

**BLOCK 46 HOTEL
CONDITIONAL USE PERMIT
WCUP 14-11
January 8, 2015**

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to construct a hotel with a building footprint in excess of 7,500 square feet. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **January 15, 2015**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, **February 2, 2015**.

HISTORY

At the December 18, 2014 the Planning Board unanimously approved a motion to continue the public hearing until the January 15, 2015 Planning Board meeting. In making this motion, the Board wanted time to review new information presented by the applicant at the meeting and requested additional information both from the applicant and the City.

New Information.

The new information presented at the Planning Board meeting included a revised site plan and a draft Traffic Study. The Traffic Study was submitted to the City on December 22, 2014 and forwarded onto the Planning Board with the January packet.

Additional Information.

The Board requested additional information on the following topics:

- Management of any contaminated groundwater at this site, DEQ rules and regulations pertaining to this activity and more information on how other communities are handling similar situations. *(Discuss on pages 9-10)*
- Closing the alley access onto Kalispell Avenue so all traffic would enter and exit onto E 3rd Street; perhaps the entrance onto Kalispell could be an emergency only entrance/exit. *(Discussion on page 15)*
- Residential only parking system – what might this look like. *(Discussion on page 12)*
- Management of possible groundwater. *(Discussion on page 9-10)*
- Management of parking (employees and guests) and traffic within the neighborhood. *(Discussion on page 12)*

The December site plan, reviewed by the Planning Board for the December 18th, 2014 meeting, included:

- A proposed right-in/right-out on Spokane Avenue for the main vehicular entrance;
- A separate access to the parking lot from E 3rd Street, but no direct access to the north-south alley;
- 67 total off-street parking spaces; and
- No pedestrian amenities or landscaping features at the intersection of E 3rd Street and Spokane Avenue.

The remainder of this staff report will review the January site plan (dated 12-18-14).

CURRENT PROJECT SCOPE

Sean Averill, on behalf of Whitefish Hotel Group llc, is requesting a Conditional Use Permit in order to construct a hotel with a building footprint greater than 7,500 square feet along with an associated off-street parking of 71 spaces. The 3-story hotel is proposed to have 89 rooms, an indoor pool, exercise area, spa/treatment area and a lobby that includes two outdoor patios. The roof will also include a roof-top patio area.

The hotel will be located along the north portion of Block 46 (lots 1-11). Access to the hotel is proposed be from the existing City alleys off E 3rd Street and Kalispell Avenue. The alley access onto Spokane Avenue will be closed and developed into a one-way circular vehicular drop-off area at the entrance of the hotel and pedestrian plaza space. The east-west alley will be widened to 20-feet in order to accommodate emergency access and the north-south alley off E 3rd Street will be widened to 24-feet to serve as the main entrance to the hotel. Traffic will circulate north along the alley then west to the main entrance of the hotel. Traffic will then enter the parking lot in a counterclockwise fashion and exit at the alley at either the southeast corner of the parking lot or at the northeast corner and exit to the east-west alley. Vehicles will then either exit onto E 3rd Street or Kalispell Avenue.

Although no off-street parking is required in the WB-3 zone, the applicant is proposing to install a parking lot to the south of the hotel along Spokane Avenue to E 3rd Street for the hotel customers (Lots 19-25 of Block 46). The parking lot will have 60 parking spaces. The parking lot will be accessed off E 3rd Street with an access off the alley and along the north of the parking lot off the east-west alley. There will be an additional 11 parking spaces south of the hotel along the east-west alley.

BACKGROUND

This project is located within the Old Town Central District of the WB-3 (General Commercial District) zone, which requires a Conditional Use Permit (CUP) for buildings with a footprint that exceed 7,500 square feet (§11-2L-4 – Bulk and Scale). As proposed, the building is in excess of 7,500 square feet.



While the zoning chapter addresses which projects require a CUP, there are design standards within the Architectural Review Standards for the Old Town district and Old Town – Central district. This staff report will discuss the pertinent items.

