



**CITY COUNCIL SPECIAL SESSION  
REMOTELY VIA WEBEX  
MONDAY, OCTOBER 5, 2020  
5:30 TO 7:00 PM**

1. Call to Order

2. 5:30 to 6:15 P.M. **CLOSED EXECUTIVE SESSION:** City Attorney annual evaluation. Pursuant to §2-3-203(.3) MCA, the presiding officer may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains, and, in that event, the meeting must be open.

3. 6:15 to 7:00 P.M. **CLOSED EXECUTIVE SESSION:** City Manager annual evaluation. Pursuant to §2-3-203(.3) MCA, the presiding officer may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains, and, in that event, the meeting must be open.

4. Adjourn



## CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, October 5, 2020, at **7:10 p.m.** Remotely via WebEx

The City Council Approved Emergency Ordinance No. 20-14 to provide for remote meetings of the City Council, City Boards and Committees to protect the health and wellbeing of all attendees, practice social distancing and to continue to have public meetings to serve the community during the Covid-19 pandemic.

To register to attend the Meeting, and provide live comment via WebEx on your computer, tablet or smartphone, residents and other attendees should go to the following web address and register.

<https://cityofwhitefish.webex.com/cityofwhitefish/onstage/g.php?MTID=ee7ae001b6d69a7589297b22cd0421bfc>

### **Event Number: 146 190 0883**

- Once registered, you will receive a calendar invite; in most cases it will automatically be added to your email calendar. The calendar invite contains the information to join the meeting via WebEx on your smartphone or computer. Attendees will not be able to join the meeting until approximately 5 minutes prior to the meeting time. OR
- **For the Audio Conference Call option:** call the number below and enter the access code.
  - United States Toll: **+1-408-418-9388** **Access code: 146 190 0883**
  - United States Toll Free: (From a land line phone) **+1-844-992-4726**
- **For the Audio Conference Call Back option:** register your phone number to receive a WebEx system call back when the meeting is set to begin, you will need to provide your phone number when you join the event, or call the number below and enter the access code.
  - United States Toll call-in number : **+1-408-418-9388** **Access code: 146 190 0883**
  - United States Toll Free: (From a land line phone) **+1-844-992-4726**
- We encourage individuals to provide written public comment; to the City Clerk, Michelle Howke at [mhowke@cityofwhitefish.org](mailto:mhowke@cityofwhitefish.org). or deliver by 4:30 p.m. October 5th, at City Hall in the Utility Drop Box. Written comments should include name, address, support or oppose, should be short and concise, courteous, and polite. All written comments received by 4:30 p.m. will be provided to the City Council and will be appended to the packet following the meeting. At the end of "live" comment, the City Clerk will read the name and address of each individual providing written comments and state whether they support or oppose the proposal/application before the City Council.

Ordinance numbers start with 20-15. Resolution numbers start with 20-37.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS

- a) [Resolution No. 20-](#); A Resolution extending the Highway 93 South Corridor Steering Committee (p.14)
- 5) CONSENT AGENDA
- a) [Minutes](#) from September 21, 2020 Regular Session (p.18)
  - b) [Resolution No. 20-](#); A Resolution extending the Sustainable Tourism Management Plan Steering Committee (p.24)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) [Ordinance No. 20-13](#); An Ordinance amending Title 11 – Zoning Regulations, Chapter 3 – Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 – Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code (WZTA 20-03) (First Reading) **TABLED FROM SEPTEMBER 8, 2020 (Public Hearing Closed)** (p.27)
  - b) [Consideration](#) of a request from Doug Hickok for a Conditional Use Permit to construct a guest house located at 1632 West Lakeshore Drive, zoned WR-1 (One-Family Residential District) (WCUP 20-14) (p.115)
  - c) [Consideration](#) of a request from Jake Carter for a Conditional Use Permit to construct a commercial parking lot associated with the professional office at 307 Spokane Avenue, zoned WR-4 (High Density Multi-Family Residential District) (WCUP 20-13) (p.143)
- 7) COMMUNICATIOS FROM PARKS AND RECREATION DIRECTOR
- a) [Consideration](#) of appointing members to the Rating Panel and Selection Committee for the Armory Park Design RFP process (p.226)
- 8) COMMUNICATIONS FROM CITY MANAGER
- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.230)
  - b) Other items arising between September 30th through October 5th
- 9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
- 10) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.
- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.
- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09  
February 20, 2007

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September 30, 2020

The Honorable Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

Mayor Muhlfeld and City Councilors:

### **Monday, October 5, 2020 City Council Agenda Report**

There will be a **CLOSED EXECUTIVE SESSION**, pursuant to § 2-3-203 (3) MCA, to review City Attorney Jacobs' and City Manager Smith's annual evaluation. This session will be conducted remotely via WebEx. Food will not be provided.

The regular session will begin at 7:10 p.m. remotely via WebEx.

#### **COMMUNICATIONS FROM VOLUNTEER BOARDS**

- a) [Resolution No. 20-\\_\\_](#); A Resolution extending the Highway 93 South Corridor Steering Committee (p.14)

From Director Taylors memo.

#### **Background**

The Highway 93 South Corridor Plan Steering Committee has been meeting since May 2018 to provide input on development of the Highway 93 South Corridor Plan. However, the process has been slowed by the inability of the committee to meet during the State's Stay-At-Home directive, Phase One of the Reopening the Big Sky (Reopening Plan), and current City Hall closure.

#### **Discussion**

Two public meetings were held, and an online survey conducted in 2019 as part of the planning process. Steering Committee meetings continued approximately once a month through January 2020. However, since that time the committee has met just once on August 20, 2020. Draft chapters of the plan are available and now being reviewed by the committee. Staff anticipates another two to three meetings of the Steering Committee will be needed to complete its review, at which point the draft plan will be ready to forward to the Planning Board and then City Council for adoption.

**RECOMMENDATION:** Staff respectfully recommends the City Council approve Resolution No. 20-\_\_; A Resolution extending the Highway 93 South Corridor Steering Committee.

**This is a legislative matter.**

#### **CONSENT AGENDA**

- a) [Minutes](#) from September 21, 2020 Regular Session (p.18)  
b) [Resolution No. 20-\\_\\_](#); A Resolution extending the Sustainable Tourism Management Plan Steering Committee (p.24)

**RECOMMENDATION:** Staff respectfully recommends the City Council approve the Consent Agenda

**Item ‘a’ is an administrative matter; Item ‘b’ is a legislative matter.**

PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) [Ordinance No. 20-13](#); An Ordinance amending Title 11 – Zoning Regulations, Chapter 3 – Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 – Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code (WZTA 20-03) (First Reading) **TABLED FROM SEPTEMBER 8, 2020 (Public Hearing Closed)** (p.27)

From Director Taylors updated transmittal report.

**Summary of Requested Action:** This application is a request by the City of Whitefish to amend and update Code Sections 11-3, Special Provisions, Section 11-3-42, Multi-Family Development Standards, and Section 11-3-43, Mixed-Use and Non-Residential Development Standards.

**Planning & Building Department Recommendation:** Staff recommends the City Council adopt the attached code amendments with the following amendment based on councilor comments from the September 8 public hearing. Staff recommends the Council delete section 11-3-43-B-1-a and draft subsections (1) through (5) below 1-a, eliminating the maximum 25’ setback for non-residential and mixed-use buildings and the exceptions. Sections b, c, and d below that would need to be re-organized to a, b, and c.

**Public Hearings:** A public hearing on this item was held before the Planning Board on August 20, 2020. No one from the public spoke. There were no public comments received prior to the meeting. The city received an email with comments that came in at 5 p.m. the evening of the meeting from Mayre Flowers with Citizens for a Better Flathead that was discovered after the meeting. A public hearing before the City Council was held on September 8, 2020 and the item continue to October 5th. Rhonda Fitzgerald from the public spoke on several items related to the amendments.

**Planning Board Recommendation:** Beckham moved, with Freudenberger seconding, to adopt the findings of fact within Staff Report WZTA 20-03, as proposed by staff. Beckham moved, with Freudenberger seconding to change the language of the last sentence of 11-3-42-C-2-i to read: “Sufficient ground level lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; and..” The motion passed 3-1 with Feury in opposition. Minutes from the meeting are attached.

**RECOMMENDATION:** Staff respectfully recommends the City Council adopt Ordinance No. 20-13; An Ordinance amending Title 11 – Zoning Regulations, Chapter 3 – Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 – Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code (WZTA 20-03) (First Reading), the Findings of Fact in the staff report, including staff’s proposed additional amendment to remove section 11-3-43-B-1-a, including subsections (1) through (5), and renumbering “b”, “c”, and “d” to “a”, “b”, and “c”.

**This item is a legislative matter.**

- b) [Consideration](#) of a request from Doug Hickok for a Conditional Use Permit to construct a guest house located at 1632 West Lakeshore Drive, zoned WR-1 (One-Family Residential District) (WCUP 20-14) (p.115)

From Planner II Compton-Ring's transmittal report.

**Summary of Requested Action:** DMH 37th GP, LLC are requesting a Conditional Use Permit to construct a guesthouse at 1632 W Lakeshore Drive. The site is developed with a single-family home. The property is zoned WR-1 (One-Family Residential District) and the Whitefish Growth Policy designates this property as 'Suburban'.

**Planning & Building Department Recommendation:** Staff recommended approval of the Conditional Use Permit application subject to six conditions set forth in the attached staff report.

**Public Hearing:** No one spoke at the public hearing on September 17, 2020. The draft minutes for this item are attached as part of this packet.

**Planning Board Action:** The Whitefish Planning Board met on September 17, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-14 with Findings of Fact and recommended Conditions of Approval.

**RECOMMENDATION:** Staff respectfully request the City Council to approve WCUP 20-14, the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board on September 17, 2020.

**This item is a quasi-judicial matter.**

- c) Consideration of a request from Jake Carter for a Conditional Use Permit to construct a commercial parking lot associated with the professional office at 307 Spokane Avenue, zoned WR-4 (High Density Multi-Family Residential District) (WCUP 20-13) (p.143)

From Director Taylors transmittal report.

**Summary of Requested Action:** A request by Jake Carter of 307 Rental LLC for a conditional use permit to add a parking lot associated with a professional office building use at 337 Spokane onto four lots in the WR-4 zoning district at 312/324 Kalispell Avenue, which will include adding two townhome units fronting Kalispell Avenue. The property is currently developed with a single-family home and is zoned WR-4 (Multi-Family Residential District). The Whitefish Growth Policy designates this property as "High-Density Residential".

**Planning Board Action:** The Whitefish City-County Planning Board met on September 17, 2020, where they held a public hearing on the request. After the public hearing, the board then recommended denial of the above referenced conditional use permit 4-1, Freudenberger opposed, changing Findings 1 and 2 as contained in the staff report to say it was not compatible with the Growth Policy nor the Zoning Regulations.

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with the eleven (11) conditions set forth in the attached staff report.

**Public Hearing:** The applicant's representative Eric Mulcahy of Sands Surveying spoke at the hearing, explaining the project and answering questions. The applicant, Jake Carter, also spoke,

answering questions directed at him by the Board with regard to the proposal and explaining how they did outreach with the neighborhood to come up with a plan addressed their concerns.

At the public hearing, nine members of the public spoke. Paul McCann, 340 Somers, Jamie Maxwell, 426 Kalispell, Christine Bernat, 306 Kalispell, Janice McCann, 340 Somers, Dane Boat, 240 Columbia, and Rhonda Fitzgerald of 412 Lupfer opposed the request on grounds of neighborhood compatibility, traffic, and setting a precedent of commercial creep. Sarah Canepa, 336 Kalispell, Molly Brown, 344 Kalispell, outlined pros and cons of the proposal. Mike Howke, 323 Kalispell (directly across the street) supported the proposal as he thought it would free up on-street parking and eliminate the approaches on Kalispell Avenue.

The draft minutes for this item are attached as part of this packet and should be reviewed for the full text of public testimony.

**This item is a quasi-judicial matter.**

#### COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) [Consideration](#) of appointing members to the Rating Panel and Selection Committee for the Armory Park Design RFP process (p.226)

From Director Butts staff report.

#### **Introduction/History**

Armory Park is the city's largest park including the five-acre Hugh Rogers WAG Dog Park, two softball fields, a lacrosse field, the Dave Olseth Skate Park, and a 5,000 square foot multipurpose facility, the Roy Duff Memorial Armory.

In 2012 the Armory Park Master Plan was created. Previous phases encompassed a dog park expansion, including the construction of the pond and paving of the parking lot, the development of the lacrosse field, and a renovation of the Roy Duff Memorial Armory, including new flooring, paint, party room, and energy efficient heating and lighting. In 2019 the Park Board revised the Master Plan, breaking it into additional phases.

#### **Current Report**

In accordance with Title 18, Chapter 8 (MCA) and adopted City policy for consultant selection, The City of Whitefish, Montana (City) is seeking proposals from experienced, qualified firms to provide overall project management, engineering analysis and design, architectural design, bid administration and construction management services for the Armory Park Master Plan Project Phases III & IV.

The two phases are broken down as follows:

1. Phase III includes the construction of an adult fitness zone, extension of the shared use path, drainage work, a well, and a parking lot.
2. Phase IV includes the completion of the parking lot, the construction of a pavilion, additional children's play area, and a picnic area with gazebos.

In accordance with the adopted City of Whitefish Consultant Selection Policy and Procedures the initial review of the proposals must be reviewed by a Rating Panel made up of City staff and

other individuals approved by the City Council. Upon final review a Selection Committee must be established, comprised of the Department Director, one other staff person, and one elected official. Given the requirements, I recommend that the Rating Panel and Selection Committee be made up of myself (Director of Parks and Recreation), Steve Bullemer (Parks Foreman), and a City Council Member.

Requests for proposals will be advertised 10/11/20, 10/14/20, and 10/18/20. Proposals are due by Friday, October 30, 2020. The week of 11/9/20, the rating panel will rate all candidates, and interviews with select candidates will be held 11/16/20.

**Financial Requirement**

There is no financial requirement to appoint members to the rating panel and selection committee. However, Resort Tax, Paved Trail Impact Fees, Parkland Acquisition and Development Funds, and Stormwater Funds have been allocated to this project with matching LWCF grant funds. These funds will support the negotiation of a contract with the successful firm once the RFP process is complete, which will come back to Council at that time.

**RECOMMENDATION:** Staff respectfully recommends the City Council appoint Director Maria Butts, Parks Foreman Bullemer, and a Councilor of your choice to the Rating Panel and Selection Committee for the Armory Park Master Plan Design RFP process.

COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.230)
- b) Other items arising between September 30th through October 5th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,



Dana Smith  
City Manager, CPA

Table 1: Common Motions Used in a Meeting.<sup>1</sup>

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
<b>Privileged Motions</b>							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
<b>Subsidiary Motions</b>							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
<b>Main Motions</b>							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
<b>Incidental Motions (11)</b>							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
<b>Renewal Motions (8)</b>							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

<sup>1</sup> Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

**\* Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

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**RESOLUTION NO. 20-\_\_**

**A Resolution of the City Council of the City of Whitefish, Montana, amending Resolution No. 18-09 to extend the duration of the Highway 93 South Corridor Plan Steering Committee through February 28, 2021.**

WHEREAS, on February 20, 2018, the Whitefish City Council adopted Resolution No. 18-09, which created a Highway 93 South Corridor Plan Steering Committee (the "Committee") and provided for the Committee to disband when the City Council completed its consideration of the Plan but no later than June 1, 2019; and

WHEREAS, on June 3, 2019, the Whitefish City Council adopted Resolution No. 19-10, which extended the term of the Committee to March 31, 2020, or earlier if the City Council completes its consideration of the Highway 93 South Corridor Plan prior to that date; and

WHEREAS, on March 16, 2020 the Whitefish City Council adopted Emergency Ordinance No. 20-04 enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19), and on April 26, 2020, Montana enacted Phase One of the phased approach to Reopening the Big Sky (Reopening Plan), which together resulted in cancellation of all committee meetings through May 31, 2020; and

WHEREAS, on April 6, 2020, the Whitefish City Council adopted Resolution No. 20-11, which extended the term of the Committee to September 30, 2020, or earlier if the City Council completes its consideration of the Highway 93 South Corridor Plan prior to that date; and

WHEREAS, on September 21, 2020, Whitefish City Hall closed temporarily to the public, including meetings of City boards and committees, due to an employee testing positive for COVID-19; and

WHEREAS, the Committee is still working in an advisory role to the City planning staff reviewing chapters of the draft plan document, including existing conditions, future land use maps, possible new zoning districts, and implementation activities; and

WHEREAS, planning staff recommends the term of the Committee be extended through February 28, 2021, to allow the Committee's continued participation in the development of the Corridor Plan; and

WHEREAS, it will be in the best interests of the City of Whitefish to extend the term of the Committee to February 28, 2021, or earlier if the City Council completes its consideration of the Highway 93 South Corridor Plan prior to that date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: Section 4 of Resolution No. 18-09 is hereby amended in its entirety to provide as follows:

Section 4: The Committee will begin its deliberations as soon as practical after creation of the Committee. The Committee shall meet for two hours at a time

on at least six occasions, with the dates and times to be determined by the City planning staff. The Committee shall be disbanded as of ~~June 1, 2019~~ ~~March 31, 2020~~ ~~September 30, 2020~~ February 28, 2021, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

Section 2: This Resolution shall take effect immediately upon its adoption by the City Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Howke, City Clerk

**PLANNING & BUILDING DEPARTMENT**  
418 East Second Street, PO Box 158, Whitefish, MT 59937  
(406) 863-2410 Fax (406) 863-2409



September 28, 2020

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

### **Highway 93 South Corridor Plan Steering Committee**

#### **Background**

The Highway 93 South Corridor Plan Steering Committee has been meeting since May 2018 to provide input on development of the Highway 93 South Corridor Plan. However, the process has been slowed by the inability of the committee to meet during the State's Stay-At-Home directive, Phase One of the Reopening the Big Sky (Reopening Plan), and current City Hall closure.

#### **Discussion**

Two public meetings were held, and an online survey conducted in 2019 as part of the planning process. Steering Committee meetings continued approximately once a month through January 2020. However, since that time the committee has met just once on August 20, 2020. Draft chapters of the plan are available and now being reviewed by the committee. Staff anticipates another two to three meetings of the Steering Committee will be needed to complete its review, at which point the draft plan will be ready to forward to the Planning Board and then City Council for adoption.

#### **Recommendation**

Staff respectfully asks the City Council to extend the duration of the Highway 93 South Corridor Plan Steering Committee through February 2021 by resolution.

A handwritten signature in blue ink, appearing to read "David Taylor".

David Taylor, AICP

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**WHITEFISH CITY COUNCIL**  
**September 21, 2020**  
**7:10 P.M.**

**1) CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney. Councilor Norton was absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, and Police Chief Dial. Approximately 25 people were in the audience.

**2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Lauren Oscilowski to lead the audience in the Pledge of Allegiance.

**3) COMMUNICATIONS FROM THE PUBLIC** – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Maureen Cordoza did not state her address because she does not want it on the internet. She also stated the flag should be at half mast and needs to be replaced.

Catherine Owens, PO Box 1606, stated the BLM protestors have all their signs leaning against City Hall. She makes a recommendations if they have signs, they have to hold them.

Brian Scott Nordwall, 4960 Whitefish Stage Road, shared the Constitution of Montana, he does not think Whitefish is following the State or Federal Constitution. He would like to know why. He would like to know what facts Council is using to make decisions. The only thing that is true and honest is the Constitution. You follow it and you follow the laws on the books. The COVID-19 death rate without a vaccine is lower than the flu death rate with a vaccine. Council does not have the authority. We the people have the authority.

Jill, lives in Whitefish, stated the Council seem to like CDC and World Health Organization data stats. They are bought and paid for. They are compromised and unethical. It was discovered there is no evidence that surgical masks prevent virus for the wearer or those around the wearer. Cloth masks can make you sicker, there is zero evidence that cloth masks work on virus of any kind. We are seeing chronic headaches in children due to hypoxia, more respiratory infections from mask wearing like TB and Pleurisy. Council tells us per the Governors mandate, we all have to wear mask. There is exemption to the mandate. You continue to bully people that may or may not have exemptions. That is not acceptable. You are openly discriminating against medically exempt disabled and handicapped people here tonight. You are responsible for this discrimination. You are attempting to do the same here by not holding public meetings.

Jenny Alva, 616 Wisconsin Avenue, stated currently there is no public transportation. A bus is a really easy way to provide access to services like healthcare, school education, work, recreation. Not just for people who do not want to drive or cannot drive, but for folks who are disabled, kids who do not drive, etc. We need to focus on getting a robust transit system, not just for the City of Whitefish but also the rest of Flathead County. She thinks that is one of the most pressing issues that we can talk about.

**4) COMMUNICATIONS FROM VOLUNTEER BOARDS**

None

**5) CONSENT AGENDA**

- a) [Minutes](#) from September 8, 2020 Regular Session (p.11)
- b) [Ordinance No. 20-12](#); An Ordinance amending Title 11, Zoning Regulations, Chapter 2 – Zoning Districts, Article 2K – WB-2 Secondary Business District, of the Whitefish City Code (WZTA 20-02) (Second Reading) (p.19)
- c) [Consideration](#) of a request from Karin and Jeff Thill, a 24-month extension of the preliminary plat for the Joanna King Trust Subdivision located Mountain Shadows Drive and Lot 14 of Mountain Shadows Subdivision (WPP 17-05) (p.24)

**Councilor Hennen made a motion, seconded by Councilor Sweeney to approve the Consent Agenda.** Councilor Feury had corrections to the minutes on behalf of Councilor Norton. Page 3 of the minutes 3<sup>rd</sup> paragraph “Maureen statedd”; page 4, 1<sup>st</sup> paragraph “Councilor Qunell stated his motion to deny is based on the “premise that this ordinance”, page 6, 8<sup>th</sup> paragraph changed “~~aloud~~allowed”. **The motion to approve the Consent Agenda as corrected carried.**

- 6) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
  - a) [Resolution No. 20-36](#); A Resolution adopting the Whitefish Sustainable Tourism Management Plan (p.31)

Whitefish Sustainable Tourism Management Plan (STMP) Chair Lauren Oscilowski presented the plan that is provided in the packet on the website. This plan is a culmination of over two years of hard work by the volunteer committee, consultants, and advisors. On behalf of the STMP Committee we want to extend a huge thanks to our consultants Kate McMahon, Lorraine Roach and Michelle Archie as well as the committee advisors Dylan Boyle, Rhonda Fitzgerald, and former city councilor Jen Frandsen. The Committee is made up of Lauren Oscilowski, Councilor Andy Feury, Michelle Howke, Mariah Joos, Alan Myers-Davis, Nick Polumbus, Meagan Powell, Brian Schott, Craig Workman, and past member Steve Thompson.

There is not a single answer to addressing sustainable tourism. This is a complex plan that provides a lot of data and implementation of action items. Our community is currently experiencing unprecedented impacts as a result of COVID-19, which are also compounding issues that have already been identified in the plan. As a result, continuing the work of this committee by working to prioritize the implementation action items and beginning to act upon those is what our community really needs. The STMP Committee is recommending that the committee is extended for up to a year, to work on prioritizing and implementing identified action items in the plan. Another piece of the standing committee is also going to involve recommendation of what type of committee we need moving forward. The committee is willing to come back in the fall to report on that first step of prioritization of action items. Providing direction to the STMP Committee to work in conjunction with the Whitefish CVB on prioritizing and implementing action items is imperative to keep this important work moving forward.

Dylan Boyle, Executive Director of the Whitefish Convention and Visitors Bureau, also known as Explore Whitefish, and also served as an advisor to the committee. We ask Council to consider providing some guidance for the CVB as well as the committee on moving forward on planned action items that could be integrated into our current safety messaging as well as keeping our momentum moving forward as we are addressing these acute issues our community is facing with sustainable tourism. We realize our community right now is fatigued by over tourism after an extraordinarily busy summer and during a pandemic. We may need more time to participate in that process.

The key components are education and outreach as identified in the work program on the executive summary, and as a priority action item. To promote safe and responsible tourism are some of the issues

that we heard in all of our public comments and public input sessions. We have received a safety grant from the Montana Office of Tourism Business Development specifically to put out safety messaging for responsible travel during the pandemic. This includes elements of recreating responsibly and being kind to one another while visiting our community. The grant funds have to be expended before the end of this year. The CVB is working hard formulating a plan and actually integrates nicely with the action item of education outreach with the STMP.

Some of the work they want to undertake in the next few months is; a visitor value statement, recreating responsibly campaign and messaging, integrating safe travel- clean, careful, connected messaging; and our sustainability message into the new travel guide coming out in December. Looking at the Whitefish brand guidelines is also identified in the work program. The CVB is planning to engage a renowned brand strategist, Mike Bento to work with the CVB to integrate elements of the sustainable tourism management plan into our branding and messaging for our visitors. The committee would be involved in that process as well. The Whitefish CVB is committed to the STMP and by providing some guidance to them to move forward helps them to really build that critical momentum during this really important time as we work towards solutions and the identified issues.

Mayor Muhlfeld opened the Public Hearing.

Catherine Owens, PO Box 1606, stated the word ‘sustainable’ seems to be a buzz word. Kind of a marketing ploy. She read an article in the paper and there was a quote that said, “we want people to be like minded”. She took that as we are going to check people’s values at the door before they come into Whitefish. They have to think like City Council does. She does not know about the Sustainable Tourism, it has a good word, but sometimes those good words are not necessarily best for the community.

Brian Scott Nordwall, 4960 Whitefish Stage Road, stated 2300 years ago discovered that forcing people to cover their nose and mouth broke their will and individuality and depersonalize them, it made them submissive. That is all this is. The COVID information is wrong, the CDC is wrong, Steve Bullock is wrong. All these people are ruining his home.

Lisa Jones, 314 Blanchard Hollow, has worked in tourism for three decades. We have been working on sustainable tourism for a long time. The volunteers and the leaders in our community have spent two years working on this plan and have put some thought into this process and have taken all of us into consideration; the businesses, the environment, the visitors, everything. It is a very thoughtful plan. It is forward thinking and she hope the Council will consider letting it move forward in some capacity even if the entire plan cannot be adopted based on the circumstances.

There not being any further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the City Council for their consideration.

**Councilor Feury made a motion, seconded by Councilor Sweeney to approve [Resolution No. 20-36](#); A Resolution adopting the Whitefish Sustainable Tourism Management Plan.** Councilor Feury agrees with some of the criticism that this is not a perfect document. The major complaints are there is not a lot of actionable items or metrics to say enough is enough. He is not sure either of those things are really obtainable. The educational component of this is extremely important. It is important for our tourists, and people that work in the service industry. We will work out the bugs overtime, but there are a lot of things in the plan that are of value. We started two years ago on this plan, this is not something we just decided after COVID that we were going to go ahead and do. This plan is targeted to give our visitors the best possible experience and reduce the impact on the people that actually live here on a daily

basis. We can all benefit from the economics of tourism brings us. He encourages the Council to pass this tonight.

**Councilor Feury amended his motion to also include the Standing Committee be extended to October 1, 2021, and move forward by year end education and the outreach component if the plan, which would include messaging, work on the travel guide on the website, preparing for winter digital messaging and working with our consultant on Whitefish branding guidelines. Councilor Sweeney who seconded the original motion agreed.**

**The motion to approve Resolution No. 20-36 carried.**

- b) Ordinance No. 20-14; An Emergency Ordinance providing for remote meeting of the City Council, City Boards and Committees, and waiving a second reading (Only Reading) (p.177)**

City Attorney Jacobs gave her staff report that is provided in the packet on the website. Two written comments were received, both in favor of remote meetings.

Mayor Muhlfeld opened the Public Hearing.

Maureen Cordoza, Whitefish, stated she does not come to very many meetings for the City Council. She stated she is a very passionate person in what she believes in. She finds this city has changed so much in the 26 years she has been here. She does not want to see this go remote. She worries about an internet glitch, or she not being seen to want to talk. She also feels some people do not have the capabilities to know how to get on WebEx. There needs to be something available to people about how to get to these meetings and how it works.

Catherine Owens, PO Box 1606, stated Council can have board meetings. They are about 20 feet from the audience. Show solidarity to the people that you are asking them to lose their jobs. She suggested the Council to do a hybrid meeting.

Jenny Alva, 616 Wisconsin, stated a really great thing about these meetings is that she gets to be exposed to a lot of different opinions. Some that she really disagrees with and some that she agrees with and all the in between. She thinks it is important that she gets to participate in this community, and that all of her community members also get to participate. She is in favor of the remote meetings. It is important to be able give the education necessary.

Brian Scott Nordwall, 4960 Whitefish Stage Road, stated Council is taking the wrong road, following the wrong information, and making the wrong decisions for the people. Please reconsider.

Lisa Jones, Blanchard Hollow Road, hopes the council will go with remote meetings. It makes the most sense especially since if masks are such a decisive issue. People do not have to wear them while attending remotely. Public comments are all documented, so there are lots of ways to participate if you do not want to get on to WebEx.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

**Councilor Qunell made a motion, seconded by Councilor Hennen to adopt Emergency Ordinance 20-14; An Emergency Ordinance providing for remote meetings of the City Council, City Boards**

**and Committees, and waiving a second reading.** Councilor Qunell stated he does not think this would be necessary if there was a general feeling of solidarity in the community. This move to remote meetings has been made necessary because people will not follow those rules and to consider the safety and health of our citizens in the city.

Councilor Feury finds remote meetings quite cumbersome at best. He finds them difficult; it is hard to read people's body language when they are in two-dimensional form. Body language is important. People do not come because they have health issues, and they do not feel safe. He understands that. City Council is a non-partisanship and volunteer their time. We try to do the best thing we can do for this community as a whole.

Councilor Sweeney agrees with Councilor Feury, remote meetings are more challenging than the in-person meeting. This is the only way we can have the entire community have an ability to participate. There are those in this community that feel they have a right or a reason, or a need to wear a mask or follow social distancing. That does not mean that the others that want to participate and believe those things are important cannot. This community is about inclusion, solicitation of all members of this community to participate in the decisions this group makes. He will vote to support the Ordinance.

Mayor Muhlfeld reminded the audience, City Council meets at 7:10 p.m. on the first and third Monday of the month. The packet is made public five days in advance, available online at [www.cityofwhitefish.org](http://www.cityofwhitefish.org). The agenda includes directions on how to log in remotely and join the meeting via WebEx. The City Manager's Agenda Report is included in the packet shortly after the agenda. You can also sign up for notifications through the website. If you do have technical problems during the next meeting please direct those comments to the city and we will do everything we can to assist you to make sure it is more seamless at the next meeting.

**The motion to adopt Ordinance No. 20-14 carried.**

**Mayor Muhlfeld called a recess at 8:25 p.m. and reconvened at 8:35 p.m.**

**7) COMMUNICATIOS FROM PUBLIC WORKS DIRECTOR**

- a) **Consideration to award the Engineering Contract for the Edgewood Place & Texas Avenue Reconstruction Project (p.183)**

City Manager Smith gave Director Workman's report that is provided in the packet on the website.

**Councilor Hennen made a motion, seconded by Councilor Sweeney to award the Engineering Contract to Robert Peccia and Associates for the Edgewood Place and Texas Avenue reconstruction project. The motion carried.**

**8) COMMUNICATIONS FROM CITY MANAGER**

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.186)**

None

- b) **Other items arising between September 16th through September 21st**

City Manager Smith reported the City of Whitefish has partnered with North Valley Food Bank to collect apples from trees in the parks. There was a great article in the Flathead Beacon. There has been a positive COVID-19 case at City Hall that did require other employees to be quarantined at this time, therefore

out of abundance of caution, she shut down City Hall to the public. She will reassess the situation in two weeks.

**9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

- a) Letter of request from Jerry Dunker for Amendments to Deed Restrictions for Trail View, LLC (p.194)

The general consensus of the Council was to turn down Jerry Dunker’s request.

**Council Comments**

Councilor Qunell stated is a very stressful time for everybody, tempers are flaring. He is worried about what it says for our democracy when we cannot sit in a room, express different opinions, and have people come and get in your face after public comment. It is not how democracy worked in this country and not how it should work. People should not interrupt elected official’s comments. He hopes we all can find a way to get back to what civil discourse is.

Councilor Sweeney wanted to give City Manager Smith a shout out, she has done a spot-on job with managing the city, this building, and helping us navigate this problem. Making the tools available through WebEx to be able to go remote. We need to go to remote meetings because we have a pandemic that is exploding in this valley. A remote system accommodates those that do not want to wear masks.

Councilor Hennen echoes Councilor Sweeney’s comments. He does not like the remote meetings. Shout out to staff, they are doing a great job handling all the madness. Hopefully, we can get back to in-person meetings sooner rather than later.

Councilor Feury has a really hard time when someone stands up here and says nobody is dying from this pandemic or they do not know a single person that has died. For the ten families who lost people that lived in the care facility here in Whitefish, and family, friends and loved ones of the 200,000 people who have died in this country to date, that is a horrible thing to say. He cannot stand by and watch people make light of the losses that people are experiencing in the country right now. It is beyond him, he does not care who you vote for, what you think politically, that is terrible.

**10) ADJOURNMENT**

Mayor Muhlfeld adjourned the meeting at 8:55 p.m.

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Mayor Muhlfeld

Attest:

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Michelle Howke, Whitefish City Clerk

**RESOLUTION NO. 20-\_\_**

**A Resolution of the City Council of the City of Whitefish, Montana, extending the term of the Whitefish Sustainable Tourism Management Plan Steering Committee.**

WHEREAS, the Whitefish travel and recreation industry recognizes our greatest asset in the marketplace is our great outdoors, pristine environment, and our distinctive community character; and

WHEREAS, Whitefish is facing issues currently related to tourism growth, including housing, transportation, infrastructure, and quality of life; and

WHEREAS, the Whitefish character will not be maintained through benign neglect but rather requires shared commitment and continuous attention; and

WHEREAS, we have observed that despite increasing market demand, there are ever fewer places in the world that have retained their authentic feel and sense of place as they are "discovered" and changed; and

WHEREAS, the long-term economic advantage for the Whitefish travel and recreation industry lies with visitors and businesses which share Whitefish residents' respect for our natural and cultural assets, and community character; and

WHEREAS, on April 17, 2017, the Whitefish City Council held a work session with the Whitefish Convention and Visitors Bureau (WCVB) to discuss development of a Whitefish Tourism Master Plan; and

WHEREAS, a joint master plan between the City and the WCVB would establish a shared strategic vision for tourism; and

WHEREAS, setting a long-term plan in place provides assurances that community-based economic development, promotion, and conservation are beneficial to all; and

WHEREAS, providing for a guiding document for tourism also provides businesses and economic development leaders a framework for responsible product and service development that is sustainable for our community; and

WHEREAS, on January 16, 2018, through Resolution No. 18-05, the City Council established the Whitefish Tourism Master Plan Steering Committee; and

WHEREAS, on July 2, 2018, through Resolution No. 18-24, the City Council changed the name of the Committee to the Whitefish Sustainable Tourism Management Plan Steering Committee; and

WHEREAS, due to the national outbreak of COVID-19, the City cancelled all non-essential public meetings, including meetings of the Committee, for a period of several months; and

WHEREAS, at a public meeting held September 21, 2020, the Council received a report from the Committee, held a public hearing, adopted the Whitefish Sustainable Tourism Management Plan, and thereafter voted to extend the term of the Committee until October 1, 2021, to allow it to continue to refine and implement the Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The term of the Whitefish Sustainable Tourism Management Plan Steering Committee is hereby extended until October 1, 2021.

Section 2: This Resolution will take effect immediately upon its adoption by the City Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Howke, City Clerk

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## ORDINANCE NO. 20-13

**An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 11 - Zoning Regulations, Chapter 3 - Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 - Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code.**

WHEREAS, the Whitefish Planning & Building Department initiated an effort to amend Title 11, Chapter 3, of the Whitefish City Code to provide clarity and better illustrations; and

WHEREAS, at a lawfully noticed public hearing on August 20, 2020, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 20-03, invited public comment, and thereafter voted to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on September 8, 2020, the City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 20-03 and letter of transmittal, invited public input, and thereafter voted to postpone action on the item until the October 5, 2020 City Council meeting; and

WHEREAS, at a lawfully noticed public hearing on October 5, 2020, the City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 20-03 and letter of transmittal, invited public input, and approved the text amendments, attached as Exhibit A; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to adopt the proposed text amendments.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Staff Report WZTA 20-03 dated August 20, 2020, together with the September 29, 2020 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: Title 11 - Zoning Regulations, Chapter 3 – Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 – Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code are hereby amended as set forth in Exhibit A attached hereto.

Section 4: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 5: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Howke, City Clerk

## EXHIBIT A

### Whitefish City Code Title 11 – Zoning Regulations Chapter 3 – Special Provisions

#### 11-3-42: MULTI-FAMILY DEVELOPMENT STANDARDS:

A. Purpose and Intent: The general purpose of the multi-family development standards are as follows:

1. To describe how new multi-family buildings will be compatible with their surroundings;
2. To ensure new multi-family development is compatible with and enhances the historical character and traditional housing of Whitefish's residential neighborhoods;
3. To enhance the built environment for pedestrians in higher density areas;
4. To provide for development of neighborhoods with attractive, well-connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, schools, and transit stops;
5. To ensure adequate light, air, and readily accessible open space for multi-family developments in order to maintain public health, safety, and welfare;
6. To ensure the compatibility of dissimilar adjoining land uses;
7. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances; and
8. To encourage creativity and flexibility in the design of multi-family developments in a manner that maximizes unique site attributes and is compatible with the character and intensity of adjoining land use.

B. Orientation and Multiple Buildings Standards:

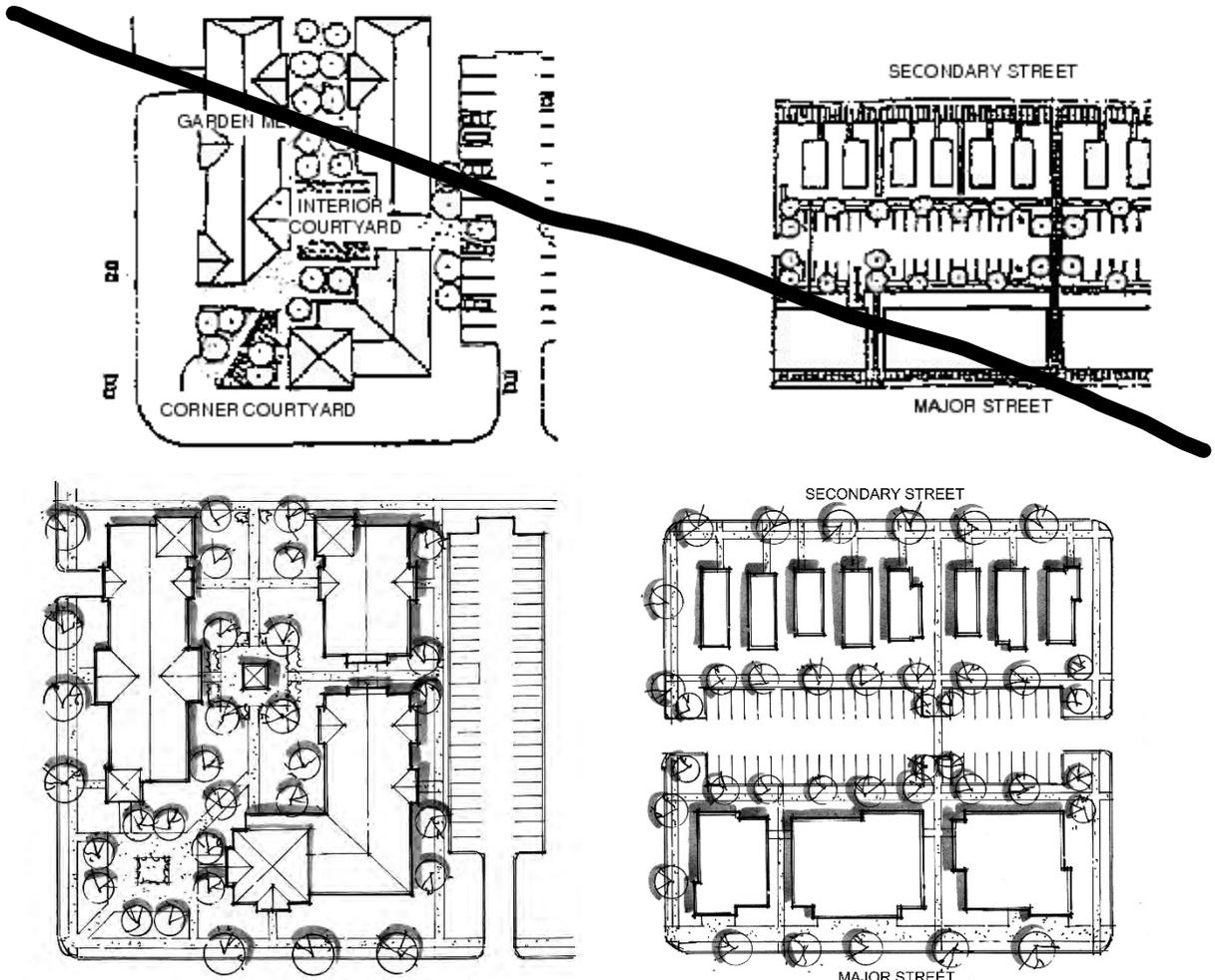
1. Requirement. Multi-family projects must be designed to orient to public streets and to provide distinct bicycle, pedestrian, and vehicular connections to existing neighborhoods.
2. Techniques for complying with the requirement in subsection B-1 include, but are not limited to:
  - a. Using a modified street grid system where most buildings in a project front on a street. Where no public streets exist, creating a grid street system within the project.

b. Locating parking areas behind or under buildings and accessing such parking from alley-type driveways. If driveway access from streets is necessary, minimum width driveways meeting the fire code standards should be used. Shared driveways between adjacent uses are preferred.

c. Providing each building with direct and distinct pedestrian access from the main street fronting the building and from the back where the parking is located.

d. Design alternate and/or separate routes into the development that clearly define the bicycle and pedestrian areas versus areas for vehicles.

3. The following illustrations depicts site planning techniques that orient multi-family projects to streets, adding value and identity to the complex by adding interior or corner courtyards and siting parking behind ~~the~~ buildings:



(New Illustration)

4. Multi-building design. For multi-family development sites with multiple buildings on one lot or multiple buildings on adjacent lots owned and developed contiguously as one apartment complex, the following additional standards apply:

a. Buildings must exhibit a general similarity of scale, orientation, and proportion with unified natural and built features. As a general rule, taller buildings must be placed toward the interior of the site and stepped back from the street.

b. Buildings must be grouped or sited with other buildings to create distinct outdoor spaces by being organized around a common open space, courtyards, public open space, natural site features (such as a stream corridor), or amenities such as recreational facilities.

c. ~~Retention ponds must be irregular and organically shaped.~~ Buildings must not present blank walls lacking articulation, modulation, or window and door openings to streets, access drives, or parking areas.

d. Sites must connect to natural corridors and trail systems and must facilitate pedestrian and bicycle traffic.

e. Multiple apartment buildings on one lot are not subject to 11-2-3-B-12 and the special provisions set forth in 11-3-14-B to encourage smaller building scale and massing.

C. Parking Location and Design:

1. Requirement. The impact of driveways and parking lots on the public and neighboring properties must be minimized by designing, locating, and screening parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk, or building facade. Bicycle parking and storage must be provided.

2. Techniques for complying with the requirement in subsection C-1 include, but are not limited to:

a. Locating surface parking at the rear or side of lot;

b. Breaking large parking lots into small ones in a way that provides easy access for pedestrians;

c. Minimizing the number and width of driveways and curb cuts;

d. Sharing driveways with adjacent property owners;

e. Locating parking in areas that are less visible from the street but preferably with southern exposure for snow melt;

f. Locating driveways so they are visually less dominant and berming and landscaping them when they are visible from the street while maintaining required clear vision triangles (see 11-3-8);

g. Screening parking lots abutting single-family residences with landscaping, berming, and/or natural material fencing (see 11-6-5, Landscape and Screening);~~and~~

h. Limiting parking lots on street frontages to thirty (30) percent of the street frontage;

i. Parking lot lighting must be the minimum needed to create adequate visibility at night, must be energy efficient and dark sky compliant meeting outdoor lighting standards found in 11-3-25, and must utilize energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights as much as possible. Sufficient ground-level lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; and

j. Secure short-term bicycle parking must be provided in a convenient location at one space for every four dwelling units, with a minimum of two spaces provided.

D. Fences and Walls:

1. Requirement. The site must be designed to minimize the need for fences and walls which inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

2. Techniques for complying with the requirement in subsection D-1 include, but are not limited to, placing pedestrian breaks and/or crossings at frequent intervals where a fence, wall or landscaped area separates a sidewalk from a building or one development from another, or when fencing is necessary, using fencing that is easy to see through such as natural wood split rail or picket fencing.

E. Site Lighting and Support Facilities:

1. Requirement. Provide adequate lighting, screening, and pedestrian access to supporting facilities such as tot lots, mailboxes, bus stops, recycling areas and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well-lit areas with access to the multi-family walkway network. Provide for shielding and directing of lighting to minimize impacts upon residents and abutting property owners. Lighting must meet the requirements of 11-3-25, Outdoor Lighting, and energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights must be utilized as much as possible. Light fixtures not necessary for security purposes must be activated by motion sensor devices where practicable.

2. Techniques for complying with the requirement in subsection E-1 include, but are not limited to:

a. Site Lighting:

(1) Providing site lighting along walkways throughout the project that is pedestrian scale, and low in height and intensity;

- (2) Providing security lighting in parking areas and play areas;
- (3) Preventing site lighting from shining into the dwelling units in the development; and
- (4) Directing lighting away from neighboring development.

3. Bus Stops. Ensuring that the multi-family walkway network provides convenient pedestrian access to the nearest transit stop.

4. Support Facilities:

a. Locating support facilities such as trash receptacles, dumpsters, and mechanical equipment in areas adjacent to interior walkways; and

b. Fully screening and landscaping support facilities.

F. Grading/Tree Retention:

1. Requirement. Multi-family projects must be designed to minimize impacts to existing topography and vegetation and require a tree preservation plan with an application submittal.

2. Techniques for complying with the requirement in subsection F-1 include, but are not limited to:

a. Incorporating the natural grades in the overall design of the project;

b. Incorporating existing groups of trees/vegetation that will be protected and retained;

c. Minimizing disturbance of open space areas to better facilitate stormwater infiltration; and

d. Avoiding the placement of buildings adjacent to ridgetops, so the rooftops do not extend above the crest of the ridgetops of the hillside, especially where views of natural amenities are concerned.

G. Open Space and Outdoor Common and Private Spaces:

1. Requirement. Usable common area open space of at least 10% of the site must be provided in a multi-family development for all the residents of the development in a central location accessible to all units. Given the environmental and recreational benefit of open space, it should be integrated into the overall design of the development rather than consisting of residual areas left over after buildings and parking lots are sited.

2. Techniques for complying with the requirement in subsection G-1 include, but are not limited to:

a. Combining the open space of contiguous properties to provide for larger viable open space areas;

b. Siting permanent outdoor recreation equipment away from storm drainage facilities;

c. Using walkways to connect the open space to the multi-family buildings, parking areas, and adjacent neighborhoods;~~and~~

d. Incorporating a variety of amenities and activities for all age groups in the open space, including but not limited to site furnishings such as benches and tables, picnic and barbeque areas, patios and courtyards, gardens, water features, tot lots, play fields, sport courts (such as tennis, volleyball, or bocce ball), and open lawns; and

e. Required setbacks and landscaping buffers, parking areas, and emergency access and/or turnarounds cannot be counted as common area open space.

3. Visually shielded private outdoor spaces such as yards, decks, or patios should be provided to encourage a sense of ownership by residents. Shielding may consist of berms, hedges, landscaping, fencing, or walls.

