

City of Kalispell

**CHAPTER 27.13
B-2 GENERAL BUSINESS**

Sections:

27.13.010: Intent. A district which provides for a variety of sales and service establishments to serve both the residents of the area and the traveling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. This zoning district would typically be found in areas designated as commercial and urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.13.020: Permitted Uses.

- (1) Athletic club
- (2) Assembly - light
- (3) Auctions, indoor
- (4) Auto parking - surface
- (5) Auto (RV, boats, motorcycles) sales and/or repair
- (6) Auto rental, limo, shuttle (taxi) services
- (7) Auto service station
- (8) Bakery
- (9) Banks and financial institutions
- (10) Barber and beauty services
- (11) Bed and breakfast
- (12) Bus station
- (13) Car wash, auto detailing shop
- (14) Catering establishments
- (15) Church
- (16) Community center
- (17) Day care - home (12 or fewer)
- center (13 or more)
- (18) Dwelling - single family
- duplex
- townhouse (2 attached units)
- (19) Fairgrounds (public)
- (20) Food bank
- (21) Funeral homes and crematoriums
- (22) Greenhouses, nursery centers and landscaping materials
- (23) Home occupations (refer to Section 27.20.060)
- (24) Hotel, motel
- (25) HVAC/electrical/plumbing, sales/service
- (26) Jail Facilities (public)
- (27) Janitor services
- (28) Laboratories, tech research, development, and testing
- (29) Laundromats or dry cleaners

- (30) Libraries, museums, and similar cultural facilities
- (31) Lumber/building material sales (with outdoor display/storage)
- (32) Media (newspaper, radio, TV)
- (33) Media, towers, and facilities (accessory)
- (34) Microbreweries, wineries, distilleries, and tasting rooms
- (35) Office - professional/governmental
 - medical (with limited overnight stay)
- (36) Pack and ship shops
- (37) Parks
- (38) Photographic studio
- (39) Police and fire stations
- (40) Print and copy shops
- (41) Post office
- (42) Recreation area, indoor
- (43) Rental service stores and yards
- (44) Repair shops - appliance
 - clothing/electronics
- (45) Restaurants
- (46) Retail business
- (47) Safe houses
- (48) Schools - K-12 (public)
 - post secondary (public)
 - commercial
- (49) Small engine sales, service, and repair
- (50) Tattoo parlor
- (51) Theaters
- (52) Veterinary clinic - small animals

27.13.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto or vehicle body shops
- (3) Auto parking - structure
- (4) Bars, taverns, and clubs (Administrative CUP)
- (5) Campground/RV Park
- (6) Casino-accessory (refer to Section 27.34.040)
- (7) Contractor's storage yard
- (8) Dwellings - multi-family
 - townhouse (3 or more attached units)
- (9) Group home - 8 or fewer persons
 - 9 or more persons
- (10) Homeless shelters
- (11) Kennels, animal shelters (Administrative CUP)
- (12) Mini storage/recreational vehicle storage (Administrative CUP)
- (13) Recreation area, outdoor

- (14) Residential care home or facility
- (15) Shooting/archery - indoor (Administrative CUP)
- (16) Utilities (primary distribution site)

27.13.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

KALISPELL CITY CLERK
PO Box 1997
KALISPELL, MT 59903



Paula Robinson, Flathead County MT by NC

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ORDINANCE NO. 1630

AN ORDINANCE TO AMEND SECTION 27.02.010, OFFICIAL ZONING MAP, CITY OF KALISPELL ZONING ORDINANCE, (ORDINANCE NO. 1460), **BY CREATING TWO PLANNED UNIT DEVELOPMENT OVERLAY ZONES** OVER CERTAIN REAL PROPERTY MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND LOCATED IN PORTIONS OF SECTIONS 19 AND 30 OF TOWNSHIP 29 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA ZONED WITH CITY R-3, URBAN SINGLE FAMILY RESIDENTIAL, CITY R-4, TWO FAMILY RESIDENTIAL, CITY B-1 NEIGHBORHOOD BUFFER DISTRICT AND CITY B-3, COMMUNITY BUSINESS IN ACCORDANCE WITH THE KALISPELL GROWTH POLICY 2020, AND TO PROVIDE AN EFFECTIVE DATE.

0974607

WHEREAS, Wolford Development Montana, LLC owns approximately 485.5 acres of real property described within Exhibit "A" attached hereto and incorporated fully herein by this reference, and included within assessor's tracts 2C, 2D, 6A, 1, 3, 4, 1B, 1C, 1CA, 1E, 1F, 1G, 2C, 2CA and located in portions of Sections 19 and 30 of Township 29 North, Range 21 West, Flathead County; and



WHEREAS, Wolford Development Montana, LLC, the owner of the property described above, petitioned the City of Kalispell that upon annexation the initial City of Kalispell zoning classification attached to the above described tract of land be R-3 - Urban Single Family Residential, R-4 - Two Family Residential, B-1 - Neighborhood Buffer District and B-3 - Community Business, with a commercial PUD overlaying the zoning district of B-3 and a mixed residential/commercial PUD overlaying zoning districts of B-1, R-4, and R-3; and

WHEREAS, the property is located above West Reserve Drive and spans the distance between Highway 93 North and Whitefish Stage Road. The project site is generally bounded by Glacier Memorial Gardens Cemetery, the Stillwater River, West Reserve Drive and Semitool along its southern boundary, Highway 93 North along its western boundary, Whitefish Stage Road along its eastern boundary and a combination of state owned land and lands within the city and county along its northern boundary; and