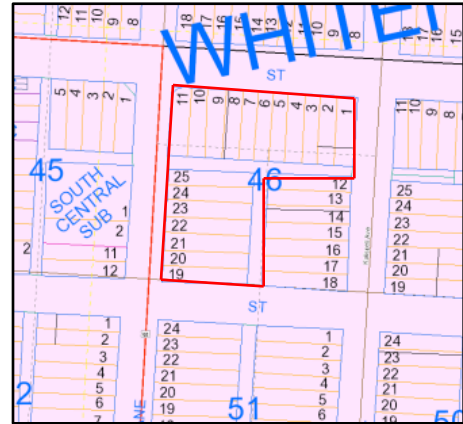
Finally, the adopted 2005 Downtown Master Plan also addresses items related to the development of this lot. These topics will also be addressed in the staff report.

A. OWNER/APPLICANT:

Sean Averill
Whitefish Hotel Group llc
PO Box 275
Bigfork, MT 59911

B. SIZE AND LOCATION OF PROPERTY:

The project is approximately 1.3 acres and is located at 205 Spokane Avenue. The project can be legally described as Lots 1-11 and 19-25, Block 46 Whitefish Original Townsite S36 T31N R22W, P.M.M., Flathead County, Montana.



C. EXISTING LAND USE:

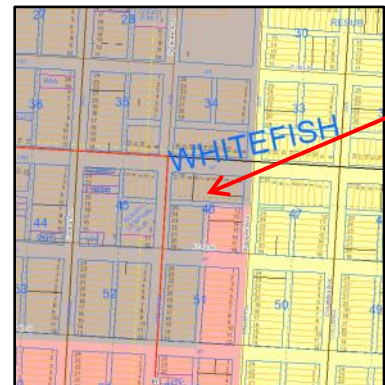
The subject property is currently developed with a small professional office that was formerly a National Parks Real Estate office and a temporary public parking lot to the south along Spokane Avenue.

D. ADJACENT LAND USES AND ZONING:

North:	Whitefish Middle School	WB-3
West:	Church	WR-2
South:	Commercial Use	WB-3
East:	Commercial Use	WB-3

E. ZONING DISTRICT:

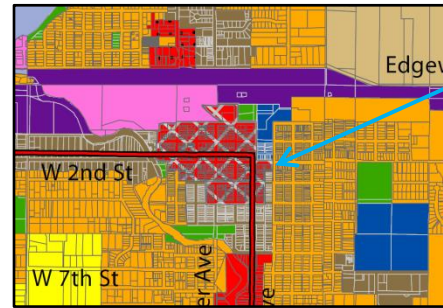
The property is zoned WB-3 (General Commercial District). The purpose of the WB-3 District is 'a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional and cultural activities.'



F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is Core Commercial which corresponds to the WB-3 zoning district.

“This designation describes the downtown area of Whitefish as well as surrounding transitional and mixed use areas. The major uses are retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios. The Commercial Core is also characterized by mixed and multi-use developments such as residential above retail, mixed residential and office, and “artist lofts” which may have residential, studio, and gallery components.



Urban forms in the Core are dense and usually multi-level. Street connectivity is high, with minimal or zero setbacks, and accessible, human scale storefronts. Character is decidedly pedestrian. On-street parking is provided for ease of accessibility, but parking serving employees and residents is generally located in parking structures or in small lot accessed from alleys. Streets in the Core are active, and streetscapes are attractive with street trees, planters, and street furniture. Architecture is of very high quality and contributes to the established local theme. Zoning is mostly WB-3, but the Commercial Core can also be implemented through WR-4.”

G. UTILITIES:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	City of Whitefish

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on December 1, 2014 and on December 29, 2014. A notice was emailed to advisory agencies on December 1, 2014 and December 23, 2014. A notice of the public hearing was published in the Whitefish Pilot on December 3, 2014 and on

December 31, 2014. As of the writing of this report, 16 letters have been received. Three letters of support and 14 letters that identify the following concerns:

- Inadequate parking – stress on the downtown, employee parking
- Increased nonresidential parking in the residential neighborhood
- Impacts on snow removal with additional on-street parking in the winter months
- Increase traffic in residential neighborhood – including people attempting to avoid downtown traffic
- Impact of increased traffic in the downtown
- Impact of hotel traffic and the traffic of the school start and end times
- Dramatic change in character to the historic neighborhood
- Mass of the building is not in keeping with the downtown
- Impact on existing infrastructure
- A less than desirable neighbor to the school
- Too great an impact for the east side of Spokane Avenue
- What other uses will be in the building requiring additional parking
- Inappropriate location for a bar
- Concerns that the hotel will be a franchise hotel/not concerned if it is a franchise
- The building presented is not a true boutique hotel
- Building should be a historical design
- Concerns with the pedestrian crossing at E 3rd Street and Spokane Avenue
- The role of the City in alleviating parking issues in the downtown
- Concerns selling alcohol across the street from the middle school

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 designates this area as Core Commercial which is consistent with the WB-3 zoning District.

