Currently the property is zoned R-1 in the Willow Glen Zoning District. The property is surrounded by existing commercial uses that have made potential residential development unpalatable.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? There will be no de-valuation of the properties with an alteration of the R-1 to B-2 zone. The property values should INCREASE as the property's use will now match the zoning and its neighbors' uses instead of having a non-compatible residential unit sandwiched between commercial enterprise.

f. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities? The City of Kalispell is the closest municipality and it too, has a B-2 zoning designation that has similar permitted uses/conditional uses as well as similar property development standards.

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The signing of this application signifies approval for F.C.P.Z. staff to be present on the property for routine monitoring and inspection during approval process.

Steph Kh  
(Applicant)

7-28-11  
(Date)

~~APPLICATION PROCESS~~

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the Planning Director or designated member of staff must precede filing of this application. Among topics to be discussed are: Master Plan compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. Application fee per schedule, made payable to the Flathead County Flathead Planning & Zoning Office.

Fee Schedule

Zone Change:	
Base fee	\$800.00
For first 80 acres of area of the request add	\$30/acre
Amendment to Zoning Text	\$800.00
PUD Zoning Review:	
Residential	\$400.00 + \$10/acre
Commercial	\$600.00 + \$10/acre
Mixed Use	\$650.00 + \$10/acre

D. The application must be accepted as complete by the FCZP staff **forty five (45) days prior** to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

APPLICABLE TO APPLICATIONS FOR ZONE CHANGE:

A. Application Contents:

1. Petition for zone change signed by at least 50% of the property owners in the area for which the change in zoning classification is sought.
2. A map showing the location and boundaries of the property.
3. A list of the names and mail addresses of all property owners within 150 feet of the subject property as shown on the Assessor's roll.
4. A title report of the subject property.

## APPLICATION PROCESS

### APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A pre-application meeting is highly recommended. This can be scheduled at no cost by contacting the Planning & Zoning office. Among topics to be discussed are: Master Plan compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application.

C. Application fee.

D. The application must be accepted as complete by the Flathead County Planning & Zoning staff prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

### APPLICABLE TO APPLICATIONS FOR ZONE CHANGE:

A. Application Contents:

1. Completed Zone Change application, including signatures of all property owners applying for zoning map amendment.

IF this is a **MAP** amendment the following are also required:

- i) A map showing the location and boundaries of the property (*vicinity map*).
- ii) A Title Report of the subject property
- iii) **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

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