#### H. Neighborhood Scale:

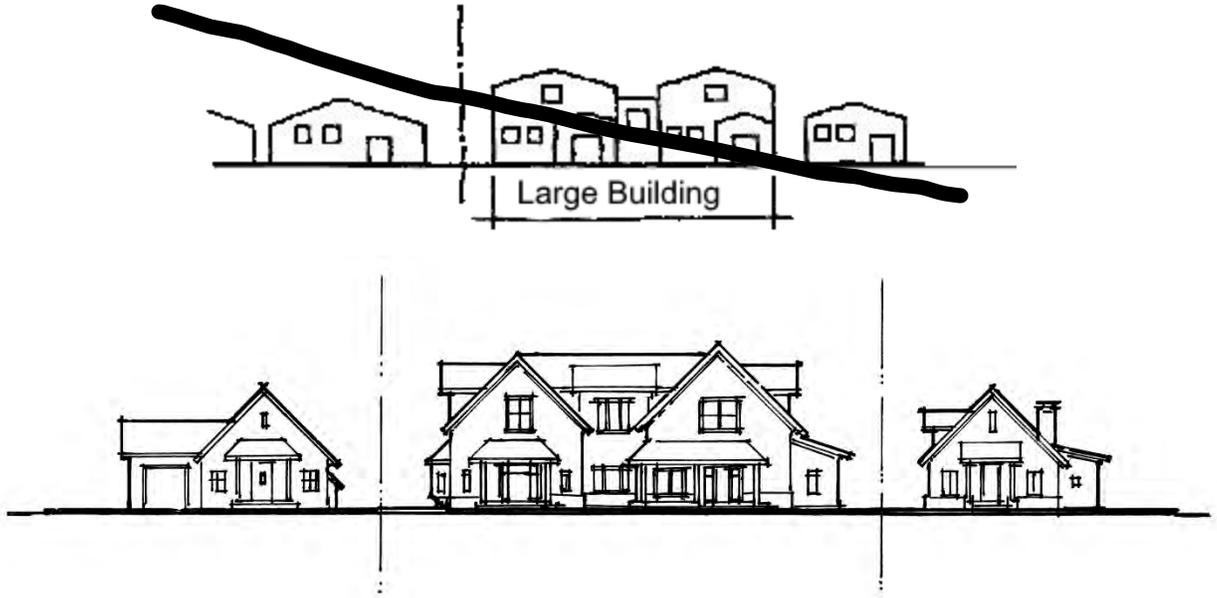
1. Requirement. To the extent reasonable and practicable, the architectural scale of new buildings proposed for existing neighborhoods must be compatible with and complement the architectural character of neighboring buildings.

2. Techniques for complying with the requirement in subsection 1 of this section include, but are not limited to:

a. Breaking a multi-family building into house size building elements, especially where there is a building height transition from adjoining development; and

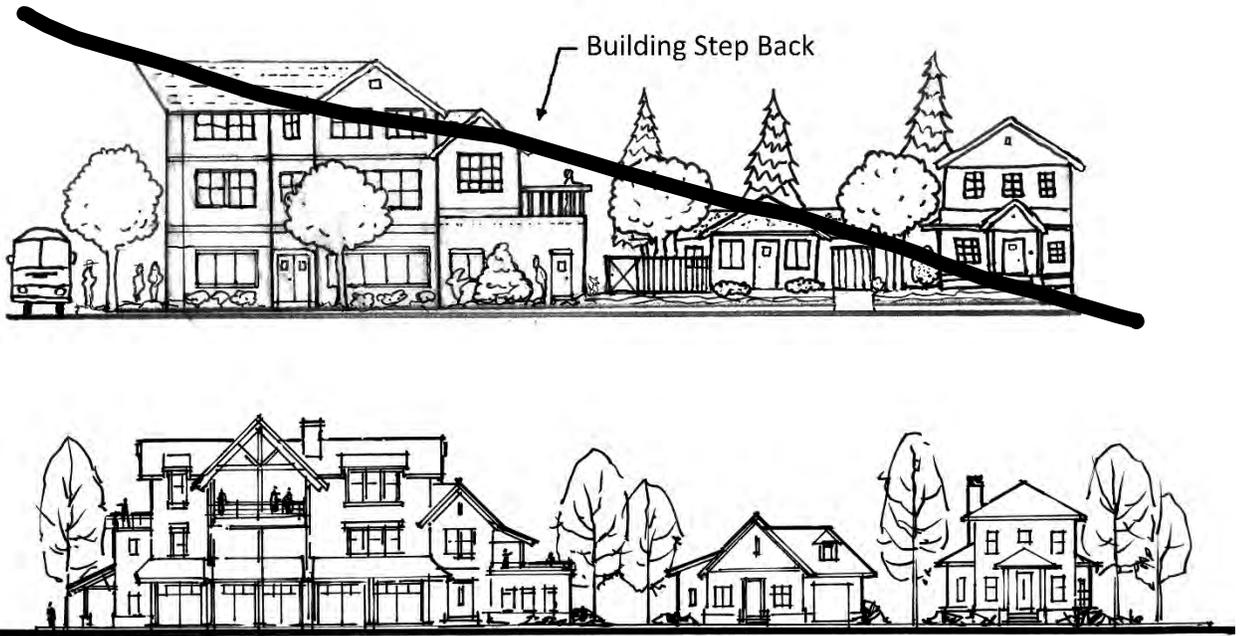
b. Using the existing separation pattern and orientation of buildings in the adjacent neighborhood to establish the pattern of the new developments.

3. The following illustrations depict how multi-family buildings can be better integrated into existing neighborhoods through architectural design:



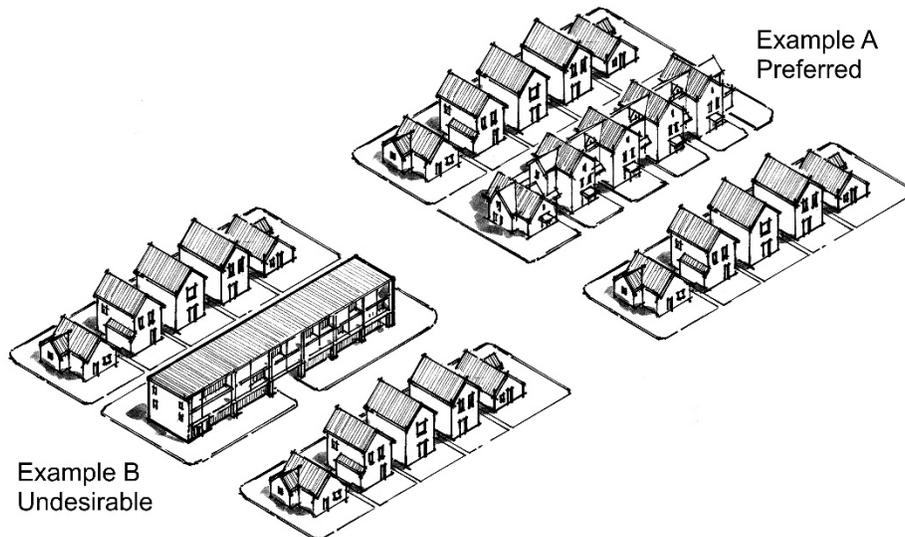
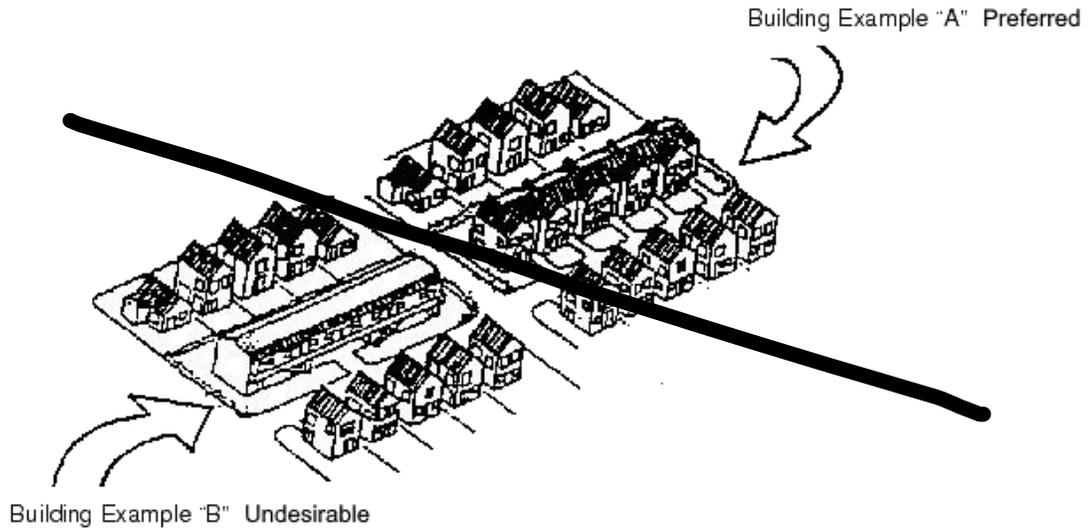
[\(New Illustration\)](#)

a. Articulation and modulation of buildings and roof lines reduces perceived building bulk and scale.



[\(New Illustration\)](#)

b. Designing multi-family buildings to "step back" from abutting lower density properties helps the building to better fit into the existing neighborhood.



(New Illustration)

c. The multi-family buildings depicted as "A" and "B" above have been built on an identical site. However, building example "A" incorporates design clues from the surrounding neighborhood and is the preferred design. Building example "A" covers roughly the same lot area as building example "B" and provides for the same number of units, while fitting in with its surroundings. Multi-family building example "B" has been built on a site surrounded by single-family development. The building design is undesirable as it bears no resemblance to the existing neighborhood and looks out of place.

11-3-43: **MIXED-USE AND NON-RESIDENTIAL BUILDING DEVELOPMENT STANDARDS:**

A. Purpose and Intent: The general purposes of the mixed-use and non-residential design standards are as follows:

1. To help implement the city's Growth Policy, Downtown Business District Master Plan, and various Corridor Plans;
2. Promote development in the city's commercial zones compatible with the historic character and pedestrian orientation of Whitefish, encouraging and requiring commercial development that enables the safe circulation of pedestrians with minimal vehicle-pedestrian conflicts, softens the auto-dominated nature of the zoning district, and provides a regional design, which invites the pedestrian into ground floor commercial establishments;
3. Enrich the quality of commercial zones built and natural environments;
4. Promote distinct communities and senses of place that strengthen the commercial districts as commercial service destinations for the city's residents and visitors;
5. Provide clear direction to public and private decision makers regarding the city's property development expectations; and
6. Require building design compatible with adopted requirements, while allowing design professionals guidance that is flexible and encourages creative solutions.

B. Building Orientation and Multi-Building Sites:

1. Orientation. Buildings must be oriented towards the primary street frontage and public paths and/or sidewalks. Buildings on corner lots should be oriented towards the primary intersection.

a. Where properties front one or more streets, new buildings must be located no more than twenty-five (25) feet from the primary street frontage.

(1) Exception: The maximum front yard setback does not apply where a landscaped greenbelt is proposed or required. In those cases, buildings must be placed as close to the greenbelt as practical.

(2) Exception: Buildings may be located further away from the primary street when separated from the street by courtyards, outdoor seating areas, or areas of extensive landscaping. In those cases, buildings must be placed as close to those areas as practical.

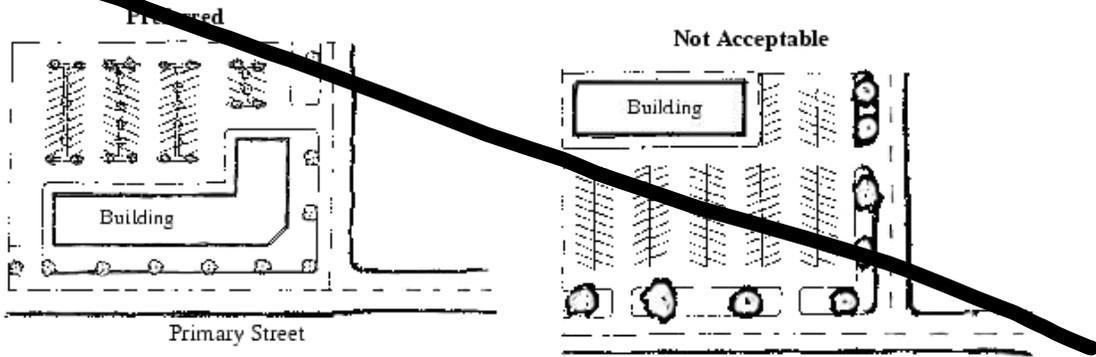
(3) Exception: Buildings may be located further away from the primary street when separated from the street by existing healthy and mature trees being retained in perpetuity. In those cases, buildings should

be placed as close to the trees as practical and a plan must be submitted to maintain the health of the trees along with a replacement plan for dead, dying, or hazardous trees.

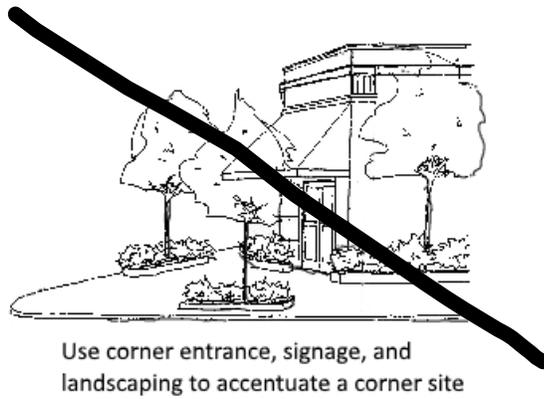
(2)(4) Exception: Accessory and secondary buildings need not comply with the maximum setback standards where a primary building occupies the available street frontage.

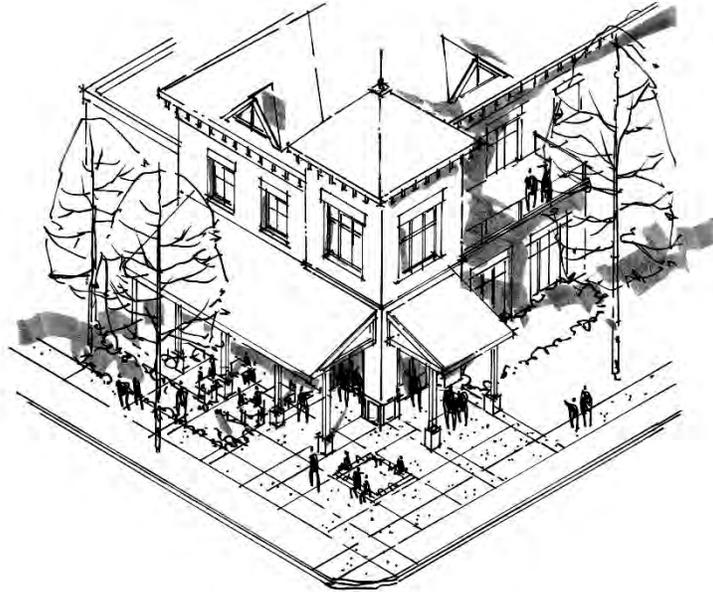
(3)(5) No new vehicle access, drive throughs, or private roads are allowed in the 25' area between the building and the street, it must be either healthy, mature trees, or landscaped or pedestrian space such as a plazas or patios with outdoor seating.

b. Buildings must be arranged on the site so that their orientation frames, encloses, or otherwise gives prominence to a pedestrian corridor, an outdoor gathering space with outdoor seating, a "main street" pedestrian or vehicle access corridor within the site, or the corners of street intersections or entry points into the development.



c. Buildings on corner lots should be oriented toward the primary intersection and the primary and secondary street frontages, while parking and auto access must be located away from the primary intersection corners.

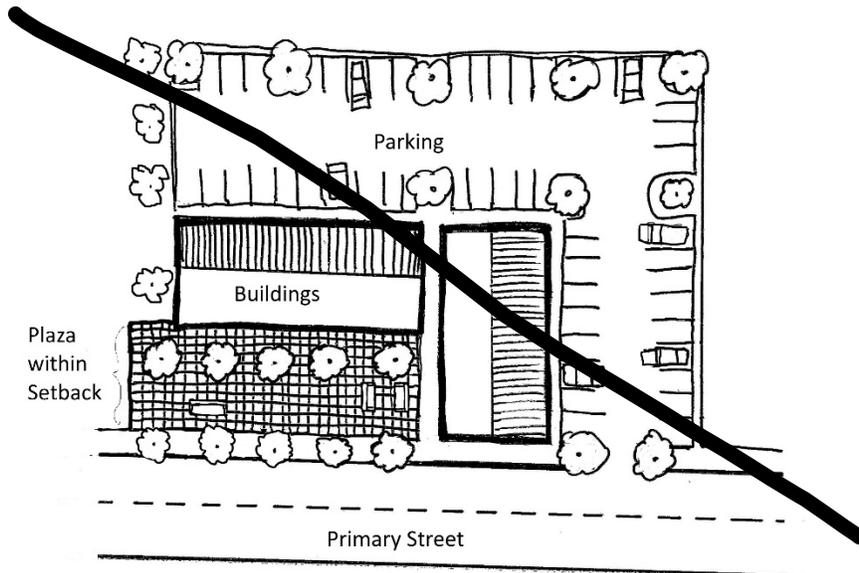


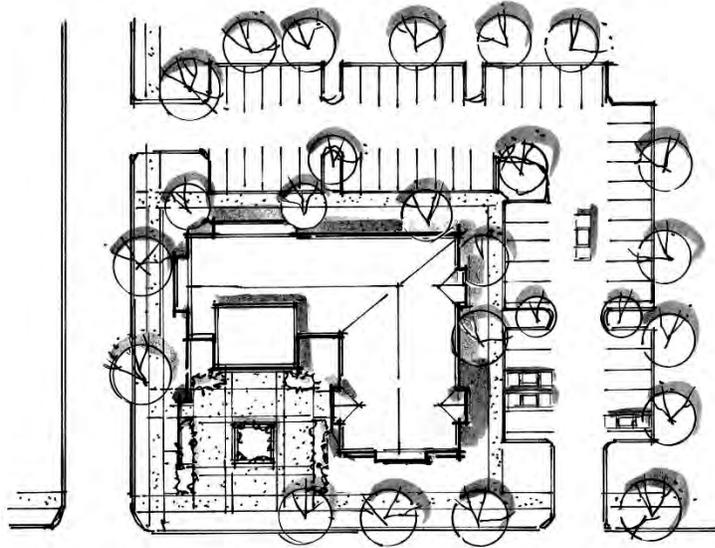


(New Illustration)

d. The use of lot corner entrances, plazas, signage, and/or landscaping is encouraged to accentuate corner sites.

2. Separation. Where buildings are separated from the primary street frontage by a required setback or public sidewalk ~~along the primary street frontage~~, the space should contain public and pedestrian amenities.





[\(New Illustration\)](#)

a. Buildings may be separated from the sidewalk by plazas, landscaping, benches, bicycle racks, trash cans, and other pedestrian amenities.

3. Multi-building design. For non-residential and mixed-use development sites with multiple buildings on one lot or multiple buildings on adjacent lots owned and developed contiguously as part of a business, retail, or industrial park, the following additional standards apply:

a. Buildings must exhibit a general similarity of scale, orientation, and proportion with unified natural and built features. As a general rule, taller buildings must be placed toward the interior of the site and stepped back from the street;

b. Buildings must be grouped or sited with other buildings to create distinct outdoor spaces, with distinct pedestrian connections between the buildings, parking, and the street;

c. Retention ponds must be irregular and organically shaped;

d. Sites must connect to natural corridors and trail systems and must facilitate pedestrian and bicycle traffic; and

e. Multiple buildings on one lot are ~~also~~ subject to [11-2-3-B-12](#) and the special provisions set forth in [11-3-14-B](#).

C. Topography: Existing trees, topography and other existing natural features must be incorporated into the project design.

1. To the extent reasonable and practicable incorporate natural grades into the overall site plan.
2. Incorporate natural features such as trees, large rocks or boulders into landscaping design.
3. To the extent reasonable, existing healthy, mature trees must be protected and incorporated into the overall site landscaping features.

D. Landscaping: Landscaping must be incorporated into new development design to soften the manmade environment, provide vegetative buffers, provide open space, and mitigate any unavoidable loss of existing native vegetation. The preferred method of landscaping is to first incorporate and preserve existing trees and shrubs, topography and other existing natural features into the project design. Any unavoidable loss of existing native vegetation must be mitigated.

1. Landscaping in parking lots must conform to the requirements of section 11-6-5, Landscaping and Screening.
2. Landscaping techniques including living plant material and supporting elements must include, but are not limited to, the following:
  - a. Landscape open areas created by building modulation.
  - b. Retain natural vegetation and undisturbed open space.
  - c. Use plants that require low amounts of water, including native drought-resistant species.
  - d. Locate trees on storefront street frontages at appropriate spacing so that at maturity building signage and entrance are clearly visible from the street and sidewalk.
  - e. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.
  - f. Shrubs, grasses and other nontree vegetation must be included in the plan as appropriate to the site on a case-by-case basis.
  - g. Landscaping techniques for the WB-3 zone and areas with limited undeveloped space may include:
    - (1) Providing frameworks such as trellises or arbors for plants;
    - (2) Incorporating planter guards, retaining walls, or low planter walls as part of the architecture;

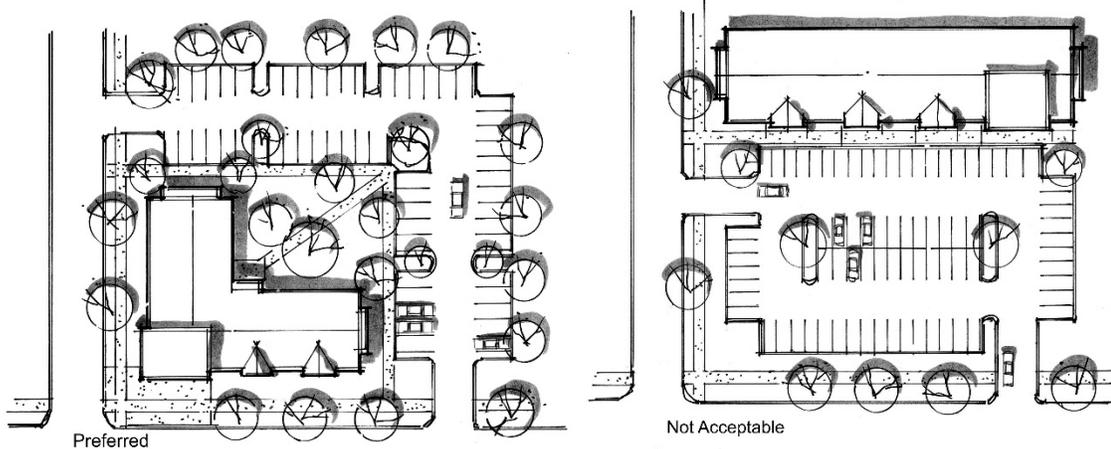
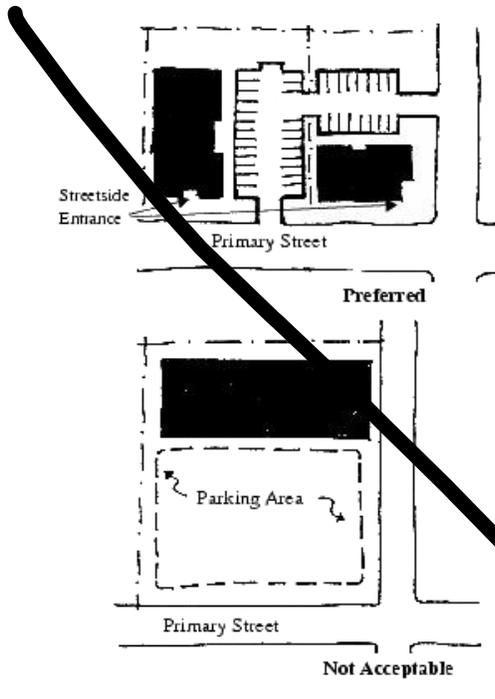
(3) Incorporating upper story planter boxes, 'green roofs,' roof gardens or plants;

(4) Incorporating outdoor furniture into the landscaping plan.

3. The zoning administrator may consider a waiver of certain landscaping requirements if significant existing (especially native) vegetation and topography are preserved.

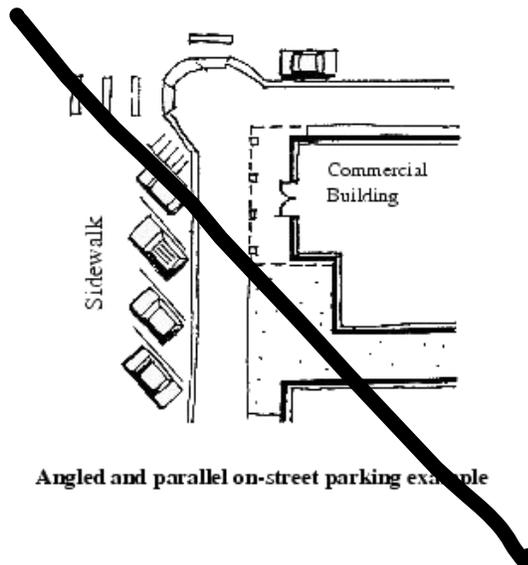
E. Off-Street Parking Lots: Development must minimize the impact of parking on the building's relationship to the street and pedestrian-oriented character and character of the neighborhood.

1. Off-street parking must be located to the side or rear of buildings.



[\(New Illustration\)](#)

1. Parking lots must not be located between the building and the primary street frontage.
  2. Off-street parking must occupy no more than thirty (30) percent of the primary street frontage nor more than seventy-five (75) percent of any secondary street frontage for corner lots.
  3. Parking lot lighting must be the minimum needed to create adequate visibility at night, must be energy efficient and dark sky compliant meeting outdoor lighting standards found in 11-3-25 and must utilize energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights as much as possible. Lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur. Light fixtures not necessary for security purposes must be reduced, activated by motion sensor devices, or turned off during hours when the business or use is not open.
  4. Adjacent developments are required to link parking areas where physically possible as well as access ways in order to encourage combining of shopping trips, pedestrian activity and to reduce redundant driveways and the need to re-access arterials.
  5. Vehicle circulation on-site must be clearly organized to facilitate movement into, throughout, and out of parking areas. Parking drive lanes and intersections must align wherever practical.
  6. Low impact development techniques for stormwater management should be used wherever possible.
2. Secure short-term bicycle parking shall be provided in a convenient location at one space for every four dwelling units and/or 10% of the number of required vehicle parking spaces, whichever is greater, with a minimum of two spaces provided.



- F. **On-Street Parking:** On-street parking is encouraged along streets, access drives, and alleys in order to provide convenient access and reduce the need for off-street parking lots.
1. The required number of off-street parking spaces shall be reduced by one space for each newly developed on-street parking space.
  2. Parking for Americans with Disabilities Act (ADA) requirements may be met on-street if such a location meets ADA design standards and would better serve the public than off-street ADA parking.
- G. **Pedestrian and Bicycle Accommodations:** Provide safe, bicycle and pedestrian-friendly development.
1. Walkways must be provided between the primary abutting street and the main pedestrian entrances to buildings.
  2. The interruption of sidewalks by driveways should be minimized. Where driveways cross sidewalks, the sidewalks should remain raised with a curb cut and ramp over the sidewalk provided so cars may pass over the sidewalk rather than requiring pedestrians to step down to an interrupting driveway.
  3. Pedestrian access must be provided between commercial sites and adjacent areas. Existing informal pathway locations and future walkway locations shown in the nonmotorized transportation plan shall be taken into consideration when locating new paths.
  4. Bicycle locking racks that support the entire bicycle frame, not just the front wheel, must be provided. Bicycle racks must be located as close as possible to primary building entrances (generally within 20 feet). New buildings should provide covered bicycle racks, especially those used by employees.
- H. **Mixed-Use or Non-residential Development Adjacent to Residential Zones:** Buildings must be designed to ensure that building massing, height, and scale provide sensitive transition to adjoining residential neighborhoods. When abutting a residential zoning district, the project's landscaping plan must include provisions for vegetative screening between the project and the residential property.
1. New developments adjacent residential areas must mitigate impacts through careful site planning and architectural design. Possible mitigation techniques include, but are not limited to, the following:
    - a. Locating open space and preserving existing vegetation on the site's edge to further separate the building from less intensive uses;

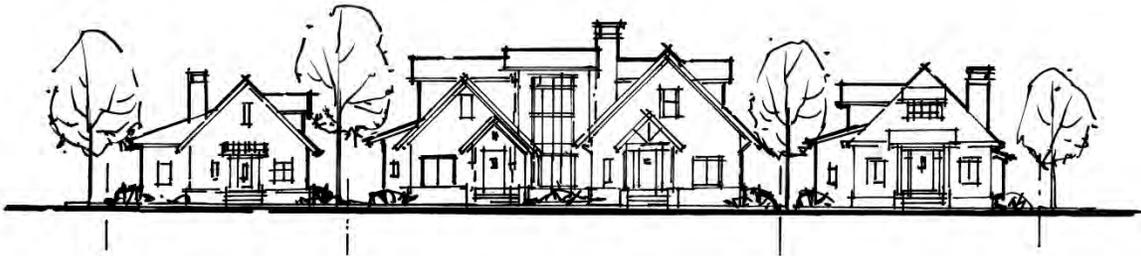


This multistory commercial building "steps back" to conform to the abutting lower density property. This use of modulation helps the commercial building fit into the neighborhood.



(New Illustration)

b. Stepping down the massing of the building along the site's edge to help larger buildings fit into the context of a neighborhood;



(New Illustration)

c. Limiting the length of or articulating building facades to reflect adjacent residential patterns; and

d. Creative use and ongoing maintenance of landscaping, such as buffers, berms, mounds, rockeries, living fences, and swales. Buffers should be designed to avoid the appearance of a straight line or 'wall' of uniform plant material and must be wide enough to accommodate the planted species at maturation.

I. Support Elements: Mechanical elements, loading areas, trash, and recycling containers must be located and/or screened to minimize their visibility from public view.

1. Refuse and storage containers must be screened with built and/or landscaped confinements.

2. Refuse and storage areas should be located to the rear or side of the property and away from adjacent streets and residential property.

3. Service and loading areas should be located to the rear or sides of buildings away from adjacent streets but must be designed for convenient use.

**PLANNING & BUILDING DEPARTMENT**  
**418 E Second Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



September 29, 2020

Mayor and City Council  
City of Whitefish  
PO Box 158  
Whitefish, MT 59937

**Re: Zoning Text Amendments: WZTA 20-03**

Honorable Mayor and Council:

**Summary of Requested Action:** This application is a request by the City of Whitefish to amend and update Code Sections 11-3, Special Provisions, Section 11-3-42, Multi-Family Development Standards, and Section 11-3-43, Mixed-Use and Non-Residential Development Standards.

**Planning & Building Department Recommendation:** Staff recommends the City Council adopt the attached code amendments with the following amendment based on councilor comments from the September 8 public hearing. Staff recommends the Council delete section 11-3-43-B-1-a and draft subsections (1) through (5) below 1-a, eliminating the maximum 25' setback for non-residential and mixed-use buildings and the exceptions. Sections b, c, and d below that would need to be re-organized to a, b, and c.

**Public Hearings:** A public hearing on this item was held before the Planning Board on August 20, 2020. No one from the public spoke. There were no public comments received prior to the meeting. The city received an email with comments that came in at 5 p.m. the evening of the meeting from Mayre Flowers with Citizens for a Better Flathead that was discovered after the meeting. A public hearing before the City Council was held on September 8, 2020 and the item continue to October 5th. Rhonda Fitzgerald from the public spoke on several items related to the amendments.

**Planning Board Recommendation:** Beckham moved, with Freudenberger seconding, to adopt the findings of fact within Staff Report WZTA 20-03, as proposed by staff. Beckham moved, with Freudenberger seconding to change the language of the last sentence of 11-3-42-C-2-i to read: "Sufficient ground level lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; and.." The motion passed 3-1 with Feury in opposition. Minutes from the meeting are attached.

**Proposed Motion:**

*I move to approve WZTA 20-03 adopting the attached Ordinance amending Title 11-3, Section 11-3-42, Multi-family Development Standards, and Section 11-3-42, Mixed-use and Non-Residential Development Standards, as recommended by the Whitefish City Planning Board along with the Findings of Fact in the staff report, including staff's proposed additional amendment to remove section 11-3-43-B-1-a, including subsections (1) through (5), and renumbering "b", "c", and "d" to "a", "b", and "c".*

This item was continued from the September 8 City Council meeting and placed on the agenda for your regularly scheduled meeting on October 5, 2020. Minutes for the meetings and written public comments are attached. Should Council have questions or need further information on this matter, please contact the Whitefish Planning Board or the Planning & Building Department.

Respectfully,



David Taylor, AICP  
Director

Att: Draft Planning Board minutes from 8/20/20  
Exhibit A, Staff Report WZTA 20-03 8/20/20  
Public comment from Mayre Flowers of CBF

c: w/att Michelle Howke, City Clerk

## August 20, 2020 Draft City Planning Board Minutes

	<p>opportunity to influence what they look like, where the square footage of a restaurant generally would not.</p> <p>Beckham asked about striking "Bus depot" from § 11-2K-2: Permitted Uses when one was being proposed near the Library and she did not want that category to just be lost. Director Taylor said what is being proposed near the Library is a bus stop, where a bus depot is a transit center where buses, etc., are stored. Director Taylor suggested it could be kept there or moved to § 11-2K-3: Conditional Uses if the board chose, which would ensure it was attractive and in an appropriate place.</p>
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Vice Chair Ellis opened the public hearing, and no one wished to speak. Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Freudenberger moved and Feury seconded to adopt the findings of fact within staff report WZTA 20-02, as proposed by City Staff.</p> <p>Beckham moved and Vice Chair Ellis seconded to move "Bus depot" from § 11-2K-2: Permitted Uses, to § 11-2K-3: Conditional Uses. <b>The motion passed unanimously.</b></p> <p>Feury said he has a concern with adding "Personal services" as a permitted use as they are generally pretty small businesses that cannot afford a stand-alone building which may result in multi-tenant buildings ("strip malls"). He is also slightly concerned with light manufacturing approval by an administrative CUP.</p> <p>Feury moved and Vice Chair Ellis seconded to move "Personal services" from § 11-2K-2: Permitted Uses, to § 11-2K-3: Conditional Uses. <b>The motion passed 3-1 with Beckham voting in opposition.</b></p>
VOTE	<b>The motion, with two amendments, passed unanimously.</b> The matter is scheduled to go before the Council on September 8, 2020.
<b>PUBLIC HEARING 4: CITY OF WHITEFISH ZONING TEXT AMENDMENT</b>	A request by the City of Whitefish for Zoning Text Amendments to do minor housekeeping updates to §11-3-42, Multi-Family Development Standards, and §11-3-43, Mixed-Use and Non-Residential Building Development Standards.

REQUEST <i>6:47 pm</i>	
STAFF REPORT WZTA 20-03 (Taylor)	<p>Director Taylor reviewed his staff report and findings. No public comments had been received regarding to these zoning text amendments.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 20-03 and for <b>approval</b> of the zoning text amendments to Title 11, Chapter 3, Multi-Family Development Standards, and Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	Beckham questioned the recommended change of "must" to "should" in § 11342(C)(2)(i) as she feels some type of lighting is necessary for a level change. She suggested ground level lighting where overhead lighting is not sufficient.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Vice Chair Ellis opened the public hearing, and no one wished to speak. Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Beckham moved and Freudenberger seconded to adopt the findings of fact within staff report WZTA 20-03, as proposed by City Staff.</p> <p>Beckham moved and Freudenberger seconded to change the language in the last sentence of § 11342(C)(2)(i) to read, "Sufficient ground level lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; and". <b>The motion passed 3-1 with Council Feury voting in opposition.</b></p>
<b>VOTE</b>	<b>The motion with one amendment passed unanimously.</b> The matter is scheduled to go before the Council on September 8, 2020.
NEW BUSINESS <i>7:11 pm</i>	None.
GOOD AND WELFARE <i>7:11 pm</i>	<ol style="list-style-type: none"> <li>1. Matters from Board. None.</li> <li>2. Matters from Staff. Director Taylor said Planner</li> </ol>

**PROPOSED CODE AMENDMENTS**  
**11-3-42 MULTI-FAMILY DEVELOPMENT STANDARDS AND 11-3-43**  
**MIXED-USE AND NON-RESIDENTIAL DEVELOPMENT STANDARDS**  
**STAFF REPORT #WZTA 20-03**  
**AUGUST 20, 2020**

This is a report to the Whitefish Planning Board and City Council regarding a request by the City of Whitefish to update Whitefish Zoning Code Sections 11-3-42, Multi-family Development Standards, and 11-3-43, Mixed-Use and Non-Residential Development Standards.

A public hearing will be held before the City Planning Board on Thursday, August 20, 2020, as well as before the City Council on Tuesday, September 8, 2020.

**BACKGROUND INFORMATION**

These proposed zoning text amendments update Special Provisions sections 11-3-42, Multi-family Development Standards, and 11-3-43 Mixed Use and Non-residential Development Standards. After using and administering the new special provisions for a year or so, we are suggesting several housekeeping improvements. Additionally, updated higher quality example illustrations have been included per the Council's direction when these two sections were originally adopted.

In general, the proposed changes clarify the intent of the regulations such as in the case of required open space, or else they provide greater flexibility such as additional exceptions for things like landscaping, tree retention, and public plazas for required maximum setbacks. In particular, setbacks for commercial or mixed-use buildings along streets can increase their required maximum setback if they are saving trees or putting in landscaping or outdoor public pedestrian amenities. The changes also provide incentives for smaller building massing.

With regard to the building massing, staff interpretation of code sections 11-2-3-B-12 and 11-3-14-B has historically dictated we ask for a conditional use permit for apartment buildings if there is more than one building proposed on a single lot. That interpretation incentivizes developers to do a larger single building on each lot to avoid the CUP when multiple buildings with smaller scale and massing on a site are much preferred aesthetically. Both the architectural review committee and the findings of the Highway 93 South Corridor Plan have acknowledged the issue. The zoning code actually only requires a CUP for "multiple principal uses on a single lot of record" (11-2-3-B-12), and an apartment complex would only be considered a single principal use spread over multiple buildings. While staff could merely change the way we have enforced that interpretation, the proposed change to 11-3-42-B-4-E would clarify that requirement and eliminate the questionable interpretation. It should be noted that since the Legacy Homes Program was adopted the CUP requirement for multi-family is now tied into the

number of units with a reduced threshold, so the majority of proposed developments would still go through noticing and public review.

While it is not currently being proposed in these draft text amendments, a similar change could also be made to 11-3-43, Mixed-Use and Non-Residential Standards, under B-3-E, to exempt multiple mixed-use or non-residential buildings on a single lot to help disincentivize large commercial buildings or strip malls. It would also encourage the development of smaller buildings to be constructed close to the major collector streets where currently principal buildings are set back and there is nothing but parking lots fronting the road. Under the current regulations that would require a CUP. With the potential future change, all development would still be subject to CUP's for buildings over a certain square footage depending on the zoning district. That suggested change will likely be coming as part of the Highway 93 South Corridor Plan action items, so we are mentioning it here for discussion.

## **PROPOSED CODE CHANGES**

The following changes to the zoning code Title 11 are proposed. Words to be removed are ~~struck out~~, words added or moved are underlined and utilize red text. Illustrations to be removed are ~~struck out~~, and new illustrations say "(New Illustration)" beneath them.

## **TITLE 11 – ZONING REGULATIONS, CHAPTER 3 - SPECIAL PROVISIONS**

### **11-3-42: MULTI-FAMILY DEVELOPMENT STANDARDS:**

- A. Purpose and Intent: The general purpose of the multi-family development standards are as follows:
1. To describe how new multi-family buildings will be compatible with their surroundings;
  2. To ensure new multi-family development is compatible with and enhances the character of Whitefish's residential neighborhoods;
  3. To enhance the built environment for pedestrians in higher density areas;
  4. To provide for development of neighborhoods with attractive, well-connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, schools, and transit stops;
  5. To ensure adequate light, air, and readily accessible open space for multi-family developments in order to maintain public health, safety, and welfare;
  6. To ensure the compatibility of dissimilar adjoining land uses;

7. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances; and

8. To encourage creativity and flexibility in the design of multi-family developments in a manner that maximizes unique site attributes and is compatible with the character and intensity of adjoining land use.

B. Orientation and Multiple Buildings Standards:

1. Requirement. Multi-family projects must be designed to orient to public streets and to provide distinct bicycle, pedestrian, and vehicular connections to existing neighborhoods.

2. Techniques for complying with the requirement in subsection B-1 include, but are not limited to:

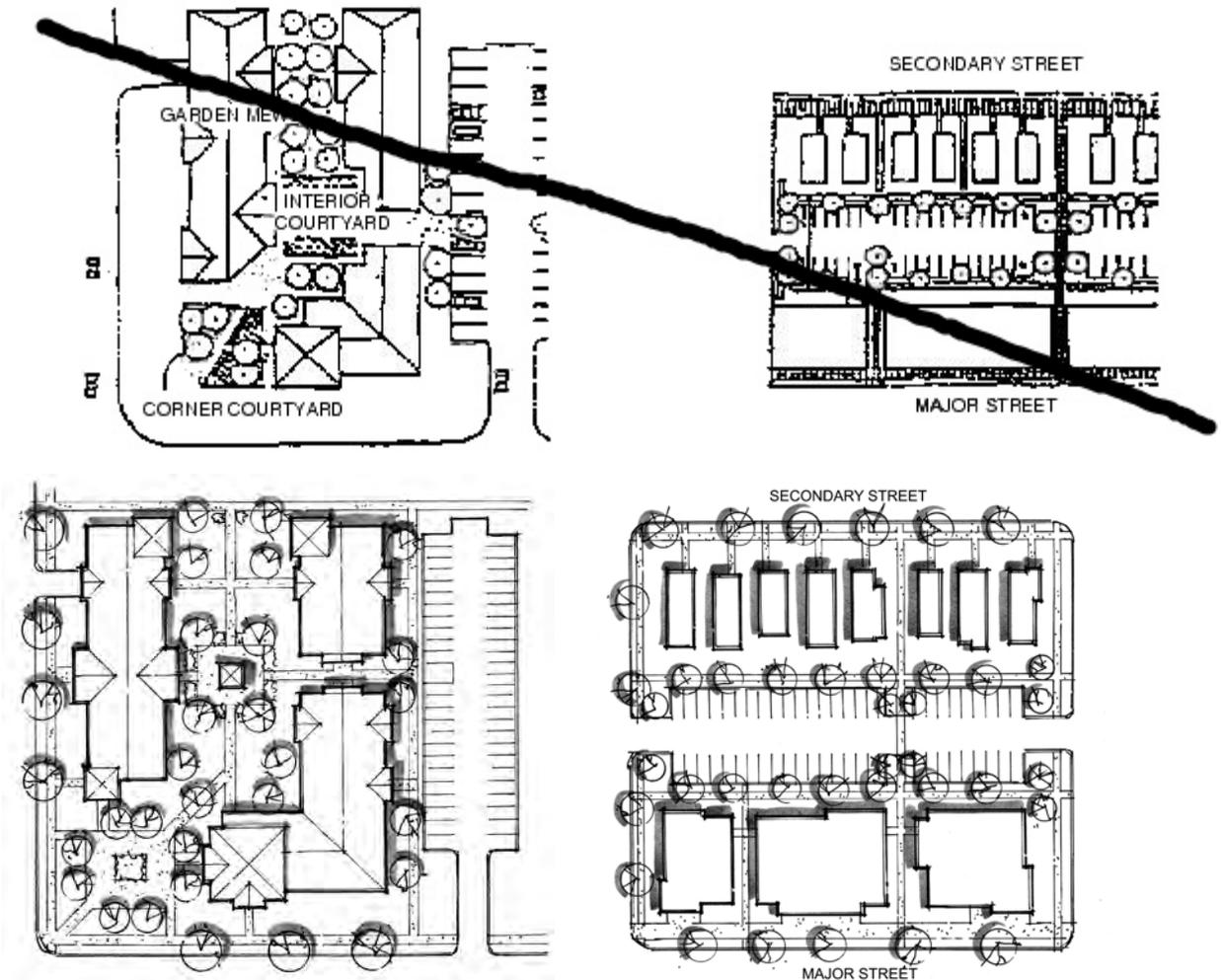
a. Using a modified street grid system where most buildings in a project front on a street. Where no public streets exist, creating a grid street system within the project.

b. Locating parking areas behind or under buildings and accessing such parking from alley-type driveways. If driveway access from streets is necessary, minimum width driveways meeting the fire code standards should be used. Shared driveways between adjacent uses are preferred.

c. Providing each building with direct and distinct pedestrian access from the main street fronting the building and from the back where the parking is located.

d. Design alternate and/or separate routes into the development that clearly define the bicycle and pedestrian areas versus areas for vehicles.

3. The following illustrations depicts site planning techniques that orient multi-family projects to streets, adding value and identity to the complex by adding interior or corner courtyards and siting parking behind the buildings:



(New Illustrations)

4. Multi-building design. For multi-family development sites with multiple buildings on one lot or multiple buildings on adjacent lots owned and developed contiguously as one apartment complex, the following additional standards apply:

a. Buildings must exhibit a general similarity of scale, orientation, and proportion with unified natural and built features. As a general rule, taller buildings must be placed toward the interior of the site and stepped back from the street.

b. Buildings must be grouped or sited with other buildings to create distinct outdoor spaces by being organized around a common open space, courtyards, public open space, natural site features (such as a stream corridor), or amenities such as recreational facilities.

c. ~~Retention ponds must be irregular and organically shaped.~~ Buildings must not present blank walls lacking articulation, modulation, or window and door openings to streets, access drives, or parking areas.

d. Sites must connect to natural corridors and trail systems and must facilitate pedestrian and bicycle traffic.

e. Multiple apartment buildings on one lot are not subject to 11-2-3-B-12 and the special provisions set forth in 11-3-14-B to encourage smaller building scale and massing.

C. Parking Location and Design:

1. Requirement. The impact of driveways and parking lots on the public and neighboring properties must be minimized by designing, locating, and screening parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk, or building facade. Bicycle parking and storage must be provided.

2. Techniques for complying with the requirement in subsection C-1 include but are not limited to:

a. Locating surface parking at the rear or side of lot;

b. Breaking large parking lots into small ones in a way that provides easy access for pedestrians;

c. Minimizing the number and width of driveways and curb cuts;

d. Sharing driveways with adjacent property owners;

e. Locating parking in areas that are less visible from the street but preferably with southern exposure for snow melt;

f. Locating driveways so they are visually less dominant and berming and landscaping them when they are visible from the street while maintaining required clear vision triangles (see 11-3-8);

g. Screening parking lots abutting single-family residences with landscaping, berming, and/or natural material fencing (see 11-6-5, Landscape and Screening); ~~and~~

h. Limiting parking lots on street frontages to thirty (30) percent of the street frontage;

i. Parking lot lighting must be the minimum needed to create adequate visibility at night, must be energy efficient and dark sky compliant meeting outdoor lighting standards found in 11-3-25, and must utilize energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights as much as possible. Lighting ~~must~~ should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; **and**

j. Secure short-term bicycle parking must be provided in a convenient location at one space for every four dwelling units, with a minimum of two spaces provided.

D. Fences and Walls:

1. Requirement. The site must be designed to minimize the need for fences and walls which inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

2. Techniques for complying with the requirement in subsection D-1 include, but are not limited to, placing pedestrian breaks and/or crossings at frequent intervals where a fence, wall or landscaped area separates a sidewalk from a building or one development from another, or when fencing is necessary, using fencing that is easy to see through such as natural wood split rail or picket fencing.

E. Site Lighting and Support Facilities:

1. Requirement. Provide adequate lighting, screening, and pedestrian access to supporting facilities such as tot lots, mailboxes, bus stops, recycling areas and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well-lit areas with access to the multi-family walkway network. Provide for shielding and directing of lighting to minimize impacts upon residents and abutting property owners. Lighting must meet the requirements of 11-3-25, Outdoor Lighting, and energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights must be utilized as much as possible. Light fixtures not necessary for security purposes must be activated by motion sensor devices where practicable.

2. Techniques for complying with the requirement in subsection E-1 include, but are not limited to:

a. Site Lighting:

(1) Providing site lighting along walkways throughout the project that is pedestrian scale, and low in height and intensity;

(2) Providing security lighting in parking areas and play areas;

(3) Preventing site lighting from shining into the dwelling units in the development; and

(4) Directing lighting away from neighboring development.

3. Bus Stops. Ensuring that the multi-family walkway network provides convenient pedestrian access to the nearest transit stop.

4. Support Facilities:

- (1) Locating support facilities such as trash receptacles, dumpsters, and mechanical equipment in areas adjacent to interior walkways; and
- (2) Fully screening and landscaping support facilities.