In 2005, the Whitefish City Council approved the Downtown Master Plan as an amendment to the City's Master Plan¹. A boutique hotel, possibly on Central Avenue, was identified in this plan as a Catalyst Project. Lodging opportunities in the downtown was identified as an important element of any successful downtown – especially in Whitefish with its tourist economy.

The other aspect of the Downtown Master Plan related to this lot is the Shared Pedestrian/Bike Trail along Spokane Avenue (also known as the Whitefish Promenade). The purpose of this shared path is to create a pedestrian/bike loop around the downtown that will provide connections to the city's existing and proposed trail system. In the 2005 Plan, the bike path portion is suggested to be

¹ The Downtown Master Plan was subsequently included as a part of the adopted 2007 Growth Policy.

two-way bike traffic adjacent to a sidewalk for pedestrians, which could be separated by landscaping or material changes.

Encouraging bicycling and pedestrians is identified in the Plan as important to the health of the downtown and its citizenry. The city has been a leader in constructing bike paths for the community and identifying safe routes to school for children to encourage riding bikes to school. It is the City policy to create more opportunities for bicyclists and pedestrians. As this project is not constructing the minimum amount of parking, it is expected that not everyone staying at the hotel will be traveling in a vehicle and will have a need to use pedestrian and possibly bicycling facilities. Many hotels across the country rent bikes or otherwise provide bikes for their patrons. Due to the proximity of the hotel to City pedestrian and bicycling facilities, this project will have an impact on the City's pedestrian and bicycling facilities.

As part of the 2014 update, Crandall-Arambula was requested to provide more detail on the Promenade – especially north of E 2nd Street. Staff provided the consultants with recent site plans for Block 46 development and they discovered, in order to maintain the current vehicular lane configuration, an additional 10 to 11-feet would be needed from the Block 46 development. The site plan shows the western edge of the building setback approximately 13-feet from the property line, which should be wide enough to accommodate the bike path and sidewalk while maintaining the existing curb line and a narrow area for landscaping next to the building.

Finding 1: The proposed use complies with Growth Policy Designation of Core Commercial because it is zoned WB-3 (General Commercial District) and the proposed use is consistent with the WB-3 zone. Aspects of the development are implementing the 2005 Downtown Master Plan because they are providing additional right-of-way or easement along Spokane Avenue to develop the Pedestrian/Bike Trail (also known as the Whitefish Promenade) along the western edge of Block 46 and they are developing a hotel in the downtown.

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

Zoning. The property is zoned WB-3 which permits hotels. Development in the WB-3 zone requires a 15-foot setback (side and rear) when adjacent to residential districts otherwise no setbacks are required. The site plan shows a 15-foot setback on the side and rear along the western portion of the building where it is adjacent to two residential districts (WR-4 and WR-2). No off-street parking is required in the WB-3 zoning district; however, the applicant is providing 71 spaces.

In earlier discussions, the applicant indicated the hotel would have a restaurant and bar. This is not included in the current application. The zoning regulations require a Conditional Use Permit (CUP) for 'bar/lounge', but it specifically exempts a

cabaret license. A cabaret license is related to a restaurant and is a term no longer used by the state of Montana – it is now called a Restaurant Beer Wine (RBW) license. If the applicant is able to obtain an RBW license from the state of Montana, our regulations will not require a CUP. If the applicant obtains any other type of alcohol permit, a CUP will be required. Staff will request a copy of this license as a condition of approval.

Finally, there are rumors this hotel might be a chain hotel; however, hotels do not fall under the City's definition of formula retail, but any retail or restaurant located within the hotel would fall under this definition.

The WB-3 zoning prohibit both formula restaurants and retail. The zoning defines Formula Retail as:

“A type of retail sales activity or retail sales establishment, including restaurant, which, along with twelve (12) or more other retail sales establishments, maintains two (2) or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or service mark.

Color Scheme: Selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

Decor: The style of interior finishings, which may include, but is not limited to, style of furniture, wall coverings or permanent fixtures.

Facade: The face or front of a building, including awnings, looking onto a street or an open space.