WHEREAS, the petition of Wolford Development Montana, LLC was the subject of a report compiled by the Kalispell City Planning Office, Amended Staff Report #KA-07-17 and KPUD-07-6, in which the Kalispell City Planning Office evaluated the petition, compiled evidence and recommended that the property as described above be zoned R-3 - Urban Single Family Residential, R-4 - Two Family Residential, B-1 - Neighborhood Buffer District and B-3 - Community Business, with two Planned Unit Development overlays; and



WHEREAS, the Kalispell City Planning Board properly noticed and held a Public Hearing on the matter on November 27, 2007 and on December 11, 2007 and after considering all written and oral public comment as well as all other evidence provided through the above described staff reports recommended that the initial zoning be R-3, Urban Single Family Residential, R-4, Two Family Residential, B-1 - Neighborhood Buffer District, and B-3 - Community Business, with two Planned Unit Development overlays, upon annexation to the City of Kalispell; and

WHEREAS, the Kalispell City Council properly noticed and held a Public Hearing on the matter on January 7, 2008 and received oral and written evidence from the public at that time; and

WHEREAS, in making these findings of fact the Kalispell City Council considered the following evidence:

- a) Amended Kalispell City Planning Office Staff Report KA-07-17, KPUD-07-6 and KPP-07-12
- b) All application and other materials provided by applicant including letters received by applicant from the Montana Department of Transportation dated November 27, 2007 and November 28, 2007
- c) Minutes of the Kalispell City Planning Board meetings and public hearing dated 11/27/07 and 12/11/07
- d) Submittal materials of Kalispell City Planning Board President Bryan H. Schutt dated December 20, 2007
- e) Response letter from CTA, applicant's agent, commenting on conditions of approval for Glacier Center PUD and Preliminary Plat approval dated November 27, 2007
- f) All evidence, written and oral, provided by the public at the City Council Public Hearing dated January 7, 2008
- g) All other written evidence provided in public comment materials received in to the City Clerk's Office prior to 5:00 p.m. on January 22, 2008 including the January 4, 2008 Montana Department of Transportation letter to Representative Jon Sonju
- h) All oral testimony provided at the "Public Comment" portion of the January 22, 2008 Kalispell City Council meeting

WHEREAS, the Kalispell City Council, after considering all the evidence set forth above to create two Planned Unit Development overlays over the initial zoning designations of R-3 - Urban Single Family Residential, R-4 - Two Family Residential, B-1 - Neighborhood Buffer District, and B-3 - Community Business, as set forth and described in Exhibit "A", finds such zoning to be consistent with the Kalispell Growth Policy 2020 and adopts, based upon the criterion set forth in *Section 76-3-608, M.C.A.*, and *State, Etc. v. Board of County Commissioners, Etc.* 590 P2d 602, the findings of fact of Kalispell City Planning Office set out in Amended Staff Report No. KA-07-17 and KPUD-07-6.



NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, AS FOLLOWS:

SECTION I. Section 27.02.010, of the Official Zoning Map of the Kalispell Zoning Ordinance, (Ordinance No. 1460) is hereby amended by designating two Planned Unit Development overlays upon the real property described in Exhibit "A" attached hereto and incorporated fully herein by this reference. A commercial PUD shall overlay the zoning district of B-3 and a mixed residential/commercial PUD shall overlay the zoning districts of B-1, R-4, and R-3. Said PUDs shall be subject to the following conditions:

1. The Planned Unit Development for Glacier Town Center allows the following deviations from the Kalispell Subdivision Regulations and the Kalispell Zoning Ordinance:

A. Kalispell Subdivision Regulations, Section 3.11.A (Sidewalks)

i. Allows the development of the roads within the project to be designed as shown in Exhibit F-Roads, of the development application with the following additions:

- Road Section A – provide an 8-foot bike path with a minimum 10-foot boulevard along the western side of the road. The bike path shall connect with the path shown along Many Glacier Road on the PUD site plan and extend south to the southern edge of the BPA easement.
- Road Section C – provide a 5-foot sidewalk on both sides of the roadway. The sidewalk shall be located to the outside edges of the right-of-way providing a minimum 10-foot boulevard.
- Road Section D – provide a 5-foot sidewalk along the outside edge of the roadway. A minimum 5-foot boulevard shall be provided.
- Road Section F – provide a 5-foot sidewalk on both side of the roadway with a minimum boulevard width of 5 feet. Note: The southern most access into the subdivision from Highway 93 North shall have an 8-foot bike path in lieu of a sidewalk on the south side of the roadway to connect with the bike path shown on the PUD site plan.
- Road Section K – provide a 5-foot sidewalk along the southern edge of the right-of-way along the street frontage of lot 32.
- All road sections shall locate the sidewalk or bike path within 1 foot of the right-of-way boundary.

B. Kalispell Subdivision Regulations, Section 3.07.B (Block length)

Allows a minimum block length of less than 300 feet.



C. Kalispell Zoning Regulations, Section 27.06.040(3) (Property development standards-setbacks)

Allows the rear setbacks reduced to 10 feet. The 10-foot setback shall be for accessory uses such as garages and, on alley loaded lots, the setback shall be taken from the alley right-of-way.

D. Kalispell Zoning Regulations, Section 27.07.020(5) (Permitted Uses within R-4 zoning district)

Allows the configuration of three or more townhouse units in the R-4 district only.