F. Grading/Tree Retention:

1. Requirement. Multi-family projects must be designed to minimize impacts to existing topography and vegetation and require a tree preservation plan with an application submittal.
2. Techniques for complying with the requirement in subsection F-1 include, but are not limited to:
  - a. Incorporating the natural grades in the overall design of the project;
  - b. Incorporating existing groups of trees/vegetation that will be protected and retained;
  - c. Minimizing disturbance of open space areas to better facilitate stormwater infiltration; and
  - d. Avoiding the placement of buildings adjacent to ridgetops, so the rooftops do not extend above the crest of the ridgetops of the hillside, especially where views of natural amenities are concerned.

G. Open Space and Outdoor Common and Private Spaces:

1. Requirement. Usable common area open space of at least 10% of the site must be provided in a multi-family development for all the residents of the development in a central location accessible to all units. Given the environmental and recreational benefit of open space, it should be integrated into the overall design of the development rather than consisting of residual areas left over after buildings and parking lots are sited.
2. Techniques for complying with the requirement in subsection G-1 include, but are not limited to:
  - a. Combining the open space of contiguous properties to provide for larger viable open space areas;
  - b. Siting permanent outdoor recreation equipment away from storm drainage facilities;

c. Using walkways to connect the open space to the multi-family buildings, parking areas, and adjacent neighborhoods; and

d. Incorporating a variety of amenities and activities for all age groups in the open space, including but not limited to site furnishings such as benches and tables, picnic and barbeque areas, patios and courtyards, gardens, water features, tot lots, play fields, sport courts (such as tennis, volleyball, or bocce ball), and open lawns; and

e. Required setbacks and landscaping buffers, parking areas, and emergency access and/or turnarounds cannot be counted as common area open space.

3. Visually shielded private outdoor spaces such as yards, decks, or patios should be provided to encourage a sense of ownership by residents. Shielding may consist of berms, hedges, landscaping, fencing, or walls.

#### H. Neighborhood Scale:

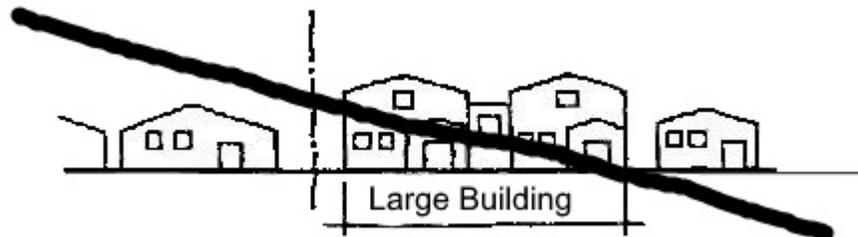
1. Requirement. To the extent reasonable and practicable, the architectural scale of new buildings proposed for existing neighborhoods must be compatible with and complement the architectural character of neighboring buildings.

2. Techniques for complying with the requirement in subsection 1 of this section include, but are not limited to:

a. Breaking a multi-family building into house size building elements, especially where there is a building height transition from adjoining development; and

b. Using the existing separation pattern and orientation of buildings in the adjacent neighborhood to establish the pattern of the new developments.

3. The following illustrations depict how multi-family buildings can be better integrated into existing neighborhoods through architectural design:





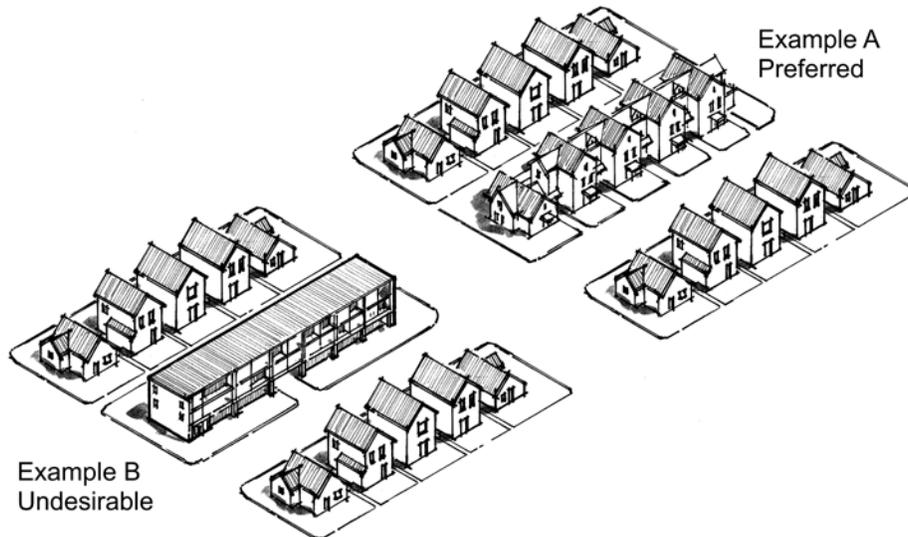
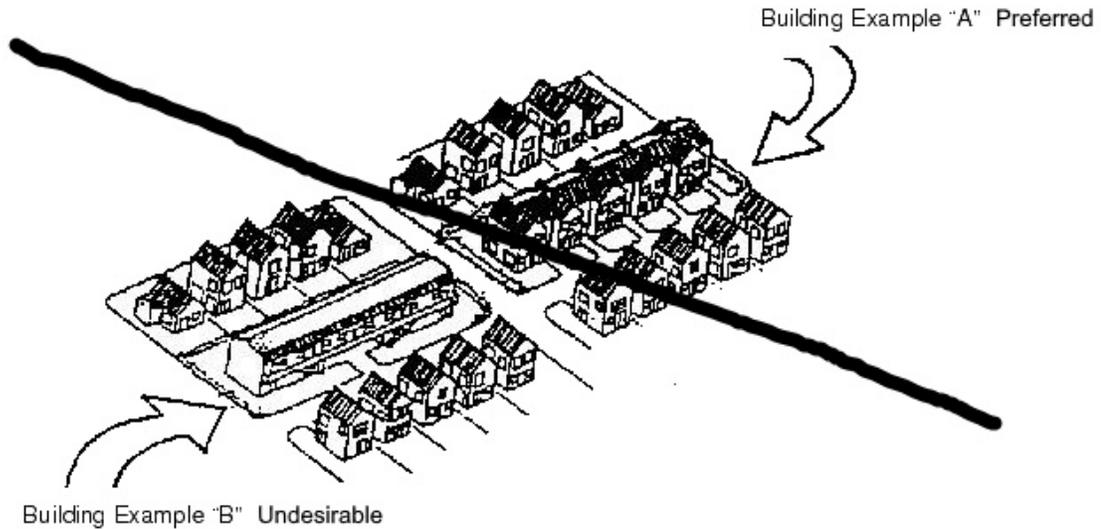
(New illustration)

a. Articulation and modulation of buildings and roof lines reduces perceived building bulk and scale.



(New illustration)

b. Designing multi-family buildings to "step back" from abutting lower density properties helps the building to better fit into the existing neighborhood.



(New Illustration)

c. The multi-family buildings depicted as "A" and "B" above have been built on an identical site. However, building example "A" incorporates design clues from the surrounding neighborhood and is the preferred design. Building example "A" covers roughly the same lot area as building example "B" and provides for the same number of units, while fitting in with its surroundings. Multi-family building example "B" has been built on a site surrounded by single-family development. The building design is undesirable as it bears no resemblance to the existing neighborhood and looks out of place.

11-3-43: **MIXED-USE AND NON-RESIDENTIAL BUILDING DEVELOPMENT STANDARDS:**

A. Purpose and Intent: The general purposes of the mixed-use and non-residential design standards are as follows:

1. To help implement the city's Growth Policy, Downtown Business District Master Plan, and various Corridor Plans;
2. Promote development in the city's commercial zones compatible with the historic character and pedestrian orientation of Whitefish, encouraging and requiring commercial development that enables the safe circulation of pedestrians with minimal vehicle-pedestrian conflicts, softens the auto-dominated nature of the zoning district, and provides a regional design, which invites the pedestrian into ground floor commercial establishments;
3. Enrich the quality of commercial zones built and natural environments;
4. Promote distinct communities and senses of place that strengthen the commercial districts as commercial service destinations for the city's residents and visitors;
5. Provide clear direction to public and private decision makers regarding the city's property development expectations; and
6. Require building design compatible with adopted requirements, while allowing design professionals guidance that is flexible and encourages creative solutions.

B. Building Orientation and Multi-Building Sites:

1. Orientation. Buildings must be oriented towards the primary street frontage and public paths and/or sidewalks. Buildings on corner lots should be oriented towards the primary intersection.

a. Where properties front one or more streets, new buildings must be located no more than twenty-five (25) feet from the primary street frontage.

(1) Exception: The maximum front yard setback does not apply where a landscaped greenbelt is proposed or required. In those cases, buildings must be placed as close to the greenbelt as practical.

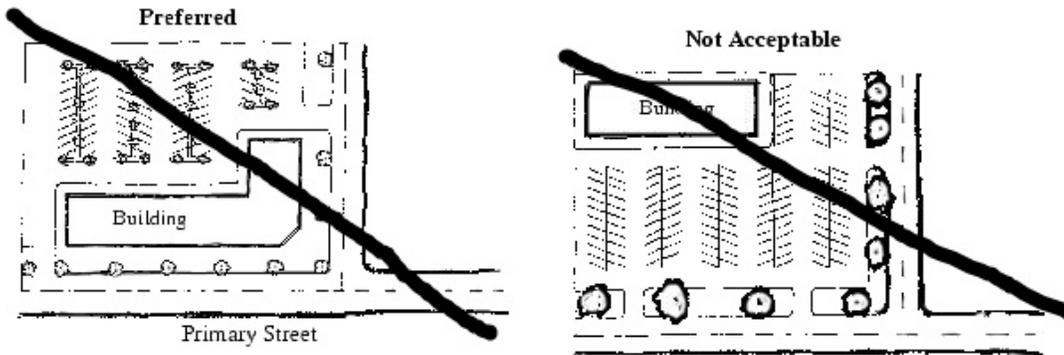
(2) Exception: Buildings may be located further away from the primary street when separated from the street by courtyards, outdoor seating areas, or areas of extensive landscaping. In those cases, buildings must be placed as close to those areas as practical.

(3) Exception: Buildings may be located further away from the primary street when separated from the street by existing healthy and mature trees being retained in perpetuity. In those cases, buildings should be placed as close to the trees as practical and a plan must be submitted to maintain the health of the trees along with a replacement plan for dead, dying, or hazardous trees.

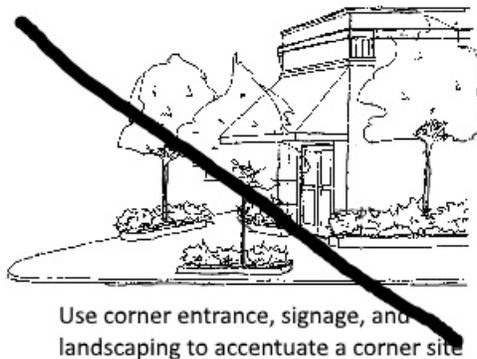
(4)(2) Exception: Accessory and secondary buildings need not comply with the maximum setback standards where a primary building occupies the available street frontage.

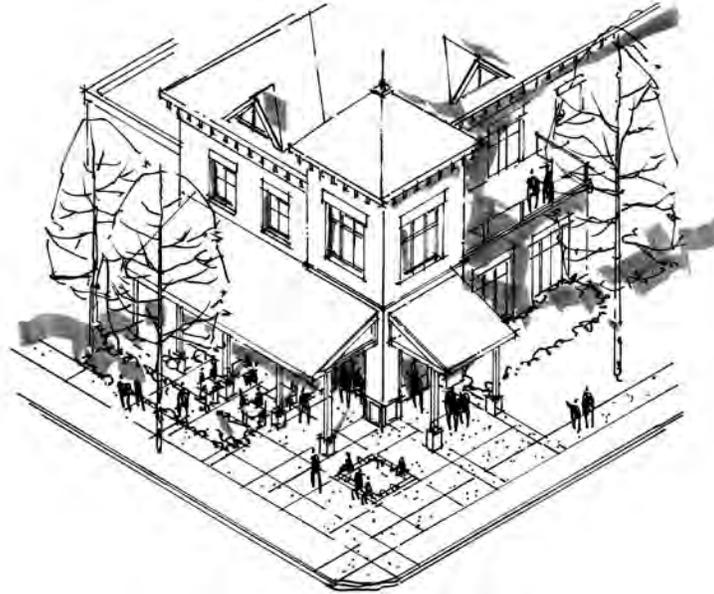
(5)(3) No new vehicle access, drive throughs, or private roads are allowed in the area between the building and the street in the 25' area, it must be either healthy, mature trees, or landscaped or pedestrian space such as a plazas or patios with outdoor seating.

b. Buildings must be arranged on the site so that their orientation frames, encloses, or otherwise gives prominence to a pedestrian corridor, an outdoor gathering space with outdoor seating, a "main street" pedestrian or vehicle access corridor within the site, or the corners of street intersections or entry points into the development.



c. Buildings on corner lots should be oriented toward the primary intersection and the primary and secondary street frontages, while parking and auto access must be located away from the primary intersection corners.

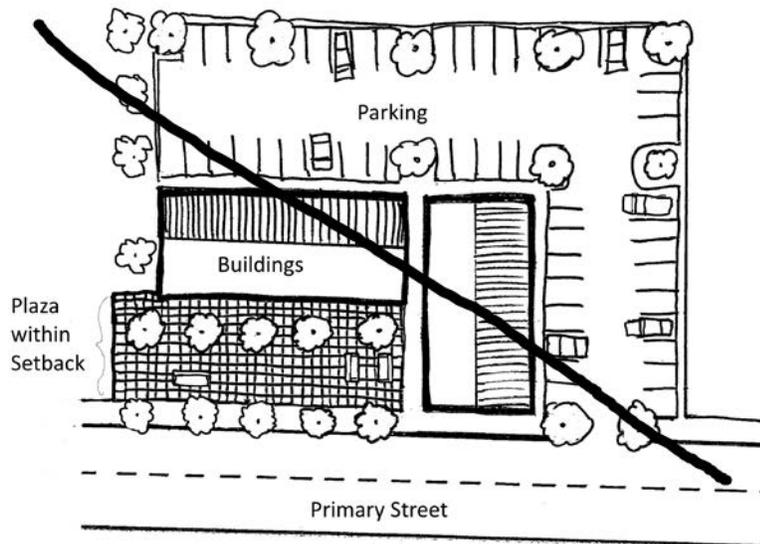


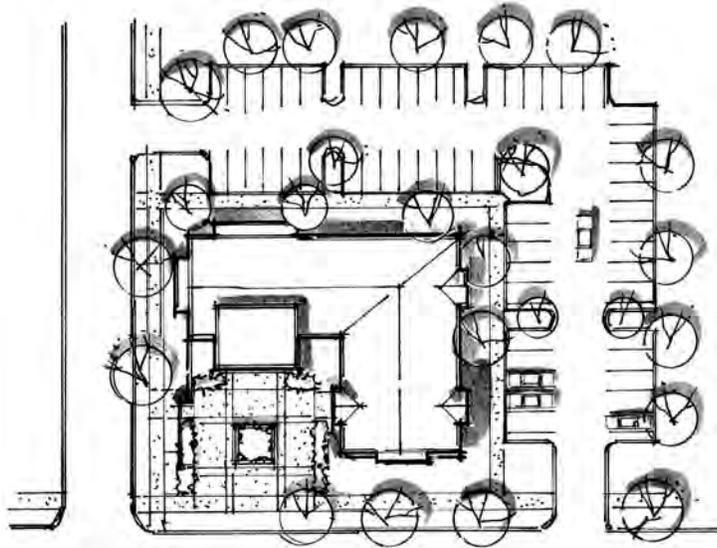


(New Illustration)

d. The use of lot corner entrances, plazas, signage, and/or landscaping is encouraged to accentuate corner sites.

2. Separation. Where buildings are separated from the primary street frontage by a required setback or public sidewalk ~~along the primary street frontage~~, the space should contain public and pedestrian amenities.





(New Illustration)

a. Buildings may be separated from the sidewalk by plazas, landscaping, benches, bicycle racks, trash cans, and other pedestrian amenities.

3. Multi-building design. For non-residential and mixed-use development sites with multiple buildings on one lot or multiple buildings on adjacent lots owned and developed contiguously as part of a business, retail, or industrial park, the following additional standards apply:

a. Buildings must exhibit a general similarity of scale, orientation, and proportion with unified natural and built features. As a general rule, taller buildings must be placed toward the interior of the site and stepped back from the street;

b. Buildings must be grouped or sited with other buildings to create distinct outdoor spaces, with distinct pedestrian connections between the buildings, parking, and the street;

c. Retention ponds must be irregular and organically shaped;

d. Sites must connect to natural corridors and trail systems and must facilitate pedestrian and bicycle traffic; and

e. Multiple buildings on one lot are also subject to 11-2-3-B-12 and the special provisions set forth in 11-3-14-B.

C. Topography: Existing trees, topography and other existing natural features must be incorporated into the project design.

1. To the extent reasonable and practicable incorporate natural grades into the overall site plan.

2. Incorporate natural features such as trees, large rocks or boulders into landscaping design.

3. To the extent reasonable, existing healthy, mature trees must be protected and incorporated into the overall site landscaping features.

D. Landscaping: Landscaping must be incorporated into new development design to soften the manmade environment, provide vegetative buffers, provide open space, and mitigate any unavoidable loss of existing native vegetation. The preferred method of landscaping is to first incorporate and preserve existing trees and shrubs, topography and other existing natural features into the project design. Any unavoidable loss of existing native vegetation must be mitigated.

1. Landscaping in parking lots must conform to the requirements of section 11-6-5, Landscaping and Screening.

2. Landscaping techniques including living plant material and supporting elements must include, but are not limited to, the following:

a. Landscape open areas created by building modulation.

b. Retain natural vegetation and undisturbed open space.

c. Use plants that require low amounts of water, including native drought-resistant species.

d. Locate trees on storefront street frontages at appropriate spacing so that at maturity building signage and entrance are clearly visible from the street and sidewalk.

e. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.

f. Shrubs, grasses and other nontree vegetation must be included in the plan as appropriate to the site on a case-by-case basis.

g. Landscaping techniques for the WB-3 zone and areas with limited undeveloped space may include:

(1) Providing frameworks such as trellises or arbors for plants;

(2) Incorporating planter guards, retaining walls, or low planter walls as part of the architecture;

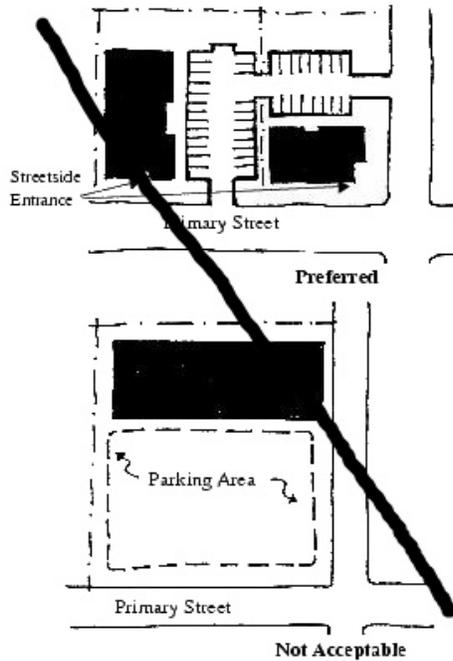
(3) Incorporating upper story planter boxes, 'green roofs,' roof gardens or plants;

(4) Incorporating outdoor furniture into the landscaping plan.

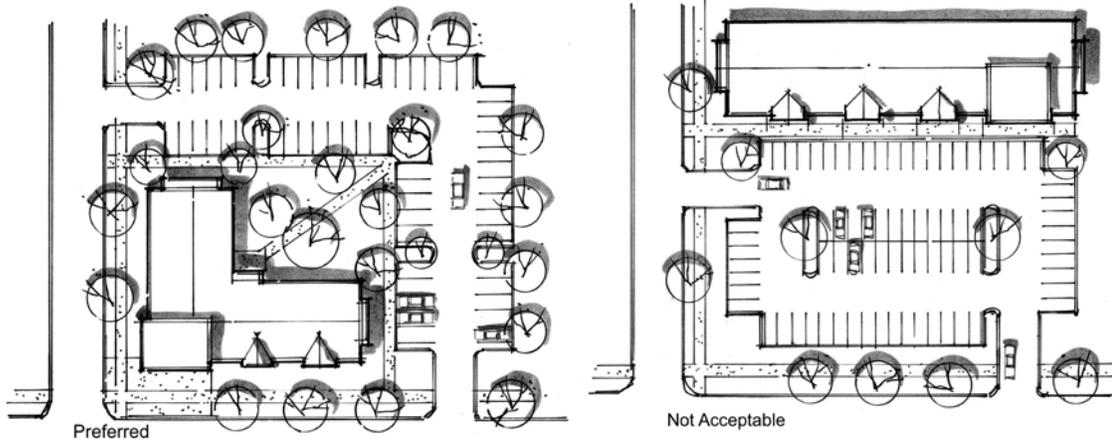
3. The zoning administrator may consider a waiver of certain landscaping requirements if significant existing (especially native) vegetation and topography are preserved.

E. Off-Street Parking Lots: Development must minimize the impact of parking on the building's relationship to the street and pedestrian-oriented character and character of the neighborhood.

1. Off-street parking must be located to the side or rear of buildings.

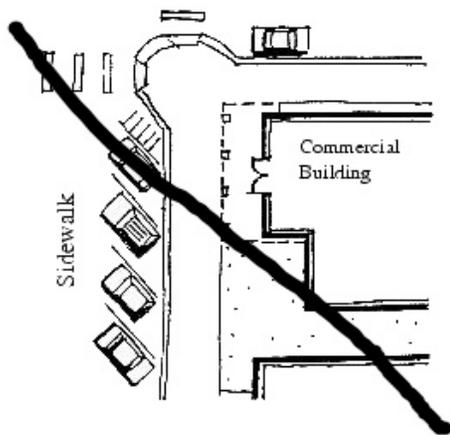


2.



(New Illustrations)

3. Parking lots must not be located between the building and the primary street frontage.
4. Off-street parking must occupy no more than thirty (30) percent of the primary street frontage nor more than seventy-five (75) percent of any secondary street frontage for corner lots.
5. Parking lot lighting must be the minimum needed to create adequate visibility at night, must be energy efficient and dark sky compliant meeting outdoor lighting standards found in 11-3-25 and must utilize energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights as much as possible. Lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur. Light fixtures not necessary for security purposes must be reduced, activated by motion sensor devices, or turned off during hours when the business or use is not open.
6. Adjacent developments are required to link parking areas where physically possible as well as access ways in order to encourage combining of shopping trips, pedestrian activity and to reduce redundant driveways and the need to re-access arterials.
7. Vehicle circulation on-site must be clearly organized to facilitate movement into, throughout, and out of parking areas. Parking drive lanes and intersections must align wherever practical.
8. Low impact development techniques for stormwater management should be used wherever possible.
9. Secure short-term bicycle parking shall be provided in a convenient location at one space for every four dwelling units and/or 10% of the number of required vehicle parking spaces, whichever is greater, with a minimum of two spaces provided.



**Angled and parallel on-street parking example**

- F. On-Street Parking: On-street parking is encouraged along streets, access drives, and alleys in order to provide convenient access and reduce the need for off-street parking lots.
1. The required number of off-street parking spaces shall be reduced by one space for each newly developed on-street parking space.
  2. Parking for Americans with Disabilities Act (ADA) requirements may be met on-street if such a location meets ADA design standards and would better serve the public than off-street ADA parking.
- G. Pedestrian and Bicycle Accommodations: Provide safe, bicycle and pedestrian-friendly development.
1. Walkways must be provided between the primary abutting street and the main pedestrian entrances to buildings.
  2. The interruption of sidewalks by driveways should be minimized. Where driveways cross sidewalks, the sidewalks should remain raised with a curb cut and ramp over the sidewalk provided so cars may pass over the sidewalk rather than requiring pedestrians to step down to an interrupting driveway.
  3. Pedestrian access must be provided between commercial sites and adjacent areas. Existing informal pathway locations and future walkway locations shown in the nonmotorized transportation plan shall be taken into consideration when locating new paths.
  4. Bicycle locking racks that support the entire bicycle frame, not just the front wheel, must be provided. Bicycle racks must be located as close as possible to primary building entrances (generally within 20 feet). New buildings should provide covered bicycle racks, especially those used by employees.
- H. Mixed-Use or Non-residential Development Adjacent to Residential Zones: Buildings must be designed to ensure that building massing, height, and scale provide sensitive transition to adjoining residential neighborhoods. When abutting a residential zoning district, the project's landscaping plan must include provisions for vegetative screening between the project and the residential property.
1. New developments adjacent residential areas must mitigate impacts through careful site planning and architectural design. Possible mitigation techniques include, but are not limited to, the following:

- a. Locating open space and preserving existing vegetation on the site's edge to further separate the building from less intensive uses;



This multistory commercial building "steps back" to conform to the abutting lower density property. This use of modulation helps the commercial building fit into the neighborhood.



(New Illustration)

- b. Stepping down the massing of the building along the site's edge to help larger buildings fit into the context of a neighborhood.



(New Illustration)

- c. Limiting the length of or articulating building facades to reflect adjacent residential patterns.
- d. Creative use and ongoing maintenance of landscaping, such as buffers, berms, mounds, rockeries, living fences, and swales. Buffers should be designed to avoid the appearance of a straight line or 'wall' of uniform plant material and must be wide enough to accommodate the planted species at maturation.
- I. Support Elements: Mechanical elements, loading areas, trash, and recycling containers must be located and/or screened to minimize their visibility from public view.

1. Refuse and storage containers must be screened with built and/or landscaped confinements.
2. Refuse and storage areas should be located to the rear or side of the property and away from adjacent streets and residential property.
3. Service and loading areas should be located to the rear or sides of buildings away from adjacent streets but must be designed for convenient use.

## REVIEW OF ZONING TEXT AMENDMENT REQUIREMENTS AND FINDINGS

The following considerations from Section 11-7-10(E) are required to be addressed in order to guide both the Planning Board and the City Council when considering an amendment to the zoning regulations or the official map:

CONSIDERATIONS FROM SECTION 11-7-10E.	FINDINGS
Conformity to the Growth Policy	<p>There are many sections in the 2007 Whitefish City-County Growth Policy that support the proposed development standards.</p> <p>Future Land Use Goal 1 states: <i>Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish community through an innovative and comprehensive growth management system.</i></p> <p>Future Land Use Goal 5: <i>Protect and preserve the special character, scale, and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.</i></p> <p>Future Land Use Policy 4: <i>For new development, redevelopment, and infill projects in downtown Whitefish, building height and massing shall be consistent with the scale of existing structures.</i></p> <p>Future Land Use Recommended Action 1: <i>In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards.</i></p> <p>The proposed amendments also support the adopted Climate Action Plan by requiring drought resistant landscaping and energy efficient site and parking lot lighting.</p>
Project Designed to Lessen Congestion in the Streets	Not applicable.
Historical and established use patterns and recent change in use trends weighed equally, not one to the exclusion of the other.	This code amendment addresses new multi-family and mixed use developments and provides updated standards to better fit into existing neighborhoods and developments.
Security from Fire, Panic, and Disasters	Site and building orientation and parking lot design standards include provisions for fire safety.

<b>CONSIDERATIONS FROM SECTION 11-7-10E.</b>	<b>FINDINGS</b>
Promote Health and General Welfare	The amendments promote development standards for the general welfare of the community.
Provide Adequate Light and Air	Building and site design standards, along with zoning setbacks and bulk and scale and building height standards help provide adequate light and air.
Prevent Overcrowding of Land and Avoid Undue Concentration of People	While the proposed amendments improve standards for multi-family and mixed-use projects that can add density, the changes will not directly allow the overcrowding of land or an undue concentration of people.
Facilitate Adequate Provisions for Transportation, Water, Sewerage, Schools, Parks and other Public Requirements	The standards include language supporting bicycle and pedestrian facilities and connections to trails and public streets.
Reasonable Consideration to the Character of the District	While these changes are independent of specific zoning districts, the standards will help future projects be compatible with neighborhood character.
Reasonable Consideration to the Peculiar Suitability of the Property for Particular Uses	The proposed amendments are not specific to any one property.
Conserve the Value of Buildings	Not applicable.
Encourage the Most Appropriate Use of the Land throughout the Municipality	Development standards ensure future projects are well designed and minimize impacts to neighboring properties.

**ADDITIONAL FINDINGS:**

1. Whereas the 2007 Whitefish City-County Growth Policy in the Land Use section calls for character-based design standards and promotes infill that minimizes impacts to existing neighborhoods; and
2. Whereas the City new development standards for multi-family and mixed-use or non-residential development have been utilized and a few items have been noted that could be improved; and
3. Whereas the City adopted a Legacy Homes Program which includes zoning text changes that increased the density-based threshold for conditional use permits required for multi-family and mixed-use developments; and

4. Whereas there has been a disconnect on larger development projects that are first approved as a Conditional Use or as a Planned Unit Development with an approved site plan and building layout and then later go through architectural review, and these development standards better marry the Architectural Review Standards with the zoning code; and
5. Whereas these zoning chapters were adopted in 2019 and have been applied over the course of a year and several improvements have been identified to better administer the standards; and
6. Whereas all the criteria for a Zoning Text Amendment found in section 11-7-10-E are met; and
7. Whereas it has been determined that it is in the best interests of the City of Whitefish and its inhabitants to amend and update the development requirements for multi-family, mixed-use, and non-residential development.

## **RECOMMENDATION**

Staff recommends that the Whitefish Planning board adopt the findings of fact and recommend that the City Council **approve** the proposed changes to sections 11-3-42 and 11-3-43, Multi-family and Mixed-Use and Non-Residential Development Standards that are found in the Special Provisions of the zoning code.



To: The Whitefish Planning Board

Re: PROPOSED CODE AMENDMENTS 11-3-42 MULTI-FAMILY DEVELOPMENT STANDARDS AND 11-3-43 MIXED-USE AND NON-RESIDENTIAL DEVELOPMENT STANDARDS STAFF REPORT #WZTA 20-03, AUGUST 20, 2020

Please note that the city agenda links for this meeting locked the public out from accessing agenda items until just a day ago—thus I have not been able to comment on all issues that I had wanted to.

Citizens for a Better Flathead raises the following points regarding the proposed changes:

► 11-3-42: **MULTI-FAMILY DEVELOPMENT STANDARDS: B. 4, c. page 4**

- Retain in an appropriate place the requirement that ponds must be irregular and organically shaped.
- The WF zoning regulations do not have a definition of “apartment.” While the regulations include a definition for: “DWELLING, MULTI-FAMILY: A building or buildings attached to each other and containing three (3) or more dwelling units. The term "multi-family dwelling" **is intended to apply to dwelling types such as triplex, fourplex or apartments where any dwellings have their primary access to a common hallway or corridor**” as the bolded text suggest this also is to narrow a definition does no likely meet the intent of this proposed amendment. To avoid confusion and unintended exceptions, provide a definition for apartment building in the definition section.

► 11-3-42: **MULTI-FAMILY DEVELOPMENT STANDARDS: C. 1 page 5**

► C. Parking Location and Design:

1. Requirement. The impact of driveways and parking lots on the public and neighboring properties must be minimized by designing, locating, and screening parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk, or building facade. **Bicycle parking and storage** must be provided.

- There is no definition for **Bicycle parking and storage**. Is this per building or per site? Is there criteria for the number spaces provided portioned to the number of units? I see that under C. Parking Location and Design that there is some clarification—“ j. Secure short-term bicycle parking must be provided in a convenient location at one space for every four dwelling units, with a minimum of two spaces provided. ” This number of spaces seems low; has it been checked against any kind of national standards for communities that are trying to encourage more alternative modes of transportation?
- Why isn’t there consistency in requirements with page 17--# 9. Secure short-term bicycle parking shall be provided in a convenient location at one space for every four

dwelling units and/or 10% of the number of required vehicle parking spaces, whichever is greater, with a minimum of two spaces provided. This happens again on page 18--# 4. Bicycle locking racks that support the entire bicycle frame, not just the front wheel, must be provided. Bicycle racks must be located as close as possible to primary building

entrances (generally within 20 feet). New buildings should provide covered bicycle racks, especially those used by employees.

- 
- ▶2. Techniques for complying with the requirement in subsection C-1 include but are not limited to:

**h. Limiting parking lots on street frontages to thirty (30) percent of the street frontage;**

- This provision should be considered for qualification/amendment. This seem like a significant loop hole particularly in the Hwy 93 corridor. If the goal is to get parking behind buildings this % should be tied not to street frontages but to a hardship where site limitation (not design desires) require some flexibility.

▶i. Parking lot lighting must be the minimum needed to create adequate visibility at night, must be energy efficient and dark sky compliant meeting outdoor lighting standards found in 11-3-25, and must utilize energy efficient "warm-white" or filtered (CCT <3,000 K; S/P ratio <1.2) fully shielded LED lights as much as possible. **Lighting must should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur; and**

- Consider inserting the word **ALL** at the beginning to clarify that lighting for stairs, curbs, etc. must comply with these standards as well.
- What is the reason for the change from must to shall? If not clear reason retain the existing wording. Are there safety or liability considerations that are national standards that could be cited as guidelines. I seem to remember that Big Mountain got sued a number of years ago for not having adequate lighting for stairs in an area where an accident occurred.
- Where is the need for parking lot design and landscaping to prevent light pollution from cars entering and leaving the parking lot and impacting adjoining particularly residential development? Section E. Site Lighting and Support Facilities: does not directly address this either.

▶E. Site Lighting and Support Facilities:

3. Bus Stops. Ensuring that the multi-family walkway network provides convenient pedestrian access to the nearest transit stop.

- Criteria should be added for when an on site bus stop should be required of the proposed development.

▶4. Support Facilities:

(1) Locating support facilities such as trash receptacles, dumpsters, and mechanical equipment in areas adjacent to interior walkways; and

(2) Fully screening and landscaping support facilities.

- **Add recycling containers to #1**

► **G. Open Space and Outdoor Common and Private Spaces:**

d. Incorporating a variety of amenities and activities for all age groups in the open space, including but not limited to site furnishings such as benches and tables, picnic and barbeque areas, patios and courtyards, gardens, water features, tot lots, play fields, sport courts (such as tennis, volleyball, or bocce ball), and open lawns; and

- Specifically exclude uses with high impact to noise or that invite large gatherings or party like events. Specifically exclude hot tubs and pools as open space uses.

e. Required setbacks and landscaping buffers, parking areas, and emergency access and/or turnarounds cannot be counted as common area open space.

- Clarify that amenities must occur outside of areas identified as steep slope or environmentally sensitive such as nesting areas, seasonal high water areas, area where significant natural vegetation would be replaced to allow for the proposed amenity, etc.

► **B. Building Orientation and Multi-Building Sites:**

1. Orientation. Buildings must be oriented towards the primary street frontage and public paths and/or sidewalks. Buildings on corner lots should be oriented towards the primary intersection.

a. Where properties front one or more streets, **new buildings must be located no more than twenty-five (25) feet from the primary street frontage.**

- What follows this section are a series of exceptions 1-5 for when buildings do not have to be set back. I think using exceptions is the wrong solution here; rather **what is needed are provisions that call for:**
  - **Consistency in the pattern of setbacks for building established along a corridor.** The current landscaped setbacks along the Hwy 93 corridor became an issue in the case of the Town Pump when they weren't required to be consistent with generous setbacks established in the corridor.
  - **Clearer, predictable guidelines that require the inclusion of greenbelts along highway corridors in the city.** City residents I believe have spoken up for more requirements for generous landscaped setbacks as opposed to "flexibility for developers" where residents and the developer both face uncertainty as to what will in the end be required. It should not be the case that such setbacks will only be required if the public raises a ruckus.
  - **While having buildings close to the sidewalk in the core downtown area is usually appropriate,** having generous landscaped and treed green belts to soften development along city roads is what the public has been requesting.

- **This section needs to be redrafted to say what the community wants and not what might or might not be required** given the more open-ended nature of the proposed exceptions.

► Page 16--

E. Off-Street Parking Lots: Development must minimize the impact of parking on the building's relationship to the street and pedestrian-oriented character and character of the neighborhood. 1. **Off-street parking must be located to the side or rear of buildings.**

**Consider changing the emphasis here: 1. Off-street parking must be located to the side or rear of buildings—to 1. Off-street parking must be located to the rear of buildings unless justification for limited side parking can be based on the inability of the site to accommodate rear parking.**

Page 17

4. Off-street parking must occupy no more than thirty (30) percent of the primary street frontage nor more than seventy-five (75) percent of any secondary street frontage for corner lots.

- As noted above in a prior section, this provision should be considered for qualification/amendment. This seems like a significant loop hole, particularly in the Hwy 93 corridor. If the goal is to get parking behind buildings this % should be tied not to street frontages but to a hardship where site limitation (not design desires) require some flexibility.

► Page 18

F. On-Street Parking: On-street parking is encouraged along streets, access drives, and alleys in order to provide convenient access and reduce the need for off-street parking lots.

1. The required number of off-street parking spaces shall be reduced by one space for each newly developed on-street parking space.
2. Parking for Americans with Disabilities Act (ADA) requirements may be met on-street if such a location meets ADA design standards and would better serve the public than off-street ADA parking.

- On street parking should not be allowed to substitute for the parking a developer is required to provide. On street parking is paid for and maintained with public dollars.
- On street parking should be reevaluated given the downtown parking study and increased difficulty finding parking particularly during events important to the economy of the city.

**Michelle Howke**

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**From:** Pam Deitz [REDACTED]  
**Sent:** Monday, September 7, 2020 11:26 PM  
**To:** Michelle Howke  
**Subject:** Proposed Zoning Changes

**The Whitefish City Council for your 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

**I have reviewed and support the comments submitted by Citizens for a Better Flathead (CBF) for your 9/8/2020 public hearings and urge you to not adopt the proposed planning office changes as presented. Instead consider the recommendations of CBF and residents like myself and find solutions that will better protect the character of Whitefish. Do more to inform and engage the public in such important decisions. We need bold leadership to preserve the character of Whitefish as we grow. Please share my comments with the [Highway 93 South Corridor Plan Steering Committee](#).**

**Thank you,**

**Pamela Deitz**  
[REDACTED]

**Whitefish**

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** Tyler Hope [REDACTED]  
**Sent:** Monday, September 7, 2020 9:10 AM  
**To:** Michelle Howke  
**Subject:** Public Comment

**To: The Whitefish City Council for your [9-8-2020](#) public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

I have reviewed and support the comments submitted by Citizens for a Better Flathead (CBF) for your [9/8/2020](#) public hearings and urge you to not adopt the proposed planning office changes as presented. Instead consider the recommendations of CBF and residents like myself and find solutions that will better protect the character of Whitefish. Do more to inform and engage the public in such important decisions. We need bold leadership to preserve the character of Whitefish as we grow. Please share my comments with the [Highway 93 South Corridor Plan Steering Committee.](#)

Sincerely,  
Tyler Hope  
[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** Jen [REDACTED]  
**Sent:** Monday, September 7, 2020 10:23 AM  
**To:** Michelle Howke  
**Subject:** Whitefish

*version:*

**To: The Whitefish City Council for your [9-8-2020](#) public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

**The proposed zone changes don't define or require a greenbelt but allows for developer driven options to build closer to the hwy.**



**The proposed zone changes to add personal services to the Hwy 93 South Corridor, which is currently only zoned for large retail sales and services and their need for large display or parking areas, and large storage areas. Allowing smaller businesses will likely lead to**

## undesirable multiple strip malls for small businesses like above



## City leaders need your input!

They want your input! These proposed changes are new to them as well.

[Excerpt from recent op-ed in Whitefish Pilot:](#)

"We recognize how increased visitation has affected the sense of place we all live here to experience. While much of these changes are free market driven, we are doing our best to preserve the authentic and unique place we call home. As your Mayor and City Manager, we strive for inclusive governance, solid planning, and managed growth to preserve the character of our community and the high quality of life for our residents and businesses. We hope you enjoy living and working in Whitefish as much as we do."

*Mayor John Muhlfeld and City Manager Dana Smith*



~::~OR Provide More Personalized or Detailed Comments such as ~::~

**To: The Whitefish City Council for your [9-8-2020](#) public hearings on proposed zoning policy changes to Multi Family Housing anywhere in Whitefish and for the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

Please do not adopt these zone changes as presented, but consider the following issues and find solutions that will better protect the character of Whitefish. for the following reasons:

- — **Keep small scale personal service businesses downtown Whitefish** and not as a permitted or conditional use along the south Whitefish Hwy Corridor, which is zoned for large scale retail uses. These are tough economic times for particularly retail businesses that define our downtown. Personal service businesses like massage, yoga, catering, event planning, personal training, and more are currently filling up many spaces in downtown Whitefish like above Bookworks and above the new Kitchen store and Tail Waggers pet shop, which helps makes these retail businesses viable and draws people downtown to shop. Don't change the WB-2 zoning to allow personal services --**Keep downtown Whitefish economically strong!**
- — **Continue the generous landscaped green belt lining the southern Hwy 93 corridor entrance to Whitefish.** The proposed changes don't provide for a consistent setback of buildings and don't require a consistent green belt for this corridor as it expands. **Keep the unique southern landscape entrance to Whitefish!**
- — **Don't let allowing multiple smaller buildings along the South Whitefish Hwy corridor to evade the now required extra review of buildings over 10,000 square feet.** Multi family housing shouldn't be exempt. Multi-family housing on a lot, or on adjoining lots, that cumulatively trigger the 10,000 sq. standard need this extra review in the entrance corridor to Whitefish, but the proposed new policy does not require this.



Show us how these proposed multi family zoning changes will preserve the character of our single family neighborhoods!**Give us actual pictures! Lot lay out examples. Don't be rushed to make changes that residents don't yet understand.**



**The zoning, in Whitefish's largely single-family traditional neighborhoods, is broken** when unaffordable oversized condos or housing are what Whitefish's zoning allows. **It's time to fix it!**

- **We need to see bold steps now to keep the character of our traditional neighborhoods intact and affordable.** It is time to re-look at changing inappropriate zoning, also identified as such in the city growth policy, that allows for development out of character with the traditional neighborhoods and to revisit numerous standards for multifamily housing in these iconic residential neighborhoods.
- **Keep all housing including multi-family affordable in the Hwy 93 South corridor! Say no to more condos.** Don't allow condos that don't meet the city's affordability standards in the WB-2 Highway 93 South Corridor or in the traditional neighborhoods that surround downtown. Affordable condos is an oxymoron. Every study done for the city on affordable housing says that condominiums are out of the price range for locals and for workers and aren't the preferred type of housing residents want. The city is failing to meet its goal for single family affordable housing units that the affordable housing study called for.
- **Require and clarify that above ground/over retail or business multi-family housing in the WB-2 zoning district must like all multifamily housing in the WB-2 zoning district be 100% deed restricted for long-term affordability.**
- **Prioritize single family affordable housing** in the South Whitefish Hwy 93 Corridor, particularly in areas where pocket neighborhoods offer great potential for much needed single family housing. **The city has already approved so much multi-family housing, there needs to be a stronger focus on single family affordable housing.**
- **Revise the city's definition for Dwelling, Multi-Family and apartments as the current range of sizes (3 or more ) is not appropriate in many single family**

**neighborhoods.** Clarify that condominiums are not multi-family housing and that there are some districts where they should not be allowed.

- **Protect natural and sensitive areas within Multi Family developments (and all districts) from high impact uses, that require clearing of natural and sensitive areas** of vegetation or introduce activity levels where noise, intensity of use or other factors degrade these natural and sensitive areas.
- **More consideration needs to be given to adding light industrial uses to the WB-2 zoning which covers the south Whitefish entrance corridor.** This use should be subject to public hearings and a full conditional use permit---and not just approval as an administrative conditional use by the planning director.
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Sincerely, jen

Sent from my iPhone

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** Shari Roubinek [REDACTED]  
**Sent:** Monday, September 7, 2020 9:15 PM  
**To:** Michelle Howke  
**Subject:** Highway 93 South zoning

**Do you want the city to retain a green belt entrance to the south as you enter Whitefish?**



**The proposed zone changes don't define or require a greenbelt but allows for developer driven options to build closer to the hwy.**



**The proposed zone changes to add personal services to the Hwy 93 South Corridor, which is currently only zoned for large retail sales and services and their need for large display or parking areas, and large storage areas. Allowing**

Keeping non-retail businesses like personal services in downtown Whitefish helps retail businesses survive in these difficult economic times ---like the Flathead's and Whitefish's only locally owned bookstore or the new retail space in the downtown by filling second-story space.

smaller businesses will likely lead to undesirable multiple strip malls for small businesses like above



**September 4, 2020**

**CITIZENS Alert:** Please take just a few minutes right now to [send comments](#) to the City of Whitefish for their **Tuesday 9/8 meeting**. Ask the City Council to slow down and NOT accept proposed policy changes to zoning in the South Hwy 93 entrance corridor to Whitefish and to multifamily housing standards in all neighborhoods.

## City leaders need your input!

They want your input! These proposed changes are new to them as well.

Excerpt from recent op-ed in *Whitefish Pilot*: "We recognize how increased visitation has affected the sense of place we all live here to experience. While much of these changes are free market driven, we are doing our best to preserve the authentic and unique place we call home. As your Mayor and City Manager, we strive for inclusive governance, solid planning, and managed growth to preserve the character of our community and the high quality of life for our residents and businesses. We hope you enjoy living and working in Whitefish as much as we do."

Mayor John Muhlfeld and City  
Manager Dana Smith



I have reviewed and support the comments submitted by Citizens for a Better Flathead (CBF) for your 9/8/2020 public hearings and urge you to not adopt the proposed planning office changes as presented. Instead consider the recommendations of CBF and residents like myself and find solutions that will better protect the character of Whitefish. Do more to inform and engage the public in such important decisions. We need bold leadership to preserve the character of Whitefish as we grow. Please share my comments with the Highway 93 South Corridor Plan Steering Committee.