Service Mark: A word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

Signage: Shall be defined pursuant to this section.

Standardized: Does not mean identical, but means "substantially the same".

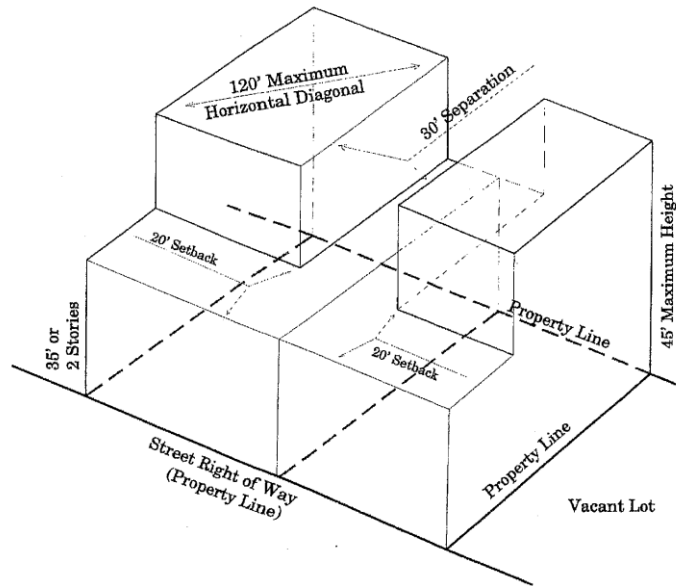
Standardized Array Of Merchandise: Fifty percent (50%) or more of in stock merchandise from a single distributor bearing uniform markings.

Trademark: A word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

Uniform Apparel: Standardized items of clothing including, but not limited to, standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than nametags) as well as standardized colors of clothing.”

*Building height.*² The building height in the WB-3 zoning district is 45-feet with special provisions. These provisions limit no more than two stories or 35-feet within 20-feet of a street right-of-way. Beyond the 20-foot setback, the building height may go up to 45-feet and three stories. Only aerials, belfries, chimneys, church spires and flagpoles are exempt from the 45-foot height limit; all other appurtenances are required to be within the maximum building height – including stairwells and elevator shafts.

The applicant is proposing a variety of methods to ensure only two stories are located within 20-feet of the street right-of-way including a two-story lobby with hotel rooms at the 3rd floor and ensuring the hotel rooms on the 2nd floor above the lobby are outside the 20-foot setback. They are also proposing two-story ‘bump-outs’ along E 2nd Street and Kalispell Avenue where the 3rd floor is setback 20-feet from the property line.



The building height provisions were designed to allow ample floor to ceiling internal height, but this method meets the technical requirements of the zoning. The overall height will be verified at the time of building permit.

Architectural Review Standards. The applicant has met with the Architectural Review Committees on two separate occasions and the Committee has offered suggestions, but has not acted on the project. The Architectural Review Committee will act on the application once the Council approves the Conditional Use Permit. The Council is not the final decision for architectural review matters; however, there are standards associated with site development for the Council to consider.

Design Standards for Off-Street Parking (Section 4.3 of the Architectural Review Standards): If parking lots are required to be located at corners, the Standards direct an applicant to provide added pedestrian features at corners such as benches, exceptional landscaping, plaza and/or art. The

² This drawing is an Appendix in the zoning regulations.

applicant has included a plaza with benches at the corner of E 3rd Street and Spokane Avenue to meet this requirement.

Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval.

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

Adequate usable land area: The subject parcel is approximately 1.3 acres in size. There is adequate land area for the project for the building and the required setbacks.

Access that meets the standards set forth in these regulations, including emergency access:

Emergency access will be from either the public streets or the public alleys. The public streets meet emergency access standards, but the alleys are only 16-feet wide. The Fire Department has requested the alleys be widened to 20-feet, which will meet their standards. The additional 4-feet will come from adjacent private properties in the form of an easement or right-of-way dedication. This is shown on the drawings and staff will recommend this as a condition of approval.



The applicant is proposing to expand the north-south alley to 24-feet to serve as more of a main entrance to the hotel.

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 proposed development is not located within the 100-year floodplain nor are there any water bodies within 200-feet of the project. This property is located within the potential high groundwater area. This will need to be confirmed as the project progresses. If it is a high groundwater area, high groundwater construction measures will need to be considered and implemented.