E. Kalispell Zoning Regulations, Section 27.15.030(13) (Conditionally permitted uses in the B-3 zoning district)

Allows retail malls/community shopping centers as a permitted use within the zoning district. The following conditions shall apply to the lifestyle center and power center:

- i. The developer shall provide the city with a pedestrian access plan for the entire project site. Both trails and sidewalks shown on the PUD plan and as a condition of approval shall be included in the plan.
 - a. Linear row of landscaping material on average every 200-225 feet (typically every 3-4 rows).
 - b. The landscaping feature will include a combination of trees, bushes and flowers shall extend the length of the parking lot and shall be a minimum of 10 feet wide.
 - c. 1-3 inch round river rock is not an approved landscape material.
 - d. The exterior row of parking lot islands shall be landscaped islands, not just flat concrete slabs.
 - e. Pedestrian connections shall also be made to surrounding streets and the bike path located along Highway 93 North. A minimum of three connections shall be made from the bike path along Highway 93 North to the lifestyle center. A minimum of two connections shall be made from the sidewalk along Rose Crossing to the lifestyle center. Where sidewalks cross traffic lanes, either at public or private streets or within the parking lot, the sidewalk may be at grade but shall be constructed of colored or textured concrete, stone or other contrasting material to visually denote a pedestrian way. Simply painting the walk area is not adequate.
 - f. The plan shall be reviewed and approved by the city's site review committee.



- F. Kalispell Zoning Regulations, Section 27.15.040(3) (Property development standards in the B-3 zoning district)

Allows zero setbacks for buildings on the following lots: Lots 1, 2, and 3 of block I of phase 1 and lots 23, 24, 25, 26, 27, and 28 of block IV of phase 1.

- G. Kalispell Zoning Regulations, Section 27.15.040(4) (Maximum building height in the B-3 zoning district)

Allows a maximum building height of 60 feet within the B-3 zoning district.

- H. The request to deviate from the outdoor lighting standards in the Kalispell Zoning Regulations, Section 27.22.104, is denied. All outdoor lighting shall be designed and installed in accordance with the zoning regulations.

2. The Glacier Town Center conceptual site plan shall be revised to incorporate the conditions of approval of the PUD. The revised site plan shall be reviewed and approved by the city prior to the final plat of phase 1.

Note: The implementation of the conditions may result in the loss of dwelling units.

3. The development of the 485.5 acre site shall substantially comply with the materials submitted and the following maps and elevations contained in the PUD application:

- A. Glacier Town Center Conceptual site plan (as amended per condition 2)
 - B. Land Use map dated August 6, 2007
 - C. Proposed Underlying Zoning map dated September 4, 2007
 - D. Roadway Types map dated August 6, 2007
 - E. Road profile sections A through P dated August 6, 2007 except profile O which is dated September 4, 2007
- Note:** Several road profiles shall be amended in accordance with condition 1.A
- F. Road Ownership map dated August 6, 2007
 - G. Architectural Elevations for the lifestyle center, power center, commercial and office buildings, single-family, townhouse, and multi-family buildings included in Exhibit H of the application and attached with the sufficiency letter dated November 6, 2007
 - H. Phasing plan map dated September 4, 2007
 - I. PUD boundary map dated August 6, 2007
 - J. Buffer plans for the following areas as modified by condition 11:
 - Highway 93 North
 - Whitefish Stage Road
 - Perimeter landscape buffer
 - K. Sign Plan contained in Exhibit H of the application as amended by condition 14
 - L. Open Space ownership map with maintenance of the open space areas per condition 9
 - M. Park plan
 - N. Conceptual Access easement for lots 23 through 28 of Block IV of phase 1



- O. Conceptual lot layout plans for single-family and townhomes except that all townhome development shall incorporate alleys
 - P. Streetscape plan for the lifestyle center
4. The following access points or road connections shall be incorporated into the design of future phases of the project:
- A. Six 60-foot local right-of-ways typically 2 per quarter section along the 3 northerly quarter sections of the project site allowing an average spacing of a street every 560-660 feet shall be provided.
 - B. A minimum of one 60-foot local road right-of-way along the residential block adjacent to tracts 1 and 2 of Certificate of Survey 15221 to provide access to these properties western boundary.
 - C. Two 60-foot local road right-of-ways for assessor's tract 2BA. One road right-of-way shall be located on the western boundary and the other along the northern boundary for access onto the future Lake McDonald Road.
 - D. A roadway connection shall be provided between the residential portion of phase 3 and phase 4, located north of Rose Crossing.
 - E. A minimum of three 60-foot road right-of-ways to connect with the Semitool property located to the east of phase 2 and south of phase 5. One of the roadway connections shall be located from Many Glacier Road east to the Semitool property in the area of the BPA easement. The other two road right-of-ways shall be located between phase 5 and assessor's tracts 3E and 3A.
5. A minimum of 72.3 acres of developed open space and parkland shall be provided within the Glacier Town Center subdivision less any additional required right-of-ways for local roads and Highway 93 created by the conditions.
6. The developer shall provide the Parks and Recreation Department with a detailed park improvement plan and layout for the central park proposed in phase 1 and the park areas in phases 4 and 5. The park improvement plan shall include but not be limited to walkways, turf, irrigation, landscaping, security lighting, children's play equipment, benches, trash receptacles, drinking fountains, where appropriate, and hard surface play areas to include tennis and/or basketball courts. The plan shall be reviewed and approved by the Parks and Recreation Department in conjunction with the Police Department for the security lighting.
7. The developer shall provide minor amenities (i.e. parking lot, trails, benches, picnic tables, trash receptacles) within the open space area adjacent to the Stillwater River. A plan of these amenities shall be provided to the Parks and Recreation Department and Montana Department of Fish, Wildlife and Parks for review and approval.