Sincerely,  
Name and Address

~~~~OR Provide More Personalized or Detailed Comments such as ~~~~

**To: The Whitefish City Council for your 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing anywhere in Whitefish and for the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

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- — **Keep small scale personal service businesses downtown Whitefish** and not as a permitted or conditional use along the south Whitefish Hwy Corridor, which is zoned for large scale retail uses. These are tough economic times for particularly retail businesses that define our downtown. Personal service businesses like massage, yoga, catering, event planning, personal training, and more are currently filling up many spaces in downtown Whitefish like above Bookworks and above the new Kitchen store and Tail Waggers pet shop, which helps makes these retail businesses viable and draws people downtown to shop. Don't change the WB-2 zoning to allow personal services --**Keep downtown Whitefish economically strong!**
- — **Continue the generous landscaped green belt lining the southern Hwy 93 corridor entrance to Whitefish.** The proposed changes don't provide for a consistent setback of buildings and don't require a consistent green belt for this corridor as it expands. **Keep the unique southern landscape entrance to Whitefish!**
- — **Don't let allowing multiple smaller buildings along the South Whitefish Hwy corridor to evade the now required extra review of buildings over 10,000 square feet.** Multi family housing shouldn't be exempt. Multi-family housing on a lot, or on adjoining lots, that cumulatively trigger the 10,000 sq. standard need this extra review in the entrance corridor to Whitefish, but the proposed new policy does not require this.



Show us how these proposed multi family zoning changes will preserve the character of our single family neighborhoods! **Give us actual pictures! Lot lay out**



**The zoning, in Whitefish's largely single-family traditional neighborhoods, is**

**examples. Don't be rushed to make changes that residents don't yet understand.**

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- **Revise the city's definition for Dwelling, Multi-Family and apartments as the current range of sizes (3 or more ) is not appropriate in many single family neighborhoods.** Clarify that

condominiums are not multi-family housing and that there are some districts where they should not be allowed.

- **Protect natural and sensitive areas within Multi Family developments (and all districts) from high impact uses, that require clearing of natural and sensitive areas** of vegetation or introduce activity levels where noise, intensity of use or other factors degrade these natural and sensitive areas.
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  -

Sincerely,  
Shari Roubinek

  
Whitefish, MT 59937

## Michelle Howke

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**From:** Karla Steele [REDACTED]  
**Sent:** Monday, September 7, 2020 8:52 PM  
**To:** Michelle Howke  
**Subject:** 9-8-2020 Public Hearing Comments

**To: The Whitefish City Council for your [9-8-2020](#) public hearings on proposed zoning policy changes to Multi Family Housing anywhere in Whitefish and for the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

Please do not adopt these zone changes as presented, but consider the following issues and find solutions that will better protect the character of Whitefish. for the following reasons:

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Sincerely,  
Karla Steele (future resident) of  
[REDACTED]  
Whitefish,MT

\_\_\_\_\_  
[REDACTED]  
  
\_\_\_\_\_  
[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** Keith Blaylock [REDACTED]  
**Sent:** Tuesday, September 8, 2020 10:59 AM  
**To:** Michelle Howke  
**Subject:** proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district

**To: The Whitefish City Council for your 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

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  - — **Protect natural and sensitive areas within Multi Family developments (and all districts) from high impact uses, that require clearing of natural and sensitive areas** of vegetation or introduce activity levels where noise, intensity of use or other factors degrade these natural and sensitive areas.
- 
- **More consideration needs to be given to adding light industrial uses to the WB-2 zoning which covers the south Whitefish entrance corridor.** This use should be subject to public hearings and a full conditional use permit---and not just approval as an administrative conditional use by the planning director.

- — **Parking standards for Multi Family Housing needs more review.** On street parking should not be allowed to reduce the parking spaces the developer are required to provide on site. Allowance for side parking or the percentage of allowed parking to front a street should not be tied to a percent of the street, but rather to a showing that required parking can not be accommodated solely behind the building.
- — **Recreational uses along the South Whitefish Hwy 93 corridor need additional review** including if they should be permitted or allowed with CUP and if there should be no limit to outdoor displays for recreational guides and outfitters or other outdoor displays.
- — **For the most part, revisions to zoning or increased density in the South Whitefish Hwy 93 corridor should not be considered until the City has the benefit of the critical information that the new Whitefish Transportation study now underway should provide** including concrete, immediate and phased recommendations to reduce congestion and to pay for much needed road networks in this corridor. These findings and recommendations must be used to base decisions on new development in this corridor.

Thank you,

Sincerely,

Keith Blaylock

  
Kalispell, MT 59901

EXTERNAL SENDER verified by City of Whitefish IT



**To: The Whitefish City Council for your 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.**

These comments are in addition to those we submitted at the Whitefish Planning Board.<sup>1</sup> The scope of changes that are before you tonight we believe are beyond the scope of changes that the city council asked the planning office to develop to address issues with zoning that were identified as needing review and revision following the consideration of the Town Pump application. As such these zone changes have received little prior public consideration by the council in a workshop format, which is often done prior to significant zone text changes, or by the Hwy 93 South Corridor Steering Committee, or by residents of residential neighborhoods where the changes to the standards for Multi Family Housing will be impacted citywide. In both our comments to the planning board and in these comments we have identified numerous issues that we believe deserve additional review and public outreach for consideration. Thank you for your recent op ed recognizing the growth challenges the city faces and your commitment "for inclusive governance, solid planning, and managed growth to preserve the character of our community and the high quality of life for our residents and businesses."

Please do not adopt these zone changes as presented, but consider the following issues and find solutions that will better protect the character of Whitefish for the following reasons:

- Keep small scale personal service businesses downtown Whitefish and not as a permitted or conditional use along the south Whitefish Hwy Corridor, which is zoned for large scale retail uses. These are tough economic times for particularly retail businesses that define our downtown. Personal service businesses like massage, yoga, catering, event planning, personal training, and more are currently filling up many spaces in downtown Whitefish like above Bookworks and above the new Kitchen store and Tail Waggers pet shop, which helps makes these retail businesses viable and draws people downtown to shop. Don't change the WB-2 zoning to allow personal services --**Keep downtown Whitefish economically strong!** See images attached at end of our comments
- Continue the generous landscaped green belt lining the southern Hwy 93 corridor entrance to Whitefish. The proposed changes don't provide for a consistent setback of buildings and don't require a consistent green belt for this corridor as it expands. Keep the unique southern landscape entrance to Whitefish! See images attached at the end of our email.

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<sup>1</sup> Apparently as the city clerk was out of the office that day our comments were not given to the planning board.

- Don't let allowing multiple smaller buildings along the South Whitefish Hwy corridor to evade the now required extra review of buildings over 10,000 square feet. Multi family housing shouldn't be exempt. Multi-family housing on a lot, or on adjoining lots, that cumulatively trigger the 10,000 sq. standard need this extra review in the entrance corridor to Whitefish, but the proposed new policy does not require this.
- Show us how these proposed multi family zoning changes will preserve the character of our single family neighborhoods! Give us actual pictures! Lot lay out examples. Don't be rushed to make changes that residents don't yet understand. See images attached at the end of our comments.
- **The zoning, in Whitefish's largely single-family traditional neighborhoods, is broken** when un-affordable oversized condos or housing are what Whitefish's zoning allows. **It's time to fix it!**
- **We need to see bold steps now to keep the character of our traditional neighborhoods intact and affordable.** It is time to re-look at changing inappropriate zoning, also identified as such in the city growth policy, that allows for development out of character with the traditional neighborhoods and to revisit numerous standards for multifamily housing in these iconic residential neighborhoods.
- **Keep all housing including multi-family affordable in the Hwy 93 South corridor! Say no to more condos.** Don't allow condos that don't meet the city's affordability standards in the WB-2 Highway 93 South Corridor or in the traditional neighborhoods that surround downtown. Affordable condos is an oxymoron. Every study done for the city on affordable housing says that condominiums are out of the price range for locals and for workers and aren't the preferred type of housing residents want. The city is failing to meet its goal for single family affordable housing units that the affordable housing study called for.
- **Require and clarify that above ground/over retail or business multi-family housing in the WB-2 zoning district must like all multifamily housing in the WB-2 zoning district be 100% deed restricted for long-term affordability.**
- **Prioritize single family affordable housing** in the South Whitefish Hwy 93 Corridor, particularly in areas where pocket neighborhoods offer great potential for much needed single family housing. **The city has already approved so much multi-family housing, there needs to be a stronger focus on single family affordable housing.**
- **Revise the city's definition for Dwelling, Multi-Family and apartments as the current range of sizes (3 or more ) is not appropriate in many single family neighborhoods.** Clarify that condominiums are not multi-family housing and that there are some districts where they should not be allowed.
- **Protect natural and sensitive areas within Multi Family developments (and all districts) from high impact uses, that require clearing of natural and sensitive areas** of vegetation or introduce activity levels where noise, intensity of use or other factors degrade these natural and sensitive areas.

- **More consideration needs to be given to adding light industrial uses to the WB-2 zoning which covers the south Whitefish entrance corridor.** This use should be subject to public hearings and a full conditional use permit---and not just approval as an administrative conditional use by the planning director.
- **Parking standards for Multi Family Housing needs more review.** On street parking should not be allowed to reduce the parking spaces the developer are required to provide on site. Allowance for side parking or the percentage of allowed parking to front a street should not be tied to a percent of the street, but rather to a showing that required parking can not be accommodated solely behind the building.
- **Recreational uses along the South Whitefish Hwy 93 corridor need additional review** including if they should be permitted as proposed or allowed with CUP and if there should be no limit to outdoor displays for recreational guides and outfitters or other outdoor displays as is currently permitted.
- **For the most part, revisions to zoning or increased density in the South Whitefish Hwy 93 corridor should not be considered until the City has the benefit of the critical information that new Whitefish Transportation study now underway should provide** including concrete, immediate and phased recommendations to reduce congestion and to pay for much needed road networks in this corridor. These findings and recommendations must be used to base decisions on new development in this corridor.





**Do you want the city to retain a green belt entrance to the south as you enter Whitefish?**

**The proposed zone changes don't define or require a greenbelt but allows for developer driven options to build closer to the hwy.**





**Keeping non-retail businesses like personal services in downtown Whitefish helps retail businesses survive in these difficult economic times ---like the Flathead's and Whitefish's only locally owned bookstore or the new retail space in the downtown by filling second-story space.**



**The proposed zone changes to add personal services to the Hwy 93 South Corridor, which is currently only zoned for large retail sales and services and their need for large display or parking areas, and large storage areas. Allowing smaller businesses will likely lead to undesirable multiple strip malls for small businesses like above**





Show us how these proposed multi family zoning changes will preserve the character of our single family neighborhoods! **Give us actual pictures! Lot lay out examples. Don't be rushed to make changes that residents don't yet understand.**



**The zoning, in Whitefish's largely single-family traditional neighborhoods, is broken** when un-affordable oversized condos or housing are what Whitefish's zoning allows. **It's time to fix it!**

## Michelle Howke

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**From:** [REDACTED]  
**Sent:** Tuesday, September 8, 2020 12:49 PM  
**To:** Michelle Howke  
**Subject:** comments for City Council 9-8-2020 hearings

To: The Whitefish City Council for your 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district that covers the South Hwy 93 entrance to Whitefish.

I have reviewed and support the comments submitted by Citizens for a Better Flathead (CBF) for your 9/8/2020 public hearings and urge you to not adopt the proposed planning office changes as presented. Instead consider the recommendations of CBF and residents like myself and find solutions that will better protect the character of Whitefish. Do more to inform and engage the public in such important decisions. We need bold leadership to preserve the character of Whitefish as we grow.

Please share my comments with the Highway 93 South Corridor Plan Steering Committee.

Sincerely,  
D. L. Blank

[REDACTED]  
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

---

**From:** Roger Sherman [REDACTED]  
**Sent:** Tuesday, September 8, 2020 12:40 PM  
**To:** Michelle Howke  
**Subject:** Proposed Zoning Changer

Dear Council

As a member of the 93 south Corridor Steering Committee I would like to express my strong objection to the proposed Zone changes to add personal services to the So. 93 Corridor which is now zoned for large retail sales and services and their need for large display or parking. allowing small businesses will likely lead to undesirable , multi , ugly strip malls. The entrance to the city needs an attractive landscaped green belt lining the 93 corridor and the proposed changes do NOT provide for necessary set backs or a consistent GREEN BELT attractiveness. We need to make the entrance attractive and special.

This is one of the core objectives of our steering committee and do not destroy our two years of hard work on the South Corridor.

Roger Sherman

[REDACTED]  
WhitefishDear Council



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EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** Lauren Walker [REDACTED]  
**Sent:** Tuesday, September 8, 2020 11:24 AM  
**To:** Michelle Howke  
**Subject:** STOP SELLING OUR LAND TO DEVELOPERS

I write this letter with a heavy heart and without much hope that my comments will make any difference, but still, I write. I fear my name at the bottom of this page causes dismissals, 'oh, her again,' – as a member of a small but vocal group of people who cry out in anguished despair as decision after decision made by this council and councils before, continue to betray the trust of this small town and destroy its unique fabric. 'We're doing all we can,' the council protests, but the lie of that is exposed in the surroundings we all see and contend with. The blight of strip after strip of condominiums, like so many wasps nests, full of buzzing poisons. We see singular homes torn down ('oh, someone broke all the rafters!') and replaced with hives of activity, little tumors in the little neighborhoods. We see acre after acre of green trees and green grass, the homes of swallows and deer, elk and snowshoe hare, ripped out and paved over with hot concrete that pukes out its toxic runoff into our rivers and creeks, and then perched atop it, an evil ogre of commerce, greedily eating up local dollars and spitting them up the corporate ladder to some faraway warlord who keeps buying up more green acres to eat up and fart out.

No, I do not have money to buy this land myself, or I would! All I have is the aching love in my heart for this place that was being slowly, but now is crazily quickly, eaten up and spit out as some rich man or rich woman's playthings excess.

You, council, are supposed to save this town from the ravages of neo-capitalism that threatens to mill it into just another shiny bauble in some banker's portfolio.

Right now, the world preoccupied with the exigencies of pure survival, the vultures are circling our town again, as if we are wounded prey, and will you willingly give them our heart? will you just step aside and say, she is ailing, we'll sacrifice one more stretch of road (who cares our entrance....?), one more stretch of hood (just this small enclave), one more strip mall here (so what our hobbit shops) – to fill the coffers with your blood tax money?

Save This Town! I holler from the rooftops!

I think you'll laugh at this letter. 'Oh, her again. She always wants preservation.' And toss this into the trash. The way I feel you're tossing this town; my achingly beautiful, irreplaceable, soul filling, tender little town.....

Please do something! Please stop the madness! Only you have the power to do that! Please....Do The Right Thing!

Examples and ideas below:

Please do not adopt these zone changes as presented, but consider the following issues and find solutions that will better protect the character of Whitefish. for the following reasons:

- **Keep small scale personal service businesses downtown Whitefish** and not as a permitted or conditional use along the south Whitefish Hwy Corridor, which is zoned for large scale retail uses. These are tough economic times for particularly retail businesses that define our downtown. Personal service businesses like massage, yoga, catering, event planning, personal training, and more are currently filling up many spaces in downtown Whitefish like above Bookworks and above the new Kitchen store and Tail Waggers pet shop, which helps makes these retail businesses viable and draws people downtown to shop. Don't change the WB-2 zoning to allow personal services --**Keep downtown Whitefish economically strong!**

- **Continue the generous landscaped green belt lining the southern Hwy 93 corridor entrance to Whitefish.** The proposed changes don't provide for a consistent setback of buildings and don't require a consistent green belt for this corridor as it expands. **Keep the unique southern landscape entrance to Whitefish!**

• **Don't let allowing multiple smaller buildings along the South Whitefish Hwy corridor to evade the now required extra review of buildings over 10,000 square feet.** Multi family housing shouldn't be exempt. Multi-family housing on a lot, or on adjoining lots, that cumulatively trigger the 10,000 sq. standard need this extra review in the entrance corridor to Whitefish, but the proposed new policy does not require this.

• Show us how these proposed multi family zoning changes will preserve the character of our single family neighborhoods! **Give us actual pictures! Lot lay out examples. Don't be rushed to make changes that residents don't yet understand.**

• **The zoning, in Whitefish's largely single-family traditional neighborhoods, is broken** when un-affordable oversized condos or housing are what Whitefish's zoning allows. **It's time to fix it!**

• **We need to see bold steps now to keep the character of our traditional neighborhoods intact and affordable.** It is time to re-look at changing inappropriate zoning, also identified as such in the city growth policy, that allows for development out of character with the traditional neighborhoods and to revisit numerous standards for multifamily housing in these iconic residential neighborhoods.

• **Keep all housing including multi-family affordable in the Hwy 93 South corridor! Say no to more condos.** Don't allow condos that don't meet the city's affordability standards in the WB-2 Highway 93 South Corridor or in the traditional neighborhoods that surround downtown. Affordable condos is an oxymoron. Every study done for the city on affordable housing says that condominiums are out of the price range for locals and for workers and aren't the preferred type of housing residents want. The city is failing to meet its goal for single family affordable housing units that the affordable housing study called for.

• **Require and clarify that above ground/over retail or business multi-family housing in the WB-2 zoning district must like all multifamily housing in the WB-2 zoning district be 100% deed restricted for long-term affordability.**

• **Prioritize single family affordable housing** in the South Whitefish Hwy 93 Corridor, particularly in areas where pocket neighborhoods offer great potential for much needed single family

housing. **The city has already approved so much multi-family housing, there needs to be a stronger focus on single family affordable housing.**

**• Revise the city's definition for Dwelling, Multi-Family and apartments as the current range of sizes (3 or more ) is not appropriate in many single family neighborhoods.** Clarify that condominiums are not multi-family housing and that there are some districts where they should not be allowed.

**• Protect natural and sensitive areas within Multi Family developments (and all districts) from high impact uses, that require clearing of natural and sensitive areas** of vegetation or introduce activity levels where noise, intensity of use or other factors degrade these natural and sensitive areas.

**• More consideration needs to be given to adding light industrial uses to the WB-2 zoning which covers the south Whitefish entrance corridor.** This use should be subject to public hearings and a full conditional use permit---and not just approval as an administrative conditional use by the planning director.

**• Parking standards for Multi Family Housing needs more review.** On street parking should not be allowed to reduce the parking spaces the developer are required to provide on site. Allowance for side parking or the percentage of allowed parking to front a street should not be tied to a percent of the street, but rather to a showing that required parking can not be accommodated solely behind the building.

**• Recreational uses along the South Whitefish Hwy 93 corridor need additional review** including if they should be permitted or allowed with CUP and if there should be no limit to outdoor displays for recreational guides and outfitters or other outdoor displays.

**• For the most part, revisions to zoning or increased density in the South Whitefish Hwy 93 corridor should not be considered until the City has the benefit of the critical information that new Whitefish Transportation study now underway should provide** including concrete, immediate and phased recommendations to reduce congestion and to pay for much needed road networks in this corridor. These findings and recommendations must be used to base decisions on new development in this corridor.

Sincerely,

Lauren Walker



Whitefish, MT, 59937

--



**Lauren Walker**

**Founder & Author**

Energy Medicine Yoga - It's in the Pose!

Email: [REDACTED]

Website: [energymedicineyoga.net](http://energymedicineyoga.net)

Facebook & Instagram: [REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

---

**From:** rick yates [REDACTED]  
**Sent:** Tuesday, September 8, 2020 11:57 AM  
**To:** Michelle Howke  
**Subject:** Proposed Hwy 93 South Zoning Changes

To the Whitefish town council:

We have lived in and around Whitefish for the past 30 years. For the most part, it is a nice town. It took a lot of planning to keep it as a nice town during the unbridled development crazes that have reared their ugly heads over the past couple of decades. A lot of work went into that planning. Because of all that work and foresight, we see no reason to change the current zoning for the Hwy 93 South corridor just because more people want to make more money. If people want to build something in this town, they should build affordable housing so that the people that work here can afford to live here.

Thank you for the opportunity to comment.

Sincerely;

Rick and Melissa Yates

[REDACTED]  
Whitefish

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EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

---

**From:** Alan Gratch [REDACTED]  
**Sent:** Tuesday, September 8, 2020 2:53 PM  
**To:** Michelle Howke  
**Subject:** 9-8-2020 public hearings on proposed zoning policy changes to Multi Family Housing and to the WB-2 zoning district

I have reviewed and support the comments submitted by Citizens for a Better Flathead (CBF) for your 9/8/2020 public hearings and urge you to not adopt the proposed planning office changes as presented.

Instead consider the recommendations of CBF and long-time area residents like us.

Find solutions that better protect the character of Whitefish. Do more to inform and engage the public in such important decisions.

We need bold leadership to preserve the character of Whitefish as it grows.

Please share my comments with the Highway 93 South Corridor Plan Steering Committee.

Alan and Sallie Gratch, residents of the Star Meadow area.

[REDACTED]  
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

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**PLANNING & BUILDING DEPARTMENT**  
**418 E 2<sup>nd</sup> Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



September 29, 2020

Mayor and City Council  
City of Whitefish  
PO Box 158  
Whitefish MT 59937

RE: Hickok Guesthouse at 1632 W Lakeshore Drive (WCUP 20-14)

Honorable Mayor and Council:

**Summary of Requested Action:** DMH 37th GP, LLC are requesting a Conditional Use Permit to construct a guesthouse at 1632 W Lakeshore Drive. The site is developed with a single-family home. The property is zoned WR-1 (One-Family Residential District) and the Whitefish Growth Policy designates this property as 'Suburban'.

**Planning & Building Department Recommendation:** Staff recommended approval of the Conditional Use Permit application subject to six conditions set forth in the attached staff report.

**Public Hearing:** No one spoke at the public hearing on September 17, 2020. The draft minutes for this item are attached as part of this packet.

**Planning Board Action:** The Whitefish Planning Board met on September 17, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-14 with Findings of Fact and recommended Conditions of Approval.

**Proposed Motion:**

- I move to approve WCUP 20-14, the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board on September 17, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on October 5, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

*/s/ Wendy Compton-Ring*

Wendy Compton-Ring, AICP  
Senior Planner

Att: Exhibit A: Planning Board Recommended Conditions of Approval  
Draft Minutes, Planning Board Meeting, 9-17-20

***Exhibits from 9-17-20 Staff Packet***

1. Staff Report – WCUP 20-14, 9-10-20
2. Adjacent Landowner Notice, 8-26-20
3. Advisory Agency Notice, 8-26-20

***The following was submitted by the applicant:***

4. Application for Conditional Use Permit, 8-3-20

c: w/att Michelle Howke, City Clerk

c: w/o att DMH 37th GP, LLC, 4445 Buena Vista Street Dallas, TX 75205  
KHA Architects 72-185 Painters Path, suite A Palm Desert, CA 92260

**Exhibit A**  
**Hickok**  
**Conditional Use Permit WCUP 20-14**  
**Whitefish Planning Board**  
**Recommended Conditions of Approval**  
**September 17, 2020**

1. The project must be in compliance with the site plan submitted on August 3, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Two off-street parking spaces must be designated for the guesthouse and two off-street parking spaces must be designated for the primary residence. (§11-3-1(D))
3. All driveways and parking areas must be paved. (§11-6-3-1(D)(2))
4. All stormwater generated by the proposal must be retained on-site. (§11-3-2(C))
5. Prior to construction of the primary residence, the property owner must provide the City a recorded copy of either a deed restriction or a restrictive covenant that the guesthouse may not be used for rental purposes or as a permanent residence for anyone employed in a home occupation on the subject property. (§11-3-12(F))
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                           | <p>there have also been some excellent comments in opposition; many are legitimate concerns. He does not see it going this way, but if approved, he would want a condition included that the developer cannot claim hardship due the lot size or cost of construction, etc. He agrees with increased traffic in the alley going north and south because there would not be the eastern outlet but one of the conditions is to make the alley one-way and he would imagine that would be northbound.</p> <p>Scott suggested if approved the applicant consider fencing with keyed or card access along the alley so only employees and townhome residents can use the parking lot.</p> <p>Linville said looking ahead as a Planning Board, as part of their evaluation for the seven criteria for review, a major issue will be where to put cars. She wanted to acknowledge two things in their motion as well, 1) an ongoing and increasing issue of parking and traffic in town, and 2) the value and purpose of public comment and understanding of both the criteria of review and the purpose for having the public process.</p> <p>Chair Qunell called the question.</p> |
| <p><b>VOTE</b></p>                                                                        | <p><b>The motion to deny passed 4-1 with Freudenberger voting in opposition.</b> The matter is scheduled to go before the Council on October 5, 2020, and all neighbors and the applicant should be aware the City Council will have the final decision at that time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>PUBLIC HEARING 2:<br/>HICKOK CONDITIONAL<br/>USE PERMIT REQUEST<br/>7:06 pm</b></p> | <p>A request by Doug Hickok for a Conditional Use Permit to construct a guest house at 1632 W Lakeshore Drive. The property is zoned WR-1 (One-Family Residential District) and can be legally described as Lot 2A, Lake Park Addition Amended Lots 2 and 3 in S23, T31N, R22W, P.M.M., Flathead County.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>STAFF REPORT<br/>WCUP 20-14<br/>(Compton-Ring)</b></p>                              | <p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-14, no public comments had been received, and none have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-14 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>BOARD QUESTIONS<br/>OF STAFF</b></p>                                                | <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT / AGENCIES                                                                            | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PUBLIC COMMENT                                                                                  | Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| MOTION / BOARD DISCUSSION                                                                       | <p>Scott moved and Linville seconded to adopt the findings of fact within staff report WCUP 20-14, with the six (6) conditions of approval, as proposed by City Staff.</p> <p>Chair Qunell asked and Compton-Ring said a deed restriction is required as part of Condition No. 5.</p>                                                                                                                                                                                                                                                                                                                                    |
| VOTE                                                                                            | <b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on October 5, 2020.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PUBLIC HEARING 3:<br>CITY OF WHITEFISH<br>ZONING TEXT<br>AMENDMENT<br>REQUEST<br><i>7:11 pm</i> | A request by the City of Whitefish for a Zoning Text Amendment to the Architectural Review Standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| STAFF REPORT<br>WZTA 20-04<br>(Compton-Ring)                                                    | <p>Senior Planner Compton-Ring introduced Architectural Review Committee members Shane Jacobs (Vice Chair and architect), and Leslie Lowe (landscape architect), here to help with technical questions if needed.</p> <p><i>Note: Linville left at 7:21 pm.</i></p> <p>Compton-Ring reviewed her staff report and findings. As of the writing of WZTA 20-04, no public comments had been received, and none have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 20-04 and for <b>approval</b> of the amendments to the Architectural Review Standards.</p> |
| BOARD QUESTIONS OF STAFF                                                                        | Chair Qunell suggested since these are not things the Planning Board deals with and there is no one left for public comment, members ask specific questions or give comments rather than going over each item in the document.                                                                                                                                                                                                                                                                                                                                                                                           |

**HICKOK  
CONDITIONAL USE PERMIT  
WCUP 20-14  
SEPTEMBER 10, 2020**

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to allow a guesthouse at 1632 W Lakeshore Drive. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, September 17, 2020. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on October 5, 2020.

**PROJECT SCOPE**

The applicant is requesting a conditional use permit to construct a new two stall garage with a two story 1,614 square foot guesthouse to the northwest of the existing single-family home. The footprint of the entire structure is approximately 1,700 square feet. The property is accessed off a shared driveway which connects to W Lakeshore Drive, a publicly maintained road.

A. **OWNER:**  
DMH 37th GP, LLC  
4445 Buena Vista Street  
Dallas, TX 75205

**REPRESENTATIVE:**  
KHA Architects  
72-185 Painters Path, suite A  
Palm Desert, CA 92260

B. **SIZE AND LOCATION OF PROPERTY:**  
The subject property is approximately 0.89 acres. It is located at 1632 W Lakeshore Drive and can be described as Lot 2A, Block 2, Lake Park Addition in S26, T31N, R22W, P.M.M., Flathead County, Montana.

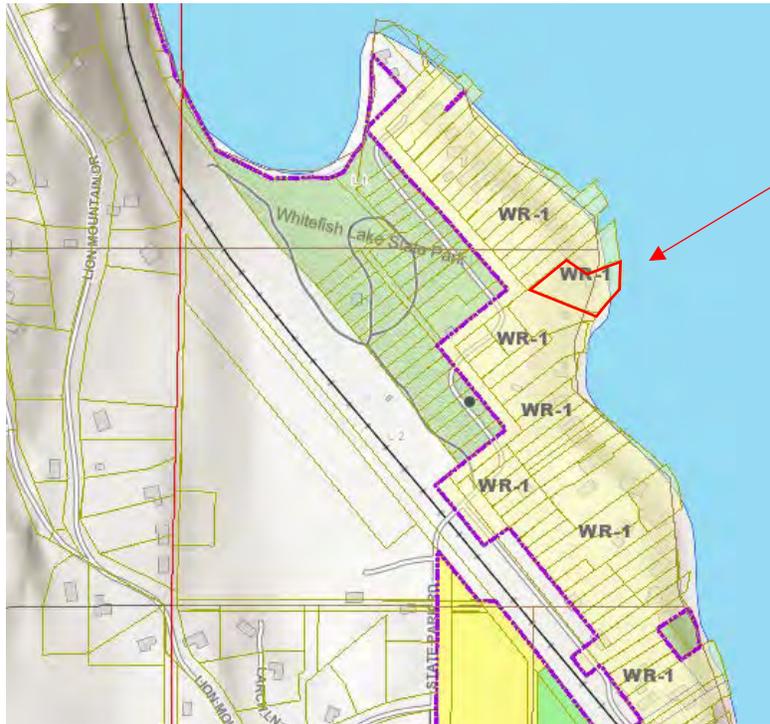


C. **EXISTING LAND USE:**  
The subject property is currently developed with a single-family residence and outbuildings.

D. **ADJACENT LAND USES AND ZONING:**

|        |                |         |
|--------|----------------|---------|
| North: | Residential    | WR-1    |
| West:  | Residential    | WR-1    |
| South: | Residential    | WR-1    |
| East:  | Whitefish Lake | unzoned |

E. **ZONING DISTRICT:**  
The property is zoned WR-1, One-Family Residential District. The purpose of this district is to provide for single-family dwellings in an urban setting connected to all Municipal utilities and services.



- F. **WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:**  
 The Growth Policy designation for this area is 'Suburban.' The WR-1 zoning designation does not correspond to this land use designation.

Lower density residential areas at the periphery of the urban service area generally fall under this designation on the Future Land Use Map. The residential product type is predominantly single-family, but cluster homes and low-density town homes that preserve significant open space are also appropriate. Densities range from one unit per 2 ½ acres to 2.5 units per acre but could be higher through the PUD. Zoning districts include WCR, WER, and WSR. Cluster residential that preserves considerable open space, allows for limited agriculture, maintains wildlife habitat is encouraged.



**G. UTILITIES:**

Sewer: City of Whitefish  
Water: City of Whitefish  
Solid Waste: Republic Services  
Electric: Flathead Electric Co-op  
Natural Gas: Northwestern Energy  
Phone: CenturyLink  
Police: City of Whitefish  
Fire: Whitefish Fire Department

**H. PUBLIC COMMENTS:**

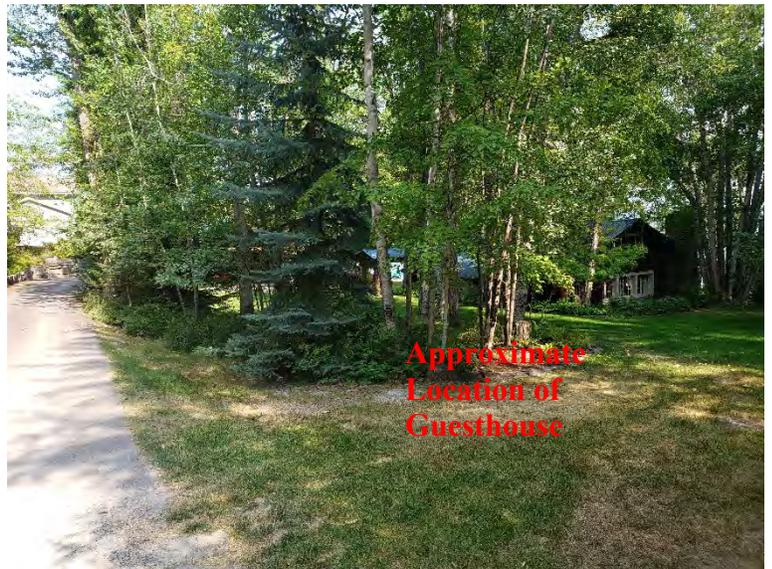
A notice was mailed to adjacent landowners within 300-feet of the subject parcel on August 25, 2020. A sign was posted on the property on August 25, 2020. A notice was emailed to advisory agencies on August 28, 2020. A notice of the public hearing was published in the *Whitefish Pilot* on September 2, 2020. As of the writing of this staff report, no comments have been received on the proposed project.

**REVIEW AND FINDINGS OF FACT**

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 11-7-8(J) of the Whitefish Zoning Regulations.

**1. Growth Policy Compliance:**

The Growth Policy Future Land Use Map designates the parcel within the Suburban Residential designation. That designation indicates it is generally for WCR, WER, and WSR. The intent of this area being designated Suburban Residential, instead of Urban to comply with the WR-1 zoning, was to maintain the area surrounding Whitefish Lake more rural and limit the amount of subdivision and high impact land uses associated within the Urban designation (typically WLR, WR-1 and WR-2). However, the current WR-1 zoning is consistent with the intent of the Suburban Residential designation.



**Finding 1:** While the underlying WR-1 zoning does not comply with the Growth Policy Designation of Suburban Residential, it is consistent with the intent of the designation and the proposed guesthouse in association with a single-family residence is in compliance with the WR-1 zoning.

**2. Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.**

The property is zoned WR-1, One-Family Residential District. The development proposal is consistent with the purpose and intent of the applicable regulations.

*Setbacks:*

Accessory structures with a footprint greater than 600 square feet are required to meet the primary zoning setbacks. This lot is considered a flag lot because it is accessed by an easement; therefore, the setbacks are 15-feet on all sides. This standard is being met and will be confirmed at the time of building permit.

*Parking:*

The zoning requires two spaces for the single-family home and two spaces for the guesthouse (greater than 1,200 square feet). There are two spaces within the garage and adequate space on the property to meet these requirements. This will be confirmed at the time of building permit.

*Height:*

The maximum height for an accessory building is 24-feet and it appears this standard is being met. This will be confirmed at the time of building permit.

*Lot Coverage:*

Lot coverage in the WR-1 is 35% and it appears this standard is being met. This will be confirmed at the time of building permit.

*Guesthouse Standards:*

The subject property for the proposed guesthouse complies with both the minimum lot size and lot width requirements of the WR-1 zoning. The structure is detached and accessory to a single-family home.

**Finding 2:** The proposed use complies with the WR-1 zoning district because it conforms to the development standards outlined in the zoning and §11-3-12 of the Whitefish Zoning Regulations regarding guesthouses.

**3. Site Suitability. The site must be suitable for the proposed use or development, including:**

Adequate usable land area: The subject parcel is approximately 0.89 acres in size. The maximum permitted lot coverage in this zoning district is 35%. All setbacks and lot coverage requirements can be met and will be confirmed at the time of building permit approval.

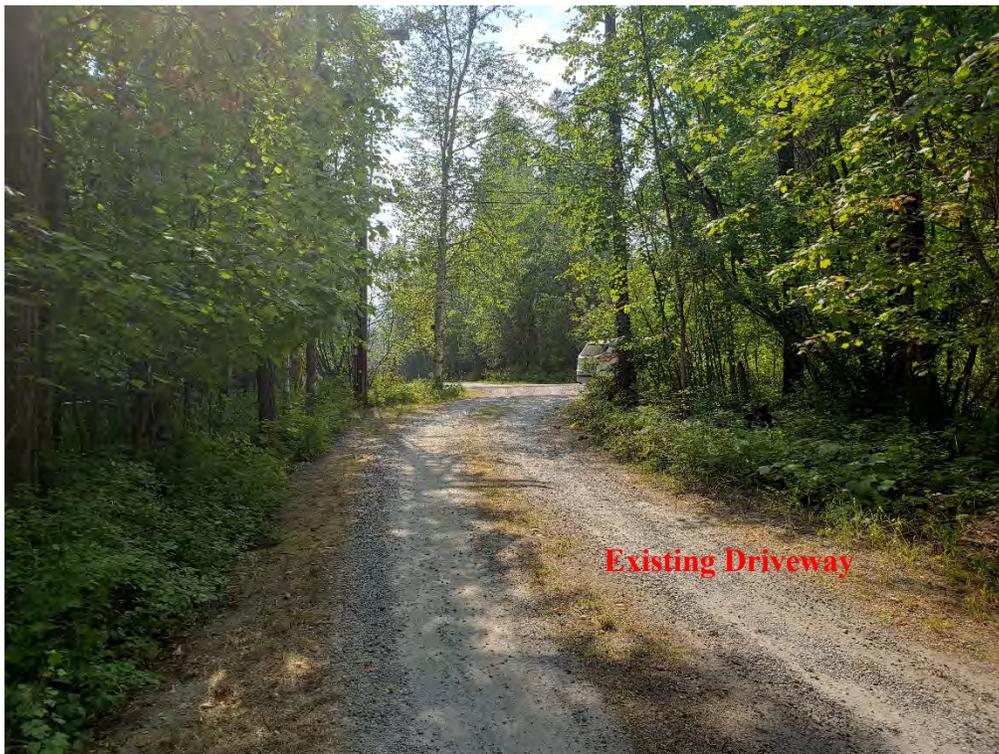
Access that meets the standards set forth in these regulations, including emergency access: The guesthouse will be accessed from a private driveway onto W Lakeshore Drive, which is a public street. There is adequate access to the property from the adjacent street.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The property is located along the Whitefish Lake; however the proposed guesthouse is located on the far side of the property approximately 135-feet from the lake.

**Finding 3:** The subject property is suitable for the proposed guesthouse because the proposal complies with the minimum lot size, minimum lot coverage, and required setbacks; access to the proposed structure will be from an existing driveway; and the structure exceeds all lake setbacks.

**4. Quality and Functionality. The site plan for the proposed use or development has effectively dealt with the following design issues as applicable.**

Parking locations and layout: Section 11-6-2(A) of the Whitefish Zoning Regulations requires two (2) parking spaces per single family dwelling unit and §11-3-12(E) requires two (2) off-street space be provided for the guesthouse as the total floor area is greater than 1,200 square feet. The proposed lot provides adequate space to accommodate all parking needs on-site. Additionally, the first 80-feet of the driveway is required to be paved.



Traffic Circulation: The proposed use should not impact traffic circulation on the existing road.

Open space: The submitted site plan appears to have adequate open space.

Fencing/Screening: Fencing and screening are not required by the zoning regulations.

Landscaping: Section 11-4-1 of the Whitefish Zoning Regulations exempts single-family dwellings from the landscaping requirements; therefore, no landscape plan is required.

Signage: No signage is proposed for the guesthouse.

Undergrounding of new and existing utilities: Any new utilities will be required to be installed underground.

**Finding 4:** The quality and functionality of the proposed development is adequate because the applicant can meet the required number of parking spaces on-site, the proposed use will not impact existing traffic circulation, no signage is proposed for the guesthouse, and all new utilities will be undergrounded.

**5. Availability and Adequacy of Public Services and Facilities.**

Sewer and water: The subject property is served by municipal water and sewer. Water and sewer service will be reviewed by the Public Works Department at the time of building permit.

Storm Water Drainage: The storm water drainage will be reviewed by the City Public Works Department at the time a building permit application has been submitted. If the total impervious surface exceeds 10,000 square feet (existing and new), an engineered stormwater plan will be required to be reviewed and approved.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are adequate. The proposed use is not expected to have significant impacts upon fire services.

Police: The Whitefish Police Department serves the site and response times and access are adequate. The proposed use is not expected to have significant impacts upon police services.

Streets: The subject property is located adjacent to W Lakeshore Drive, a public street. The guesthouse will access W Lakeshore Drive from the existing driveway.

**Finding 5:** The subject property appears to have adequate availability of public services because the property is served by municipal water and sewer, is within the jurisdiction of the Whitefish Fire Department and the Whitefish Police Department and can be accessed from W Lakeshore Drive, a public street.

**6. Neighborhood/Community Impact:**

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property includes a single-family residence and is located within an existing neighborhood with similar uses. The guesthouse should not result in a significant impact to traffic on W Lakeshore Drive or surrounding roadways.

Noise or Vibration: No additional noise or vibration is anticipated to be generated from the proposed use. Any additional noises or vibrations would be associated with construction and are not anticipated to be permanent impacts.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the residential use currently onsite. Any unpaved driveway or parking areas must be paved as required in §11-6-3-1(D)(2).

Smoke, Fumes, Gas, and Odor: No impact is anticipated with regard to smoke, fumes, gas or odors.

Hours of Operation: There are no hours of operation anticipated with this use beyond those that would be typical for a residential property.

**Finding 6:** The proposed development is not anticipated to have a negative neighborhood impact because the guesthouse will not increase traffic generation on surrounding streets, there will be no noise or vibration beyond associated construction disturbance, no fumes or other odors are anticipated, and there will be no hours of operation for the residential use.

## 7. **Neighborhood/Community Compatibility:**

Structural Bulk and Massing: The proposed guesthouse meets the lot coverage and height standards of the zoning. There is no limit to total floor area of the guest house, but the design of the building complements the primary structures which will help blend the project into the neighborhood.

Scale: The existing structure complies with the primary structure setbacks as the footprint is larger than 600 square feet in size. This will allow for adequate open space within the subject property to maintain the character and scale of the neighborhood.

Context of Existing Neighborhood: The existing neighborhood is primarily single-family residential. The proposed use is not expected to impact or change the character of the existing neighborhood. The proposed use is consistent with the existing zoning and the structures already constructed within the neighborhood.

Density: The design of the proposed structure is similar to other buildings in the area. The density is not out of character with the area as the property is located in a single-family residential zone.

Community Character: The proposed use is similar to the immediate neighborhood integrity, which is comprised of single-family dwellings, as the guesthouse will be utilized as an accessory use.

**Finding 7:** The proposed guesthouse is compatible with the surrounding neighborhood because the use is similar to existing uses in the neighborhood, and it will be utilized as an accessory use to a primary residence.

## **RECOMMENDATION**

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-14 and this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project must be in compliance with the site plan submitted on August 3, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Two off-street parking spaces must be designated for the guesthouse and two off-street parking spaces must be designated for the primary residence. (§11-3-1(D))

3. All driveways and parking areas must be paved. (§11-6-3-1(D)(2))
4. All stormwater generated by the proposal must be retained on-site. (§11-3-2(C))
5. Prior to construction of the primary residence, the property owner must provide the City a recorded copy of either a deed restriction or a restrictive covenant that the guesthouse may not be used for rental purposes or as a permanent residence for anyone employed in a home occupation on the subject property. (§11-3-12(F))
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)



## Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Kristi Hanson of KHA Architects, on behalf of Doug Hickok, is requesting a Conditional Use Permit to construct a guest house with a new garage. The property is currently developed with a single-family home and is zoned WR-1 (Single-Family Residential District). The property is located at 1632 West Lakeshore Drive and can be legally described as Lot 2A, Block 2 Lake Park Addition AMD L2&3 AMD L1, 2&3 in S26, T31N, R22W, P.M.M., Flathead County.

You are welcome to provide comments on the project. Comments can be in written or email format. The Whitefish Planning Board will hold a public hearing for the proposed project request on:

**Thursday, September 17, 2020  
6:00 p.m.  
Whitefish City Council Chambers, City Hall  
418 E 2<sup>nd</sup> Street, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, October 5, 2020** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a location map of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 418 E 2<sup>nd</sup> Street. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at [hlindh@cityofwhitefish.org](mailto:hlindh@cityofwhitefish.org). Comments received by the close of business on September 8, 2020, will be included in the packets to Board members. Comments received after the deadline will be summarized to Board members at the public hearing.



Hickok Property at 1632 West Lakeshore Drive

**PLANNING & BUILDING DEPARTMENT**  
**PO Box 158**  
**418 E Second**  
**Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



Date: August 28, 2020  
To: Advisory Agencies & Interested Parties  
From: Whitefish Planning & Building Department

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The regular meeting of the Whitefish Planning Board will be held on Thursday, September 17, 2020 at 6:00 pm in the Whitefish City Council Chambers at **418 E Second Street**. During the meeting, the Board will hold a public hearing on the items listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for items 1 and 2 on Monday, October 5, 2020 and item 3 on Monday, October 19, 2020. City Council meetings start at 7:10 pm at **418 E Second Street** in the Whitefish City Council Chambers on the second floor.

1. A request by Jake Carter for a Conditional Use Permit to construct a commercial parking lot associated with the professional office at 307 Spokane Avenue. The property is zoned WR-4 (High Density Multi-Family Residential District). The property is located at 312 Kalispell Avenue and can be legally described as Lots 3-6, Block 51 Original Whitefish Townsite in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-13) Taylor
2. A request by Doug Hickok for a Conditional Use Permit to construct a guest house at 1632 W Lakeshore Drive. The property is zoned WR-1 (One-Family Residential District) and can be legally described as Lot 2A, Lake Park Addition Amended Lots 2 & 3 in S23, T31N, R22W, P.M.M., Flathead County. (WCUP 20-14) Compton-Ring
3. A request by the City of Whitefish for a Zoning Text Amendment to the Architectural Review Standards. (WZTA 20-04) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours, and the application and site plans are available [HERE](#). The full application packet along with public comments and staff report will be available on the City's webpage: [www.cityofwhitefish.org](http://www.cityofwhitefish.org) under Planning Board six days prior to the Planning Board public hearing date noted above. Inquiries are welcomed. Depending on state-wide directives, if a live meeting is held, interested parties are encouraged to send in written comments rather than attending the meeting in person due to the public health crisis. There may be restrictions in place limiting the number of people in any given room, although accommodations will be made for public comment. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via

email: [dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org). For questions or further information regarding these proposals, phone 406-863-2410.



City of Whitefish  
 Planning & Building Dept  
 418 E 2<sup>nd</sup> St | PO Box 158  
 Whitefish, MT 59937  
 Phone: 406-863-2460  
 Fax: 406-863-2419

File #: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Intake Staff: \_\_\_\_\_  
 Check #: \_\_\_\_\_  
 Amount: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_

**CONDITIONAL USE PERMIT**

**FEE ATTACHED \$ \$1065**  
 (see current fee schedule)

**INSTRUCTIONS:**

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: \_\_\_\_\_
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2<sup>nd</sup> Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

**A. PROJECT INFORMATION:**

Project Name: Hickok Garage/Guest House  
 Street Address: 1632 W. Lakeshore Dr, Whitefish, MT. 59937  
 Assessor's Tract No.(s) 0837855 Lot No(s) 2A  
 Block # \_\_\_\_\_ Subdivision Name \_\_\_\_\_  
 Section 23 Township T31N Range R22W

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

[Signature]  
 Owner's Signature\*\*

7-31-2020  
 Date

Doug Hickok  
 Print Name

[Signature]  
 Applicant's Signature

7-31-2020  
 Date

Kristi Hanson  
 Print Name

[Signature]  
 Representative's Signature

\_\_\_\_\_  
 Date

Kristi Hanson  
 Print Name

\*\*-May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

**B. APPLICATION CONTENTS:**

**Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

- Eight (8) copies of the Conditional Use Permit Application
- Eight (8) copies of the written description of how the project meets the criteria in Section E
- Eight (8) copies of the Site Plan – drawn to scale, which shows in detail the proposed use, property lines and setback lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Housing Mitigation Plan (unless exempt)
- Where new buildings or additions are proposed, building sketches and elevations must be submitted
- Tree Preservation Plan – show a site plan with trees 6-inch DBH or greater to be preserved with project
- If the project is a multi-family development, complete the **Multi-Family Development Standards Supplemental**
- If the project is a mixed-use or non-residential development, complete the **Mixed-Use and Non-Residential Building Development Standards Supplemental**
- Electronic version of entire application (i.e. pdf)
- Any additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

**C. OWNER/APPLICANT INFORMATION**

**OWNER(S) OF RECORD:**

Name: DMH 37th GP, LLC. Phone: 214-693-1461  
Mailing Address: 4445 Buena Vista St  
City, State, Zip: Dallas, Tx 75205  
Email: dhickok@marquisgroup.net

**APPLICANT (if different than above):**

Name: KHA Architects Phone: 760-776-4068  
Mailing Address: 72-185 Painters Path, Suite A  
City, State, Zip: Palm Desert, CA 92260  
Email: dave@khaarchitects.com

**OTHER TECHNICAL/PROFESSIONAL:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email: \_\_\_\_\_

**D. DESCRIBE PROPOSED USE:**

787 sf garage w/ two story 1,614 sf guest house. Garage and guest living room/ porch at main level. 2 guest bed/ bathrooms w/ balcony at upper level.

ZONING DISTRICT: WR-1

**E. FINDINGS:** The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

The proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

The proposed design for the garage/ guesthouse complies w/ regulation sections 11-3-12 (guesthouses) and 11-3-2 (accessory buildings).

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

The guesthouse complies w/ the conditional uses and lot complies w/ the property development standards outlined for zoning district WR-1.

4. How are the following design issues addressed on the site plan?
  - a. Parking locations and layout
  - b. Traffic circulation
  - c. Open space
  - d. Fencing/screening
  - e. Landscaping
  - f. Signage
  - g. Undergrounding of new utilities
  - h. Undergrounding of existing utilities

Two parking spaces are provided in the garage.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
  - a. Sewer
  - b. Water
  - c. Stormwater
  - d. Fire Protection
  - e. Police Protection
  - f. Street (public or private)
  - g. Parks (residential only)
  - h. Sidewalks
  - i. Bike/pedestrian ways – including connectivity to existing and proposed developments

All necessary public services and facilities are available and adequate.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
  - a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
  - b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

No impact is anticipated.

7. What are the proposed hours of operation?

Does not apply.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

- a. Structural bulk and massing
- b. Scale
- c. Context of existing neighborhood
- d. Density
- e. Community Character

The proposed design reflects the massing, scale, context, density and character of the surrounding neighborhood and community. The design will also use the same architectural details and materials as the existing Lot 2a and 3a structures.



**VICINITY MAP**  
 HICKOK GARAGE & GUESTHOUSE  
 LOT 2A  
 1632 W Lakeshore Dr  
 WHITEFISH, MT 59937

**HICKOK GARAGE & GUESTHOUSE**  
 LOT 2A  
 1632 W Lakeshore Dr  
 WHITEFISH, MT 59937

**SYMBOLS LEGEND**

|  |                                                               |  |                |
|--|---------------------------------------------------------------|--|----------------|
|  | 2 x 4 WOOD STUDS @ 16" ON CENTER                              |  | WINDOW TYPE    |
|  | 2 x 6 WOOD STUDS @ 16" ON CENTER                              |  | DOOR SYMBOL    |
|  | 2 x 6 METAL STUDS @ 16" ON CENTER                             |  | EARTH          |
|  | EXISTING WALLS TO BE REMOVED                                  |  | STONE VENEER   |
|  | EXISTING WALLS TO REMAIN                                      |  | PLASTER/STUCCO |
|  | 1 HOUR FIRE RATED PARTITION - 1 LAYER 5/8" TYPE 'X' GYP BOARD |  | CONCRETE       |
|  | SOUND WALL ASSEMBLY                                           |  | STONE SLAB     |
|  | MASONRY                                                       |  | REVISION       |
|  | PLYWOOD                                                       |  | CONTROL POINT  |
|  | BATT INSULATION                                               |  | GYPSON BOARD   |
|  | SPRAY FOAM INSULATION                                         |  | METAL LATHE    |
|  | PROPERTY LINE                                                 |  | WOOD FINISH    |
|  | METAL                                                         |  | WOOD FRAMING   |
|  | BLOCKING                                                      |  | BLOCKING       |

**ABBREVIATIONS**

|           |                          |          |                        |
|-----------|--------------------------|----------|------------------------|
| 1         | ANGLE                    | I.D.     | INSIDE DIAMETER        |
| CL        | CENTERLINE               | INT.     | INTERIOR               |
| Ø         | DIAMETER OR ROUND        | JAN.     | JANITOR                |
| #         | NUMBER OR ROUND EXISTING | JE       | JOINT                  |
| ACOUS.    | ACOUSTICAL               | KIT.     | KITCHEN                |
| A.D.      | AREA DRAIN               | LAM.     | LAMINATE               |
| ADJ.      | ADJACENT                 | LAV.     | LAVATORY               |
| AGGR.     | AGGREGATE                | LOCKR.   | LOCKER                 |
| AL.       | ALUMINUM                 | LT.      | LIGHT                  |
| APPR.     | APPROXIMATE              | MAX.     | MAXIMUM                |
| ARCH.     | ARCHITECTURAL            | M.C.     | MEDICINE CABINET       |
| ASB.      | ASBESTOS                 | MECH.    | MECHANICAL             |
| ASPH.     | ASPHALT                  | MEM.     | MEMBRANE               |
| BD.       | BOARD                    | MET.     | METAL                  |
| BITUM.    | BITUMINOUS               | MFR.     | MANUFACTURER           |
| BLDG.     | BUILDING                 | MIN.     | MINIMUM                |
| BLK.      | BLOCK                    | MIR.     | MIRROR                 |
| BLKG.     | BLOCKING                 | MISC.    | MISCELLANEOUS          |
| BM.       | BEAM                     | MTD.     | MOUNTED                |
| BOT.      | BOTTOM                   | MUL.     | MULLION                |
| BRD.      | BOARD                    | N.       | NORTH                  |
| CAB.      | CABINET                  | N.I.C.   | NOT IN CONTRACT        |
| C.B.      | CATCH BASIN              | NO. OR # | NUMBER                 |
| CENL.     | CEMENT                   | NOM.     | NOMINAL                |
| C.I.      | CAST IRON                | N.T.S.   | NOT TO SCALE           |
| CIG.      | CEILING                  | O.A.     | OVER ALL               |
| CLKG.     | CAULKING                 | Obs.     | OBSCURE                |
| CLO.      | CLOSET                   | O.C.     | ON CENTER              |
| CLR.      | CLEAR                    | OFF.     | OFFICE                 |
| COL.      | COLUMN                   | OPNG.    | OPENING                |
| CONJ.     | CONNECTION               | OPP.     | OPPOSITE               |
| CONC.     | CONCRETE                 | PCST     | PRECAST                |
| CONSTR.   | CONSTRUCTION             | PL.      | PLATE                  |
| CONT.     | CONTINUOUS               | PLAM.    | PLASTIC LAMINATE       |
| CORR.     | CORRIDOR                 | PLAS.    | PLASTER                |
| CNTR.     | COUNTER                  | PVWOD.   | PLYWOOD                |
| CTR.      | CENTER                   | PR.      | PAIR                   |
| CTKR.     | COUNTERSUNK              | PT.      | POINT                  |
| DBL.      | DOUBLE                   | PTN.     | PARTITION              |
| DEPT.     | DEPARTMENT               | R.       | RISER                  |
| DET.      | DETAIL                   | RAD.     | RADIUS                 |
| D.F.      | DRINKING FOUNTAIN        | R.D.     | ROOF DRAIN             |
| DIA.      | DIAMETER                 | REF.     | REFERENCE              |
| DIMEN.    | DIMENSION                | REFR.    | REFRIGERATOR           |
| DISP.     | DISPENSER                | REIN.    | REINFORCE              |
| DN.       | DOWN                     | REQ.     | REQUIRE                |
| DR.       | DOOR                     | RES.     | RESILIENT              |
| D.S.      | DOWN SPOUT               | RGST.    | REGISTER               |
| DWG.      | DRAWING                  | ROOM.    | ROOM                   |
| DWR.      | DRAWER                   | R.O.     | ROUGH OPENING          |
| E.        | EAST                     | RWD.     | REDWOOD                |
| EA.       | EACH                     | S.       | SOUTH                  |
| E.J.      | EXPANSION JOINT          | S.C.     | SOLID CORE             |
| ELEVATION | ELEVATION                | SCH.     | SCHEDULE               |
| ELEC.     | ELECTRICAL               | S.D.     | SOAP DISPENSER         |
| ELEV.     | ELEVATOR                 | SECT.    | SECTION                |
| ENCL.     | ENCLOSURE                | SHF.     | SHelf                  |
| E.P.      | ELECTRICAL PANEL         | SHWR.    | SHOWER                 |
| EQ.       | EQUAL                    | SHT.     | SHEET                  |
| EQPT.     | EQUIPMENT                | SIM.     | SIMILAR                |
| EXP.      | EXPANSION                | SPEC.    | SPECIFICATIONS         |
| EXTG.     | EXISTING                 | SQ.      | SQUARE                 |
| EXT.      | EXTERIOR                 | ST.      | STAINLESS STEEL        |
| FA.       | FIRE ALARM               | STATION. | STANDARD               |
| FD.       | FLOOR DRAIN              | STD.     | STANDARD               |
| FE.       | FIRE EXTINGUISHER        | STL.     | STEEL                  |
| FIN.      | FINISH                   | STR.     | STRUCTURAL             |
| FLR.      | FLOOR                    | SUSP.    | SUSPENDED              |
| FLASH.    | FLASHING                 | SYM.     | SYMMETRICAL            |
| FLUOR.    | FLUORESCENT              | T.B.     | TOWEL BAR              |
| FND.      | FOUNDATION               | TEL.     | TELEPHONE              |
| FO.C.     | FACE OF CURB             | T.G.     | TONGUE & GROOVE        |
| FOJ.      | FACE OF STUD             | TH.      | THICK                  |
| FR.       | FIBERGLASS               | T.O.C.   | TOP OF CHIMNEY         |
| FS.       | FINISH SLAB              | T.O.P.   | TOP OF PARAPET         |
| FT.       | FOOT OR FEET             | T.O.R.   | TOP OF ROOF            |
| FUR.      | FURRING                  | T.O.S.   | TOP OF SHEATHING       |
| FUR.      | FUTURE                   | T.P.     | TREAD                  |
| GA.       | GAUGE                    | TV.      | TELEVISION             |
| GAUV.     | GALVANIZED               | T.W.     | TOP OF WALL            |
| GL.       | GLASS                    | TR.      | TYPICAL                |
| G.LB.     | GLUELAM BEAM             | UNFIN.   | UNFINISHED             |
| GND.      | GROUND                   | U.O.N.   | UNLESS OTHERWISE NOTED |
| GR.       | GRADE                    | V.       | VERTICAL               |
| GYP.      | GYPSON                   | VEST.    | VESTIBULE              |
| H.B.      | HOLE BIBB                | W.       | WEST                   |
| H.C.      | HOLLOW CORE              | W/.      | WITH                   |
| HW.       | HARDWOOD                 | WC.      | WATER CLOSET           |
| HWDR.     | Hardware                 | W.O.     | WOOD                   |
| HGT.      | HEIGHT                   | WO.      | WITHOUT                |
| H.M.      | HOLLOW METAL             | W.P.     | WATERPROOF             |
| HORIZ.    | HORIZONTAL               | WT.      | WEIGHT                 |
| HR.       | HOUR                     |          |                        |

**PROJECT SCOPE**

NEW GARAGE AND GUEST HOUSE STRUCTURE  
 DESIGN TO REFLECT EXISTING STRUCTURES ON LOT

3 STALL GARAGE  
 2 BEDROOM  
 2 BATH

**SHEET INDEX**

T1.1 TITLE SHEET  
 A1.1 SITE PLAN  
 A2.1 FLOOR PLANS & ROOF PLAN  
 A2.2 ELEVATIONS

**GENERAL NOTES**

- ALL CONTRACTORS SHALL SUBMIT CERTIFICATE OF WORKMEN'S COMPENSATION INSURANCE COVERAGE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT PER CALIFORNIA LABOR CODE, SECTION 3700.
- ALL CONSTRUCTION SHALL BE COMPLETED IN A CRAFTSMAN LIKE MANNER.
- SEE SPECIFICATIONS FOR MATERIALS AND STANDARDS.
- CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH THE PLANS AND SPECIFICATIONS AS WELL AS CURRENT SITE CONDITIONS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- ANY CHANGES REQUIRED TO BE MADE TO THESE PLANS OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. ANY CHANGES MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT SHALL NOT BE THE RESPONSIBILITY OF THE ARCHITECT.
- DRAWINGS AND SPECIFICATIONS ARE PROPERTY OF THE ARCHITECT AND ARE COPYRIGHTED FOR HER USE UNLESS AUTHORIZATION IS GIVEN TO THE OWNER IN WRITING.
- ALL CONTRACTORS SHALL HAVE A CURRENT VALID CITY OF WHITEFISH/MONTANA STATE BUSINESS LICENSE PRIOR TO PERMIT ISSUANCE.
- CONTRACTOR AND/OR OWNER SHALL PROVIDE A TRASH BIN TO INSURE PROPER CLEAN-UP OF ALL BUILDING MATERIALS.
- APPROVED TEMPORARY SANITARY FACILITIES (I.E. CHEMICAL TOILETS) SHALL BE ON THE CONSTRUCTION SITE PRIOR TO REQUEST FOR FIRST INSPECTION. HEALTH & SAFETY CODE, SECTION 5416.
- STORAGE OF BUILDING MATERIALS OR DEBRIS SHALL BE CONFINED TO THE LOT FOR WHICH THE PERMIT IS ISSUED. ADJACENT VACANT PROPERTIES MAY NOT BE UTILIZED FOR THIS PURPOSE UNLESS WRITTEN PERMISSION OF THE OWNER IS ON FILE WITH THIS OFFICE. THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED IN A CLEAR CONDITION AT ALL TIMES.
- THE ISSUANCE OF BUILDING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OF MECHANICAL, ELECTRICAL, HEATING OR REFRIGERATION WHICH REQUIRES A SEPARATE PLUMBING, ELECTRICAL, HEATING OR REFRIGERATION PERMIT.
- ALL WORK SHALL COMPLY WITH THE ACCESSIBILITY COMPLIANCE REGULATIONS, AND INTERNATIONAL ENERGY CODE.
- ALL OR EQUAL SUBSTITUTIONS MUST BE SUBMITTED TO, AND APPROVED BY THE BUILDING OFFICIAL PRIOR TO INSTALLATION OF THE ITEM WHEN REQUIRED BY CODE/AUTHORITY HAVING JURISDICTION.
- ALL GLAZING SHALL HAVE A TEMPORARY LABEL ON THE PRODUCT UNTIL THE FIELD INSPECTOR HAS INSPECTED IT.
- REFER TO STRUCTURAL DRAWINGS, FOR SPECIAL INSPECTIONS REQUIRED.
- CONTRACTOR TO SUBMIT SHOP DRAWINGS TO THE ARCHITECT AND ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ORDERING.
- SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OF ENGINEERS OF RECORD, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL. TRUE CALCULATIONS AND FIRE PRELIMINARY DRAWINGS ARE A DEFERRED SUBMITTAL.
- PRIOR TO REQUESTING A FOUNDATION INSPECTION, THE OWNER'S ENGINEER SHALL FIELD VERIFY THE BUILDING PAD HEIGHT AND TOP OF FOUNDATION AS COMPARED WITH THE APPROVED GRADING PLAN.
- ALL HVAC EQUIPMENT SHALL BE APPROVED PRIOR TO INSTALLATION BY NATIONALLY RECOGNIZED STANDARDS AND EVIDENCED BY THE LISTING AND LABEL OF AN APPROVED AGENCY, IMC 302.1
- THE CITY BUILDING INSPECTOR HAS THE AUTHORITY TO REQUEST FULLY REVISED PLAN SHEETS WITH ALL FIELD CHANGES CLOTTED WITH DETAILS TO BE SUBMITTED FOR CITY PLAN REVIEW WHEN HE/SHE DETERMINES THE NUMBER OF FIELD REVISIONS WARRANT SUCH A REQUEST.
- PRIOR TO REQUESTING A FINAL INSPECTION, ALL ORIGINALS, REVISIONS, OR AS-BUILT DRAWINGS/SPECIFICATIONS SHALL BE REVIEWED AND APPROVED BY THE LICENSED DESIGN PROFESSIONAL FOR COMPLIANCE OF THE APPROVED SET.

**AGENCY REGULATIONS**

- CONTRACTOR MUST COMPLY WITH THE RULES AND REGULATIONS OF AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL CONSTRUCTION, SAFETY AND SANITARY LAWS, CODES, STATUTES AND ORDINANCES. ALL FEES, TAXES, PERMITS, APPLICATIONS AND CERTIFICATES OF INSPECTION AND THE FILING OF ALL WORK WITH GOVERNMENTAL AGENCIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND CURRENT AMENDMENTS AND MODIFICATIONS INCLUDING ALL LOCAL CODES AND ORDINANCES WHETHER OR NOT SPECIFICALLY SHOWN IN THESE DRAWINGS AND SPECIFICATIONS:  
 CITY OF WHITEFISH BUILDING REGULATIONS TITLE 10  
 CITY OF WHITEFISH ZONING REGULATIONS TITLE 11  
 CITY OF WHITEFISH LAKESHORE PROTECTION REGULATIONS TITLE 13  
 2018 INTERNATIONAL BUILDING CODE  
 2018 INTERNATIONAL RESIDENTIAL CODE  
 2018 INTERNATIONAL MECHANICAL CODE  
 2018 UNIFORM PLUMBING CODE  
 2017 NATIONAL ELECTRICAL CODE  
 2012 INTERNATIONAL ENERGY CODE

**CONSTRUCTION INFO.**

|                                                                                                                                         |                                                                                              |                                                                                               |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------|
| <b>CONSTRUCTION HOURS:</b>                                                                                                              |                                                                                              | <b>OWNER:</b>                                                                                 |                   |
| OCTOBER 1 THRU APRIL 30<br>MONDAY - FRIDAY 7 AM - 5:30 PM<br>SATURDAY 8 AM - 5:00 PM<br>SUNDAY NOT ALLOWED<br>GOV. HOLIDAYS NOT ALLOWED |                                                                                              | LOT 2A<br>3122X6-LP12A<br>0837855<br>TYPE V 8<br>RESIDENTIAL (R-3)<br>WB-1<br>NON-SPRINKLERED |                   |
| MAY 1 THRU SEPTEMBER 30<br>MONDAY - FRIDAY 6 AM - 7:00 PM<br>SATURDAY 8 AM - 5:00 PM<br>SUNDAY NOT ALLOWED<br>GOV. HOLIDAYS NOT ALLOWED |                                                                                              | <b>GENERAL CONTRACTOR:</b>                                                                    | <b>TELEPHONE:</b> |
| <b>INTERIOR DESIGNER:</b>                                                                                                               | <b>ARCHITECT:</b>                                                                            | <b>CATV:</b>                                                                                  |                   |
|                                                                                                                                         | KHA ARCHITECTS<br>72-185 PAINTERS PATH<br>SUITE A<br>PALM DESERT, CA 92260<br>(760) 776-4068 |                                                                                               |                   |
| <b>CIVIL ENGINEER:</b>                                                                                                                  | <b>PLUMBING:</b>                                                                             | <b>ELECTRICAL:</b>                                                                            |                   |
|                                                                                                                                         |                                                                                              |                                                                                               |                   |
| <b>GEOTECHNICAL ENGINEER:</b>                                                                                                           | <b>MECHANICAL:</b>                                                                           | <b>GAS:</b>                                                                                   |                   |
|                                                                                                                                         |                                                                                              |                                                                                               |                   |
| <b>LANDSCAPE ARCHITECT:</b>                                                                                                             | <b>STRUCTURAL ENGINEER:</b>                                                                  | <b>WATER / SEWER:</b>                                                                         |                   |
|                                                                                                                                         |                                                                                              |                                                                                               |                   |

**PROJECT INFORMATION**

|                                  |                         |
|----------------------------------|-------------------------|
| <b>REVISION LIST</b>             |                         |
| SCHEMATIC August 3, 2020         |                         |
| DESIGN DEV.                      |                         |
| CONST. DOCS.                     |                         |
| CITY SUB. 1                      |                         |
| CITY SUB. 2                      |                         |
| CONSTR. REV 1                    |                         |
| CONSTR. REV 2                    |                         |
| CONSTR. REV 3                    |                         |
| <b>1911</b>                      |                         |
| CONTACT : KRISTI                 |                         |
| <b>SCALE: AS NOTED</b>           |                         |
| <b>PROJECT INFORMATION</b>       |                         |
| LOT AREA                         | 0.89 ACRES              |
| STRUCTURAL COVERAGE:             |                         |
| NEW GARAGE & GUEST HOUSE         | 1,458 S.F.              |
| EXISTING COVERED PAVILION        | 618 S.F.                |
| EXISTING CABIN                   | 1,494 S.F.              |
| <b>TOTAL STRUCTURAL COVERAGE</b> | <b>3,570 S.F. OR 9%</b> |



72-185 PAINTERS PATH  
 SUITE A  
 PALM DESERT, CA 92260  
 760.776.4068

INSTRUMENTS OF SERVICE  
 THESE DRAWINGS ARE AN INSTRUMENT OF SERVICE AND REMAIN THE PROPERTY OF KRISTI HANSON ARCHITECTS INC. THEY ARE NOT TO BE REPRODUCED OR ALTERED IN ANY WAY, NOR DISCLOSED OR ASSIGNED TO ANY THIRD PARTY WITHOUT THE EXPRESS WRITTEN PERMISSION OF KRISTI HANSON ARCHITECTS, INC.

**HICKOK GARAGE & GUESTHOUSE**  
 LOT 2A  
 1632 W Lakeshore Dr  
 WHITEFISH, MT 59937



|               |  |
|---------------|--|
| DESIGN REVIEW |  |
| CONSTRUCTION  |  |
| BLOG. DEPT.   |  |

**1911**

CONTACT : KRISTI

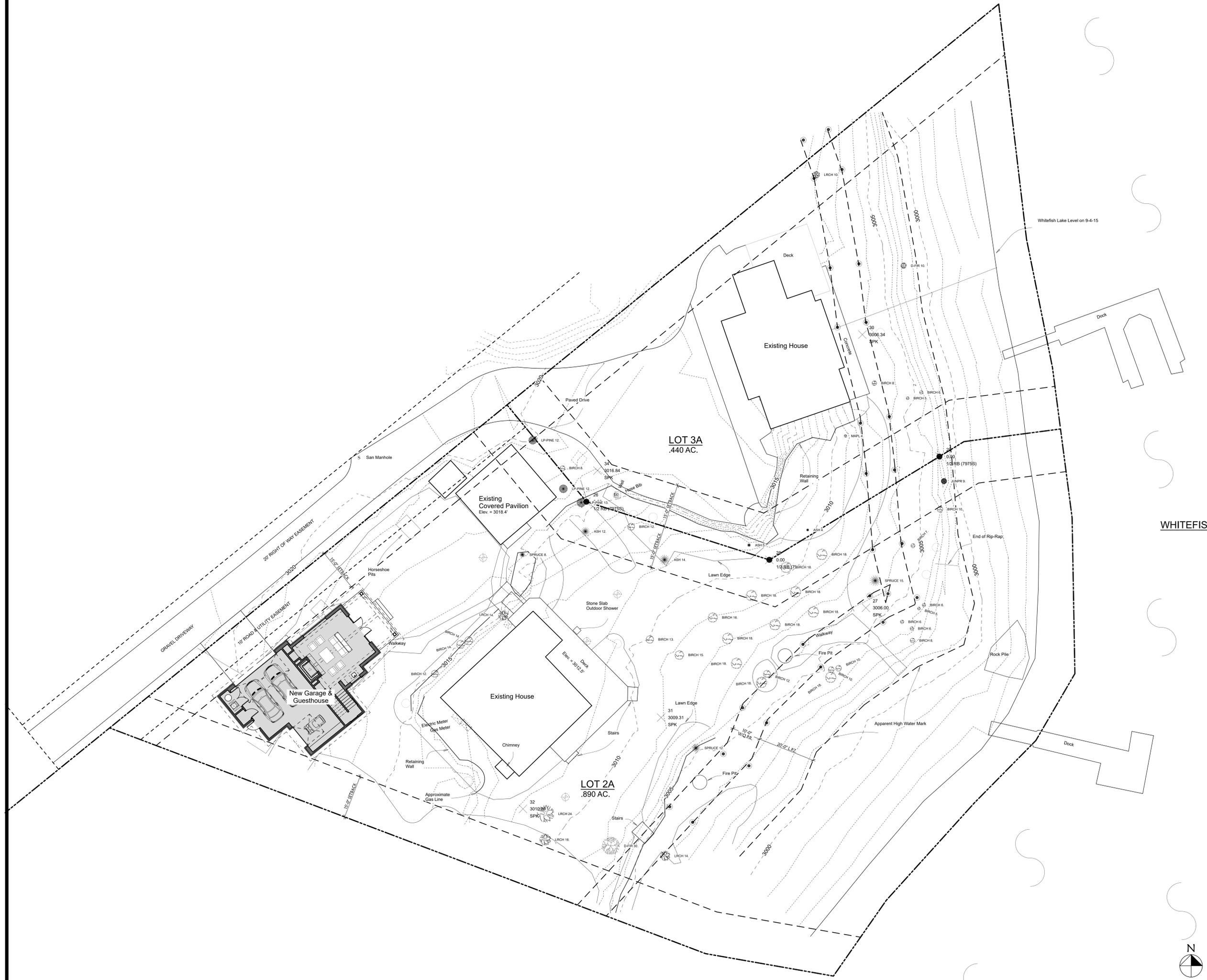
**SCALE: AS NOTED**

**PROJECT INFORMATION**

**T 17.7**

DATE: 7/17/20

G.C.



72-185 PAINTERS PATH  
SUITE A  
PALM DESERT, CA 92260  
760.776.4068

INSTRUMENTS OF SERVICE  
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**HICKOK GARAGE & GUESTHOUSE**  
LOT 2A  
1632 W Lakeshore Dr  
WHITEFISH, MT 59937



| REVISION LIST |                |
|---------------|----------------|
| SCHEMATIC     | August 3, 2020 |
| DESIGN DEV.   |                |
| CONST. DOCS.  |                |
| CITY SUB. 1   |                |
| CITY SUB. 2   |                |
| CONSTR. REV 1 |                |
| CONSTR. REV 2 |                |
| CONSTR. REV 3 |                |

1911  
CONTACT : KRISTI  
0 5' 10' 20'  
SCALE: 1" = 10'

**SITE PLAN**

DATE: 8/20/20

**A7.7**

Q.C.

## HICKOK GARAGE & GUESTHOUSE

LOT 2A  
1632 W Lakeshore Dr  
WHITEFISH, MT 59937

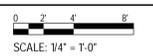


### REVISION LIST

| NO. | DESCRIPTION   | DATE           | DESIGN REVIEW | BLOG. DEPT. | CONSTRUCTION |
|-----|---------------|----------------|---------------|-------------|--------------|
| 1   | SCHEMATIC     | August 3, 2020 |               |             |              |
| 2   | DESIGN DEV.   |                |               |             |              |
| 3   | CONST. DOCS.  |                |               |             |              |
| 4   | CITY SUB. 1   |                |               |             |              |
| 5   | CITY SUB. 2   |                |               |             |              |
| 6   | CONSTR. REV 1 |                |               |             |              |
| 7   | CONSTR. REV 2 |                |               |             |              |
| 8   | CONSTR. REV 3 |                |               |             |              |

1911

CONTACT : KRISTI

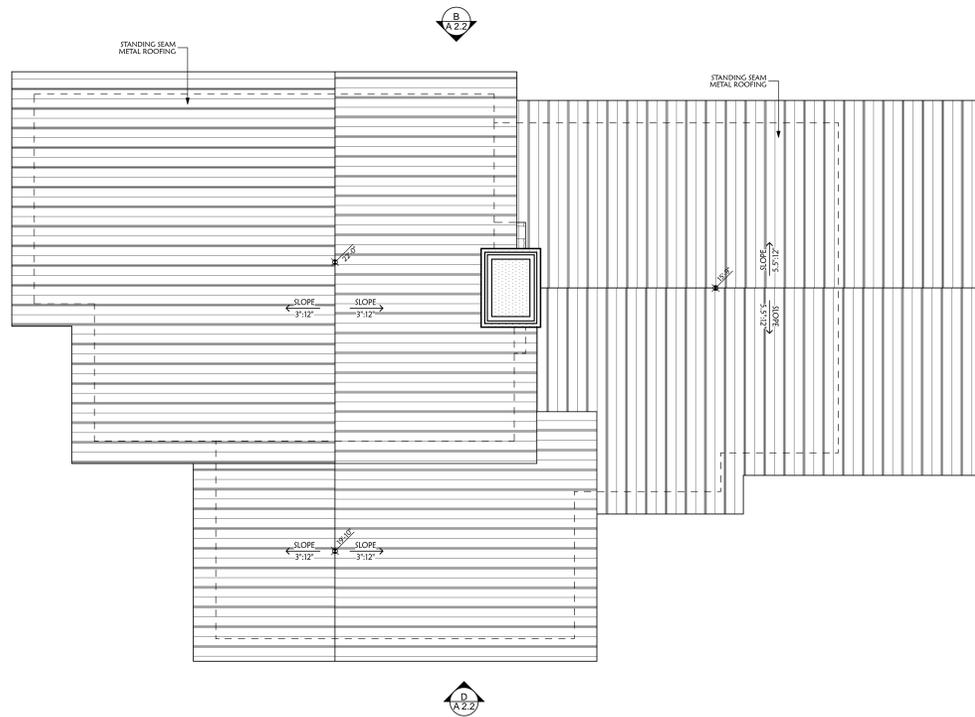


### FLOOR PLANS

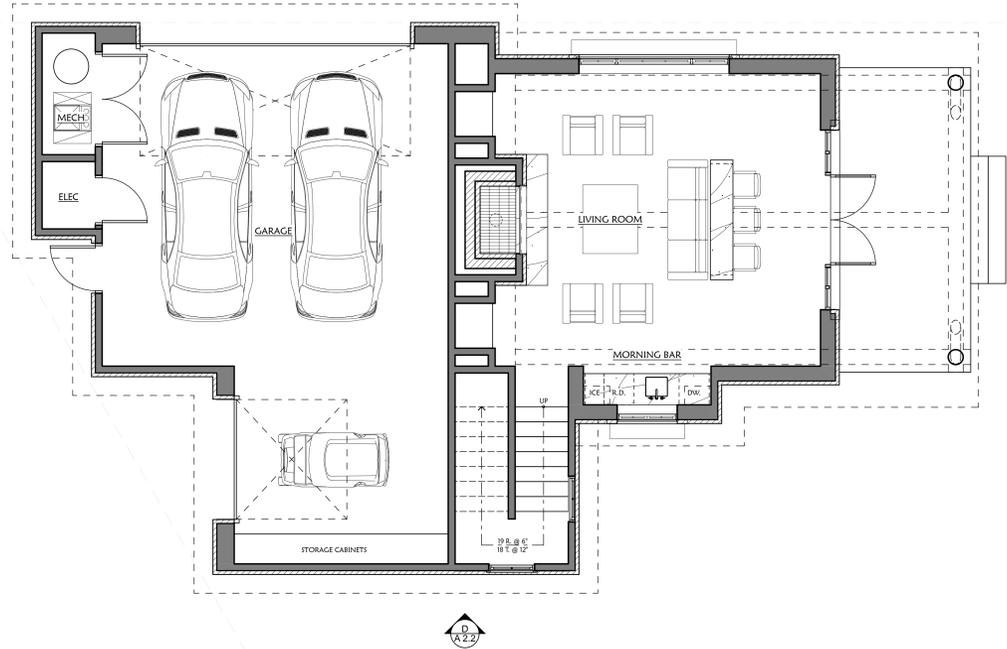
DATE: 8/20/20

**A2.7**

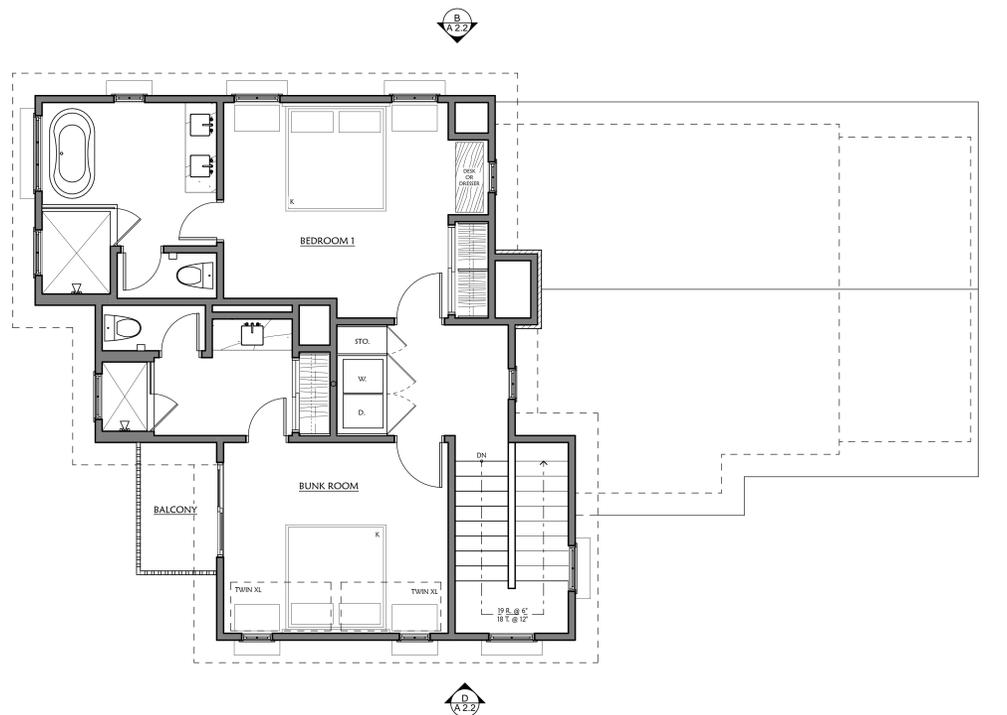
Q.C. \_\_\_\_\_



**3** ROOF PLAN  
SCALE: 1/4" = 1'-0"



**1** MAIN LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**2** SECOND LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"





| REVISION LIST               |               |
|-----------------------------|---------------|
| SCHEMATIC<br>August 3, 2020 | DESIGN REVIEW |
| DESIGN DEV.                 |               |
| CONST. DOCS.                |               |
| CITY SUB. 1                 | BLOG. DEPT.   |
| CITY SUB. 2                 |               |
| CONSTR. REV 1               | CONSTRUCTION  |
| CONSTR. REV 2               |               |
| CONSTR. REV 3               |               |

1911  
CONTACT : KRISTI

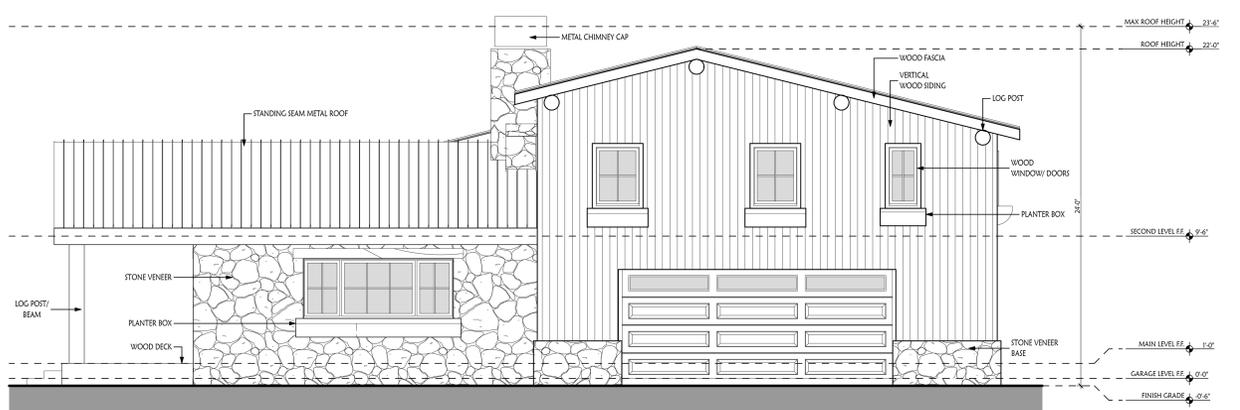
SCALE: 1/4" = 1'-0"

ELEVATIONS

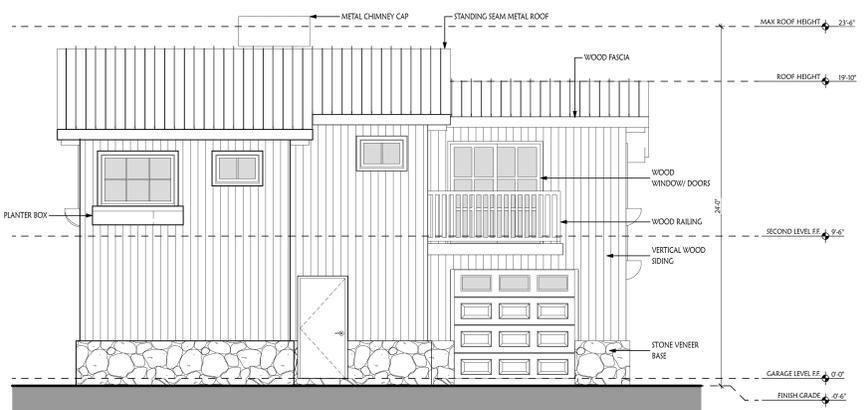
DATE: 8/20/20  
SHEET  
**A 2.2**  
DATE: 8/20/20  
G.C.



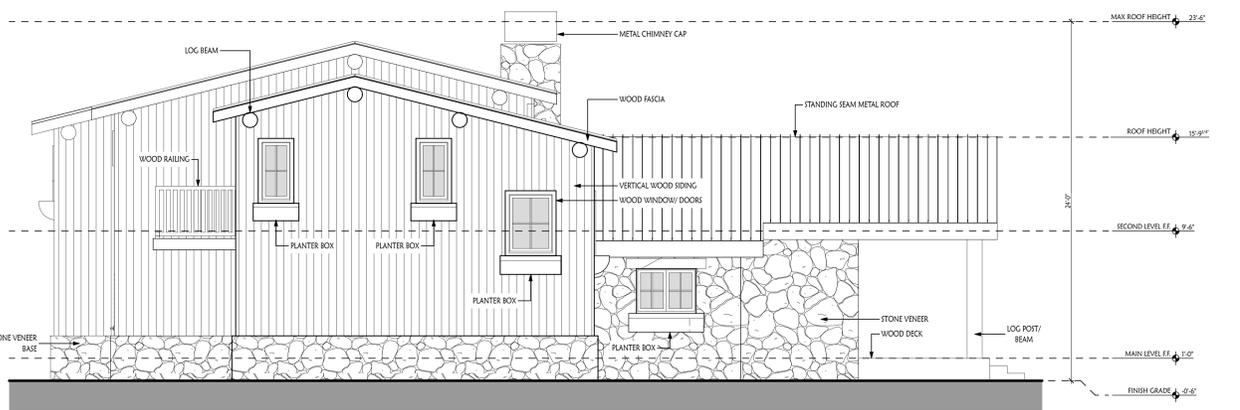
**NOTE:  
ALL FINISHES TO MATCH  
EXISTING HOUSE**



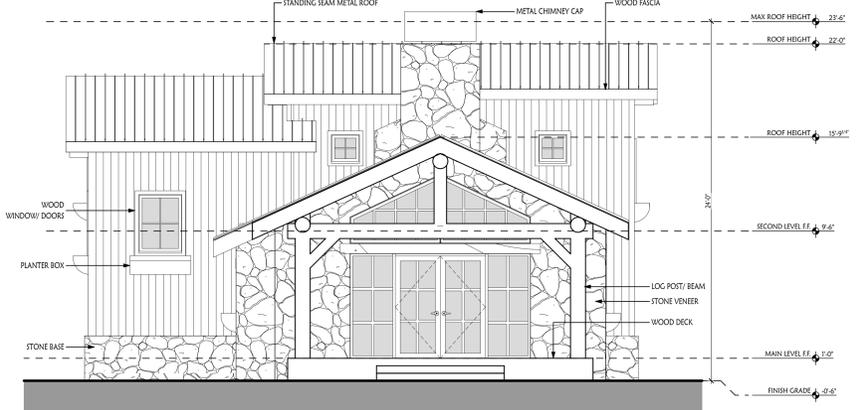
**B** ELEVATION B  
SCALE: 1/4" = 1'-0"



**A** ELEVATION A  
SCALE: 1/4" = 1'-0"



**D** ELEVATION D  
SCALE: 1/4" = 1'-0"



**C** ELEVATION C  
SCALE: 1/4" = 1'-0"

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**PLANNING & BUILDING DEPARTMENT**  
**418 E Second Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



September 29, 2020

Mayor and City Council  
City of Whitefish  
PO Box 158  
Whitefish MT 59937

RE: Carter Parking Lot; (WCUP 20-13)

Honorable Mayor and Council:

**Summary of Requested Action:** A request by Jake Carter of 307 Rental LLC for a conditional use permit to add a parking lot associated with a professional office building use at 337 Spokane onto four lots in the WR-4 zoning district at 312/324 Kalispell Avenue, which will include adding two townhome units fronting Kalispell Avenue. The property is currently developed with a single-family home and is zoned WR-4 (Multi-Family Residential District). The Whitefish Growth Policy designates this property as “High-Density Residential”.

**Planning Board Action:** The Whitefish City-County Planning Board met on September 17, 2020, where they held a public hearing on the request. After the public hearing, the board then recommended denial of the above referenced conditional use permit 4-1, Freudenberger opposed, changing Findings 1 and 2 as contained in the staff report to say it was not compatible with the Growth Policy nor the Zoning Regulations.

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with the eleven (11) conditions set forth in the attached staff report.

**Public Hearing:** The applicant’s representative Eric Mulcahy of Sands Surveying spoke at the hearing, explaining the project and answering questions. The applicant, Jake Carter, also spoke, answering questions directed at him by the Board with regard to the proposal and explaining how they did outreach with the neighborhood to come up with a plan addressed their concerns.

At the public hearing, nine members of the public spoke. Paul McCann, 340 Somers, Jamie Maxwell, 426 Kalispell, Christine Bernat, 306 Kalispell, Janice

McCann, 340 Somers, Dane Boat, 240 Columbia, and Rhonda Fitzgerald of 412 Lupfer opposed the request on grounds of neighborhood compatibility, traffic, and setting a precedent of commercial creep. Sarah Canepa, 336 Kalispell, Molly Brown, 344 Kalispell, outlined pros and cons of the proposal. Mike Howke, 323 Kalispell (directly across the street) supported the proposal as he thought it would free up on-street parking and eliminate the approaches on Kalispell Avenue.

The draft minutes for this item are attached as part of this packet and should be reviewed for the full text of public testimony.

This item has been placed on the agenda for your regularly scheduled meeting on October 5, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

David Taylor, AICP  
Director

Att: Exhibit A: Recommended Conditions of Approval  
Draft Minutes of 9-17-20 Planning Board Meeting  
Additional public comments received

***Exhibits from 9-17-20 Staff Packet***

1. Staff Report, 09-17-20
2. Public Notice

***The following exhibits were submitted by the applicant:***

3. Application Materials for Conditional Use Permit

***The following exhibits were submitted by the public:***

4. Public Comments (35)

c: w/att Michelle Howke, City Clerk

c: w/o att Jake Carter

**Exhibit A  
CARTER  
WCUP 20-13  
Staff Recommended Conditions of Approval  
October 5, 2020**

1. The project must be in compliance with the site plan submitted on July 21, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. A detailed landscaping plan meeting all code requirements, showing specific tree and plant species and their locations, percent coverage area of landscaping, screening plant sizes and heights, snow storage locations, as well as any structures such as fences, including height and materials and whether they are sight-obscuring, shall be submitted by the applicant and approved by the planning office prior to construction.
3. Existing trees must be retained for landscaping where possible.
4. The utility pole in the alley near where the parking lot will be accessed shall be moved to accommodate traffic access to the lot.
5. A storm water management plan and erosion control plan must be submitted to the Public Works Department and approved prior to construction.
6. The parking lot must be constructed as per the approved design and number of spaces, with access off the alley only.
7. Any lighting for the parking lot will be installed near ground level, be dark sky compliant, and not be visible from adjacent residential properties to the north and south.
8. A building permit must be obtained for construction of the townhomes prior to construction of the parking lot.
9. Existing curb cuts and aprons on Kalispell Avenue shall be removed and sidewalks, curb, and gutter restored. The applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the adjacent owners.

10. If traffic through the 16' wide alley becomes an issue in the future, the property owner will work with the City of Whitefish to make the alley a one-way street.
11. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has been initiated (see Section 11-7-8-H.2)

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
September 17, 2020**

|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>CALL TO ORDER AND ROLL CALL</b></p>                                                 | <p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Whitney Beckham, Scott Freudenberger, Allison Linville, and Toby Scott. John Ellis was absent. Senior Planner Wendy Compton-Ring and Planner II Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 19 people attending in addition to the board members and staff.</p>                                                                                                                                                                                                                                                                                                                |
| <p><b>AGENDA CHANGES</b><br/><i>6:00 pm</i></p>                                           | <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>APPROVAL OF MINUTES</b><br/><i>6:00 pm</i></p>                                      | <p><i>Note: At the August 20, 2020, Planning Board meeting, the minutes of June 18, 2020, were approved without corrections on unanimous vote of the three board members present (Vice Chair John Ellis, Whitney Beckham, and Scott Freudenberger). Councilor Andy Feury abstained as he did not attend the June 18 meeting. Since three board members is not a quorum of board members, approval of the June 18, 2020, board meetings will take place tonight.</i></p> <p>Freudenberger moved, and Linville seconded to approve the June 18, 2020 minutes without corrections. <b>The motion passed unanimously.</b></p> <p>Freudenberger moved, and Linville seconded to approve the August 20, 2020 minutes without corrections. <b>The motion passed unanimously.</b></p> |
| <p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b><br/><i>6:04 pm</i></p> | <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>OLD BUSINESS:</b><br/><i>6:04 pm</i></p>                                            | <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>PUBLIC HEARING 1:<br/>CARTER CONDITIONAL</b></p>                                    | <p>A request by Jake Carter for a Conditional Use Permit to construct a commercial parking lot associated with the professional office at</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>USE PERMIT REQUEST</b><br/><i>6:05 pm</i></p>                  | <p>307 Spokane Avenue. The property is zoned WR-4 (High Density Multi-Family Residential District). The property is located at 312 Kalispell Avenue and can be legally described as Lots 3-6, Block 51 Original Whitefish Townsite in S36, T31N, R22W, P.M.M., Flathead County.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>STAFF REPORT</b><br/><b>WCUP 20-13</b><br/><b>(Taylor)</b></p> | <p>Senior Planner Compton-Ring reviewed Director Taylor's staff report and findings. As of the writing of WCUP 20-13, seven comments from neighboring property owners had been submitted opposing the proposal. In general, concerns were expressed about commercial creep into the historic residential neighborhood, whether a parking lot is an appropriate use, and a desire to keep the neighborhood character intact. Seventeen additional comments have been received as of today and were distributed to board members prior to the meeting. Ten comments were not in support with concerns about the loss of character in the neighborhood, encroachment of commercial uses into the neighborhood, the zoning does not support it, that is could potentially be precedence setting, and use of the alley for vehicles. The seven in support noted the design maintains the residential character, that there is needed parking for this commercial use and they are currently parking on City streets surrounding this block, and that there would be less traffic on Kalispell Avenue.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-13 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p> |
| <p><b>BOARD QUESTIONS</b><br/><b>OF STAFF</b></p>                    | <p>Chair Qunell said the language in the CUP only refers to adding the parking lot and does not say anything about the proposed townhomes. Compton-Ring replied townhomes are permitted in the WR-4 zone, so they are not included in the CUP application. The property includes four lots, and there will be a lot line adjustment, so the townhouses will be on their own separate lots and a lot for the parking lot. He asked for an example of accessory use to a building that is already built that does not require parking and Compton-Ring said accessory apartments are typically an accessory use with a CUP where the primary home is already constructed. Chair Qunell said that is the same lot with the same owner, which is the part he is confused about.</p> <p>Beckham asked and Compton-Ring said the townhomes are proposed to be built and will be their buffer; the CUP is just for the parking lot part. Condition No. 8 requires a building permit to be obtained prior</p>                                                                                                                                                                                                                                                                              |

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|                                    | <p>to the construction of the parking lot. Beckham asked and Compton-Ring said nothing could happen with the parking lot without the townhomes.</p> <p>Freudenberger asked if Condition No. 8 could it be reworded so that the parking lot could be secondary to the completion of construction. Compton-Ring said you could add, "after issuance of certificate of occupancy." Freudenberger said that would guarantee the townhomes are done before the parking lot is built.</p> <p>Beckham asked how any parking the townhomes would need would be factored in. Freudenberger said the packet indicated there are garages. Chair Qunell said they would fall under the WR-4 requirements and be totally separate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>APPLICANT / AGENCIES</b></p> | <p>Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, represented the applicants. He said Jake Carter, applicant/owner, will give an introduction after Mr. Mulcahy has completed with his presentation. Mr. Mulcahy thanked the staff for their thorough review of the application and said all the recommended conditions are completely acceptable, including the proposed change to Condition No. 8. The 307 Building was constructed in complete compliance with the zoning regulations. In that zone, no parking was required but they did provide some parking onsite. The uses, particularly the CPA firm in that building, have quite a few employees who park on the surface streets around in the neighborhood. The applicants would like to create some parking that can restrict to their employees of their business to try to take the pressure off those surface streets in the neighborhood. The zoning ordinance encourages office use and retail use in this downtown business district, but it does not require parking so there is always this chafe between parking and the businesses that go in. That is good because it means you have a successful, thriving downtown, but it does create conflicts between residential uses on the outskirts of the downtown and the business uses interior. That is what they are trying to resolve with this application. The original developer of the 307 Building came in with a project about eight years ago but his project was considerably different in that the parking went all the way to Kalispell Avenue, so there would be headlights and traffic from this business directly onto Kalispell Avenue and they understand that was an issue for the neighbors. When they started looking at this project in the fall, they came up with some concepts and ideas, and talked to staff. Then they had a neighborhood meeting in January and invited everyone on this block and across Kalispell Avenue who would potentially see this</p> |

project. Through that process they developed a concept where they would put two residential units on Kalispell Avenue so all you see when you drive Kalispell Avenue is the residential units and landscaping, not the parking lot. They designed the two units so one door fronts Kalispell and one is on the side, so it almost looks like a large single-family home. They did their best to try to address the issues for both the office and the neighbors and think they came up with a concept that does that. To answer Chair Qunell's question regarding accessory parking offsite, one example is the First Interstate Bank with the parking south on Spokane Avenue, which was an accessory use that occurred close to 20 years ago.

Beckham asked and Mr. Mulcahy said this parking lot will be signed solely for the use of 307 Building.

Chair Qunell asked and Mr. Mulcahy said the offsite parking for the townhome units will require driving through the parking lot to access the garage at the rear of the residential units. Freudenberger asked and Mr. Mulcahy said there will be an easement for those units through the 307 Building's parking lot.

Freudenberger said since there will be easements involved, if they do not retain ownership of the townhomes, debates may occur regarding snow plowing and removal. Mr. Mulcahy said there will be a maintenance agreement that addresses snow removal and asphalt maintenance.

Jake Carter, one of the business owners in the 307 Building and of the real estate office spoke. He works fulltime in the building and there are 30-35 working there during a low peak time up to 50 when fully staffed and there are ten current parking spots. The proposal is for 18 additional spots, for a total of 28. They are trying to get employees and people in the building off the streets, and while we have the nice parking structure here at City Hall, it is a little over a quarter mile away and in reality, that can be a trek, especially in winter. In addition, employees of the accounting firm often arrive and leave work in the dark. From day one their goal has been to be open with their neighbors and they tried to truly listen to them and did not take their opinions lightly. This is never going to be perfect but feel as if it is a give and take relationship and the best they can do given the situation.

Chair Qunell asked and Mr. Carter said there will still be more people working in the building than the proposed parking lot spaces, and parking will be on a first come, first served basis. Others will

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|                              | <p>continue to use street parking.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>PUBLIC COMMENT</b></p> | <p>Chair Qunell opened the public hearing.</p> <p>Paul McCann, 340 Somers Avenue (about two blocks from the subject property), requested denial. He was at the City Council meeting eight years ago where the application for a commercial parking lot on this same site was turned down; however, as time went on, the area continued to be used as a commercial parking area. He suggests the City enforce the parking ordinance and not allow use of this area for commercial parking. The alleyway between Spokane Avenue and Kalispell Avenue is the line that keeps commercial out of their neighborhood.</p> <p>Jamie Maxwell, 426 Kalispell Avenue, spoke in opposition. He has lived there for eight years and has seen traffic get worse and worse. There are a lot of kids living near him. Columbia Avenue is so congested people cannot drive it as fast as they want and he thinks folks will race down Kalispell Avenue where there are no stop signs in the morning to get to this first come, first served parking lot first. The only way he would be in favor of any kind of parking lot would be if stop signs were installed at every block on Kalispell Avenue to protect children from traffic.</p> <p>Christine Bernat, owns 306 Kalispell Avenue (just north of this property) and she does not want a parking lot next to house. She went through this seven years ago and is distressed this commercial property is infringing onto their neighborhood. A parking lot is not a pleasant view and will lower her property value. They bought the house for a reason, to be in a residential area within walking distance to town, and it is no longer their neighborhood, it is something different.</p> <p>Sarah Canepa said she and her husband Shane McMillen live at 336 Kalispell Avenue (two doors down from the proposed use). She appreciates Jake Carter's outreach efforts to the community letting folks know about the proposal and asking for ideas. The Staff Report says they will address traffic in the alleyway <i>if</i> it becomes a problem, but they use that alleyway every day and it already <i>is</i> a problem. There is a lot of traffic going through the alley at high speeds with drivers not considering residents trying to get in and out. They bought their house six years ago to be part of the downtown historic Whitefish neighborhood and would like it to maintain that residential feel.</p> |

Molly Brown, 344 Kalispell Avenue, also appreciates Mr. Carter being open and honest with them. She has a difficult approach to her parking from the alley and she is just waiting to get into an accident. She is also concerned with there being no stop signs as there are children, people walking pets, etc., that could get hit. She sees both sides and wants to help them get what they need, and the residents get what they need. This will take more thought and suggested board members spend time at the 307 Building so they can visually see what is going on. She suggested they remodel the little yellow house currently there for rental income instead of building the townhomes and work with the parking issue to keep it residential and like other things in downtown Whitefish.