From the Applicant (1/5/15). At this time, CMG Engineering has completed subsurface borings for the proposed hotel. We understand a basement with a pool in the basement is planned for the structure. Due to the planned temporary excavation and permanent improvements being below the high groundwater levels, CMG is recommending water be collected beneath the concrete slab on grade floor and pool, and behind all embedded retaining walls. The drainage system will utilize nonwoven

drainage geotextile placed between fine grained clay soils and open graded angular drain rock. The drain rock thickness will range between 2 and 3 ft thick and will be compacted using vibratory methods. In addition, a series of connected perforated drain pipes will be included within the drain rock to promote the flow of water from the basement area. Due to the lack of elevation to remove the water, CMG anticipates the water will need to be removed by mechanical pumping methods. CMG recommends designing a redundant system with more than one pump and an electrical backup generator to reduce the risk of mechanical failure affecting the drainage system. The water will be pumped to an outlet that will be determined by others.

The base of the swimming pool will be at a depth of approximately 23 feet below grade and the water table occurs at a depth of approximately 6 to 7 feet below grade. As such, it will be necessary to dewater the excavation. The intent is to install and operate a dewatering system to maintain the water level below the swimming pool. If allowed by the City, the developers would like to discharge the water to the stormwater conveyance system.

Staff met with the applicant in November to discuss the status of the site as a former gas station with a leaking underground storage tank. Remediation work was completed around 2005 and low levels of groundwater contamination remain. The applicant presented a concept to treat any groundwater captured by a perimeter drain around the new hotel. This is the first request of this type ever received by the Public Works Department and staff is reviewing regulatory questions with Department of Environmental Quality (DEQ), as well as practices in other communities. It is unlikely the City will permit discharge of this water to the City's storm system. Because this is an unknown, staff recommends a condition of approval concerning the discharge of the groundwater and adherence to DEQ standards.

From the Applicant (1/5/15). Applied Water Consulting (AWC) received a work plan request from DEQ dated December 29, 2014. The work plan limits the remedial action to the excavation and removal of the petroleum contaminated soils. The work plan request specifically states: "Given that the current concentration for benzene in groundwater is nearing water quality standards and source mass removal has been proposed, soil vapor extraction and groundwater pump and treat are not considered necessary to remediate the site."

The DEQ specifically allows for the discharge of hydrocarbon contaminated wastewater as specified in Technical Guidance Document #10. One option is to discharge the storm sewer. The DEQ has a Petroleum Cleanup General Permit to authorize to discharge under the Montana Pollutant Discharge Elimination System (MPDES). As such, we intend to prepare and submit an

application for petroleum cleanup MPDES permit from DEQ. This procedure has been previously used in Helena, Billings, and Sidney, Montana. The most recent example is the Sidney MPDES permit which allowed for the discharge of 800 gpm of treated groundwater; about 500 gpm of treated water is discharged to sewage treatment plant and 300 gpm to the storm sewer system. In the case of the Block 46 hotel, it is estimated the discharge rate will be in the range of 5 to 10 gpm. The treatment system will consist of a shallow tray air stripper that is off-the-shelf technology.

Staff will continue to recommend a condition of approval that any decision concerning discharge of groundwater to the City's stormwater system shall be made by the Public Works Director (Condition #14).

Finding 3: Project is suitable for the site because there is adequate usable land area, the existing alleys will be widened to meet emergency access standards, while there is a possibility of high groundwater, this will be reviewed by the Public Works and Building Departments at the time of construction and there are no other environmental constraints. Staff will carefully review measures to treat groundwater and ensure compliance with Department of Environmental Quality standards.

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: The proposed parking lot is located at the intersection of E 3rd Street and Spokane Avenue. They are proposing an access off the existing north-south alley and on the north end of the parking lot off the east-west alley. Circulation through the parking lot will be one-way in a counter-clockwise fashion. The applicant worked with Planning and Public Works staff to design a lot that meets City requirements. The revised plan to have the access off the alley instead of off E 3rd Street provides an opportunity for additional on-street parking where there currently is no parking. This could possibly add 4 to 5 more spaces.

This project is located within the WB-3 zone which does not have any parking requirements. A hotel in another zoning designation would require 1 space per hotel room plus one space per every two employees per maximum shift. With 89 rooms, more than 89 parking spaces would be required and the applicant is providing 67 spaces.