8. A pedestrian/ bike path plan shall be provided to the Parks and Recreation Department and Police Department which includes the pathway width, construction materials, and security lighting for the paths located throughout the Glacier Town Center subdivision. Specifications for the bike path construction will be determined by the Parks and Recreation Department with recommendations provided by the Montana Department of Fish, Wildlife and Parks in areas where the path comes within 200 feet of the high water line of the Stillwater River.

9. The pedestrian/bike path shall be improved in accordance with the approved plan prior to the final plat of each phase of the project. The parks shall be dedicated and improved in accordance with an approved plan by the Parks and Recreation Department pursuant to the following phasing plan:
 - A. Phase 1: The central park shown on the preliminary plat shall be dedicated to the City of Kalispell and improved

 - B. Phase 2: the 7 acres of open space along the Stillwater River shall be dedicated to the City of Kalispell and improved

 - C. Phase 4: A minimum 2.7 acre park shall be dedicated to the City of Kalispell and improved

 - D. Phase 5: A minimum 2.3 acre park shall be dedicated to the City of Kalispell and improved

Note: The City of Kalispell Parks and Recreation Department will maintain the parks in phases 1, 2, 4, and 5 listed above. A property owners association shall be created for the maintenance of all other open space areas on the project site.

10. A park maintenance district shall be formed in accordance with section 7-12-4001 MCA incorporating all the lots, commercial and residential, within the Glacier Town Center subdivision. The taxes levied within the maintenance district shall be determined by the Parks and Recreation Department with approvals by the Kalispell City Council. Such a district shall become effective upon recording the final plat of phases 1-5 of the Glacier Town Center subdivision.

11. The landscaping and irrigation plans for the buffer areas along Highway 93 North and Whitefish Stage Road shall be reviewed and approved by the Parks and Recreation Department. Landscaping within the perimeter buffer areas of the project site may require irrigation where appropriate as determined by the developer and the Parks and Recreation Department. The buffer areas shall be developed as follows:
 - A. Highway 93 North buffer shall include an irrigated landscaping corridor with undulating topography and have a mix of tree plantings with a ground cover predominately of lawn.



- B. Whitefish Stage Road shall include an irrigated landscaping corridor with undulating topography with landscaped berms a minimum of 5 feet in height from grade and have a mix of tree plantings with a ground cover predominately of lawn.
- C. The perimeter buffer shall include a landscaped corridor with a minimum width of 20 feet and have a mix of tree plantings with a ground cover. Buildings shall be located a minimum of 20 feet from the edge of the bike/pedestrian trail.

The approved irrigation and landscaping plans shall be installed prior to final plat of the respective phase where the buffer is located. Round river rock 1"-3" in diameter is not an appropriate landscape material. **Note:** Due to seasonal changes bonding is permitted for the approved landscaping/irrigation plans.

12. The following road intersections shall include engineered roundabouts as part of phase 1 as shown on the conceptual traffic diagram for the Glacier Town Center:
- Sweet Meadow Lane and Many Glacier Road
 - Many Glacier Road and the roadway serving phase 3.
 - Two roundabouts along Rose Crossing at intersections to be determined by the traffic impact study with input from the Public Works Department.
13. The developer shall work with Eagle Transit to establish bus stop locations throughout the project site. The approved bus stop locations shall be included on the final PUD plan as referenced in condition 2. Bus stop locations shall be improved in accordance with Eagle Transit's requirements. These improvements may include a bus shelter.
14. The signs within the Glacier Town Center shall adhere to the sign plans proposed in the application and referenced in condition 3.K subject to the following conditions:
- A. Two freestanding signs designated 1.1 of Exhibit H of the application shall be located east of the 100 foot buffer area along Highway 93 North. The signs shall be located at the intersection of Rose Crossing and Highway 93 and the intersection of Sweet Meadows Lane and Highway 93. The use of message boards shall be prohibited.
- B. One monument sign designated 2.1 of Exhibit H of the application shall be located along the eastern edge of the 100 foot buffer area along Highway 93 North.
- C. All other detached signs shall be monument signs within the Glacier Town Center Commercial PUD. A monument sign is defined as a freestanding, self-supporting sign, supported by columns and a base, which is placed at ground level, and not attached to any building wall, fence or other structure. Monument signs shall have a maximum building envelope of 7'6" high and 11'4" wide including architectural embellishments. An example of a monument sign is provided in Exhibit H of the Glacier Town Center application, entry monument sign 2.1.



- D. Signage on lots 6-10 of Block II and lots 11-16 of Block III of phase 1 shall be limited as follows:
- i. All monument signs shall be located along the eastern boundary of the lot adjacent to the internal subdivision road.
 - ii. Wall sign area for the west, south and north facing walls of the building shall be limited to a total of 50% of the total sign area allowed for the lot.
15. The maximum building height for the out parcels adjacent to Highway 93 North, lots 6-10 of Block II and lots 11-16 of Block III of Phase 1, shall be 27 feet.
 16. Buildings located on the out parcels adjacent to Highway 93 North, lots 6-10 of Block II and lots 11-16 of Block III of Phase 1, and the area designated as B-1 along Whitefish Stage Road in phase 4 shall include four sided architecture in their building design.
 17. The single-family residential lots shall use either an alley loaded design or design the house with a minimum garage setback of 10 feet from the front wall of the house.
 18. The traffic impact study for the project site shall be reviewed and approved by the Public Works Department and the Montana Department of Transportation in order to determine the appropriate mitigation as each phase of the project develops. The traffic impact study shall be updated for each phase of the development and submitted as part of the preliminary plat application. The developer shall work with the Montana Department of Transportation to consider a range of transportation mitigations including roundabouts in the design of approach permits and to mitigate traffic impacts in the area.
 19. A detailed plan to screen the lift stations within the project site shall be reviewed and approved by the Parks and Recreation Department and Public Works Department as part of the preliminary plat. Screening of the lift station shall include either enclosing the lift station within a building or the use of fencing and landscaping.
 20. Prior to submitting a preliminary plat for phases 2 and 3 the developer shall contact the Department of Military Affairs and work with them to come up with a suitable plan to buffer the anticipated residential land uses adjacent to the existing National Guard facility.
 21. If lot 37 of phase 1 reverts back to the developer, the developer shall be required to amend the PUD plan and propose a use compatible with the existing and proposed uses in the area. No building permits shall be issued on the lot until the amended PUD plan is approved by the city council
 22. A minimum of two-thirds of the necessary public infrastructure for residential subdivisions on the Glacier Town Center site shall be completed prior to final plat submittal for each residential phase and that both the water and sewer systems serving the residential phase be operational.