Janice McCann, 340 Somers Avenue, understands the difficulties of parking for downtown businesses in the commercial versus the residential. Her plea is that the commercial businesses address their problems without involving the residential neighborhoods and perhaps consider mandatory carpooling, biking, use of the City's parking structure and accessory parking, but not use residential neighborhoods as a solution to their problems. If they need to have fewer employees in their building due to inadequate parking, so be it. That is something they should deal with and the neighborhood should not carry that burden.

Dane Boat, 240 Columbia Avenue (the corner of Columbia Avenue and Third), is firmly opposed to this project. The growth, parking, and traffic are huge issues that need to be dealt with. If there is going to be some sort of variance, it should be for the City Hall parking structure to add three or four more stories of parking, as there is a huge deficiency of parking spots. The most fundamental thing about this issue is we are going to set a precedent that will go right down the line and will completely change the character of historic Whitefish.

Mike Howke, 323 Kalispell Avenue (right across the street from this proposal). Parking is always going to be an issue and he is not opposed to this; he is kind of for it because right now all the employees are parking on Kalispell Avenue in front of his block, and this would eliminate that. It is a private parking lot, so the hours are limited. Removal of the approaches on Kalispell Avenue now will eliminate people trying to get onto Kalispell Avenue through those approaches. It affects him like everyone else, but he sees this as a good solution for a problem that exists. He does not want to see any

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|                       | <p>parking lot facing Kalispell Avenue, not through a conditional use permit or any other method.</p> <p>Rhonda Fitzgerald, 412 Lupfer Avenue, which is not in this neighborhood, but it is in a traditional downtown historic neighborhood, zoned WR-4 like this side of Kalispell. She thinks the issue that these very desirable, historic neighborhoods that define the character of Whitefish are imperiled is an important issue for everyone who lives in the community. We talk about how important it is for us to retain our character and the culture of our community and we know that people want to live in these modest, single-family homes close to downtown, and the only way to <i>maintain</i> the integrity of the neighborhoods is to <i>maintain</i> the integrity of the neighborhoods. When the Whitefish Area Needs Assessment was done, it was identified we needed 400 more homes for ownership by 2020, with the most desirable type being a small, modest home, with a small yard, preferably a garage and some storage close to downtown. By the nature of the fact that you are close to downtown and walkable, you are going to be close to commercial. Those lines, which is this case is the alley and in her case is the alley between Baker and Lupfer, must be respected as where it stops. She is kind of shocked that this has come forward again when it was already denied because the application makes it sound like an accessory parking lot use for a professional office in the WR-4 is okay. This professional office is in the WB-3, a totally different thing, and the wording in the application makes it sort of gray. Maybe it is not an accident that it is a little misleading because a parking lot in the WR-4 is not a permitted use; it is not a permitted conditional use either. As John Ellis pointed out, applying for a conditional use permit for something that is not allowed for a conditional use is a little beside the point. In any application you are supposed to comply with the growth policy and folks rely on staff to tell them if things comply with the growth policy. These four or five neighborhoods in the community are in jeopardy all the time because these people live in single-family homes historic residential neighborhoods and yet we are looking at what is allowed in a WR-4 which is a lot of other things, but not a parking lot.</p> <p>There being no further comments, Chair Qunell offered the applicant five minutes of rebuttal but the applicant declined. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p> |
| <b>MOTION / BOARD</b> | Linville moved and Beckham seconded to deny the findings of fact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

**DISCUSSION**

within staff report WCUP 20-13, with the eleven (11) conditions of approval, as proposed by City Staff.

Linville said she would site finding of fact No 1, Growth Policy Compliance, because it appears to her if the effort was really to comply with the growth policy, that would be a parking lot following a development and to her the question is, is this a parking lot in a residential neighborhood or a parking lot supporting a business or a parking lot supporting a development.

Beckham said most of the public comment prior to this meeting was from neighbors on Kalispell or Somers Avenue who were in opposition. Of the seven comments received today in support, only two of them listed their address and those two were not in the immediate vicinity. What they heard from the neighborhood says this is clearly not something that is supported, and the neighborhood should not have to bear the problem of the WB-3. This is not something that we should be allowing to happen because there are commercial parking problems in downtown Whitefish. For those reasons, we must deny as there is no way this is an accessory use. This is a residential neighborhood, not commercial.

Chair Qunell said he does not agree with Finding 2, "The proposal is consistent with the purpose, intent, and applicable provisions of these regulations." It is stretching this at best to call this an accessory use to a building that is in a different zone, across the alley with fractional ownership. A parking lot is not a permitted use or conditional use in WR-4. He appreciates all the work done to try to make this palatable to the neighborhood, but this is a downtown historic neighborhood where we want residential uses. These need to be developed as residential and he will be voting for the motion.

Scott agrees the parking lot is a little out of character and he is in favor of denying, but this problem occurs continuously in the City where people are not aware of what zone they live in and what is allowed. This is WR-4 and Mr. Carter could come back with a proposal to put up a multi-story apartment building or several of them on those lots. His advice to the neighbors opposed to this would be to try to get their neighborhood rezoned to WR-1.

Freudenberger said this is difficult for him. He has an office on the first floor in the 307 Building (he does a sublease) but has not occupied it since March when he started working from home because of COVID-19. He has nothing to gain or lose by this motion but wanted full disclosure. He agrees with Mr. McMann's comment

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|                                                                                           | <p>about not enforcing parking; effectively it is a parking lot already and that is not a legal use, so it needs to be enforced. People are parking on the grass right up to Kalispell Avenue, behind the neighbor's house and the old church accessory building, so he does not see much of a change in land use as it is without enforcement. If new residential improvements are built on Kalispell Avenue it eliminates access to Kalispell, creates more parking on Kalispell, and improves the residences currently there that have clear signs of deferred maintenance. He likes the idea of remodeling the two residents currently there if the structures can handle a remodel. He can see some positives and there have also been some excellent comments in opposition; many are legitimate concerns. He does not see it going this way, but if approved, he would want a condition included that the developer cannot claim hardship due the lot size or cost of construction, etc. He agrees with increased traffic in the alley going north and south because there would not be the eastern outlet but one of the conditions is to make the alley one-way and he would imagine that would be northbound.</p> <p>Scott suggested if approved the applicant consider fencing with keyed or card access along the alley so only employees and townhome residents can use the parking lot.</p> <p>Linville said looking ahead as a Planning Board, as part of their evaluation for the seven criteria for review, a major issue will be where to put cars. She wanted to acknowledge two things in their motion as well, 1) an ongoing and increasing issue of parking and traffic in town, and 2) the value and purpose of public comment and understanding of both the criteria of review and the purpose for having the public process. That will guide issues like this going forward.</p> <p>Chair Qunell called the question.</p> |
| <p><b>VOTE</b></p>                                                                        | <p><b>The motion to deny passed 4-1 with Freudenberger voting in opposition.</b> The matter is scheduled to go before the Council on October 5, 2020, and all neighbors and the applicant should be aware the City Council will have the final decision at that time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>PUBLIC HEARING 2:<br/>HICKOK CONDITIONAL<br/>USE PERMIT REQUEST<br/>7:06 pm</b></p> | <p>A request by Doug Hickok for a Conditional Use Permit to construct a guest house at 1632 W Lakeshore Drive. The property is zoned WR-1 (One-Family Residential District) and can be legally described as Lot 2A, Lake Park Addition Amended Lots 2 and 3 in S23, T31N, R22W, P.M.M., Flathead County.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

**307 RENTAL LLC  
CONDITIONAL USE PERMIT WCUP 20-13  
EXHIBIT LIST  
SEPTEMBER 17, 2020**

1. Staff Report – WCUP 20-17, 9-17-20
2. Adjacent Landowner Notice, 8-21-20

***The following was submitted by the applicant:***

3. Application for Conditional Use Permit, including a site plan and renderings
4. Public Comments

**307 RENTAL LLC  
312 KALISPELL AVENUE PARKING LOT  
STAFF REPORT  
WCUP 20-13  
SEPTEMBER 17, 2020**

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request by Jake Carter of 307 Rental LLC for a conditional use permit to add a parking lot associated with a professional office building use onto four lots in the WR-4 zoning district at 312/324 Kalispell Avenue. A public hearing is scheduled before the Whitefish Planning Board on September 17, 2020 and a subsequent hearing is set before the City Council on October 5, 2020.

**PROJECT SCOPE**

The applicants are requesting approval of a conditional use permit for a parking lot to be constructed on the alley side of four lots located on Kalispell Avenue, to be used as accessory private parking for the adjacent professional office building at 307 Spokane Avenue. The property is zoned WR-4, Multi-Family Residential. The WR-4 zoning district requires a Conditional Use Permit (CUP) for professional offices and associated uses located adjacent to Spokane Avenue. (WCC 11-2I-3). Additionally, 11-6-3-1-C, Off-Street Parking and Loading Regulations, allow parking for non-residential uses in the WR-4 up to 300' from the property.



The site, which has a small house and a large detached garage, is the former rectory of the Whitefish Foursquare Church, and the back part of the lots have been paved and used for overflow parking for several decades, both by the former church as well as over the last few years by tenants and customers from the office building at 307 Spokane, who now owns the properties. The lot lines will be modified through a boundary line adjustment to separate off the portions of the property that front Kalispell Avenue for a future new two-unit townhome, while the rear portions will be utilized for a proposed landscaped private parking lot.

The application states that the existing parking area will be expanded, repaved and landscaped, and circulation will be through the alley with no access to Kalispell Avenue. The parking lot will be visually blocked from Kalispell Avenue by the new townhomes and will complement the existing parking lot at 307 Spokane. It will have a six-foot privacy

fence along the north and south property lines where it abuts residential uses and will be landscaped.

A similar CUP request to develop a parking lot on these lots was denied by the City Council in 2012. That proposal utilized the entirety of the four lots for parking and included 24 parking spaces that went right up to Kalispell Avenue with little buffering. With this request, the applicant contacted and worked with many of the neighbors to come up with a plan that was less objectionable and more compatible with the neighborhood, including adding two moderate sized townhomes to screen the parking from the residential neighborhood.

The WR-4 zoning for the four lots would allow up to eight apartments or six townhomes on the 13,000 square foot property.

**A. Applicant/Owner:**  
Jake Carter, 307 Rental LLC  
PO Box 1398  
Whitefish, MT 59937

**Technical Professional:**  
Eric Mulcahy, AICP, Sands Surveying  
2 Village Loop  
Kalispell, MT 59901



**B. Size and Location:**

The subject property is addressed as 312 Kalispell Avenue, but it also shows up as 324 Kalispell in some databases. The four lots combined total approximately 0.4 acres (13,400 sq ft).

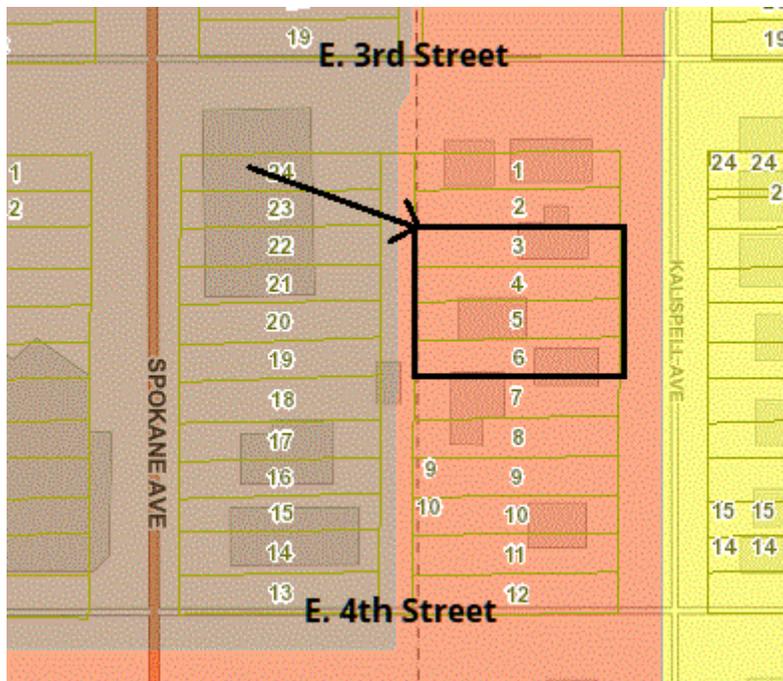
The property is located on the west side of Kalispell Avenue between Second and Third Streets. The property is legally described as Whitefish Original Townsite, Block 51, Lots 4, 5, 6, 7, Section 36, Township 31N, Range 21W, P.M.M., Whitefish, Flathead County, Montana.

**C. Existing Land Use and Zoning:**

The property currently has a single-family home but the back portion has been paved and used for overflow parking off the alley for many decades. The property is zoned as WR-4, High Density Multi-Family Residential.

**D. Adjacent Land Uses:**

|        |                      |      |
|--------|----------------------|------|
| North: | Residential          | WR-4 |
| West:  | Professional Offices | WB-3 |
| South: | Residential          | WR-4 |
| East:  | Residential          | WR-2 |



**E. Growth Policy Designation:**

The Growth Policy designation for this area is High Density Residential which provides for high density residential areas typically located along major transportation routes or close to downtown. The Downtown Master Plan also calls out the future land use as low density or multi-family attached residential.

**F. Utilities:**

|              |                           |
|--------------|---------------------------|
| Sewer:       | City of Whitefish         |
| Water:       | City of Whitefish         |
| Solid Waste: | Republic Services         |
| Gas:         | Northwestern Energy       |
| Electric:    | Flathead Electric Co-op   |
| Phone:       | Centurylink               |
| Police:      | City of Whitefish         |
| Fire:        | Whitefish Fire Department |

**G. Public Notice and Responses:**

A notice was mailed to adjacent landowners within 300-feet of the subject parcel on August 21. A notice was mailed to advisory agencies on August 28, 2020. A notice of the public hearing was published in the *Whitefish Pilot* on September 2, 2020.

As of the writing of this staff report, seven comments from neighboring property owners have been submitted opposing the proposal, which are attached. In general, concerns were expressed about commercial creep into the historic residential neighborhood, whether a parking lot is an appropriate use, and a desire to keep the neighborhood character intact.



Alley and existing parking area looking SE

## REVIEW AND FINDINGS OF FACT

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 11-7-8.J. of the Whitefish Zoning Regulations.

### 1. Growth Policy Compliance:

The Growth Policy calls out a High Density Residential designation which provides for high density residential areas typically located along major transportation routes and close to downtown. The Whitefish Downtown Business District Master Plan has a low-density or attached multi-family land use for the lots. The townhomes will be smaller scale two-story buildings consistent with multi-family uses but similar in scale with nearby single-family houses and townhomes, and the new parking lot area will help free up additional on-street parking in the neighborhood. Professional offices are conditionally allowed in the WR-4 zone for uses on Spokane Avenue. The future townhomes will screen the proposed parking lot from view from the adjacent residential neighborhood.

**Finding 1:** The portions of the lots fronting Kalispell Avenue will maintain a residential use compatible with the Growth Policy designation. The additional parking behind the residential will be screened from the adjacent residential neighborhood and be compatible with allowed uses along major arterials in the zone.

### 2. Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.

The underlying zoning is WR-4 (High Density Multi-Family Residential District). The purpose and intent of this zoning category describes higher density residential purposes and for limited nonresidential uses that are compatible with such a residential setting connected to municipal utilities and services. Up to eight units could be built on the four-lot site as a permitted use (i.e., two four-plexes). Conditionally permitted uses include professional offices on major arterials, including Spokane Avenue. The parking lot use would be accessory to a professional office that fronts on Spokane Avenue that is zoned WB-3, which has no parking requirements.

There is concern from neighbors that the development proposal could change the character of what is currently a residential block. The proposed parking area will be a commercial use, the area has been used for parking for many years and the new lot will be fully screened from adjacent residential uses. Concern was also raised about whether the application is even legal. Zoning regulations for zoning districts do not specifically mention parking lots as a use, they are typically considered accessory to another principal use. In the past the paved parking area off the alley was owned by a church and used as accessory overflow parking for the church.

More recently it has been used as overflow parking for the adjacent office building. In this case, the parking lot would be considered accessory to the adjacent professional office building that fronts on Spokane. Professional offices are allowed via Conditional Use Permits in the WR-4 along Spokane Avenue, and since this parking lot will be used exclusively by the professional office, it would be considered to also front Spokane Avenue as accessory to the commercial use. Additionally, per 11-6-3-1-C, non-residential uses are allowed to provide off-street parking in the WR-4 zone within 300' of their proposed use. There will be no driveway access to Kalispell Avenue from either the townhomes or the parking lot. The future townhomes will be consistent with the existing residential zoning and will go through architectural review and have features typical to historic homes in the area. For those reasons, the proposal is considered consistent with the purpose and intent of the applicable regulations.

**Finding 2:** The zoning regulations for the WR-4 district conditionally permit professional offices along Spokane Avenue and the proposed residential townhomes will be consistent with the intent of the WR-4 zoning district.

**3. Site Suitability. The site must be suitable for the proposed use or development, including:**

Adequate usable land area: The subject property is approximately 13,400 square feet in size. The proposed site will require the removal of several existing structures. There is adequate usable land area on the property for a parking lot as well as two townhomes.

Access that meets the standards set forth in these regulations, including emergency access: The subject property currently has access to Kalispell Avenue through two curb cuts and aprons, and it is also accessible via the alley to the West. Kalispell Avenue vehicular access will be removed once the site is redeveloped and the sidewalks and curbs repaired to free up additional on-street parking spaces. The proposed access to the parking area as well as the townhome garages is via the existing 16 foot wide alley. Additionally, there is a utility pole in the middle of the area shown as the proposed alley entrance that will need to be relocated by the applicant.



Alley looking NE with utility pole to be moved on left

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: There are no apparent physical hazards or sensitive areas on the property. The proposed site is not located within the 100-year floodplain or other geological hazard. The property is flat and is not considered as a steep slope or hazardous for development.

**Finding 3:** The subject property is suitable for the proposed development with no environmentally sensitive areas present and the property provides ample room for the proposed uses. The access to the parking lot is from the alley between Third and Fourth Avenues, and will be adequate with the exception that an existing utility pole will need to be relocated.

**4. Quality and Functionality. The site plan for the proposed use or development has addressed the following design issues as applicable:**

Parking locations and layout: Whitefish Zoning Regulations Section 11-6-2-D requires one (1) space per 400 square feet of gross floor area for professional offices. However, the office building itself is exempt from parking requirements as it's in the WB-3 zoning district. The County Assessor records show the building is 7587 square feet, which would equate to 19 parking spaces for professional office use. With 18 spaces on the new lot, and the 10 spaces in the existing lot, the applicant is providing adequate space to accommodate all parking needs on-site for the existing commercial use. The proposed parking lot will be adequately landscaped. The zoning code allows non-residential uses to provide off-street parking in the WR-4 zone within 300' of their use.

Traffic Circulation: The design of the parking lot allows for vehicles to enter and exit via the 16' wide alley. Two existing curb cuts on Kalispell Avenue will be removed and repaired to city standards with new curb and gutter and street trees.

Open space: The site plan has adequate open space. The exterior edges of the parking lot will be heavily landscaped to provide a buffer and areas for snow storage.

Fencing/Screening: The application states that a new six foot high privacy fence will be installed along the north and south property lines. The zoning code requires landscaped screening between the lot and adjacent residential uses. That will be required as a condition of approval.

Landscaping: Landscaping standards in the parking code require that 8% of the lot be covered with landscaping, with a minimum five foot high 50% sight obscuring screen along the side yards where it abuts a residential use. That will be noted as a condition of approval. The submitted site plan shows shrubs and trees planted

along boundaries, and the application notes a new six foot high fence along the north and south property lines.

Signage: No new signage is being proposed other than directional signage and a sign that would limit parking to tenants of 307 Spokane.

Undergrounding of new and existing utilities: Utilities for the townhomes are existing on-site. An existing utility pole in alley will need to be relocated to provide access.

**Finding 4:** The proposal will create additional off-street parking for an existing commercial office space that has limited parking. The proposal will have adequate traffic circulation and additional on-street parking will be created with the removal of existing curb cuts. The parking area will be fenced and landscaped and adequately accessed off of a city alley.

**5. Availability and Adequacy of Public Services and Facilities.**

Sewer and water: Municipal services are currently available on-site.

Storm Water Drainage: The development associated with the request appears to be more than 10,000 square feet, so a drainage/stormwater plan will likely be required by Public Works.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are good.

Police: The City of Whitefish Police Department serves the site and response times and access are adequate. The proposed use is not expected to have significant impacts upon police services.



Streets: The subject property is accessed off of the alley between 3<sup>rd</sup> and 4<sup>th</sup> Avenues. Curb cuts and aprons on Kalispell Avenue need to be removed and curb and gutter restored to allow additional on-street parking. Coordination with the City Parks Department will be required for new or replacement street trees.

**Finding 5:** Municipal services are currently available on site. Response times for police and fire are not anticipated to be affected due to the existing development. The property will have limited access to city streets and curb and gutter will be restored and street trees planted where existing curb cuts exist.

## 6. **Neighborhood/Community Impact:**

Traffic Generation: Traffic impacts are anticipated to be minimal and should not result in a significant impact to the residential neighborhood due to lack of access on to Kalispell Avenue.

Noise or Vibration: The only additional noise would be increased vehicle traffic immediately before and after standard business hours. Any noise impacts from the parking lot will be mitigated by the new townhomes and new 6 foot high fences and landscaping around the parking lot.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the use currently onsite. Lighting for the parking lot will be required to stay near ground level and not be visible from adjacent residential lots.

Smoke, Fumes, Gas, and Odor: No impact is anticipated with regard to smoke, fumes, gas or odors.

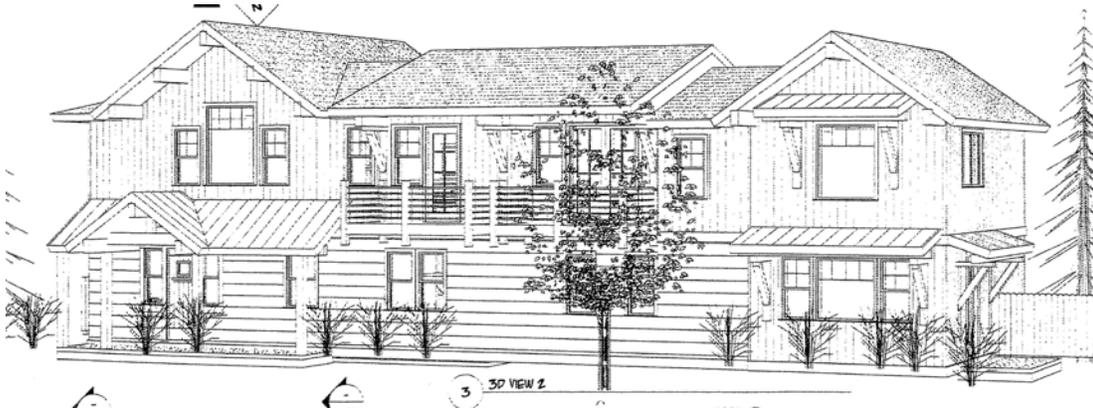
Hours of Operation: The hours of activity anticipated with the parking lot would be typical business hours (Monday through Friday, 8 am to 5 pm). Cars generally only come and go in the morning, lunch hour, and at 5 pm. There will be little impact on evenings and weekends.

**Finding 6:** The proposed development is not anticipated to have a negative neighborhood impact with regard to dust, smoke, odor or other environmental nuisances. Adequate landscaping buffers, fences, and new residential units will mitigate traffic noise.

## 7. **Neighborhood/Community Compatibility:**

Structural Bulk and Massing: Existing structures will be removed and two new single-family scale townhomes will be built to maintain neighborhood compatibility. The townhomes will be required to go through architectural review, which will look at structural bulk and massing and the context of the neighborhood. Initial designs

show a moderately sized attached townhome with features such as front porches consistent with historic homes in the area.



Scale: The proposed new two-unit townhome will be larger than the existing house but maintain single family residential scale. It will also require architectural review approval. The lots could be developed with eight units, so the proposal is significantly less impactful than what could be built as a use by right with regard to scale.

Context of Existing Neighborhood: The existing neighborhood contains professional offices along Spokane Avenue, and is a traditional historic Whitefish neighborhood of residences along Kalispell Avenue. The house and outbuildings are the former rectory for the old Foursquare Church at 4<sup>th</sup> and Spokane, and the site was partially paved to be used for overflow church parking. The proposed new townhomes will help keep the neighborhood residential feel intact while screening the parking area from adjacent residential uses.



Density: The four lots are zoned for multi-family use and could support up to eight units if developed as multi-family. Only two units are being proposed.

Community Character: The proposed residential uses along Kalispell Avenue will screen the parking area from adjacent neighbors. The existing paved area off the alley has been used for overflow parking for many decades, and the proposal is to repave, screen and landscape it to make it more attractive. A condition will be placed to ensure the townhomes have a building permit prior to or concurrent with the parking lot construction.

**Finding 7:** The project will maintain community character by adding residential homes with traditional features along Kalispell Avenue and by screening and landscaping an expanded parking area.

## **RECOMMENDATION**

The findings support the request and the following conditions will help mitigate any potential impacts. Staff recommends that the Planning forward this staff report WCUP 20-13 with the following conditions to the City Council with a recommendation for approval:

1. The project must be in compliance with the site plan submitted on July 21, 2020, except as amended by these conditions. Minor deviations from the plans require review pursuant to §11-7-8E(8) and major deviations from the plans require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. A detailed landscaping plan meeting all code requirements, showing specific tree and plant species and their locations, percent coverage area of landscaping, screening plant sizes and heights, snow storage locations, as well as any structures such as fences, including height and materials and whether they are sight-obscuring, shall be submitted by the applicant and approved by the planning office prior to construction.
3. Existing trees must be retained for landscaping where possible.
4. The utility pole in the alley near where the parking lot will be accessed shall be moved to accommodate traffic access to the lot.
5. A storm water management plan and erosion control plan must be submitted to the Public Works Department and approved prior to construction.
6. The parking lot must be constructed as per the approved design and number of spaces, with access off the alley only.

7. Any lighting for the parking lot will be installed near ground level, be dark sky compliant, and not be visible from adjacent residential properties to the north and south.
8. A building permit must be obtained for construction of the townhomes prior to construction of the parking lot.
9. Existing curb cuts and aprons on Kalispell Avenue shall be removed and sidewalks, curb, and gutter restored. The applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the adjacent owners.
10. If traffic through the 16' wide alley becomes an issue in the future, the property owner will work with the City of Whitefish to make the alley a one-way street.
11. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has been initiated (see Section 11-7-8-H.2)



## Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Jake Carter is requesting a Conditional Use Permit to construct a commercial parking lot associated with a professional office with up to 18 spaces for employees. The commercial building is located across the alley at 307 Spokane Avenue. The parking lot will be landscaped, fenced, and buffered from Kalispell Avenue by a new two-unit townhouse facing Kalispell Avenue. The property is currently developed with an uninhabitable single-family home and a detached garage. The property is zoned WR-4 (High Density Multi-family Residential District). The property is located at 312 Kalispell Avenue and can be legally described as Lots 3-6, Block 51 Original Whitefish Townsite in S36, T31N, R22W, P.M.M., Flathead County.

You are welcome to provide comments on the project. Comments can be in written or email format. The Whitefish Planning Board will hold a public hearing for the proposed project request on:

**Thursday, September 17, 2020  
6:00 p.m.  
Whitefish City Council Chambers, City Hall  
418 E 2<sup>nd</sup> Street, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, October 5, 2020** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 418 E 2<sup>nd</sup> Street. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at [dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org). Comments received by the close of business on September 8, 2020, will be included in the packets to Board members. Comments received after the deadline will be summarized to Board members at the public hearing.





**City of Whitefish**  
 Planning & Building Dept  
 418 E 2<sup>nd</sup> St | PO Box 158  
 Whitefish, MT 59937  
 Phone: 406-863-2460  
 Fax: 406-863-2419

File #: WCUP 20-13  
 Date: JUL 21 2020  
 Intake Staff: \_\_\_\_\_  
 Check #: 1706  
 Amount: 21055.00  
 Date Complete: \_\_\_\_\_

**CONDITIONAL USE PERMIT**

**FEE ATTACHED \$ \$2055.00**

(see current fee schedule)

**INSTRUCTIONS:**

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: \_\_\_\_\_
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2<sup>nd</sup> Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

**A. PROJECT INFORMATION:**

Project Name: 307 Spokane Parking Lot  
 Street Address: 312 Kalispell Avenue, Whitefish  
 Assessor's Tract No.(s) N/A Lot No(s) Lot 3, 4, 5, & 6 Block# Block 51  
 Subdivision Name Plat of Whitefish  
 Section 36 Township 31 Range 22

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

[Signature] 7-15-2020  
 Owner's Signature\*\* Date

JAKE CARTER  
 Print Name

[Signature] 7-15-2020  
 Applicant's Signature Date

JAKE CARTER  
 Print Name

[Signature] 7-15-2020  
 Representative's Signature Date

JAKE CARTER  
 Print Name

\*\*\* May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

FOR DEPOSIT ONLY  
 GLACIER BANK OF WHITEFISH, CIT  
 Y OF WHITEFISH  
 2055.00  
 07/21/2020 10:28 AM

**C. OWNER/APPLICANT INFORMATION**

**OWNER(S) OF RECORD:**

Name: 307 Rental LLC Phone: (406) 862-2597 (attn. Jake)  
Mailing Address: P.O. Box 1398  
City, State, Zip: Whitefish, MT 59937  
Email: \_\_\_\_\_

**APPLICANT (if different than above):**

Name: Same Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email: \_\_\_\_\_

**OTHER TECHNICAL/PROFESSIONAL:**

Name: Sands Surveying, Inc; Attn: Eric Mulcahy AICP Phone: (406) 755-6481  
Mailing Address: 2 Village Loop  
City, State, Zip: Kalispell, MT 59901  
Email: eric@sandssurveying.com

**D. DESCRIBE PROPOSED USE:**

The owners of the subject property are also the owners of the office building at 307 Spokane Avenue. The owners/applicants want to provide additional parking for the businesses within the 307 Spokane building. Presently many of the employees of 307 Spokane park on the City streets in the general vicinity of the building. While completely legal and compliant with zoning regulations, the on-street parking does create some conflict with neighboring residential property owners, leaf pick-up in the fall, snow plowing in the winter, and street sweeping in the spring.

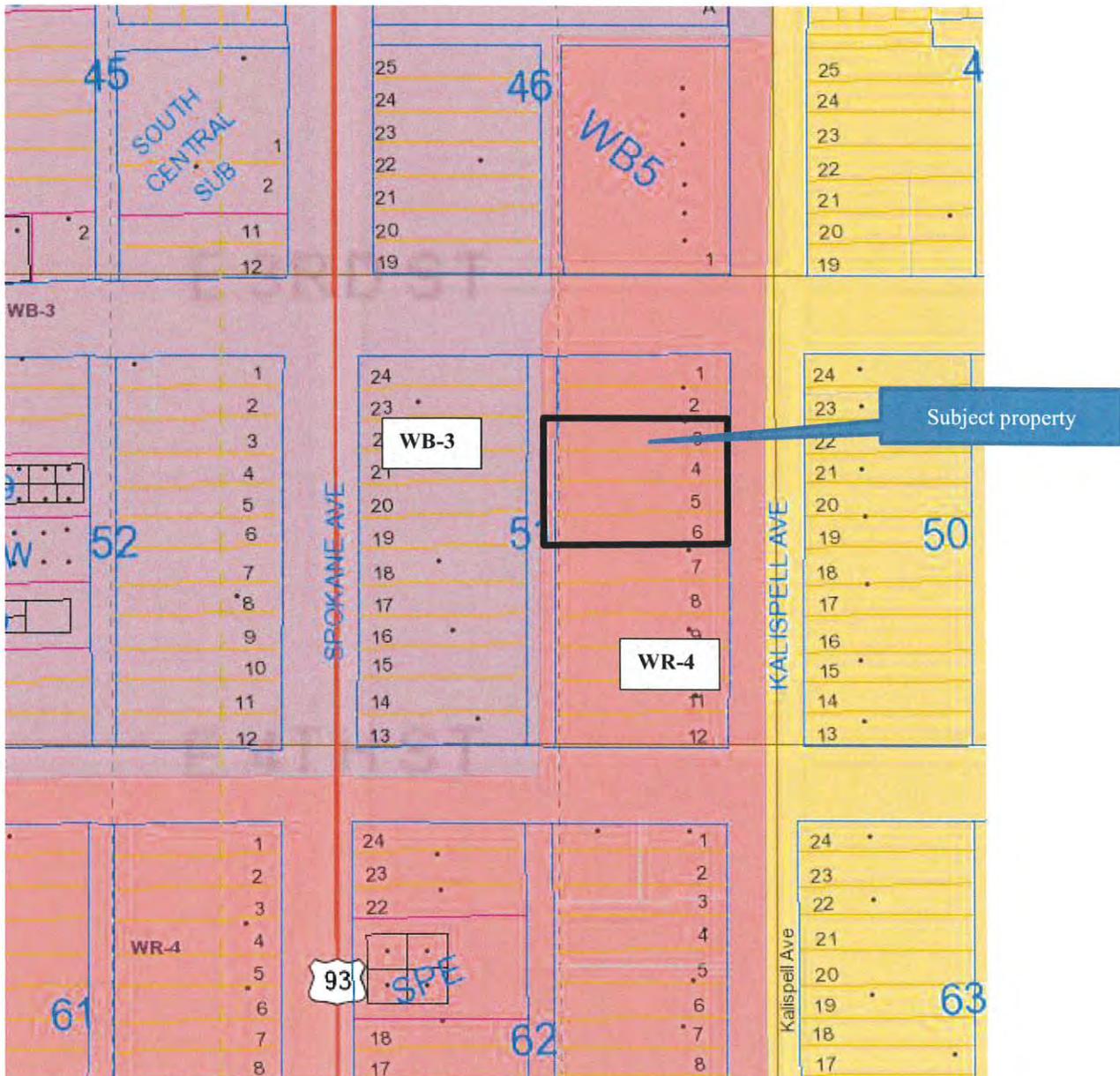
The applicants propose using the four city lots to create up to 18 parking spaces accessed off the alley and constructing a two-unit townhome on the front of the lots facing Kalispell Avenue. Currently the four city lots contain a yellow house that is no longer habitable without major work and an old detached garage. The proposed plan will provide the residential buffer compatible with the residential character along Kalispell Avenue. The two proposed units will upgrade the existing housing and provide need housing inventory. At the same time the applicants will provide much needed parking on the rear of the lots which abuts the commercial use.

The applicants started this process back in January of 2020 with a neighborhood meeting at the 307 building. All of the neighbors on the block and across Kalispell Avenue were invited to attend the meeting and seven neighbors did attend. At that neighborhood meeting, we explained the intent to construct parking and some residential use to buffer the parking area. We provided some concepts of the desired use and we received a lot of good feedback from the neighbors. All of the neighbors agreed that the residential buffer was a good idea and about half thought the townhouse concept was good while the other half though two detached units was a better idea. We also discussed drainage issues and promised to work with the neighbors to the south to attempt to solve his basement water problem.

After the meeting the applicants worked with their architect to come up with a residential design that we think addressed the neighborhood input. We propose an attached townhouse design that will block the view of the parking lot and commercial buildings behind with an asymmetrical building design that has one unit entrance on the front and the second unit entrance on the side; articulated roof lines, second floor covered deck, and lots of landscaping to make the structure appear like a single family house.

On June 15<sup>th</sup> this revised concept was emailed out to eight neighbors that expressed interest at January meeting with a request for feedback. To date the applicants heard from two of the neighbors both with positive responses and no negative responses. The June 15<sup>th</sup> concept is the one we bring forward with this Conditional Use Permit Application.

ZONING DISTRICT: WR-4 (High Density Multi-Family Residential District)



Source: Whitefish Zoning – Flathead County GIS

E. **FINDINGS:** The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

**City of Whitefish Parking Management Plan**

The 2019 City of Whitefish Parking Plan Executive Summary states, "There is a demonstrated demand for increased "all-day" employee parking options. Due to the lack of defined long-term parking spaces, "all-day parkers must repark and shuffle their vehicles among short time-limit restricted areas. This adversely affects those seeking short time-limit spaces such as a retail patron."

Chapter 5 "Businesses expressed concern that patrons will be unable to park and shop and that parking availability will effect recruitment efforts for employees. Employees expressed concerns that they must move their cars several times per day to avoid parking citations."

Chapter 7.1 "The City has a high number of spaces with no time limit assignment. Should the City increase consistency in enforcement, the long-term parkers who are routinely parking in short time-limit spaces will spread to unrestricted areas. The City should consider adding time limits and signage to unrestricted blocks to prepare for the shift in behavior created by consistent enforcement."

Chapter 7.4 "Residents on the periphery of the downtown core experience intermittent spillover parking that may affect their ability to park near their homes. Feedback from stakeholder meetings indicates that areas near Central Avenue and south of 4<sup>th</sup> street, the Railway District, and Kalispell Avenue regularly experience an influx of parked vehicles that are not local to the neighborhood."

**Whitefish Downtown Business District Master Plan**

The 2015 Master Plan, revised in 2018 focused on the continuation of projects designed to enhance the downtown for both visitors and locals. The plan includes the now completed City Hall parking garage and the construction of a new garage at Spokane and 2<sup>nd</sup> Street.

"The Master Plan points out that retail shoppers require easy parking options in close proximity to their destinations. Parking availability must be maintained near storefront areas to ensure business success."

**Conclusion**

The proposed 307 Parking project promotes the goals of the City's long range plans by providing parking for employees thus freeing up on-street parking for other "visitors and locals" and other employees. In this instance the 307 property owners are attempting to solve a part of their parking problem on their own and not at the expense of other property owners or tax payers.

2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

Currently there is no minimum required parking provisions in the Whitefish Zoning Code for service, office, or retail business in the WB-3 zone which is what the 307 Spokane building is zoned. The reason parking is not required is that large parking lots like those along the highway would destroy the fabric of the downtown district. As a result, downtowns typically use on-street parking, parking garages, and small surface lots to meet the needs of business workers and patrons of downtowns.

The proposed parking plan creates a small parking area with up to 18 parking spaces for the 307 Spokane building while buffering the homes located along Kalispell Avenue with residential use along the Kalispell frontage. The proposal provides much need parking, protects the residential character along Kalispell Avenue, and frees up on-street parking for others.

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

The subject property is the transition between commercial uses along Spokane Avenue and residential use along Kalispell Avenue. The proposed CUP respects the neighboring commercial and residential uses by providing much needed assets for successful business use and protecting the neighboring residential uses from the commercial intrusion of a commercial parking lot. The applicants own four city lots which provide room for the 18 parking spaces off the alley and two residential units on the Kalispell Avenue frontage. The residential units will also provide parking off the alley as is the norm in this historic part of town. There are no sensitive lands associated with the subject property.

4. How are the following design issues addressed on the site plan?
  - a. Parking locations and layout
  - b. Traffic circulation
  - c. Open space
  - d. Fencing/screening
  - e. Landscaping
  - f. Signage
  - g. Undergrounding of new utilities
  - h. Undergrounding of existing utilities

See attached site plan and architectural renderings. The applicants propose six foot privacy fencing along the north and south property lines to block headlights shining into neighbor's yards. The parking lot area will also be landscaped on the north and south. The Kalispell Avenue frontage will be developed with a duplex townhome and traditional residential front and back yard landscaping. The parking area will be signed for private use of the 307 Spokane building and signage will be added to discourage anybody from using the neighboring office driveway out to Spokane Avenue. The existing power pole in the alley will be moved to allow ingress/egress into the parking areas.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
  - a. Sewer
  - b. Water
  - c. Stormwater
  - d. Fire Protection
  - e. Police Protection
  - f. Street (public or private)
  - g. Parks (residential only)
  - h. Sidewalks
  - i. Bike/pedestrian ways – including connectivity to existing and proposed developments

The parking area will not require sewer or water services and the two unit residential building will connect to the existing utilities in the public rights-of-way. The parking area will require a stormwater management plan. We anticipate that stormwater management will be a condition of the CUP and that the owners will not be able to shed stormwater on neighboring properties at rates greater than predevelopment rates. Drainage for the project will be addressed on-site and directed to the City's stormwater main located in Kalispell Avenue. The professional office south of the 307 building express interest in working with this project to tie his basement groundwater sump into the new parking lot drainage system. The proposed CUP will have no impacts on police, fire, streets, parks, sidewalks, or bike/ped ways.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.

In general, the proposed parking and residential design is an attempt to lessen impact on the residential neighbors along Kalispell Avenue by providing additional parking for the employees of an established office building. The present owners of 307 Spokane want to work with their neighbors to address potential issues and at the same time provide much needed parking for the employees of 307 Spokane.

a. Excessive traffic generation and/or infiltration of traffic into neighborhoods

The parking lot should have minimal traffic generation as it is intended to support the existing employees of the 307 Spokane Building. These employees are already driving into town and either parking in the small, existing 307 parking lot or parking on near-by streets. The proposed parking lot might actually reduce some of the traffic in the adjacent streets such as Kalispell Avenue.

b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

The proposed parking lot will not generate objectionable impacts. The subject property is the transition between the downtown core business area and the traditional residential neighborhoods. Parking lots are not out of character in this area particularly if said parking lot is buffered by a residential use along the Kalispell frontage.

7. What are the proposed hours of operation?

Parking lot hours would be typical of office use which is generally 8:00 am to 6:00 pm. The residential use would have typical residential hours.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

a. Structural bulk and massing

The 18 stall parking lot is not out of character with other parking lots on the north and south sides of Spokane Avenue. The two-unit residential townhouse along Kalispell Avenue will have front porches and decks embracing the street and provide rear loaded parking off the alley just like most of the traditional housing located on the east side of Whitefish. The units are asymmetric with one front door facing the street and the other located on the side. The roof line is articulated with different size gables and ridge line.

b. Scale

The parking is in scale with neighboring commercial uses while the residential units will be small two story residential structures similar to other residential uses in the neighborhood

c. Context of existing neighborhood

The properties between Spokane Avenue and Kalispell Avenue are a transitional area for land use. There is a vibrant commercial core area along Spokane Avenue and further west while to the east is the lovely tree lined traditional residential neighborhood along Kalispell Avenue. This proposed CUP respects this transitional neighborhood and attempts to buffer and blend the competing land uses.

The applicants held a neighborhood meeting where both residential and commercial neighbors were invited to provide input on the proposed concept. The neighbors input was used to produce the plan submitted with this application.

d. Density

The proposed of the proposed parking lot is zoned WR-4 which provides for high density residential uses. The proposed two unit townhome does not come close to exceeding the density prescribed by zoning or even that of the neighboring residential properties.

e. Community Character

The proposed CUP will provide a verifiable need for parking in the downtown while at the same time protect the historic residential character of Kalispell Avenue. The proposed use respects and enhances the surrounding neighborhood by taking cars off of the neighboring streets and providing a space for them at the rear of a residential use which happens to be adjacent to commercial use. The proposal is keeping with the Community Character.



City of Whitefish  
Planning & Building Dept  
418 E 2<sup>nd</sup> St | PO Box 158  
Whitefish, MT 59937  
Phone: 406-863-2460  
Fax: 406-863-2419

## **MIX-USE AND NON-RESIDENTIAL DEVELOPMENT STANDARDS**

Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the standards, describe why and how this design will better implement the **mixed-use and non-residential development standards** ([link to §11-3-43](#)):

1. How does the project further the purpose and intent of the multi-family development standards?

This section is not applicable. The CUP is for a parking lot for an existing commercial building. The two dwelling units are a permitted use in the WR-4 zoning District.

2. How does the project integrate the requirements of the orientation and multiple building standards?

This section is not applicable. The CUP is for a parking lot for an existing commercial building. The two dwelling units are a permitted use in the WR-4 zoning District.

2. How does the project preserve the topography of the site?

The site is a developed residential and parking area located within the City of Whitefish. This is not a native property. The site is completely flat so little grading will be needed to develop the parking area for the 307 building and the two residential units on the front of the lots.

4. How does the project incorporate thoughtfully designed landscaping into the site?

The proposed parking area will have extensive landscaping to buffer the residential uses to the north and south. A six foot privacy fence will be erected on the north and south borders. With the residential units along Kalispell Avenue, the units will have traditional front and back yard areas that comply with the City Zoning setbacks. Landscaping is incorporated into the residential design to break up the façade of the building and make it appear as a single family residence. The residential units and associated landscaping will completely block the view of the proposed parking area from the Kalispell Street frontage.

5. Describe how the design of off-street parking lots meets the design standards. If utilizing the on-street parking standards, describe the number of parking spaces using on-street versus off-street.

The proposed off-street parking lot for the 307 building completely comply with the City's Non-Residential Building Standards (§11-3-43). The parking for the commercial use and residential use are both alley loaded. There is no access for the parking lot or the unit to Kalispell Avenue or Spokane Avenue. The proposed 18 stall parking lot is completely shielded from Kalispell Avenue by the residential use, landscaping and fencing.