A portion of the site has been used as a temporary public parking lot leased by the City from the previous owner. The loss of this lot will be a challenge for this part of town. In addition, the hotel will generate a need for parking that is not entirely being met off-street. While the project is providing significantly more parking than the underlying zoning requires, it may exacerbate an already challenging parking issue and the residential neighborhood to the south and east could most feel its effects. The hotel does anticipate some guests to come by rail or air. No commercial use in

the WB-3 has been required to provide off-street parking by the City. In addition, the new City Hall parking garage will also help off-set some of the loss of public parking once it is completed.

From the Applicant (1/5/15). Hotel management will take measures to encourage employees to walk, bicycle, take public transportation and will also make available free parking in a Lodge leased parking lot offering shuttle service to Downtown Hotel. Additional measures are being made to lease off-site parking for over flow use should it be needed after standard business hours.

The only 'residential only' parking program in the city adjacent to the high school. Residents in this neighborhood complained to the City about students parking resulting in reduced residential parking. The City installed 'residential parking only' signs to the west of the high school for approximately one block. The no parking program is complaint driven. If a resident notices a student parking in a residential only area, they notify the police and the offending vehicle is ticketed. According to the Police Department, the program has worked well and has addressed the concerns it set out to achieve for minimal costs and staff time. The Council could consider this type of program if parking becomes an issue. If the Council wanted to see something more elaborate, staff could be directed to research other options.

Traffic Circulation: Traffic will circulate using the existing alleys (east-west and north-south). Traffic will circulate to the front door on the south side of the building from the alley off E 3rd Street for check-in and check-out services. See item #6, Neighborhood/Community Impact for traffic generation discussion.

Open space: The applicant is providing landscape areas around the building and patios for customers of the hotel. No open space is required through a Conditional Use Permit.

Fencing/Screening: The applicant is proposing low fencing/wall around their outdoor patios. They are not proposing any other fencing or any screening. The zoning regulations require screening when a parking lot abuts a residential use or residential zoning district. There is a residential district to the east of the parking lot. The applicant indicated at the December Planning Board that a wall or fence and landscaping will be installed along the backs of the residential lots to screen the parking lot from view. Staff will recommend screening as a condition of approval and will review their plan at the time of building permit.

Landscaping: There are some existing trees on the property that were associated with the former single family homes removed a number of years ago. It seems unlikely that any these trees or shrubs will be retained with this project. While this project is in the WB-3 zoning district because it is not being constructed lot line to lot line, all the landscaping requirements apply – including the site landscaping and

the parking lot landscaping. Staff will recommend this as a condition of approval and will review the landscaping plan at the time of building permit.

Signage: Staff has not seen any proposed signage. All new signage is required to obtain a permit from the Planning & Building Department.

Undergrounding of new and existing utilities: There are existing overhead utilities within the north-south alley that will be undergrounded as part of widening the alley to 24-feet.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because they are providing parking when no parking is required, the circulation is being addressed, there is adequate open space and a landscaping plan along with screening will be required to accompany the building plan.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: Sewer is in place and adequate to service the project.

Water: Water is in place and adequate to service the project.

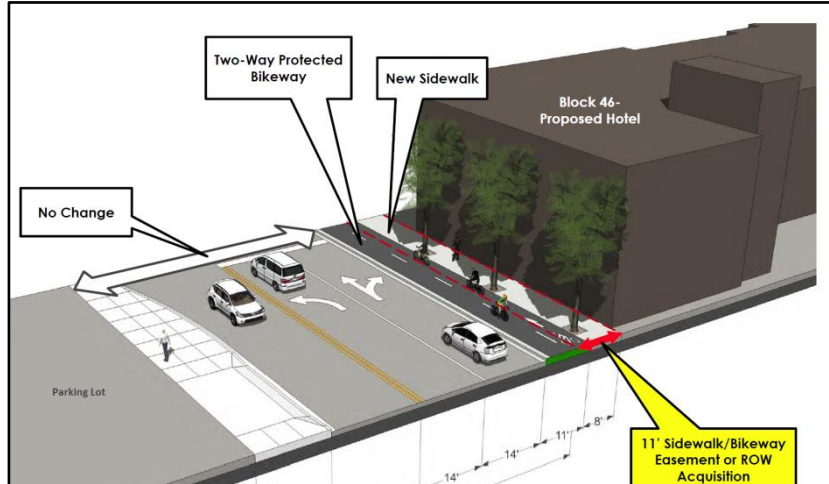
Storm Water Drainage: An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, as the new impervious surface exceeds 5,000 square feet. In addition, the stormwater generate by the widened alley will also need to be considered with the stormwater plan. Staff will recommend this be a condition of approval.