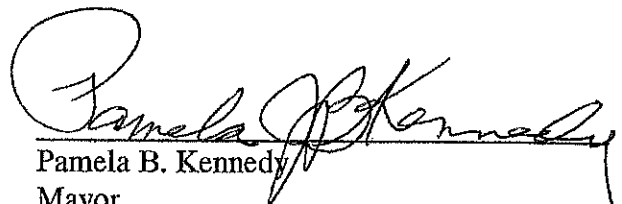


- 23. The first phase shall be filed within three years of approval of the effective date of this PUD. Each successive phase shall be filed within two years of final plat approval of the previous phase. In all events, each phase shall be freestanding in terms of public infrastructure, services, parks and open space. The city council may grant multiple successive one year extensions for each phase of the project. A request for a one year extension must be made a minimum of 60 days prior to the expiration date of the phase.
- 24. A development agreement shall be drafted by the Kalispell City Attorney between the City of Kalispell and the developer outlining and formalizing the terms, conditions and provisions of approval. The final plan as approved, together with the conditions and restrictions imposed, shall constitute the Planned Unit Development (PUD) zoning for the site.
- 25. The center access off of Highway 93 serving phase 1 shall be reduced from a 110 foot private road right-of-way to a 50 foot private road right-of-way. It shall be designed with 2 way – 2 lane design with a three-quarter (¾) movement access. The road design shall support a 5 foot sidewalk and a minimum 5 foot landscaped boulevard on both sides.
- 28. Lake McDonald Road shall be extended to the eastern property line of the proposed 5 acre community center site, shown as lot 37 on the preliminary plat.

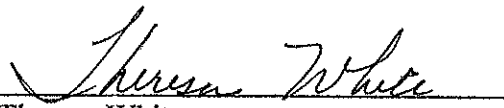
SECTION II. The balance of Section 27.02.010, Official Zoning Map, City of Kalispell Zoning Ordinance not amended hereby shall remain in full force and effect.

SECTION III. This Ordinance shall take effect from and after 30 days of its passage by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, MONTANA, THIS 4TH DAY OF FEBRUARY, 2008.


 Pamela B. Kennedy
 Mayor

ATTEST:


 Theresa White
 City Clerk





Glacier Town Center Zoning Legal Descriptions

R-3 Urban Single Family Residential

A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, and the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, all of Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the south line of the Southeast Quarter of the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, said point being North 89°40'28" West 607.98 feet from the southeast corner of said aliquot part; thence along said south line of said aliquot part, North 89°40'28" West 79.83 feet to the northwest corner of that parcel of land depicted as Tract 1 on Certificate of Survey No. 15221, records of Flathead County, Montana; thence along the west line of said Tract 1, South 00°12'44" East 662.10 feet to the northwest corner of that parcel of land described in Document No. 200221914230 and depicted as Tract 2 on Certificate of Survey No. 15221, records of Flathead County, Montana; thence along the west line of said Tract 2, South 00°12'44" East 662.17 feet to the southwest corner of said Tract 2; thence along the south line of said Tract 2, South 89°42'14" East 687.92 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the east line of said aliquot part, South 00°13'02" East 28.02 feet; thence North 90°00'00" West 1257.41 feet; thence North 00°00'37" East 34.51 feet to the south line of the Northeast Quarter of the Northeast Quarter of the first above said Section 30; thence continuing North 00°00'37" East 1324.52 feet to the south line of the Southeast Quarter of the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence continuing North 00°00'37" East 36.70 feet; thence North 89°58'24" West 72.32 feet to the west line of said Southeast Quarter of the Southeast Quarter of Section 19; thence North 89°58'24" West 138.52 feet to the beginning of a 752.15 foot radius curve to the right; thence northwesterly along said curve through a central angle of 18°02'23", an arc length of 236.82 feet; thence North 71°56'01" West 96.29 feet to the beginning of a 850.00 foot reverse curve to the left; thence westerly along said curve through a central angle of 47°10'45", an arc length of 699.92 feet; thence South 60°53'14" West 63.82 feet to the south line of the Southwest Quarter of the Southeast Quarter of said Section 19; thence continuing South 60°53'14" West 149.14 feet to the west line of the Northwest Quarter of the Northeast Quarter of the abovesaid Section 30; thence continuing South 60°53'14" West 33.17 feet; thence North 00°32'36" West 89.60 feet to the south line of the Southeast Quarter of the Southwest Quarter of said Section 19; thence continuing North 00°32'36" West 527.48 feet; thence North 90°00'00" West 1298.62 feet to the west line of the Southeast Quarter of the Southwest Quarter of said Section 19; thence along said west line of said aliquot part, North 00°33'31" West 800.04 feet to the northwest corner of that parcel depicted as Tract 9 on Certificate of Survey No. 4491, records of Flathead County, Montana; thence along