The 307 building is located in the City's WB-3 zoning district which does not require off-street parking for office and retail business. The reality is the lack of parking causes an inconvenience for employees that have to move their cars frequently or park some distance from their work. When parking on area residential street, the commercial employees impact the residential uses by taking their valuable street parking and hindering snow

plowing, street sweeping, and leaf pick-up. The proposed parking area is intended to help the employees of the 307 building and the neighboring residences along Kalispell Avenue.

6. Describe the pedestrian bicycle accommodations within the project.

Currently there are no bicycle accommodations at the 307 Building of in the proposed parking lot. A condition could be suggested that required a bike rack at either the new parking lot or at the 307 building in order to comply with the zoning regulations.

7. If the project is located adjacent to a residential zone, describe how the project and buildings are providing a sensitive transition to these neighborhoods.

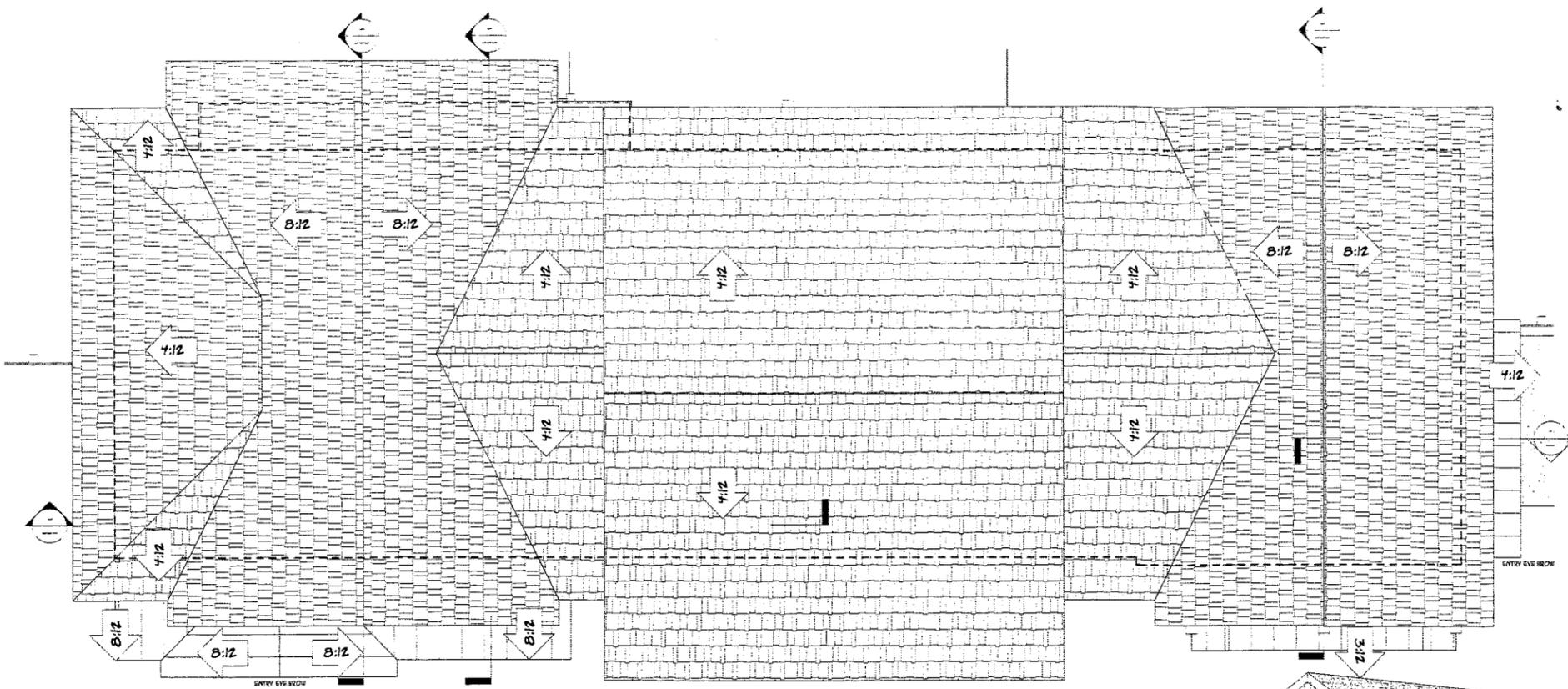
The proposed parking lot is shielded from the Kalispell Avenue neighborhood with the proposed two unit townhome. The townhome was selected because it blocks the view of the entire parking area and the commercial uses west across the alley. Landscaping is incorporated into the residential design to break up the façade of the residential townhouse and also blend in with neighboring residential uses. On the north and south sides of the proposed parking lots, the applicants incorporate landscape areas and six-foot privacy fences to shield views of the lot and headlights.

At present we do not have specifics on lighting for the parking lot. However, any lighting will be low profile, dark sky compliant, and purely to provide a safe environment for users of the parking area. To limit any obtrusive light on neighboring residential properties, we anticipate that a condition be placed on the project that will require a detailed lighting plan be submitted to the City planning office for approval and conformance to the City's lighting regulations prior to construction of the parking lot.

8. Describe how the project is screening support elements.

There are no support elements such a refuse containers or loading areas proposed within the parking lot.





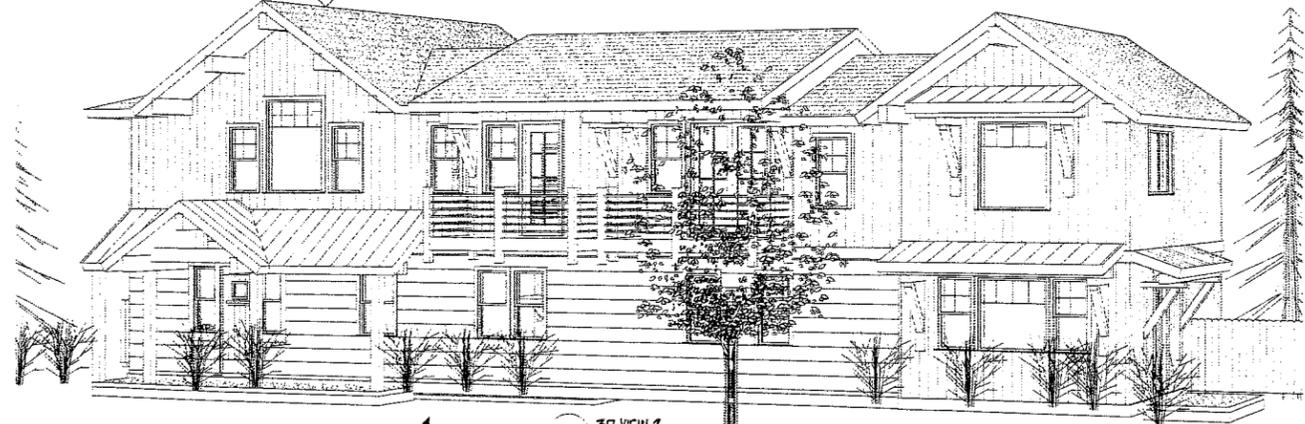
1 ROOF PLAN  
1/4" = 1'-0"



4 3D VIEW 3



5 3D VIEW 1



3 3D VIEW 2



2 EAST ELEVATION  
1/4" = 1'-0"

REVISIONS

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DRAWN BY: JPH  
CHECKED BY: JPH

MT ARARAT DESIGN  
is not responsible for any structural design or items shown herein requiring engineering by a licensed and certified structural engineer.

2614 WEST JAYTON DR.  
MERIDIAN, ID 83842



CELL (406) 253-3134

WHITEFISH  
307 CONCEPTS

SCALE (SEE PLAN)  
1/4" = 1'-0"

DATE: TBD  
JOB #:

SHEET

A3

**JOHN OLIVER ELLIS, JR.**

**630 Somers Avenue  
Whitefish, MT 59937**

**(406) 862-3798**

September 1, 2020

Dave Taylor  
Whitefish Planning & Building Department  
488 E. 2<sup>nd</sup> Street  
Whitefish, Montana 59937

Re: WCUP 20-13 Commercial Parking Lot

Dear Dave,

I am writing to give Public Comment on WCUP 20-13 since I will be out of town on September 17, 2020, the date that this matter will be on the agenda of the Whitefish Planning Board. Thanks for providing me a copy of this application. I have had a chance to review the application and based on my review, I feel that the Planning Department should recommend denial of this application for the following reasons.

**1) The Application Fails to Seek A Valid Conditional Use in a WR-4 Residential District.**

Section 11-21-3 sets forth the Conditional Uses in WR-4 Residential Districts. Nowhere does it list a commercial parking lot (This application states repeatedly throughout that "a commercial parking lot" is sought.) as a conditional use. Yesterday, you indicated that it could be sought under the "Professional Offices" section of 11-21-3. I must disagree. This section states: "Limited to Spokane Avenue, Central Avenue south of Third Street, Second Street West, Baker Avenue between Fourth Street and Fifth Street, and Wisconsin Avenue south of Glenwood." See special provisions in section 11-3-16 of this title." Kalispell Avenue is not listed therein. Nor does this section state that a business on Spokane Avenue can seek to add commercial parking associated with that business on a WR-4 property that is contiguous with it. In this case, it's not even contiguous since it is separated by a city alley. Nothing in Section 11-3-16 allows commercial parking lots in a WR-4. If the applicant seeks to put a commercial parking lot in a WR-4 residential zone, the procedure is a rezoning, not a Conditional Use permit.

**2) A Conditional Use Permit for this same use on this same location has previously been denied by the City Council.**

I cannot remember exactly how many years it has been, probably somewhere between 5 and 10, but the owners of the 307 Spokane Building previously sought a conditional use permit for this same property for this same use (commercial parking). The City Council heard from all interested parties and denied the application. They made a correct decision then. Nothing within the current application shows that conditions have substantially changed. The stated reason for this application is so that the employees of the building will not be "inconvenience(d)" by having to find parking. When this inconvenience is compared to the harm to the residential community that will occur, the City Council's previous decision remains valid. The Planning Department should give great weight to a previous decision of the City Council unless there has been a substantial change of conditions.

**3) If a commercial parking lot is allowed on this property, whether ½ or all, every other property on the West side of Kalispell Avenue will be eligible for the same use.**

Once the first parking lot is constructed on Kalispell Avenue, there is no legal reason to prevent any business on Spokane Avenue from purchasing a lot on Kalispell Avenue for a parking lot. Under established legal principles, Village of Willowbrook et al. v. Olech, 528 U.S. 562 (2000) and Gerhart v. Lake County, Montana, 637 P.3d 1013 (9<sup>th</sup> Cir. 2011) similar persons must be treated the same. The result will be that Kalispell Avenue will be lost as a residential street. When the lots on one side of Kalispell Avenue are parking lots, no one will have any interest in living on the other side of the street. The homes will be bought by speculators and used for a variety of uses. All the buffers and landscaping in the world will not change this. Rather than planning for parking, as all of our new buildings in downtown Whitefish (Central Avenue and 93 North) have recently done, owners of property on Spokane Avenue will build from lot line to lot line, relying on Kalispell Avenue lots for their parking. Whitefish will look completely different when all the buildings leading into town on Spokane Avenue look like 307 Spokane and Kalispell Avenue is a series of parking lots.

**4) There is no real showing of neighborhood support for this permit.**

The Applicant goes into great length in Section D of the application to make it seem that the surrounding residential community is in support of this permit. According to the Applicant, seven neighbors attended a January, 2020 meeting. Subsequently, two neighbors had positive responses and no neighbors had negative responses. Two out of the whole neighborhood is hardly "community support."

As the Applicant states: "Currently the four city lots contain a yellow house that is no longer habitable without major work and a detached garage." It is the Applicant

who is responsible for letting the house and garage get to its present state. Of course, the neighbors are tired of this eyesore. Anything would be better. So, it is the Applicant who has manufactured his own support. If he fixed up the house and landscaped the yard, the two neighbors would most likely wish to keep this entire property residential.

#### **5) Applicant fails to address the Whitefish City-County Growth Policy.**

Section E of the application requires in section 1 that the Applicant: "Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy." Applicant ignores this requirement and, instead, discusses the City of Whitefish Parking Management Plan and the Whitefish Downtown Business District Master Plan. Although Applicant has failed to do so, I will.

In its introduction, the Whitefish City-County Growth Policy discusses the Planning Approach. It states: "There was no consensus to "close the door" or to adopt a "no growth" plan. Instead, visioning session participants identified the attributes of the community that they valued the most, and that they wanted to see preserved even as the community grows. Among these were: Small town feel and character." (WCCGP, p. 7.)

The Growth Policy's Vision Statement echoes the planning approach, "**The citizens of Whitefish** value the scale, character, and small town feel of the community and will preserve those values as the community grows. We will preserve and enhance our open spaces, wildlife habitat, scenic vistas, and traditional neighborhoods that make our community special." (WCCGP, p. 9.)

The Land Use Element of the Growth Policy states in the Historic Preservation section: "Historic buildings and neighborhoods are important to the character and history of Whitefish, and it is also an important economic element of the visitor industry. ... Whitefish's older residential neighborhoods have significant historic buildings that contribute to the traditional character and attractiveness of the area. Without prescribed protections and incentives, many of these beautiful buildings could succumb to infill redevelopment." (WCCGP, pp. 48-49.)

Interestingly, the growth policy discusses Kalispell Avenue and the inconsistent zoning on this street. It leads the reader to believe that this area should be zoned WR-2, not WR-4. Until the Growth Policy and Zoning are updated, this inconsistency will continue to exist. (WCCGP, p.51.)

Finally, in the Future Land Use Goals section of the Growth Policy it states: "1. Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish community through an innovative and comprehensive growth management system, and 7. Preserve and protect important historic buildings, neighborhoods, and landmarks in downtown Whitefish." (WCCGP, pp. 68-69.)

Allowing a commercial parking lot in an historic neighborhood is the opposite of what the Whitefish City-County Growth Policy calls for. As Kalispell Avenue gets permitted for more and more parking lots and no one wants to live next to or across the street from them, more and more properties will become just like the “no longer habitable” house on Applicant’s lots.

Applicant did discuss the City of Whitefish Parking Management Plan. Yes, parking is a problem in Whitefish, but that is what comes with the designation of a resort community; however, it is one thing to have vehicles parking on the street in front of your home, it’s another to convert a residential lot to a commercial parking lot. Applicant states: “The proposed 307 Parking project promotes the goals of the City’s long range plans (no section of the Growth Policy is referenced) by providing parking for employees thus freeing up on-street parking for other “visitors and locals” and other employees.” (Conclusion, p. 5.) So, this conversion of an historic neighborhood lot to a commercial parking lot actually does nothing. It simply changes who is parking on the street.

Applicant cites the Whitefish Downtown Business District Master Plan and states: “Parking availability must be maintained near storefront areas to ensure business success.” However, Applicant has earlier stated that this parking is for the convenience of employees in this office building. This is not a storefront location. The Whitefish Downtown Business District Master Plan 2018 shows on page 17 that these lots are to remain low density or multi-family (attached) residential. The original draft of this Plan had a public parking lot on Kalispell where the new condominiums have been built. This was removed from the adopted version due to citizens objections to having a parking lot on Kalispell Avenue. It is important to remember that Applicant is seeking to build a private commercial lot, not a public parking lot, although neither of which would be appropriate on this location.

In Section 2 Applicant makes the interesting statement that: “large parking lots like those along the highway would destroy the fabric of the downtown district.” This is an attempted justification as to why there was no parking built for the 307 building. Since its construction, the owners have made no attempt to purchase property in the WB3 zone to provide parking. First Interstate did that. There is currently plenty of property on Spokane Avenue that is for sale that is within walking distance of the 307 building. Applicant could modify his building. The owners of Stampede Square are doing that today. Applicant could remove the first floor offices and convert that space to parking. Applicant is asking the neighborhood to solve the problems that he has created for himself and is not troubled with destroying the fabric of the neighborhood.

In Section 2 Applicant suggests: “The proposal provides much need (sic) parking, protects the residential character along Kalispell Avenue and frees up on-street parking for others.” Conceding that it will provide parking for 18 vehicles, it will not preserve the residential character of Kalispell Avenue when more and more lots are converted to parking lots. Freeing up on-street parking for others is not a valid

reason to put a commercial parking lot on a residential lot in an historic neighborhood. It simply lays a residential neighborhood street open for conversion to commercial purposes.

In Section 3 Applicant states: "The subject property is the transition between commercial uses along Spokane Avenue and residential use along Kalispell Avenue." This is not true. The alley between Spokane Avenue and Kalispell Avenue is the "transition." This property, zoned WR-4, is residential. Applicant also states: "The proposed CUP respects the neighboring commercial and residential uses by providing much needed assets for successful business use and protecting the neighboring residential uses from the commercial intrusion of a commercial parking lot." But that is just what Applicant is proposing, putting a commercial parking lot for the convenience of his tenants on a neighboring residential lot. There will be no protecting adjacent properties from commercial intrusion since future applicants will be entitled to be treated equally with this Applicant. He got a parking lot, they will too.

Section 6 asks the Applicant to discuss the impact on adjacent properties and any adverse impacts. Applicant again argues that the property itself, rather than the alley is the "transition." Applicant fails to discuss the impact that granting a CUP for a parking lot on a residential street will have on the rest of the properties on that street and in time on the whole historic residential neighborhood that runs from Kalispell Avenue to Pine Avenue.

Section 8 asks Applicant to discuss how his proposal is compatible with the surrounding neighborhood and community in general. Applicant states in subsection a that: "The 18 stall parking lot is not out of character with other parking lots on the north and south sides of Spokane Avenue. This ignores that this parking lot is being proposed to be built on Kalispell Avenue. It is out of character with anything currently existing on Kalispell Avenue.

In subsection c he again states his contention that "The properties between Spokane Avenue and Kalispell Avenue are a transitional area for land use." This knowledge might come as a shock to the residents of this "lovely treelined traditional neighborhood along Kalispell Avenue." as the Applicant describes it. The only transition that has happened on Kalispell Avenue is the Averill's conversion of three lots with single residences into a block of 6 condominiums. While I would prefer that all the lots on the west side of Kalispell Avenue remain single residences, I realize that it is zoned WR-4 and will "transition" to a higher density residential. It is not zoned for commercial parking lots.

Applicant argues in subsection e that this project is compatible with the surrounding neighborhood's community character. He asserts it will "protect the historic residential character of Kalispell Avenue." The truth is that it will be the first step in destroying the residential character of Kalispell Avenue. Once the first parking lot is allowed, the others cannot be prohibited. He asserts that this will take

cars off the streets; however, he has already stated that these cars will be replaced by other local and visitor cars.

**6) The Planning Department should recommend that WCUP 20-13 be denied.**

Section 11-7-8 addresses the denial of a CUP application. Subsection J states: "A CUP may be granted only if the proposal substantially conforms to all of the following criteria standards:

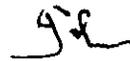
- 1) Grow policy compliance – Applicant has not even addressed the WCCGP.
- 2) Compliance with regulations – Nothing in the WR-4 zoning regulations allows a commercial parking lot in a WR-4 zone as either a permitted or conditional use.
- 3) Site Suitability – see comments above
- 4) Quality and Functionality of Design – see comments above
- 5) Availability and adequacy of public services – no issue
- 6) Neighborhood/community impact – Granting of this permit will allow other parking lots to be built on Kalispell Avenue, destroying its residential character.
- 7) Neighborhood/community compatibility – There are no commercial parking lots in this residential neighborhood.

Section K states that the burden of proof for satisfying the aforementioned criteria considered for approval shall rest with the applicant.

Applicant has failed to meet his burden. The Planning Department should recommend that the City Council deny this application.

Thank you for your consideration of my thoughts on this matter.

Very truly yours,



John Oliver Ellis, Jr.

**From:** [Craftygirl B](#)  
**To:** [David Taylor](#)  
**Subject:** File #: WCUP 20-13  
**Date:** Wednesday, August 26, 2020 8:57:19 PM

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Dear Mr. Taylor,

As you know, Whitefish has become a place where native Montanans are having difficulty staying. The lack of affordable housing, the vast development projects, and the destruction of our neighborhoods are causing housing prices to skyrocket, not become more affordable. For those of us who live here and have raised our families here, we are looking at the loss of our children to less expensive places. For those of us who cherish our close knit community, we are seeing houses sold for multiplex developments that forever alter the feel and function of our town.

Please understand how disappointing it is for residents to support supposed low-income housing projects only to find that developers have paid in-lieu fees to remove the requirements of low-income housing. We are losing faith in our City to actually do what's best for its residents.

As to the above project, File # WCUP 20-13, the proposed change is to a block that on its eastern side is completely single-family residential. It is a project that starts the block down the slippery slope of dense housing for astronomical prices. Our neighborhood stands on the precipice of change that negatively impacts current residents. Please do not allow the parcels to go forward with any changes that compromise the way of life for the current residents. Our community has benefitted from families raising families here. We do not improve the community through expensive, dense housing for tourist owners. Our water bills are the highest in the state, our neighborhood community is in danger of breaking down, and current residents are suffering from these changes without seeing any improvements.

Please do not allow this project to go forward. Please encourage restraint and respect for those who live here. Thank you for your time.

Sincerely,

Suzanne Barnes

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Dena Rissman](#)  
**To:** [David Taylor](#)  
**Subject:** Comments on 312 Kalispell Ave proposal  
**Date:** Tuesday, September 8, 2020 9:58:35 AM

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Hello, I am a resident of 441 Kalispell Ave in Whitefish. I have owned the home since 2002. I am AGAINST putting a parking lot on 312 Kalispell Ave, just one block from my HOME. This is a lovely, quiet residential neighborhood. Please preserve those qualities and REJECT the proposal to put a townhome and commercial parking on Kalispell Ave. I do not want my neighborhood turned into a parking lot and I do not want more townhomes that will be used for short term rentals and put more pressure on our neighborhood.

Respectfully,

Dena Rissman  
[dena.rissman@gmail.com](mailto:dena.rissman@gmail.com)

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Virginia Cronk](#)  
**To:** [David Taylor](#)  
**Subject:** property at 312 Kalispell Ave  
**Date:** Monday, September 7, 2020 1:38:17 PM

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To: Dave Taylor  
From: Virginia Cronk

I am opposed to converting the property at 312 Kalispell Ave into parking lot and townhouse. I own and occupy the renovated house at 406 Kalispell Avenue.

My prime reason for opposing this change is related to the history and aesthetics of this neighborhood. In too many towns, the vernacular early 20th century housing has been torn down during various 'building booms' in the last century. Larger homes meeting the preferred architecture of that decade take the place of the town's history. We are blessed to have a sizable neighborhood (even though it is divided by the Spokane Ave corridor) of single family homes from Whitefish's earliest days. These homes are being purchased and renovated, keeping the charm and feel of the old neighborhood.

This is important for two reasons. The first is the comfort and enjoyment of living in such a neighborhood. Nine of the eleven houses fronting the 400 block of Kalispell Avenue are owner occupied. We have all invested money in purchasing and upgrading our homes and do not want to be constantly fighting the incursion of parking lots as Spokane Avenue becomes more and more developed. I definitely would not welcome the decline in my property's value that would happen if our houses become sandwiched among parking lots and commercial conversions.

The second is the appreciation shown by tourists for this neighborhood. Even though Whitefish is rapidly becoming a condo dominated town, tourists regularly park in this historic neighborhood to walk and photograph it. It is one of the things that keeps Whitefish from being like every other town near a national park or ski resort. Tourists are very fickle and quick to move on to the next unspoiled place.

My secondary reason for opposing this proposal is the increasing burden the city assigns to its existing infrastructure. It may seem like replacing a small single family home with a two unit townhouse won't be much of a change. All increased housing density has an impact. Right now the strains are showing, and many approved projects are not completed. Two very visible examples: The backup of traffic on Wisconsin Avenue and the viaduct has reached road rage conditions. The alley behind the condo-retail-office complex in the 300 block of Central Ave has created a continuous problem of overwhelmed trash bins and spillage.

Thank you for taking my opinion into consideration.

Virginia Cronk, PhD  
406 Kalispell Avenue, Whitefish  
(786)374-6607

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Simpson, Billy](#)  
**To:** [David Taylor](#)  
**Subject:** FW: Kalispell Avenue Parking Lot  
**Date:** Monday, September 7, 2020 3:22:59 PM

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Hello Sir,

I am writing to object to the commercial use for a parking lot on Kalispell Avenue. I think it will be very detrimental to the neighborhood. Please do not allow this to proceed.

Regards,

William Simpson  
631 Fourth Street  
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Kimberly Simpson](#)  
**To:** [David Taylor](#)  
**Subject:** Kalispell Avenue  
**Date:** Monday, September 7, 2020 6:12:10 PM

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>> I am writing to object of commercial usage for a parking lot on Kalispell Avenue.

>>

>> Regards,

>>

>> Kim Simpson

>> 631 Fourth Street

>> Whitefish, MT

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>> Sent from my iPhone

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Jenny Bevill](#)  
**To:** [David Taylor](#)  
**Subject:** NO commercial use on Kalispell Ave - from resident  
**Date:** Tuesday, September 8, 2020 7:27:33 PM

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Dear Mr. Taylor and Whitefish Planning Board,

I own my home at 532 Kalispell Ave and I beg you NOT to approve allowing a commercial parking lot to be established at 312 Kalispell Ave.

I love my neighborhood and the quiet small-town feel of my street. Please keep the commercial use on Spokane and leave our quiet residential streets for the homeowners and families who have chosen to live in this beautiful, historic section of downtown Whitefish.

Allowing even one business to establish parking on Kalispell Ave can set a precedent that could alter the whole feel of our neighborhood. Kalispell Avenue could quickly become parking lots for all the businesses on Spokane.

I beg you to consider the interests of Whitefish families who would be impacted over the interests of businesses. I have spent time and money and invested a lot of love in restoring my 100-year-old home. Please don't put a parking lot on my street!

Sincerely,

Jenny Bevill  
Homeowner, 532 Kalispell Ave  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Susan Fletcher](#)  
**To:** [David Taylor](#)  
**Subject:** Kalispell Ave  
**Date:** Thursday, September 10, 2020 7:16:03 PM

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I have lived on Somer Avenue for 11 years. I chose this part of Whitefish to be my permanent home because of its distinctive old neighborhood charm. I am 66 years old and have just renovated my almost 100-year-old home to accommodate me as I move into old age. I have watched with horror as lots have been gobbled up on Kalispell Avenue. First the Firebrand Hotel, then came the condos, and now this. Both projects are part of Averill's aspiring Dynasty. I understand that this particular request for rezoning is not the Averills, but it underscores what developers do. They get a little toehold and then they move in. Rezoning Kalispell Avenue bit by bit would be nothing less than a tragedy for what is remaining of our little town's integrity and charm. We must hold on to what is right and good and reject the pressures and big money brought on by developers and builders.

Sincerely,  
Susan Fletcher  
245 Somers Ave  
406 260 2021  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Emily Mendoza](#)  
**To:** [David Taylor](#)  
**Subject:** Kalispell Avenue  
**Date:** Friday, September 11, 2020 8:58:52 AM

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We live at 418 Kalispell Avenue. I'm writing in opposition of the proposed parking lot and townhomes at 312 Kalispell Avenue. This is a historic RESIDENTIAL neighbor. We do not want to be a part of "condofish". I grew up here and it is so sad and disheartening to see our beautiful small ski town being turned into a place filled with garage apartments, townhomes, condos and Starbucks!!!!!! It is truly unbelievable what the planning board and city council has allowed to happen in the downtown area. Please don't ruin our historic neighbors as well. We are not a parking area for downtown businesses. We are a neighbor full of hard working people and children!!!

Thank you, The Mendoza's

Sent from my iPad

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Nancy Allan](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** No Kalispell ave parking  
**Date:** Friday, September 18, 2020 11:58:09 AM

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Please Do not allow part of a Kalispell Avenue lot to be a parking lot. This could set a precedent for other lots in the Neighbourhood and we need to maintain our historic downtown. EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Sallie Foley](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: Support for WCUP-13 on Kalispell ave  
**Date:** Thursday, September 17, 2020 11:58:17 AM

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----- Forwarded message -----

**From:** Sallie Foley [REDACTED]  
**Date:** Thu, Sep 17, 2020, 11:28 AM  
**Subject:** Support for WCUP-13 on Kalispell ave  
**To:** <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

I am sending this email in support for WCUP-13. I really like the design of this project which maintains the residential integrity of Kalispell Ave. This residential real estate project design also provides greatly needed parking with limited view of parking from Kalispell Ave.

It's great that the applicants worked with neighbors to arrive at the design of the project!!

Thanks!  
Sallie Brown  
1072 Creekwood Drive  
Whitefish, MT. 59937

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Sarah Canepa](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: Comment on proposed development at 312 Kalispell Ave.  
**Date:** Monday, September 14, 2020 7:37:26 PM

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----- Forwarded message -----

**From:** Sarah Canepa [REDACTED]  
**Date:** Mon, Sep 14, 2020 at 7:16 PM  
**Subject:** Comment on proposed development at 312 Kalispell Ave.  
**To:** <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

To the Whitefish Planning Board,

Thank you very much for this opportunity to comment on the proposed development at 312 Kalispell Avenue which is located 2 lots away from our house at 336 Kalispell Avenue. I also want to thank Jake Carter with JCCS accounting who has done an outstanding job of communicating to neighbors, soliciting their opinions, listening to their concerns and attempting to address them in the design of the project. His efforts are greatly appreciated by myself and the neighbors I have talked to. But with all that being said, I still oppose the commercial intrusion into Kalispell Avenue.

I am opposed to this plan to authorize a conditional use permit to allow a commercial parking lot on Kalispell Avenue as an exception to the current zoning. Although this area is zoned for high density residential, this parking lot would turn it into a commercial venue. Downtown becomes increasingly more busy every summer and more and more visitor parking gets pushed onto Kalispell Avenue, exacerbated by the construction of the Firebrand hotel. Yet despite this pressure, Kalispell Avenue continues to be a residential neighborhood, where neighbors have a chance to talk to each other. The intrusion of a commercial parking lot on the street, fronted by a large duplex will change this residential character.

What is more concerning from my perspective is that the design of the parking lot will funnel all of the commercial traffic into the alleyway that exits onto 3rd street and 4th street, which are not designed to accommodate the amount of traffic they currently receive. The alleyway, which is the primary access to our house, is narrow and poorly maintained. We have to be careful when pulling out of our parking area in the alleyway to avoid traffic that is speeding down the alleyway without concern for local residents. It is also becoming increasingly dangerous to pull onto 4th street from the alleyway in the summer because of the number of cars parking on these streets. Third street is even more dangerous because of all the traffic exiting the Firebrand. Cars are no longer able to pass each other on 3rd street due to parking and traffic. This does not even include the challenge of managing snow in the alleyway. In the winter, large piles of snow accumulate adjacent to the alleyway. When all of this area is turned into commercial parking, I worry that snow will get further pushed onto residential properties nor have I seen a plan to deal with the water that will accumulate in the spring melt.

We have raised these issues to Jake Carter when he has asked for comments and concerns and he has acknowledged that they have no proposal to address the safety of the alleyway or identifying where snow storage will occur. I value the residential feel of our neighborhood. Therefore, I ask the planning board to reject this proposal for an exception to the zoning requirements that were designed to keep this as a residential neighborhood. I do not want

Kalispell Avenue to turn into a parking lot or an expanded commercial corridor. It was not intended to be a commercial parking lot and you should not approve the second proposal that tries to build a commercial lot on this location.

Sarah Canepa  
336 Kalispell Ave.  
Whitefish, Montana 59937

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Kristin Cowan](#)  
**To:** [David Taylor](#); [Wendy Compton-Ring](#)  
**Subject:** Comments on WCUP-20-13  
**Date:** Thursday, September 17, 2020 12:29:35 PM

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Dear Dave and Wendy,

I am writing in support of WCUP-20-13. I have read the planning packet, and I believe the project should be approved for the following reasons.

- The parking lot will not directly access Kalispell Avenue, and the spaces will be blocked from view by the new townhouse. The minimal traffic in and out will stay close to Spokane Avenue and the already developed 3rd Street by the Firebrand. I do not believe there will be any additional traffic. In fact, there should be less traffic on Kalispell Avenue since 307 employees will no longer need to park in front of the residential homes.
- The parking lot is incredibly small. If it were a large commercial parking lot, I would completely understand resident opposition. But the proposed plan calls for merely 18 stalls, and they seem to be arranged in a way to allow the lot to be quite small. The proposed landscaping will help maintain the residential feel to the area. Also, three of the 18 stalls are to be used as winter snow storage for the building, which is quite necessary in this climate.
- The townhouse design looks quite lovely. I believe it would be aesthetically pleasing in this neighborhood. Even though it is a two-unit building, the plan doesn't have an apartment or condo style feel. This would be a vast upgrade over the yellow house and garage currently sitting on the property.
- I appreciate the addition of infrastructure to install electric car charging stations. I am very supportive of any change to encourage people to purchase electric cars and reduce greenhouse gases. Along the same lines, I am in favor of bicycle parking.

For these reasons, I am in favor of WCUP-20-13. Thank you for your time.

Sincerely,  
Kristin Cowan  
2 Willowbrook Close, Whitefish

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Catherine Gullickson](#)  
**To:** [Wendy Compton-Ring](#); [David Taylor](#)  
**Subject:** Support of WCUP-13  
**Date:** Thursday, September 17, 2020 12:27:17 PM

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Hi,

I am writing to express my support of the proposed WCUP-13. The city of Whitefish is in desperate need of additional parking for people who work near the downtown area but not in proximity to the parking garage.

The project is designed as a residential real estate project providing limited commercial off street parking for employees of the existing office spaces. The project appears to be designed to limit the view of parking spaces from Kalispell Ave while maintaining the residential integrity. The proposed parking lot project will also reduce the amount of traffic and cars parked on the street especially during the winter months when parking is limited to one side of the street for snow removal.

If you have any questions, please feel free to ask.

Thank you,

Catherine Gullickson  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Angie Heppner](#)  
**To:** [David Taylor](#); [Wendy Compton-Ring](#)  
**Subject:** WCUP-13  
**Date:** Thursday, September 17, 2020 12:32:18 PM

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Dave,

I am writing in support of WCUP-13.

When this project was designed, it was important to keep the residential integrity of Kalispell Avenue. Which is why it was designed with a limited view of the parking area from Kalispell Avenue by both the newly constructed townhomes and the planned privacy fence.

This project is a residential real estate project with spaces allotted for commercial parking, which is desperately needed in Whitefish. It should not be labeled a commercial parking lot, as it will be landscaped and fenced, maintaining the residential rather than commercial aesthetic of the neighborhood.

Thank you for your consideration.

Angie Heppner

Whitefish Resident

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Richard Hildner](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: WCUP 20-13  
**Date:** Wednesday, September 16, 2020 1:06:38 PM

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Hi Wendy,

My note to Dave and the Planning Board bounced back because Dave is on vacation. I trust you will be able to share my remarks and support for denial of WCUP 20-13 with Planning Board members.

Thanks,  
Richard

Begin forwarded message:

**From:** Richard Hildner [REDACTED]  
**Subject:** WCUP 20-13  
**Date:** September 16, 2020 at 1:03:32 PM MDT  
**To:** David Taylor <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

Dave,

Please share my comments with members of the Whitefish Planning Board prior to the September 17, 2020, meeting.

Dear Whitefish Planning Board:

You are all in receipt of John Ellis's comments on WCUP 20-13. I have nothing to add other than I am in complete agreement with his analysis. I urge you to deny WCUP 20-13 for all the reasons so clearly stated in John's carefully reasoned comments. In all my years of serving on the Planning Board, this is the clearest reasoning for denying a CUP that I have ever come across. It is precisely this kind of development creep that will destroy our neighborhoods.

Sincerely,

Richard Hildner  
104 5th St.  
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Rayne Hoover](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: WCUP-13  
**Date:** Thursday, September 17, 2020 11:56:31 AM

---

Hi Wendy,

I just wanted to write and let you know I am in support of WCUP-13.

Maintaining the residential integrity of Kalispell Ave. was clearly at the forefront of the design of this project. The project appears to be designed to limit the view of the parking spaces from Kalispell Ave.

However, I do NOT think it is accurate to label this project as a commercial parking lot. It is a residential real estate project with some commercial parking spaces built in.

Needless to say, we need more parking in Whitefish.

Thank you.

Sincerely, a local Whitefish employee

Rayne

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Matt Kennedy](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fw: Automatic reply: 307 Spokane & 312 Kalispell Hearing  
**Date:** Tuesday, September 15, 2020 8:41:06 PM

---

Wendy

I am the owner & live at 514 Kalispell Avenue. Unfortunately I will not be able to make the hearing this Thursday but want to express that I am STRONGLY AGAINST the rezoning of the lot at 312 Kalispell Ave. I want to keep this a residential neighborhood and do NOT want this residential street to be rezoned or become commercial use.

Thanks

Matt Kennedy  
[REDACTED]

----- Forwarded Message -----

**From:** David Taylor <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>  
**To:** Matt Kennedy [REDACTED]  
**Sent:** Tuesday, September 15, 2020, 08:35:07 PM MDT  
**Subject:** Automatic reply: 307 Spokane & 312 Kalispell Hearing

I am out of the office and will return on Wednesday September 23rd.  
For inquiries, assistance, or public comments, please contact Senior Planner  
Wendy Compton-Ring at [wcompton-ring@cityofwhitefish.org](mailto:wcompton-ring@cityofwhitefish.org).

Dave Taylor

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [REDACTED]  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: 307 Spokane bldg  
**Date:** Thursday, September 17, 2020 9:13:26 AM

---

I guess Dave is out of the office.  
Please see that this email goes to the planning board person that is handling this request.  
Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 17, 2020 at 9:05:12 AM MDT  
**To:** dtaylor@cityofwhitefish.org  
**Subject:** 307 Spokane bldg

Dave,  
I am AGAINST allowing the 307 Bldg to creep commercial usage into the east side downtown neighborhood. Let's stick with the downtown plan and preserve our residential neighborhood. When we built a home at 340 Somers Ave our realtor showed us the downtown plan and we trusted the downtown plan.  
Sincerely,  
Janice McCann  
340 Somers Ave  
Whitefish.

Sent from my iPhone

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Daley McDaniel](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Please reject the conversion of lot 312 Kalispell Ave  
**Date:** Tuesday, September 15, 2020 9:07:03 AM

---

Wendy, my wife and I own our home at 428 Kalispell Ave one block from the lot the board will be deciding and we wanted to express our STRONG OPPOSITION to commercial parking. We are both senior citizens and do not indorse loosing our small community environment. If this is allowed, our block will undoubtedly be next. We implore you and the board, please stop this encroaching pattern!

Thank you for your consideration!

Daley and Cindy McDaniel

[REDACTED]

[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Shane Mcmillen](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: Proposed development at 312 Kalispell Ave.  
**Date:** Monday, September 14, 2020 7:39:33 PM

---

----- Forwarded message -----

**From:** **Shane Mcmillen** [REDACTED]  
**Date:** Mon, Sep 14, 2020 at 7:34 PM  
**Subject:** Proposed development at 312 Kalispell Ave.  
**To:** <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

I live at 336 Kalispell Ave. just two lots south of the proposed development and I appreciate the cultural and historic nature of this neighborhood. Constructing an expansive parking lot to serve the tenants of the proposed duplex and the commercial building on Spokane Ave will destroy the friendly and historic nature of our neighborhood. Kalispell Avenue is not zoned for commercial development and this proposal's approval would set a precedent for future development. If so then at what point is any resident safe in Whitefish from the developers who want to build and exploit Whitefish at all costs for their financial gain? I strongly urge you to reject this development in light of these concerns. The alleys are already seeing increased traffic as secondary routes to avoid the streets lined with parked cars. Snow removal and water drainage will also become the burdens to bear by the neighbors and no solution has ever been offered by the 312 Kalispell owners. In light of these concerns I strongly urge you to deny the current proposal. I greatly appreciate the opportunity to comment on this proposal.

Shane Mcmillen

336 Kalispell Avenue

Whitefish, MT 59937

Sent from my iPhone  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Stephen Nix](#)  
**To:** [Wendy Compton-Ring](#)  
**Cc:** ["Tammy Nix"](#)  
**Subject:** RE: 312 Kalispell Avenue-Request for parking lot  
**Date:** Wednesday, September 16, 2020 11:47:31 AM

---

Hi Wendy,

Received an automatic reply from Dave whom we understand is out of the office this week, please see below.

Sincerely,

Stephen Nix  
Big Mountain Glass and Windows, LLC

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**From:** Stephen Nix [REDACTED]  
**Sent:** Wednesday, September 16, 2020 11:14 AM  
**To:** 'dtaylor@cityofwhitefish.org'  
**Cc:** 'Tammy Nix'  
**Subject:** 312 Kalispell Avenue-Request for parking lot

Good morning Dave,

Tammy and Stephen Nix reside at 720 5<sup>th</sup> Street in Whitefish and have been notified the planning board is to review a request to convert a residence at 312 Kalispell Ave into a parking lot. Both Tammy and I ask that the request be denied as we feel the home owners residing in the downtown area need not be subject to the appearance of said parking lot, added congestion to Kalispell ave, vehicle noise [other than Spokane ave and surrounding streets]. This street among others in this area house families which some have young children whom play, ride bikes through the neighborhood will now need to be weary of added vehicles traveling this residential area. Being some local residents in the neighborhood have added 2<sup>nd</sup> residents [garage apartments] this has brought both additional vehicles to our streets for parking and travel.

We would like to retain some of the ambiance of living in an actual neighborhood of residences, single family dwellings, housing members of this community whom work and support the city of Whitefish. This should not include encroaching commercial structures, parking lots or multi-family structures catering to vacationers whom generally do not respect the tranquility or privacy of surrounding residences.

Tammy and I appreciate your time spent reviewing and considering our comments.

Sincerely,

Stephen Nix  
Big Mountain Glass and Windows, LLC



EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Christine Samuels](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Fwd: WCUP-13  
**Date:** Thursday, September 17, 2020 12:12:05 PM

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----- Forwarded message -----

**From:** **Christine Samuels** [REDACTED]  
**Date:** Thu, Sep 17, 2020 at 11:10 AM  
**Subject:** WCUP-13  
**To:** <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

Dave,

I am writing in support of WCUP-13.

When this project was designed, keeping the residential integrity of Kalispell Avenue was of utmost importance, which is why it was designed so the view of the parking area will be blocked from Kalispell Avenue by both the newly constructed townhomes and the planned privacy fence.

This project is a residential real estate project with spaces allotted for commercial parking, which is desperately needed in Whitefish. It should not be labeled a commercial parking lot, as it will be landscaped and fenced, maintaining the residential rather than commercial aesthetic of the neighborhood.

Thank you for your consideration.

Sincerely

Christine Samuels

Whitefish Resident

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [camisha.sawtelle](mailto:camisha.sawtelle)  
**To:** [Wendy.Compton-Ring](mailto:Wendy.Compton-Ring)  
**Subject:** Fwd: Proposed parking lot  
**Date:** Thursday, September 17, 2020 7:30:47 AM

---

Wendy,  
Can you get this to the planning board - or whoever I should send it to?  
Thanks.

Cami

----- Forwarded message -----

**From:** **camisha sawtelle** [REDACTED]  
**Date:** Thu, Sep 17, 2020 at 6:36 AM  
**Subject:** Proposed parking lot  
**To:** Dave Taylor <[dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)>

Mr. Taylor,

I am writing in opposition to the proposed parking lot at 312 Kalispell Avenue which is being considered by the Planning Board this week.

Tearing down single family homes to provide parking for businesses is not keeping with the character of the neighborhood. Other than the condominiums built by the applicant adjacent to the proposed parking lot, Kalispell Avenue is entirely single family homes. These homes provide affordable housing desperately needed in this community.

A parking lot is not a valid conditional use in a WR-4 Residential District. As I recall, the same applicant tried to turn the same property into a parking lot a few years ago and was denied. Since that time, the City has built a parking garage a few blocks away - which should provide parking for the applicant's employees.

If this parking lot is allowed, there will be a precedent to tear down other houses in the neighborhood to provide parking for the businesses along Spokane.

As a homeowner in the neighborhood, I oppose this parking lot and ask the planning board to recommend that WCUP 20-13 be denied.

Thanks,

--

Camisha Sawtelle  
239 Somers Avenue  
Whitefish, MT 59937

--

Camisha Sawtelle  
Sawtelle Law Firm PLLC  
309 Wisconsin Avenue  
PO Box 5117  
Whitefish, MT 59937

[REDACTED]

**From:** [Becca Standley](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** 312 Kalispell ave  
**Date:** Wednesday, September 16, 2020 7:57:47 PM

---

To Whom it may concern,  
I do not agree with building a commercial parking lot in a residential neighborhood.  
Downtown Whitefish is historical and needs to be preserved as such. Keep kalispell ave  
residential. Please do not set a precedent.  
Thank you for your time and consideration,  
Rebecca Standley  
Whitefish, M  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [J Stanley](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** Proposed change of use on Kalispell Ave  
**Date:** Tuesday, September 15, 2020 12:35:54 PM

---

To Planning Board and members of City Council,