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

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

Streets: The project is proposed to access off E 3rd Street and Kalispell Avenue. These are paved streets with various frontage improvement including curbs, gutters, sidewalks, some planter strips and street lighting. There are a number of driveway cuts along the block from previous uses. These will be upgraded to continuous curb and regular driveway cuts.

The site plan has shown a wider sidewalk that is the shared bike/pedestrian path. According to the latest Crandall-Arambula drawings there should be an eleven-foot bike path and 8-foot sidewalk area that will include a 4-foot tree grate. Further south, they have suggested a 4-foot sidewalk easement or right-of-way acquisition.



The site plan shows the additional width along the building setback in order to accommodate the bike path and the sidewalk. The space along the parking lot will need to be widened by one-foot in order to accommodate the 8-foot sidewalk. Staff will recommend this as a condition of approval.

The January site plan eliminated the right-in/right-out off Spokane Avenue. This will make a safer situation for the shared bike/pedestrian path. Both Montana Department of Transportation and the Public Works Department believe this is the best scenario for traffic flow and the shared bike/pedestrian path.

The applicant has had some early discussions regarding frontage improvements to this block with city staff. There has been some talk about using Tax Increment Financing (TIF) to make those improvements, but, if requested, that will occur under a separate request and is not a part of this proposal.



Finding 5: Public facilities and services are available and adequate to serve the development because municipal water and sewer are available to the site, response times for police and fire are not anticipated to be affected due to the proposed development, the property has adequate access to city streets and in order to implement the Downtown Master Plan, an additional easement or right-of-way dedication along the building and parking lot shall be obtained for the shared pedestrian/bicycle trail. Due to the proposal to make improvements to the state

highway an encroachment permit from Montana Department of Transportation will be required.

6. Neighborhood/Community Impact:

Traffic Generation: The Traffic Study submitted for the January Planning Board states that the project will have a minimal overall impact on the city's transportation system. The hotel will produce 727 daily vehicle trips and the intersections will continue to operate at an acceptable level. The Traffic Study does not recommend any additional improvements be required at any intersections to improve capacity. As expected, most traffic generated from the site will go south on Spokane Avenue and west on E 2nd Street. Both Montana Department of Transportation and the Public Works Department have reviewed the Study and concur with its findings.

This study considers the current layout of the project with no access onto Spokane Avenue. Staff requested the applicant see what, if any, effects closing the Kalispell Avenue access would have on the traffic. Their traffic engineer found it would not have the desired effect of reducing traffic within the residential neighborhood.

City staff was also concerned with closing the access. The Fire Department would like to see the access remain open for emergency services – otherwise the access will need to either be designed with a turnaround or would need to be plowed through the gate during the winter. The Fire Department has seen limited success with winter plowing through these types of gates. The Public Works Department suggested proper sight distance be incorporated into the design of the alley. Staff agrees and will suggest this as a condition of approval.

Noise or Vibration: No impacts are anticipated beyond what would be expected from a typical commercial use.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from a typical commercial use.

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

Hours of Operation: The hours of operation will be typical hotel hours with guests arriving and departing in the mornings and evenings.

Finding 6: The proposed development is not anticipated to have a neighborhood impact because negative impacts concerning noise, dust, smoke, odor or other environmental nuisances are not expected, all outdoor lighting is required to meet city standards and traffic will have little impact on the surrounding road system.

Proper sight distance at the intersection of the east-west alley and Kalispell Avenue will be employed to mitigate traffic leaving the site onto Kalispell Avenue.

7. Neighborhood/Community Compatibility:

Structural bulk and massing: *Mass* means a building's bulk, size and magnitude – the overall volume. This will be one of the larger buildings in the downtown, especially as it relates to adjacent residential neighborhoods. The Whitefish Middle School is more massive than this building, but it is a long-standing public building. Since the various residential and commercial buildings were removed a number of years ago from the site, the block has an open feel and the community has grown accustomed to this openness. While the size of the building will seem massive to adjacent residential uses, it is in keeping with other commercial buildings in the WB-3

Scale: *Scale* means the spatial relationship with neighboring buildings. This building is proposed to be setback from property lines and will provide landscaping around its perimeter in order to better transition to the residential district.