6A-19
1-30
26-30



Paula Robinson, Flathead County MT by NC

the north line of said Tract 9, South 89°46'02" East 1327.80 feet; thence North 00°34'07" West 5.45 feet to the southerly boundary of that tract of land depicted on Certificate of Survey No. 3813, records of Flathead County, Montana; thence along said southerly boundary of said tract, South 89°53'06" East 1377.15 feet to the southwest corner of that parcel depicted as Tract 1 on Certificate of Survey No. 8846, records of Flathead County, Montana; thence South 00°12'54" West 34.20 feet; thence South 89°52'49" East 1272.80 feet to the east line of the above said Section 19; thence along said east line of said Section 19, South 00°37'31" East 761.17 feet; thence North 66°56'48" West 245.50 feet to the beginning of a 200.00 foot radius curve, concave northwesterly, having a radial bearing of North 67°38'05" West, thence southwesterly along said curve through a central angle of 22°52'27", an arc length of 79.85 feet; thence South 45°14'22" West 404.59 feet to the beginning of a 150.00 foot radius curve to the left, thence southwesterly along said curve through a central angle of 45°07'11", an arc length of 118.12 feet; thence South 00°07'11" West 177.67 feet to the Point of Beginning, containing 113.851 acres of land.

Subject to Whitefish Stage Road, a Declared County Road being 60 feet in width.

B-1 Neighborhood Buffer District

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

pt 6A-19

Beginning at the southeast corner of the Southeast Quarter of the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the south line of said aliquot part, North 89°40'28" West 427.98 feet; thence North 00°07'11" East 165.85 feet; thence North 45°14'22" East 263.61 feet; thence North 89°22'02" East 236.57 feet to the east line of the above said Southeast Quarter of the Southeast Quarter of said Section 19; thence along said east line of said aliquot part, South 00°37'31" East 356.54 feet to the Point of Beginning containing 3.056 acres of land.

Subject to Whitefish Stage Road, a Declared County Road being 60 feet in width.

R-4 Two Family Residential

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the east line of the Southeast Quarter of the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, said point being North 00°37'31" West 356.54 feet from the southeast corner thereof; thence continuing along the east line of said aliquot part, North 00°37'31" West 185.48 feet; thence North 66°56'48" West 245.50 feet to the beginning of a 200.00 foot radius



Paula Robinson, Flathead County MT by NC

curve, concave northwesterly, having a radial bearing of North 67°38'05" West, thence southwesterly along said curve through a central angle of 22°52'27", an arc length of 79.85 feet; thence South 45°14'22" West 404.59 feet to the beginning of a 150.00 foot radius curve to the left; thence southwesterly along said curve through a central angle of 45°07'11", an arc length of 118.12 feet; thence South 00°07'11" West 177.67 feet to the south line of the above said Southeast Quarter of the Southeast Quarter of Section 19; thence along said south line of said aliquot part, South 89°40'28" East 180.00 feet; thence North 00°07'11" East 165.85 feet; thence North 45°14'22" East 263.61 feet; thence North 89°22'02" East 236.57 feet to the Point of Beginning, containing 3.719 acres of land.

19-6A pt

Subject to Whitefish Stage Road, a Declared County Road being 60 feet in width.

And

A tract of land located in the Southwest Quarter of the Southeast Quarter (SW¼SE¼) and the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 19, and the Northeast Quarter (NE¼) of Section 30, all of Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the east line of said aliquot part, North 00°13'02" West 1295.93 feet; thence North 90°00'00" West 1257.41 feet to the true **Point of Beginning** of the tract of land being described; thence continuing North 90°00'00" West 67.59 feet to the east line of the Southwest Quarter of the Northeast Quarter of the above said Section 30; thence continuing North 90°00'00" West 848.09 feet; thence North 00°00'00" East 39.50 feet to the north line of the above said Southwest Quarter of the Northeast Quarter of said Section 30; thence continuing North 00°00'00" East 251.79 feet to the beginning of a 200.00 foot radius curve to the right, thence northeasterly along said curve through a central angle of 45°00'00", an arc length of 157.08 feet; thence North 45°00'00" East 369.44 feet; thence North 45°00'00" West 38.17 feet to the beginning of a 150.00 foot radius curve to the right, thence northerly along said curve through a central angle of 45°07'11", an arc length of 118.12 feet; thence North 00°07'11" East 535.51 feet to the north line of the Northeast Quarter of said Section 30; thence continuing North 00°07'11" East 131.35 feet to a point on a 850.00 foot radius curve, concave southwesterly, having a radial bearing of South 09°01'08" West; thence southeasterly along said curve through a central angle of 09°02'51", an arc length of 134.22 feet; thence South 71°56'01 East 96.29 feet to the beginning of a 752.15 foot radius curve to the left; thence southeasterly along said curve through a central angle of 18°02'23", an arc length of 236.82 feet; thence South 89°58'24" East 138.52 feet to the east line of the Southwest Quarter of the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence continuing South 89°58'24" East 72.32 feet; thence South 00°00'37" West 36.70 feet to the south line of the Southeast Quarter of the Southeast Quarter of said Section 19; thence continuing South 00°00'37 West 1324.52 feet to the south line of the Northeast Quarter of the Northeast Quarter of Section 30, Township 29 North, Range 21

pt
 19-6A
 30-26
 26A
 1



West, P.M.,M., Flathead County, Montana; thence continuing South 00°00'37" West 34.51 feet to the Point of Beginning containing 24.493 acres of land.