Please accept this letter as my profound opposition to the change of use proposed on Kalispell Avenue near the intersection of Kalispell Avenue and 3rd Street. This area has already been impacted by the Firebrand Hotel changing the "neighborhood" feel that it once had. My extended family lives in the residence immediately to the south of the proposed "commercial parking lot". They are devastated by the potential change and the impact it will have. I understand parking in downtown is an issue, however allowing the city to OK the fallout into the residential areas sets a precedence that could have impacts all the way down Kalispell Avenue. Maybe instead of spending excess amounts of money on the Baker Avenue Pedestrian underpass, we should have been allocating and planning for the ongoing parking issues we have, especially during the winter season! The new winter parking and plowing ordinance has a HUGE negative impact on the downtown residents! Parents can't even walk their kids four blocks to school because of the enormous snow pile up at the intersections, blocking the sidewalks which then forces parents to drive kids to school which then impacts the traffic congestion on 7th and Pine. It literally is a snowball effect!

Please accept this as our family and extended family's absolute opposition to the proposed changes at Kalispell Avenue!!

Regards,

The Entire Stanley Family.... all 18 of us!!

Thank you!

**EXTERNAL SENDER verified by City of Whitefish IT**

**From:** [Linda Tabor](#)  
**To:** [Wendy Compton-Ring](#)  
**Subject:** FW: Kalispell Ave. parking lot  
**Date:** Friday, September 18, 2020 10:07:18 AM

---

Sent from [Mail](#) for Windows 10

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**From:** [Linda Tabor](#)  
**Sent:** Wednesday, September 16, 2020 12:03 PM  
**To:** [dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org)  
**Subject:** Kalispell Ave. parking lot

I do not understand why we are wasting time on this parking lot request once again. Many people were quite emphatic when they objected to the proposal 12 years ago. It was up to the owner to have considered the parking problem when he built his building  
Instead of expecting the neighborhood to change their strip of the community just to accommodate him. We do not want any commercial businesses on Kalispell Ave including parking lots!

Linda R. Tabor

Sent from [Mail](#) for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [mtt.verk](#)  
**To:** [David Taylor](#); [Wendy Compton-Ring](#)  
**Subject:** WCUP-13  
**Date:** Thursday, September 17, 2020 1:25:49 PM

---

Dave,

I am writing in support of WCUP-13.

This project is a residential real estate project with spaces allotted for commercial parking, which is desperately needed in Whitefish.

It should not be labeled a commercial parking lot, as it will be landscaped and fenced, maintaining the residential rather than commercial aesthetic of the neighborhood.

The owners engaged with their neighbors to arrive at the design of the project.

Thank you for your consideration.

Matthew Wack

Whitefish Resident

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Darcie Blanden](#)  
**To:** [David Taylor](#)  
**Subject:** Kalispell Avenue  
**Date:** Thursday, September 17, 2020 5:09:20 PM

---

I am writing to strongly oppose the parking lot on Kalispell Avenue. I would not like to see it as commercial use. We need to remain a neighborhood for safe pedestrian and bike traffic to and from school, downtown Businesses and events for families.

Thanks,

Darcie Blanden  
Columbia Avenue resident  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Dana Nunn](#)  
**To:** [David Taylor](#)  
**Subject:** Oppose the parking lot on Kalispell Ave  
**Date:** Thursday, September 17, 2020 5:06:33 PM

---

Please note my strong opposition to the parking lot on Kalispell Ave. this is residential area with LOTS of children, adding more traffic puts these kids at risk as well as opens the door to change the character community of the Ave's. Lowering property value and making it not safe for families.

-Dana Nunn  
440 Columbia Ave  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Jewlbasin](#)  
**To:** [David Taylor](#)  
**Subject:** Proposed Parking Lot on Kalispell Avenue  
**Date:** Thursday, September 17, 2020 4:25:02 PM

---

Dear Mr. Taylor,

I am writing in regards to the request to put in an 18 space parking lot in the rear lot of a proposed 2 unit townhome 312 Kalispell Avenue. Why would a two unit townhome need 18 parking spaces? Does the owner of the property happen to work at (or know someone affiliated with) the real estate office located at 307 Spokane? This proposed site is in a residential area. Residential zoning should remain residential zoning. Is this a way to circumvent zoning regulations? Commercial parking should NOT be allowed in a residential area. Approving this would open the door for future commercial proposals in residential areas.

Sincerely,

Sandie Pearce  
701 West 2nd St.  
Whitefish  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Jeanine Morreim](#)  
**To:** [David Taylor](#)  
**Subject:** I support WCUP-13  
**Date:** Thursday, September 17, 2020 1:50:26 PM

---

Dave - I am in support of WCUP-13. The project will add much needed parking to the employees, customers and clients of the immediate area. Maintaining the residential integrity of Kalispell Ave was clearly at the forefront of the design of this project. The aesthetics of the neighborhood will remain the same, if not improve, as the project appears to be designed to limit the view of the parking spaces from Kalispell Avenue. I also noted in the application the owners engaged with their neighbors to arrive at the design of the project.

Thank you for your consideration of this project.  
Jeanine Morreim

Sent from my iPhone  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Amelia Urbanski](#)  
**To:** [David Taylor](#)  
**Subject:** Whitefish Parking  
**Date:** Thursday, September 17, 2020 12:56:58 PM

---

Hi Dave,

I am in support of WCUP-13. Maintaining the residential integrity of Kalispell Ave was clearly at the forefront of the design of this project. The project appears to be designed to limit the view of the parking spaces from Kalispell Ave. I also noted in the application the owners engaged with their neighbors to arrive at the design of the project. We desperately need more parking in Whitefish.

Thank you,  
Amelia Urbanski  
EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Brian Murphy](#)  
**To:** [David Taylor](#)  
**Subject:** Parking and Plans on Kalispell AVE  
**Date:** Thursday, September 17, 2020 12:42:10 PM

---

Dave,

I am in support of WCUP-13. Maintaining the residential integrity of Kalispell Ave was clearly at the forefront of the design of this project. The project appears to be designed to limit the view of the parking spaces from Kalispell Ave. I also noted in the application the owners engaged with their neighbors to arrive at the design of the project.

I am a tenant in the 307 commercial building. We need more parking for our clients. A large majority of the downtown Staff (Acupuncture, Massage Therapist, 3rd Street Market and The buffalo Cafe) use our street parking which really diminishes our parking for clients and staff of 307 Spokane Ave Building. This truly is an issue in all of Whitefish, as it is in need for more parking.

Sincerely,

Brian Murphy

Broker/Owner

Re/Max Rocky Mountain RE

--



***Brian Murphy***

***Broker/Owner***

***RE/MAX Rocky Mountain Real Estate***

***406-862-9000 Office***

***406-890-1681 Cell***

***Brian@RockyMtnRE.com***

EXTERNAL SENDER verified by City of Whitefish IT

**From:** [Marija Berney](#)  
**To:** [David Taylor](#)  
**Subject:** Support for WCUP-13  
**Date:** Thursday, September 17, 2020 11:49:25 AM

---

Dear David,

I am writing to express my support for WCUP-13.

As a resident of Whitefish I wish to see our town continue to thrive which requires it to be a great place to live as well as to conduct business. Finding suitable options for parking is an important aspect of creating a positive environment for both businesses and residents.

This project shows great consideration for residents along Kalispell Ave. This is demonstrated by the design which limits the view of the parking spaces from Kalispell Ave. As well as collaboration with the residents to arrive at design that would be beneficial not only to the owners of the business but also to the residential community.

Thank you for your consideration,

Marija Berney

Whitefish resident

EXTERNAL SENDER verified by City of Whitefish IT

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September 29, 2020

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

**Recommendation to Appoint Members to the Rating Panel and Selection Committee for the Armory Park Design RFP Process**

**Introduction/History**

Armory Park is the city's largest park including the five-acre Hugh Rogers WAG Dog Park, two softball fields, a lacrosse field, the Dave Olseth Skate Park, and a 5,000 square foot multipurpose facility, the Roy Duff Memorial Armory.

In 2012 the Armory Park Master Plan was created. Previous phases encompassed a dog park expansion, including the construction of the pond and paving of the parking lot, the development of the lacrosse field, and a renovation of the Roy Duff Memorial Armory, including new flooring, paint, party room, and energy efficient heating and lighting. In 2019 the Park Board revised the Master Plan, breaking it into additional phases.

**Current Report**

In accordance with Title 18, Chapter 8 (MCA) and adopted City policy for consultant selection, The City of Whitefish, Montana (City) is seeking proposals from experienced, qualified firms to provide overall project management, engineering analysis and design, architectural design, bid administration and construction management services for the Armory Park Master Plan Project Phases III & IV.

The two phases are broken down as follows:

1. Phase III includes the construction of an adult fitness zone, extension of the shared use path, drainage work, a well, and a parking lot.
2. Phase IV includes the completion of the parking lot, the construction of a pavilion, additional children's play area, and a picnic area with gazebos.

In accordance with the adopted City of Whitefish Consultant Selection Policy and Procedures the initial review of the proposals must be reviewed by a Rating Panel made up of City staff and other individuals approved by the City Council. Upon final review a Selection Committee must be established, comprised of the Department Director, one other staff person, and one elected official. Given the requirements, I recommend that the Rating

Panel and Selection Committee be made up of myself (Director of Parks and Recreation), Steve Bullemer (Parks Foreman), and a City Council Member.

Requests for proposals will be advertised 10/11/20, 10/14/20, and 10/18/20. Proposals are due by Friday, October 30, 2020. The week of 11/9/20, the rating panel will rate all candidates, and interviews with select candidates will be held 11/16/20.

### **Financial Requirement**

There is no financial requirement to appoint members to the rating panel and selection committee. However, Resort Tax, Paved Trail Impact Fees, Parkland Acquisition and Development Funds, and Stormwater Funds have been allocated to this project with matching LWCF grant funds. These funds will support the negotiation of a contract with the successful firm once the RFP process is complete, which will come back to Council at that time.

### **Recommendation**

I respectfully recommend that the City Council appoint myself (Parks and Recreation Director), Steve Bullemer (Parks Foreman), and a Councilor of your choice to the Rating Panel and Selection Committee for the Armory Park Master Plan Design RFP process.

Sincerely,  
Maria Butts  
Parks, Recreation, and Community Services Director

**KEY & MASTER PLAN PRIORITIES**

- ① RECREATION FIELD IMPROVEMENTS
- ② PARKING - ARMORY/VETERANS WAY/BALL FIELDS-BIDE/PED TRAIL
- ③ OPEN SPACE
- ④ PLAY AREA
- ⑤ WALK/JOG TRAILS - VETERANS WAY & CONNECTIONS ARMORY ROAD/BIKE-PED
- ⑥ PICNIC AREA - PAVILLIONS
- ⑦ SLED HILL
- ⑧ MULTIPLE USE PAVILION/BUILDINGS
- ⑨ ADULT FITNESS AREA

**ADDITIONAL PARKING**  
ARMORY ROAD 116 SPACES

**ARMORY PARK AREA**  
NORTH PARK: 100,188 SF (2.3 AC)  
MAIN PARK: 1,147,290.16 SF (27.486 AC)  
TOTAL PARK AREA: 1,296,781.2 SF (29.786 AC)

**OVERALL ARMORY PARK PAVED AREAS**  
(APPROXIMATE)

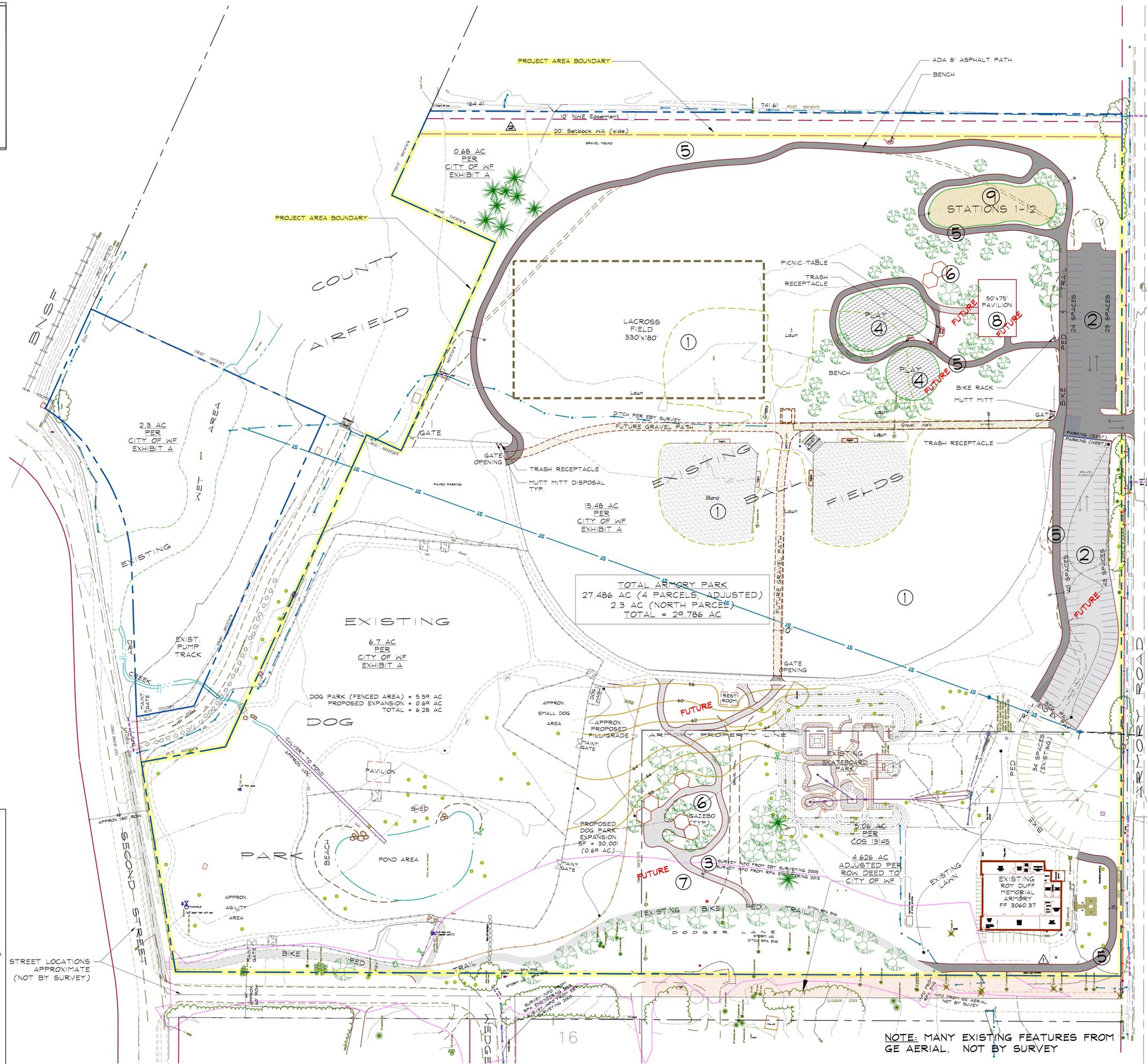
|                                                  | LINEAL FOOT | SQUARE FOOTAGE | PARKING SPACES |
|--------------------------------------------------|-------------|----------------|----------------|
| EXISTING 10' PAVED TRAIL                         | 1682        |                |                |
| EXISTING PAVED 5-8' TRAILS WITHIN DDG PARK       | 2,094       |                |                |
| EXISTING PAVED 5-8' TRAILS WITHIN PARK AREA      | 758         |                |                |
| PROPOSED 10' PAVED TRAIL                         | 993         | 9,930          |                |
| PROPOSED 8' PAVED TRAIL WEST NEAR SKATE PARK     | 814         | 6,511          |                |
| PROPOSED 8' PAVED TRAIL EAST (FORMER BALL FIELD) | 2,355       | 18,840         |                |
| EXISTING DDG PARK PAVED PARKING LOT              |             | 24,310         |                |
| EXISTING ARMORY PAVED PARKING LOT                |             | 12,471         | 34             |
| EXISTING ARMORY PAVED PARKING WEST OF BLDG       |             | 4,763          | 8              |
| EXISTING DRIVE SECOND ST TO DDG PARKING          |             | 16,561         |                |
| PROPOSED PARKING WEST                            |             | 23,954         | 83             |
| PROPOSED PARKING EAST                            |             | 16,425         | 47             |

**LAND & WATER CONSERVATION FUND GRANT PHASE 3 CALCULATIONS**  
(APPROXIMATE)

|                             | LINEAL FOOT | SQUARE FOOTAGE/ACREAGE | PARKING SPACES |
|-----------------------------|-------------|------------------------|----------------|
| PROPOSED 10' PAVED TRAIL    | 993         | 9,930 SF / 0.23 AC     |                |
| PROPOSED 8' PAVED TRAIL     | 2,204       | 17,632 SF / 0.40 AC    |                |
| PROPOSED PARKING (EAST)     |             | 16,425 SF / 0.38 AC    | 47             |
| PROPOSED PLAY AREA          |             | 9,582 SF / 0.22 AC     |                |
| PROPOSED ADULT FITNESS AREA |             | 8,044 SF / 0.18 AC     |                |
| PROPOSED DDG PARK ADDITION  |             | 30,001 SF / 0.69 AC    |                |
| LWCF GRANT TOTAL            |             | 91,614 SF / 2.1 AC     |                |

**LEGEND**

|                                       |                               |
|---------------------------------------|-------------------------------|
| EXISTING PROPERTY LINE BY SURVEY      | PROPOSED PROPOSED CONTOUR     |
| EXISTING RIGHT-OF-WAY LINE BY SURVEY  | PROPOSED PAVED/ ASPHALT DRIVE |
| EXISTING EASEMENT LINE BY SURVEY      | PROPOSED PAVED TRAIL          |
| EXISTING CONTOUR BY SURVEY            | PROPOSED GRAVEL TRAIL         |
| EXISTING INDEX CONTOUR BY SURVEY      | PROPOSED FENCING              |
| EXISTING FENCE BY SURVEY              | PROPOSED EDGE OF TREES        |
| EXISTING FENCE FROM AERIAL PHOTO      | PROPOSED CONIFEROUS           |
| EXISTING EDGE OF GRASS AREA BY SURVEY | PROPOSED ASPEN                |
| EXISTING TREE (APPROX.)               | PROPOSED DECIDUOUS            |
|                                       | PROPOSED EDGE OF WATER        |
|                                       | PROPOSED BOLLARD W/ LIGHT     |
|                                       | PROPOSED STREET LIGHT         |



**TOTAL ARMORY PARK**  
27.486 AC (4 PARCELS ADJUSTED)  
2.3 AC (NORTH PARCELS)  
TOTAL = 29.786 AC

**DOG PARK (FENCED AREA)** = 5.59 AC  
PROPOSED EXPANSION = 0.69 AC  
TOTAL = 6.28 AC

**PROPOSED DDG PARK EXPANSION**  
SF = 30,001 (0.69 AC)

**4.626 AC ADJUSTED PER ROW DEED TO CITY OF WF**

**NOTE: MANY EXISTING FEATURES FROM GE AERIAL. NOT BY SURVEY**

**Bruce Boody,**  
Landscape Architect Inc.  
301 East 2nd Street, Suite 1B  
Whitefish, Montana 59937  
Phone: (406) 862-4755  
Fax: (406) 862-9755

**SURVEY BY:**  
EBY AND ASSOCIATES,  
SURVEYORS  
P.O. BOX 7144  
KALISPELL, MT  
59901-7144  
PHN: (406) 755-5329

**DODGER LANE SURVEY BY:**  
Robert Peccia & Assoc.  
102 Cooperative Way  
Suite 300  
Kalispell, Mt 59901  
Ph: 406-752-5025

**Revisions:**  
1 05-03-19 MOVE PROPOSED TRAIL SEGMENT WEST OF ARMORY BUILDING  
2 01-23-20 NAE EASEMENT & SETBACK

**WHITEFISH**  
**ARMORY PARK**  
WHITEFISH, MT



SCALE: 1" = 60'  
DATE: 02/26/19  
JOB #: 03-18.02

**PHASE 3**  
**REVISED**  
**MASTER PLAN**

**SHEET 1 OF 1**

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# CITY MANAGER'S REPORT

September 29, 2020



## COVID-19 PANDEMIC

Community spread continues to increase in Flathead Valley. The City has had a total of four confirmed cases of COVID-19 since late August with three of the four during the last two weeks. As of today, there is no confirmed transmission among City employees, but rather exposure likely occurred outside working hours. City Hall will remain closed through October 2<sup>nd</sup>, with a possible extension determined by later this week.

## MEETINGS

On Tuesday, September 22<sup>nd</sup>, I met with Columbia Falls City Manager Nicosia, Kalispell City Manager Russell, and Flathead County Administrator Pence to discuss the City-County Board of Health (BOH) Interlocal Agreement. As a second-class city and according to MCA 50-2-105, Whitefish should be party to the interlocal agreement between Flathead County and the City of Kalispell. City of Columbia Falls is also considering participating in the interlocal agreement too. All City Managers agreed to first share the proposal with the County Commissioners that the BOH should include two appointees from each governing body (all cities and the county), with the remaining ninth position to be filled by the Board of the Commissioners. The Commissioners rejected that proposal. However, they have indicated that they are willing to amend the interlocal agreement to allow two positions to be appointed by Whitefish and Columbia Falls. Direction and discussion about this item would be helpful as we proceed with discussing alternative BOH compositions and the City's interest in participating in an interlocal agreement for the City-County Board of Health.

September 23<sup>rd</sup> through September 25<sup>th</sup> I attended the virtual ICMA Annual Conference. I was able to watch and participate in numerous classes that focused on approaches managing current challenges faced by many, if not all, communities today.

## REMINDERS AND OTHER INFORMATION

City Hall will be closed on October 12<sup>th</sup> for the Columbus Day holiday.

## NEXT CITY COUNCIL MEETING

The next City Council meeting will be held remotely via WebEx on Monday, October 19<sup>th</sup>. The work session will start with a discussion on the Resort Tax extension and re-allocation. Following the City Council will review the first City of Whitefish Annual Housing Report, as well as a list of recommended changes to the Legacy Home Program.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dana".

Dana M. Smith, CPA  
City Manager

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

received  
10/5/2020

Oct 4.2020

Council Members

I'm not sure I will get a response to this letter, since none of the other correspondence has received any, but I want to bring up a traffic problem on the corner of Baker and 4th .

\* Many drivers in order to avoid the stop light on Baker/Second St, take Lupfer Ave to 4th and then take a right onto Baker south.

\* Mountain View Manor is located at the West end of 4th St and with the age and health issues of some of the residents emergency services are often called.

\* Whitefish Credit Union drops there drive thru onto 4th St

Problem:

4th St is approximately 40' wide (during summer/fall months)

People working at WCU or going to the post office often park on 4th St.

When both sides of the street are used the traffic entering 4th from Baker and the ones exiting 4th onto Baker create a traffic nightmare. Add snow banks and the narrowing of the road and you have an even bigger problem.

I have enclosed a diagram to show parking and traffic flow and have applied orange highlighter to indicate what would logically solve this problem. For some reason the bigger the vehicle, they park in the smallest spaces blocking driving sights for all. Most vehicles are from 5'-7' wide so two way traffic becomes a problem.

I am turning this letter and drawing into city hall in hopes something can be done in this matter.



Patrice LaTourelle

██████████

Luffer Av

4WAY STOP

Accessory  
PO Parking

ALLEY

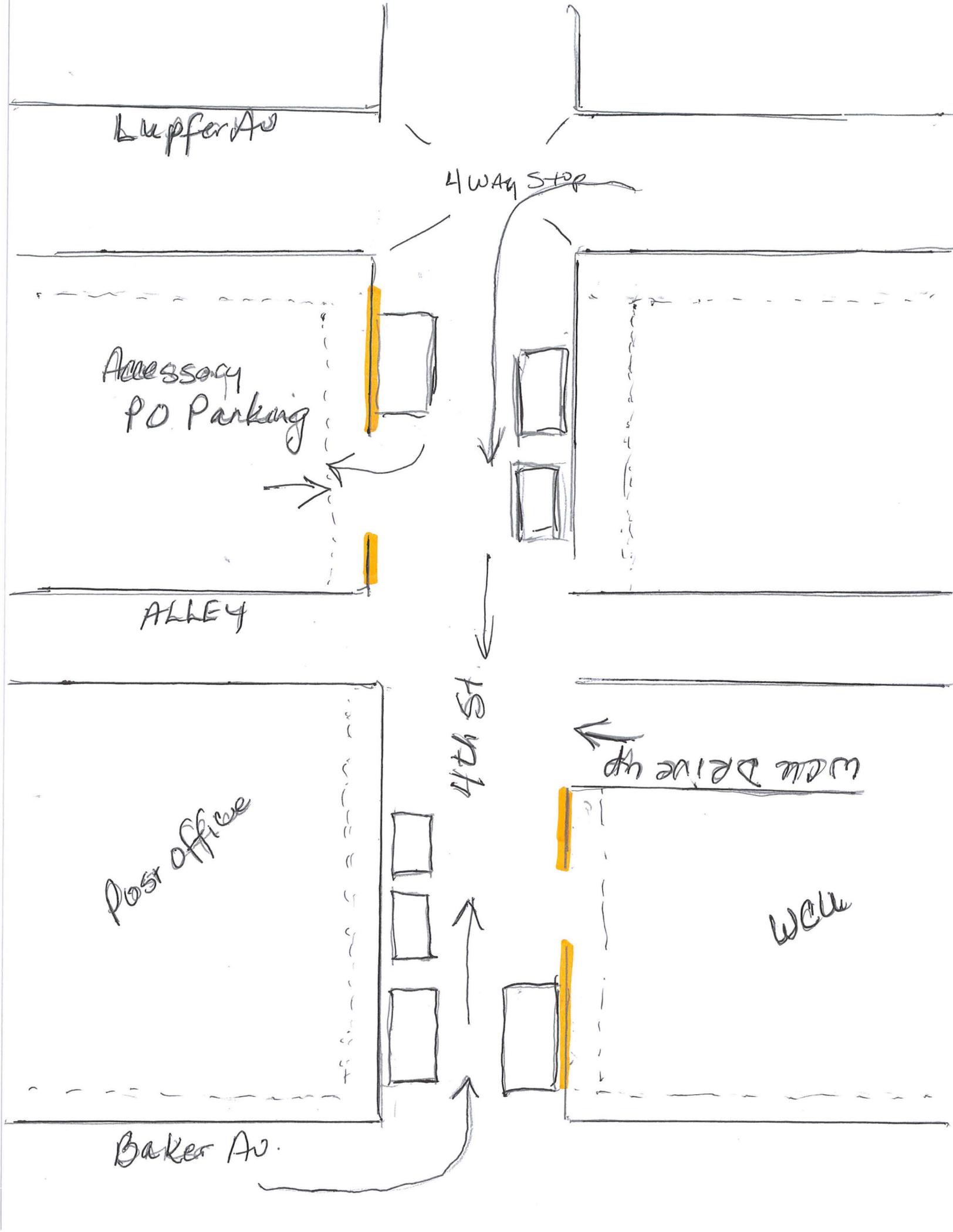
4th St

Post office

WALK DRIVE UP

WALK

Baker Av.



received  
10/5/2020

Oct 5,2020

This letter, I hope will have our city council members rethinking the development strategy for Whitefish. It is too often I have heard you all say that a project can go ahead because they are within the zoning regulations. If you feel your hands are tied and truly want to develop this town in a positive way, maybe a committee of citizens "protecting our history and heritage", is what is needed. Protecting the history of what made up this town. From the shotgun homes of the railroaders to the bigger homes of the logging barons. We have a wonderful and diverse past and that should be revered rather than scorned.

It used to be that as you drove over the viaduct into town it was a beautiful canopy of green. You felt one with nature. NOW all you see are 3 story multi-use buildings, that no matter what the siding, have no character or charm. We have torn down historical buildings in order to add TAX BASE. That tax base is also seen in the rise of your everyday citizens property taxes, and it appears there is no end in sight. How about a tax incentive to stay and maintain the older homes? I know of many that would relish being a part of this positive movement.



Patrice LaTourelle



Written Comments  
WCUP 20-13 - Parking Lot

| Name                | For | Against | Other |
|---------------------|-----|---------|-------|
| Gary Aleshire       |     | X       |       |
| Christine Bernat    |     | X       |       |
| Dane & Melanie Boat |     | X       |       |
| John Ellis          |     | X       |       |
| Molly Elm           |     | X       |       |
| Ian Hasson          |     | X       |       |
| Mike Howke          | X   |         |       |
| Mrs. and Mr. Jones  |     | X       |       |
| Kate McMahon        |     | X       |       |
| Doug and Nikki Reed |     | X       |       |

## Michelle Howke

---

**From:** David Taylor  
**Sent:** Monday, October 5, 2020 8:10 AM  
**To:** Michelle Howke  
**Subject:** FW: 312 Kalispell ave.

-----Original Message-----

From: Gary Aleshire <gary.aleshire@gmail.com>  
Sent: Saturday, October 3, 2020 11:46 AM  
To: David Taylor <dtaylor@cityofwhitefish.org>  
Subject: 312 Kalispell ave.

To whom it may concern.

I appose the construction of 2 new townhouse and parking lot proposed for 312 Kalispell ave. I believe it would take away the charm of having single family home neighborhood so close to the downtown area.

With such a demand in the housing market today. for the right price I believe some party is likely buy those vacant dwellings and spend the money to fix up the property.

I also believe it would add more vehicles parked on Kalispell ave. both north and southbound. making for a contested neighborhood street, that is already narrow to begin with. For biking and the safety of kids playing in the neighborhood. If the proposal is passed i feel that it won't be long until more parking lots and townhouse will be built, and the neighborhood would lose its charm.

The townhomes behind Firebrand are enough. maybe consider leasing parking spots from First Interstate Bank in the meantime.

thanks

Gary Aleshire  
415 Kalispell ave  
Whitefish  
EXTERNAL SENDER verified by City of Whitefish IT

Whitefish City Council  
Dtaylor@cityofwhitefish.org

September 30, 2020

Dear City Council,

I am writing regarding 312 Kalispell Ave, which the owners have applied to build a parking lot. The council will be discussing this request on October 5, 2020. I am the owner of the house just north of this property, 306 Kalispell Ave. I am very opposed to having a parking lot next to my house. I do not want to look out my back window and see cars instead of grass and trees. My property values will go down because nobody would ever want to live next to a parking lot.

I am very concerned that this will set a precedent to allow any business to build a parking lot or other business use on a residential property. My mother is living in the house now, but I am planning to retire in this house. Never could I have imaged when my family purchased the house that there would someday be a parking lot next to it.

I believe that Whitefish very much needs to maintain the beautiful residential nature of the neighborhoods to maintain our quality of life. In addition, I am very concerned about the access to the proposed parking lot through the alley off 3<sup>rd</sup> street. Many pedestrians walk down the sidewalk and they cannot see what is coming down the alley due to the location of my garage preventing the view. (I don't want to take down the garage to improve the visibility). This situation is an accident waiting to happen as people, kids and pets walk past this alley. It is not safe.

I am very sorry that the owners of the Rocky Mountain Real Estate Building need to have more parking. Perhaps they can find a suitable place on Spokane Ave. I am distressed that our town paid 10,000,000 dollars for a parking garage, but this seems to not be enough, as businesses now want to build parking in residential neighborhoods.

Please deny the request to build a parking lot on 312 Kalispell Ave.

Thank you,

Christine Bernat  
306 Kalispell Ave.  
Whitefish, MT 59937  
(406) 260-0220  
cbernat1@outlook.com

## Michelle Howke

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**From:** David Taylor  
**Sent:** Monday, October 5, 2020 12:25 PM  
**To:** Michelle Howke  
**Subject:** FW: 312 Kalispell Ave Commercial Parking Lot Request // Dane & Melanie Boat, 240 Columbia Ave, Whitefish MT 59937

-----Original Message-----

From: Dane & Melanie <dwbmrr@mac.com>  
Sent: Monday, October 5, 2020 12:19 PM  
To: David Taylor <dtaylor@cityofwhitefish.org>  
Subject: RE: 312 Kalispell Ave Commercial Parking Lot Request // Dane & Melanie Boat, 240 Columbia Ave, Whitefish MT 59937

As the homeowners of 240 Columbia Ave in Whitefish MT we attended on Thursday evening, September 17, 2020 the Whitefish Planning Board's hearing for a zoning adjustment/exemption/waiver to utilize 312 Kalispell Ave as a commercial parking lot. As home owners in very close proximity to this parcel and as Whitefish residents committed to maintaining the historical character of downtown residential whitefish, we went on record to voice our adamant opposition to this zoning adjustment/exemption/waiver request for Kalispell Ave and reiterate same in this email to the Whitefish City Council. We're against this specific request to use any part of the 312 Kalispell Ave lot for commercial parking because of it's adverse impacts on the residential character of downtown Whitefish and the already very problematic traffic volume and speeds prevalent in Whitefish residential areas. More generally this will also set a precedent leading to more of the same. We're requesting that Whitefish City Council deny this request.

Best Regards,  
Dane & Melanie Boat  
240 Columbia Ave

EXTERNAL SENDER verified by City of Whitefish IT

***JOHN OLIVER ELLIS, JR.***

***630 Somers Avenue***

***Whitefish, MT 59937***

***(406) 862-3798***

September 28, 2020

Mayor & Whitefish City Council  
488 E. 2<sup>nd</sup> Street  
Whitefish, Montana 59937

Re: WCUP 20-13 Commercial Parking Lot

Dear Mayor & City Councilors:

I am writing to give Public Comment on WCUP 20-13 which will be on the October 5, 2020 agenda. I have previously submitted comment by letter dated September 1, 2020; however, since that time, the Whitefish Planning Board has held a hearing on the matter, I have received a copy of the Whitefish Planning Department's Report and Recommendation and I have had a chance to review the minutes of the City Council meeting held on February 6, 2012 when the Applicant's predecessor sought a CUP for a commercial parking lot on this same property. I will address those 3 matters only and try to avoid repeating what was stated in my earlier letter. I was out of town on September 17, 2020 so did not participate in the decision of the Whitefish Planning Board although I am a member of the Board.

**1. A CUP For A Commercial Parking Lot On This Same Property Was Unanimously Denied By The City Council On February 6, 2012.**

On February 6, 2012 Mayor Muhlfeld and the City Council (composed of members Mitchell, Sweeney, Anderson, Hildner, Kahle and Hyatt) held a public hearing on CUP 11-34 from Greg Carter for an accessory parking lot at 312/324 Kalispell Avenue. As in the present case, the Planning Department recommended approval with 12 conditions. The Planning Department asserted the same rationale, i.e., that WR4 allows parking as an accessory use of a professional office in the WB3 zone. Nevertheless, the report did state that: "The Growth Policy calls out the property with a High Density Residential designation ... ", and "The Whitefish Downtown Business District Master Plan does not anticipate Office/Commercial on that property, but maintains it as residential.", and "The proposed change to a parking lot has the potential to alter the character of the existing residential neighborhood

along Kalispell Avenue.”, and that: “The project is compatible with the existing uses in the neighborhood to the west, but not necessarily the residential uses to the north, south and east.” (Minutes, 2/6/2012 Meeting, pp. 4-6.)

Councilor Kahle pointed out that this property is not contiguous with the professional building at 307 Spokane Avenue. Director Taylor then stated: “[i]t is the only tool the Planning Department has unless the Council looks at the Zoning Code to see if they want to add parking lots as a use.” and, “[t]here are other examples of similar parking lots at First Interstate Bank and the Post Office. He said it is a little bit of a stretch because this lot is not actually adjacent to Spokane Avenue.” (Minutes, 2/6/2012 Meeting, p. 7)

It should be noted that the First Interstate Parking lot is on Spokane Avenue and stops at the alley between Spokane and Central Avenues. It should also be noted that WR4 allows as a permitted use publicly owned or operated buildings. City Code, 11-2I-2. The Post Office is publicly owned by the Citizens of the United States. So, in fact, no similar examples exist. In the intervening years the Council has not added commercial parking as a permitted or conditional use in WR4.

Numerous witnesses testified for and against the CUP (Minutes, 2/6/2012, pp. 7-12). The Mayor closed the public hearing. Councilor Hildner moved to deny the application, Councilor Sweeney seconded the motion and the motion passed unanimously. (Minutes, 2/6/2012, pp. 12-13.)

Nothing has materially changed since February 6, 2012 and I would respectfully request that the Council unanimously deny CUP 20-13.

**2. The Planning Department’s Report and Recommendation lacks a legal basis. It fails to comply with the Whitefish City-County Growth Policy, Regulations or Neighborhood/Community Compatibility.**

In its Review And Findings Of Fact the Planning Department makes 7 Findings. An examination of those 7 Findings demonstrates that 3 of the 7 Findings are either not discussed or not supported by the facts.

The first Finding discusses Growth Policy Compliance. It remarkably and completely fails to discuss how the Growth Policy is met by allowing the construction of a commercial parking lot! It makes no finding as to the parking lot. It focuses on the townhouses to be built on the front half of the lot. I agree that the townhouses would be compatible with the Growth Policy, but that is not the issue or the stated purpose of the CUP. The CUP seeks to build a parking lot. No CUP would be needed to build townhouses. The final sentence of this finding states: “The additional parking ... will ... be compatible with allowed uses along major arterials in the zone.” The parking lot is being built on Kalispell Avenue, a residential street, not on Spokane Avenue, the major arterial in Whitefish. This a land “use” decision. The “use” of land in a residential neighborhood for a commercial parking lot does not

comply with the Whitefish City-County Growth Policy (See pages 3 & 4 of my letter of September 1, 2020).

The second Finding is also deficient and fails to show that the Code of the City of Whitefish allows the building of a commercial parking lot on land in a WR4 zone. The same tortured logic used by the Planning Department in 2012 is again offered. We know that a commercial parking lot is not a “permitted” use in WR4 (Code of Whitefish, 11-2I-2.) We also know the words “parking lot” are not found in the “conditional” use section of the Code. (Code of Whitefish, 11-2I-3). The Planning Department attempts to graft Section 11-6-3-1C into Section 11-2I-3.

Section 11-6-3-1C states: “Residential parking spaces shall be on the same lot with the main building. Parking for nonresidential uses may be located up to three hundred feet (300’) from the property.” Well, that’s fine. The 307 Spokane Building can have parking 300’ from their property, but their property is in WB3, not in the WR4. WR4 does not allow commercial parking as a permitted or conditional use. Furthermore, this is a general section of the code covering multiple districts; whereas, Sections 11-2I-2&3 are specific to the uses in WR4. Is the Council ready to endorse parking for the 307 Spokane Building on the east side of Kalispell Avenue or the west side of Columbia Avenue, definitely and maybe within 300’ of the 307 Spokane Building? That’s where the tortured logic of the Planning Department will eventually take this issue.

A commercial building is not a permitted use in WR4. The report attempts to permit the parking lot as an “accessory” use to avoid the plain language of the WR4 sections. What this ignores is the plain language of Section 11-9-2 which defines “accessory use” and requires: “A subordinate use of land which is located on the **same lot** with the main building, other structure or use of land. (Emphasis added and surplus language left out.). The proposed commercial parking structure is not on the same lot as the 307 Spokane Building and as a consequence cannot be an accessory use. These properties are separated by an alley and are in separate zoning districts.

Finding 2 fails for the same reason that Finding 1 failed. It doesn’t even mention the parking lot. It says: “The zoning regulations for the WR-4 district conditionally permit professional offices along Spokane Avenue and the proposed residential townhouses will be consistent with the intent of the WR-4 zoning district.” I cannot disagree with these findings, but we are not talking about Spokane Avenue or townhouses in WR4. The findings must relate to the legality of a CUP for a commercial parking lot in on a WR4 lot. Not one word addresses that.

The seventh and final Finding addresses Neighborhood/Community Compatibility. Again, this finding simply addresses the Neighborhood/Community Compatibility of the townhouses and fails to address the compatibility of having a parking lot built on a lot in one of our historic downtown neighborhoods. The entire discussion

views the issue from the wrong end of a telescope. It seems to condone the commercial parking on this lot that has existed for too long. It is the Planning Department's responsibility to enforce the Code. For years it has failed to do so with regard to this property. Now, it wants to reward the owner and get rid of that problem by letting the owner convert a residential lot to a commercial parking lot with a townhouse screen. Why can't the Planning Department expend any effort to protect the citizens who live on Kalispell Avenue from non-permitted use.

Finally, it is important to remember the words of Section 11-7-8K: "The burden of proof for satisfying the aforementioned criteria considered for approval shall rest with the applicant and not the city council. The granting of a conditional use permit is a matter of grace, resting in the discretion of the city council and a refusal is not the denial of a right, conditional or otherwise."

### **3. The Whitefish Planning Board Correctly Denied The Application.**

Although this Council is not bound by the actions of the Whitefish Planning Board, their findings and decisions are worth considering. The Whitefish Planning Board held a hearing on September 17, 2020. After hearing from the Planning Department, the Applicant and the public, the Planning Board denied the application by a vote of 4 to 1. Member Linville found that Finding 1 was not supported by the facts. Member Beckham and Chairman Qunell found that Finding 2 was not supported by the facts, specifically that this was not a valid "accessory" use. Member Scott did not give a reason for his vote. (This paragraph is based on listening to the audio posted on the City website.)

It is also worth noting that on July 19, 2018 the Planning Board unanimously rejected an application from the Averill's to rezone the block north of this property for a commercial parking lot. After that denial, the application was withdrawn and 6 townhouses are currently under construction at that site.

Thank you for your consideration of my thoughts on this matter.

Very truly yours,



John Oliver Ellis, Jr.

## Michelle Howke

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**From:** David Taylor  
**Sent:** Thursday, October 1, 2020 4:13 PM  
**To:** Michelle Howke  
**Subject:** Fwd: 312 Kalispell Ave Parking Lot

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** Molly Elm <mollybordenelm@gmail.com>  
**Sent:** Thursday, October 1, 2020 2:19:10 PM  
**To:** David Taylor <dtaylor@cityofwhitefish.org>  
**Subject:** 312 Kalispell Ave Parking Lot

Hi, I am the resident/owner of 521 Kalispell Avenue. My family and I are strongly against a commercial parking lot going in our neighborhood. I hope you take the residents of this neighborhood into consideration when voting on this matter. EXTERNAL SENDER verified by City of Whitefish IT

## Michelle Howke

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**From:** David Taylor  
**Sent:** Thursday, October 1, 2020 8:35 AM  
**To:** Michelle Howke  
**Subject:** FW: Parking Lot at 312 Kalispell Ave  
**Attachments:** parkingWhitefishMT.pdf

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**From:** Ian Hasson <ian.hasson@gmail.com>  
**Sent:** Wednesday, September 30, 2020 10:43 PM  
**To:** David Taylor <dtaylor@cityofwhitefish.org>  
**Subject:** Parking Lot at 312 Kalispell Ave

Mr. Taylor and Whitefish City Council,

I write to you as a resident of the Avenue streets in opposition of a parking structure at 312 Kalispell Ave. Although I normally support a property owner's right to do what they wish with their land, I cannot support the approval of a parking lot within my neighborhood.

First, a parking lot is one of the least productive uses of land and would be an eye-sore in a residential area. Second, Whitefish already has a plethora of parking options available. I took a quick google earth survey and highlighted all of the available parking within the downtown and avenue streets in red (I'm sure I missed some parking, please reference the attached document). There already is too much land that is being dedicated to parking. No small town ever was loved for having great parking amenities! Most small towns become great by holding onto those beautiful, walkable, dense mixed commercial and residential areas. Adding parking lots only takes away productive commercial and residential space to add the potential for reducing an out of town shoppers time. Support locals, support walkability. If we make our little town awesome for locals, the out-of-towners will be drawn even if it takes them an extra minute to park. Adding parking lots makes our town less desirable for residents and will trickle down to be less desirable to outsiders. Lastly, a parking lot sets a terrible precedent. A message that it's open-season on the quiet neighborhood streets between 1st and 10th and Kalispell Ave and the highschool. A town full of sterile condos, bad chain restaurants, and few permanent residents. I moved here for the charm of a small walkable neighborhood filled with permanent residents that care about their neighbors and neighborhoods. Approving a parking lot at 312 Kalispell is a step toward destroying that charm. It's a step toward becoming just another lifeless sterile collection of buildings instead of a community.

Best,

Ian + Lauren  
560 Somers Ave  
EXTERNAL SENDER verified by City of Whitefish IT



Depot Park

Parking Garage

Selah Fellowship

312 KALISPELL AVE

River Trail Park

Baker Park

To:

Whitfish City Council



From:

Mike Howke

323 Kalispell Ave.

This letter is in response to the proposed commercial parking lot in the rear of 312 Kalispell Ave. The owners want to remove the approaches facing Kalispell Ave and construct a duplex on the front of said property.

The parking lot is in the rear next to the alley. It will not be viewed on the street side.

I am in favor of the parking lot to relieve parking during business hours on Kalispell Ave. The lot is a private lot not for the public.

Mike Howke

10/3/2020

## Michelle Howke

---

**From:** David Taylor  
**Sent:** Thursday, October 1, 2020 4:13 PM  
**To:** Michelle Howke  
**Subject:** Fwd: URGENT-From a resident regarding Parking lot proposal

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** katethegreatjones <mrskatelynjones@gmail.com>  
**Sent:** Thursday, October 1, 2020 2:41:03 PM  
**To:** David Taylor <dtaylor@cityofwhitefish.org>  
**Subject:** URGENT-From a resident regarding Parking lot proposal

Good Afternoon,

I am the proud owner of 411 Kalispell Ave., Whitefish, MT 59937. I am a mother of 6 young, incredible children , our next generation who will soon be running, working and serving our amazing town of Whitefish. We have just moved our 6 children back to Whitefish (that is my husband's hometown) and bought 411 Kalispell Ave... the home that has been in our family for over 60 years... and will stay in our family after my husband and I are gone. My children plan to raise their children in this beautiful home as well! These are 3 and 4 and 5 generations and beyond we are talking about here!!! Are you willing to allow the future of these beautiful children (as well as all the other children on Kalispell Ave) to have to move and discontinue this beautiful family legacy of being raised in here in Whitefish ALL FOR PARKING FOR ONE BUSINESS OWNER!?!?!?. We serve our city, with our children regularly having family days of picking up trash to sew into the beauty of our town! My husband and I both work for Whitefish Mountain Resort and are responsible for much of the increase of positive repore and positive attitudes towards Whitefish and all that it has to offer!!! FAMILY LEGACY'S AND RESIDENTS LIVES are NOT WORTH a few extra parking spots for ONE business!!!!

The most beautiful parts of our country are the "Historical" Neighborhoods and Historical sights... wouldn't you agree?!!!! What do we have to pass on to our children if not our beautiful HISTORY!!!! If our precious Whitefish has a "City Council" that is truly not for our City then maybe we need ALL new city Council members perhaps?! This Should not even be an option, let alone a thought in the head a council member who truly cares for our City of Whitefish! I would encourage each city council member to go take a look at the historical photos of the Kalispell Ave. area and ask yourself how you would feel about erasing our small but beautiful history?!!!!

If you allow one business owner on Kalispell Ave. to demolish and build a parking lot then we all could loose our houses to parking lots... useless, historically empty, parking lots. Please Consider the children who would like to grow up here when you are voting.

Thank you,  
Mrs. and Mr. Jones  
EXTERNAL SENDER verified by City of Whitefish IT

10-1-20

Kate McMahon  
151 Wedgewood Ln.  
Whitefish, MT 59937

Re: WCUP 20-13 – 312 Kalispell Ave. – Parking Lot

To: Whitefish City Council

As a concerned resident of Whitefish I would like to express my opposition to the proposed CUP 20-13 for a parking lot at 312 Kalispell Avenue. At the Planning Board meeting, residents in the area noted concerns regarding the incompatibility of the proposal with the character of the neighborhood. In addition to their comments, I want to add the following concerns.

1. An accessory parking lot at this location does not comply with the Zoning regulations.

The staff report states, “The parking lot use would be accessory to a professional office that fronts on Spokane Avenue that is zoned WB-3, which has no parking requirements.” A review of the zoning regulations indicates that the CUP does not comply with the following zoning requirements.

- Section 11-9-2: Definitions – This following definition states an accessory use must be located on the same lot as the main building. Since the parking lot is on separate lot across the alley, it cannot be considered an accessory use. Based on this provision, it appears the existing parking on the subject property is a non-conforming use and should not be expanded.

ACCESSORY USE: A subordinate use of a building, other structure or use of land:

- A. Which is clearly incidental to the primary use of the main building, other structure, or use of land; and
  - B. Which is used customarily in connection with the main building, other structure or use of land; and
  - C. Which is **located on the same lot** with the main building, other structure or use of land.
- Section 11-2.1-3 limits professional offices in the W-4 District to Spokane Avenue. The subject property fronts on Kalispell and is not eligible for professional offices or accompanying accessory uses.

2. Traffic Impacts

The site plan indicates that there will be 19 parking places plus 4 additional spaces for the proposed townhomes (a total of 23 spaces). All parking spaces will access the alley. Although the application and staff report states that there will be no traffic impacts on Kalispell Avenue, neither the application or staff report include any analysis of adverse impacts on the alley. Subdivision standards indicate that an alley shall be a minimum of 20' in width. According to the staff report the existing alley is only 16' in width. Additional traffic on a sub-standard alley will only worsen congestion, especially during winter when snow removal is an issue. Emergency access, garbage pick-up, and delivery vehicles can also be impeded by increased traffic on the alley. Although there is a condition to consider making the alley a

one-way street if future problems occur, there is no threshold for when such a condition would be enforced, no formula for who would pay for improvements to the alley, and no evaluation of the feasibility for a one-way alley.

### 3. Impervious Area

The proposed CUP for a parking lot would result in a large expanse of impervious area compared to a residential development. The Climate Action Plan and the Growth Policy promote low-impact development that reduces impervious surface. As noted in the Climate Action Plan, “Large expanses of impervious surface create a heat island effect requiring more energy and higher costs for cooling. Additionally, impervious surfaces increase stormwater runoff, resulting in non-point pollution and additional cost and energy to treat water. Finally, the asphalt used to pave impervious surfaces such as parking lots and driveways is comprised of fossil fuels.” Strategy TL-6 in the Climate Action Plan states, “Reduce impervious surfaces and increase green infrastructure.” The proposed CUP is inconsistent with this strategy.

For these reasons I urge Council to deny this request. Thank you for consideration of your comments.

Sincerely,  
Kate McMahon

## Michelle Howke

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**From:** David Taylor  
**Sent:** Monday, October 5, 2020 10:24 AM  
**To:** Michelle Howke  
**Subject:** FW: Kalispell Avenue proposed parking lot

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**From:** Doug Reed <dougreed4@gmail.com>  
**Sent:** Monday, October 5, 2020 10:22 AM  
**To:** David Taylor <dtaylor@cityofwhitefish.org>  
**Subject:** Kalispell Avenue proposed parking lot

Hello David,

First of all, thank you for the excellent work that you do for our community. We appreciate City staff, volunteer Council members and committee volunteers very much. Nikki and I would like to express our vehement opposition to the proposed 307 Spokane Parking Lot at 312 Kalispell Avenue. We are 29 year Somers Avenue and 43 year Whitefish residents and believe the parking to erode the buffer between our neighborhood and the busy downtown area. If this is passed what would stop it from creeping south on Kalispell Avenue? This conditional use permit was denied before by City Council and in our opinion should be again. Now, more than ever, we need to protect our precious neighborhoods. Kalispell, Columbia, Somers Avenues seem to be the last 'old Whitefish' neighborhoods that remain absent of large apartment buildings and parking lot encroachment. Our neighborhood would like to keep it that way.

Sincerely,  
Doug and Nikki Reed  
520 Somers Avenue

EXTERNAL SENDER verified by City of Whitefish IT