Context of Existing Neighborhood: The proposed project is at the edge of the commercial district and residential district. There are commercial uses to the west and south of this project, the Whitefish Middle School to the north and a church to the east. Further to the east and south east is an older single family residential district.

Density: This project will not change the density of the neighborhood.

Community Character: As described above, this block over the years has seen the removal of residential homes and commercial uses opening up views across the property. The community certainly has become used to this character, while it was not intended to be a permanent character.

The intersection of E 2nd Street and Spokane Avenue is a main gateway into the downtown and design of the project is important to the success of the project and the downtown. Its connection to the downtown commercial activity both as a structure and for the users of the hotel is very important.



The Architectural Review Committee will consider carefully the materials and design of the building to ensure it fits into the downtown and meshes with the community character.

Finding 7: The project is compatible with the neighborhood and community because the design will be reviewed by the Architectural Review Committee to ensure compatibility, but it will be a significant change to the neighborhood.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 14-11 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be in compliance with the application submitted on November 26, 2014 and the revised site plan dated December 18, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval (§11-7-8, WCC).
2. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the City of Whitefish Planning Department. The plan shall include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Measures to prevent soil and construction debris from being tracked onto public road, including procedures remove soil and construction debris from road as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way. (Engineering Standards, Appendix K)
3. Prior to any construction, excavation, grading or other terrain disturbance, plans for all on and off-site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, sidewalks, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, sidewalks and other improvements shall be submitted as a package and reviewed concurrently.

No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)

4. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. (Engineering Standards, Chapter 7)
5. Proper sight distance measures shall be designed and put in place for the intersection of the east-west alley and Kalispell Avenue. Such measure shall be reviewed and approved by the Public Works Department. (Finding 6)
6. The interior lot lines located between Lots 1 and 11 shall be abandoned prior to the issuance of the building permit. (§11-2-3B(3), WCC)
7. Approval from the Architectural Review Committee shall be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
8. A copy of the state of Montana Restaurant Beer Wine license shall be provided to the Planning Department. Any other alcohol permit shall require approval of a Conditional Use Permit by the city of Whitefish. (§11-2L-3, WCC)
9. An encroachment permit shall be obtained from Montana Department of Transportation (MDT) for any construction within the right-of-way. Any revisions to the site plan based on MDT requirements shall be reviewed and approved by both the Planning & Public Works Departments. (Finding 5)
10. Coordinate with Public Works Department regarding required Structural and Construction Encroachment Permits, which are issued independently from this Conditional Use Permit. (§7-2-1, WCC)
11. Prior to the issuance of a building permit, the applicant shall either dedicate right-of-way or grant an access easement for the shared pedestrian-bike path along Spokane Avenue. The bike path shall be 11-feet and the sidewalk shall be 8-feet. (Findings 1, 5)
12. The refuse location shall be reviewed and approved by the Public Works Department and North Valley Refuse. (§4-2, WCC)
13. An engineered stormwater plan, including the additional alley width, shall be submitted for review and approval to the Public Works Department. (Whitefish Engineering Standards, Section 5)
14. No groundwater from Block 46 shall be discharged to the City stormwater collection system without specific written approval from the Public Works Department. The developer shall reimburse the City for reasonable expenses necessary to evaluate such a proposal. Those expenses may include, but will

not necessarily be limited to, the services of an independent professional consultant. (Finding 3)

15. Necessary business licenses and sign permits shall be obtained. (§3-1, §11-5-7, WCC)
16. The applicant shall comply with all city fire codes for this classification of occupancy and the building shall be equipped with a fire sprinkling system. The alleys are the emergency access and shall be improved to a width of 20-feet. The additional width shall either be in the form of an easement or right-of-way dedication and shall be recorded or otherwise granted prior to the issuance of a building permit. (IFC)
17. All on-site lighting shall be dark sky compliant. (§11-3-25, WCC)
18. All exterior mechanical equipment shall be screened visually and acoustically. (4.6.1., Arch Review Standards)
19. A landscaping plan pursuant to §11-4 shall be reviewed and approved by the Planning Department prior to the issuance of a building permit. This plan shall also include screening along the eastern edge of the parking lot. (§11-4, WCC)
20. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)