And

A tract of land located in the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the east line of the Southeast Quarter of the Northeast Quarter of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, said point being North 00°13'02" West 1032.96 feet from the southeast corner thereof; thence along the east line of said aliquot part, North 00°13'02" West 262.97 feet; thence North 90°00'00" West 982.63 feet; thence South 00°00'00" East 99.59 feet to the beginning of a 150.00 foot radius curve to the right, thence southwesterly along said curve through a central angle of 45°00'00", an arc length of 117.81 feet; thence South 45°00'00" West 234.10 feet; thence South 45°00'00" East 205.00 feet to the beginning of a 145.46 foot radius curve to the right; thence southeasterly along said curve through a central angle of 43°55'11", an arc length of 111.50 feet; thence North 89°59'43" East 249.94 feet to the west line of that parcel of land described in Document No. 200713611350, and shown on Certificate of Survey No. 1890, records of Flathead County, Montana; thence along said west line of said parcel, North 00°12'59" West 341.68 feet to the northwest corner thereof; thence along the north line of said parcel, North 89°07'19" East 757.00 feet to the Point of Beginning, containing 8.932 acres of land.

Px
30-2C
2CA

Subject to Whitefish Stage Road, a Declared County Road being 60 feet in width.

B-3 Community Business

A tract of land located in the Southeast Quarter of the Southwest Quarter (SE¼SW¼) of Section 19, and the Northwest Quarter (NW¼), Northeast Quarter (NE¼), Southwest Quarter (SW¼), and Southeast Quarter (SE¼) of Section 30, all of Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

19-2D
2C
6A
30-1B
1G
1
1C
1CA
1F
1E
2CA
2C
3
4
1D

Beginning at a point on the north line of Government Lot 1 of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, said point being South 89°41'25" East 69.82 feet from the northwest corner thereof, said point also being on the north line of that parcel described in Book 550 Page 579, records of Flathead County, Montana; thence along said north line of said Government Lot 1 and along the north line of said parcel, South 89°41'25" East 773.47 feet to the northeast corner of said parcel; thence continuing along said north line of said Government Lot 1, South 89°41'25" East 464.37 feet to the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the west line of said aliquot part, North 00°33'31 West 520.46 feet; thence



North 90°00'00" East 1298.62 feet; thence South 00°32'36" East 527.48 feet to the north line of the Northeast Quarter of the Northwest Quarter of the above said Section 30; thence continuing South 00°32'36" East 89.60 feet; thence North 60°53'14" East 33.17 feet to the west line of the Northwest Quarter of the Northeast Quarter of the above said Section 30; thence continuing North 60°53'14" East 149.14 feet to the north line of said aliquot part; thence continuing North 60°53'14" East 63.82 feet to the beginning of a 850.00 foot radius curve to the right; thence easterly along said curve through a central angle of 38°07'54", an arc length of 565.69 feet; thence South 00°07'11" West 131.35 feet to the north line of the Northwest Quarter of the Northeast Quarter of the above said Section 30; thence continuing South 00°07'11" West 535.51 feet to the beginning of a 150.00 foot radius curve to the left; thence southerly along said curve through a central angle of 45°07'11", an arc length of 118.12 feet; thence South 45°00'00" East 38.17 feet; thence South 45°00'00" West 369.44 feet to the beginning of a 200.00 foot radius curve to the left, thence southwesterly along said curve through a central angle of 45°00'00", an arc length of 157.08 feet; thence South 00°00'00" East 251.79 feet to the north line of the Southwest Quarter of the Northeast Quarter of the above said Section 30; thence continuing South 00°00'00" East 39.50 feet; thence North 90°00'00" East 848.09 feet to the east line of the Southeast Quarter of the Northeast Quarter of the above said Section 30; thence continuing North 90°00'00" East 342.37 feet; thence South 00°00'00" East 99.59 feet to the beginning of a 150.00 foot radius curve to the right; thence southwesterly along said curve through a central angle of 45°00'00", an arc length of 117.81 feet; thence South 45°00'00" West 234.10 feet; thence South 45°00'00" East 205.00 feet to the beginning of a 145.46 foot radius curve to the right; thence southeasterly along said curve through a central angle of 43°55'11", an arc length of 111.50 feet; thence North 89°59'43" East 249.94 feet to the west line of that parcel of land described in Document No. 200713611350, and depicted on Certificate of Survey No. 1890, records of Flathead County, Montana; thence along said west line of said parcel, South 00°12'59" East 675.79 feet to the southwest corner of said parcel, said point also being on the north line of the Northeast Quarter of the Southeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°42'18" West 567.43 feet to the northeast corner of that parcel of land described in Document No. 9407612280 and depicted as Tract 1 on Certificate of Survey No. 9442, records of Flathead County, Montana; thence along the north line of said Tract 1, North 89°41'29" West 993.26 feet to the northwest corner of said Tract 1; thence along the west line of said Tract 1, South 00°15'21" East 1324.29 feet to the northwest corner of that parcel of land described in Document No. 8430608100 and depicted on Certificate of Survey No. 7143, records of Flathead County, Montana; thence along the west line of said parcel, South 00°15'21" East 1294.33 feet to a point on the northerly right-of-way line of West Reserve Drive (Montana Highway Project No. RS 548-1(2)4); thence along said northerly right-of-way line of West Reserve Drive, North 89°44'17" West a distance of 330.86 feet to a point on the west line of the Southwest Quarter of the Southeast Quarter of the above said Section 30, said point also being on the east line of that parcel described in Document No. 200119710190, and as depicted on Certificate of Survey No. 2394, records of Flathead County, Montana; thence along said west line of said aliquot part, and along said east line of said parcel, North 00°15'40" West 694.72 feet to the northeast corner thereof; thence along the north line of said parcel, North 89°44'43" West 1335.60



feet to the east line of Government Lot 4 of the above said Section 30; thence continuing along the north line of said parcel, North $89^{\circ}44'43''$ West 47.77 feet, more or less, to the approximate thread of the Stillwater River; thence leaving said north line of said parcel, and following said approximate thread of said Stillwater River, the following ten (10) courses: North $51^{\circ}43'38''$ West 36.49 feet; North $75^{\circ}13'30''$ West 65.45 feet; South $50^{\circ}42'04''$ West 291.30 feet; South $75^{\circ}30'07''$ West 128.45 feet; North $55^{\circ}32'34''$ West 100.35 feet; North $01^{\circ}07'27''$ East 92.74 feet; North $48^{\circ}20'43''$ East 191.54 feet; North $14^{\circ}48'53''$ East 122.29 feet; North $12^{\circ}11'01''$ West 142.46 feet; and North $22^{\circ}22'01''$ West 265.55 feet, more or less, to the north boundary of the above said Government Lot 4; thence along said north boundary of said Government Lot 4, South $89^{\circ}43'03''$ East 530.65 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of the above said Section 30; thence along the west line of said aliquot part, North $00^{\circ}23'28''$ West 1325.29 feet to the southeast corner of Government Lot 2 of the above said Section 30; thence along the south boundary of said Government Lot 2, North $89^{\circ}42'28''$ West 1253.52 feet to the easterly right-of-way boundary of U.S. Highway No. 93 (Highway Project F5-3(32)115); thence six courses along said easterly boundary line of said U.S. Highway No. 93: North $04^{\circ}29'58''$ East 189.11 feet, North $00^{\circ}11'13''$ East 340.08, North $04^{\circ}34'11''$ West 60.20 feet, North $00^{\circ}11'13''$ East 40.00 feet, North $13^{\circ}36'03''$ West 41.31 feet, and North $00^{\circ}11'13''$ East 655.88 feet to the south line of Government Lot 1 of the above said Section 30; thence continuing along said easterly right-of-way boundary of U.S. Highway No. 93, the following five courses: North $00^{\circ}11'13''$ East 164.00 feet, North $14^{\circ}13'23''$ East 61.85 feet, North $00^{\circ}11'01''$ East 940.05 feet, North $13^{\circ}56'35''$ West 61.89 feet, and North $00^{\circ}10'44''$ East 100.60 feet to the Point of Beginning, containing 330.721 acres of land.

Return to:
Kalispell City Clerk
PO Box 1997
Kalispell, MT 59903



Debbie Pierson, Flathead County MT by DD

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Page: 1 of 2
Fees: \$14.00
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ORDINANCE NO. 1819

AN ORDINANCE TO AMEND SECTION 27.02.010, OFFICIAL ZONING MAP, CITY OF KALISPELL ZONING ORDINANCE (ORDINANCE NO. 1677) ON 9.4 ACRES OF LAND DESCRIBED HEREIN AND LOCATED ENTIRELY WITHIN THE KALISPELL NORTH TOWN CENTER (FORMERLY KNOWN AS GLACIER TOWN CENTER) PLANNED UNIT DEVELOPMENT ENACTED BY ORDINANCE NO. 1630, IN ACCORDANCE WITH THE KALISPELL GROWTH POLICY - PLAN IT 2035, AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, on February 4, 2008, the Kalispell City Council passed Ordinance No. 1630 approving the Glacier Town Center Planned Unit Development and amending the City of Kalispell Zoning Ordinance with the establishment of the underlying zoning designations; and

WHEREAS, Stillwater Corporation, the new owner of Glacier Town Center (now renamed Kalispell North Town Center), has requested a Land Use Map amendment from R-3, Residential, to B-2, General Business, on approximately 9.4 acres of the 485 acre development; and

WHEREAS, the property to be rezoned can be described as 9.4 acres of land and can be further described as the westerly 592 feet of Tract 9 and westerly 592 feet of Tract 10 of COS 4491 in the South Half of Section 19, Township 29 North, Range 21 West, P.M.M, Flathead County, Montana; and

WHEREAS, the requested change in zoning is in accordance with the Kalispell Growth Policy – Plan It 2035; and

WHEREAS, based upon the application submitted and all evidence provided to the City Council in writing and orally at public hearing, it is in the best interests of the City of Kalispell that the requested Land Use Map amendment for the above described property from R-3, Residential, to B-2, General Business, be approved.

0974607, 0507147, 0507148, 0507148

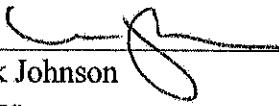


NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, MONTANA AS FOLLOWS:

SECTION 1. The Kalispell Municipal Code, Section 27.02.010 (Ordinance No. 1677), known as the Official Zoning Map of the City of Kalispell Zoning Ordinance, is hereby amended to rezone approximately 9.4 acres of land described as the westerly 592 feet of Tract 9 and westerly 592 feet of Tract 10 of COS 4491 in the South Half of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana from R-3, Residential, to B-2, General Business.

SECTION 2. This Ordinance shall take effect from and after 30 days of its passage by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, MONTANA, THIS 22ND DAY OF JANUARY, 2019.



Mark Johnson
Mayor

ATTEST:



Aimee Brunckhorst, CMC
City Clerk

