



QUESTIONS AND ANSWERS

ALPINE 93/40 - CITY COUNCIL PUBLIC WORKSHOP

OCTOBER 11, 2023

IS THE ALPINE 93/40 PROJECT ASKING FOR ANY ZONING OR CODE EXCEPTIONS, VARIANCES, OR MODIFICATIONS?

No. The Alpine 93/40 project will be subject to the conditions and requirements of the City of Whitefish and State of Montana and is seeking no variances or modifications other than those provided by the Legacy Housing Program of the city of Whitefish.

CAN EMERALD DRIVE BE GATED AT THE BOUNDARY OF ALPINE 93/40 AT ITS SOUTHERNMOST END AND WHERE EMERALD DRIVE MEETS THE 40?

Possibly. The challenge is that Emerald Drive is a County Road open to the public. If the residents of Emerald Heights want to gate their subdivision, they need permission from the Flathead County Road Department and the Flathead County Commissioners. Although Alpine 93/40 would be fully supportive of this effort, Aspen 93/40 has no authority to gate Emerald Drive. However, this project limitation does not prevent the Emerald Heights subdivision from approaching the County for such a solution. If the Emerald Heights subdivision needs Alpine 93/40 consent in their request to the County, Alpine 93/40 will unequivocally provide it.

WHAT CAN BE DONE TO LIMIT ALPINE 93/40 TRAFFIC FROM DRIVING THROUGH EMERALD HEIGHTS TO ACCESS HIGHWAY 40?

The Traffic Impact Study provided by Alpine 93/40 states that 5% or less of the project traffic could use the Emerald Drive to access the development. The traffic study also clearly shows that Emerald Drive is not a shortcut since it would take approximately the same amount of time to go through Emerald Drive to get to the southernmost entrance of Alpine 93/40 vs. if you were to go to the light at US 93, make a left turn heading towards Kalispell and then make a left turn at Emerald Heights Drive in order to enter Alpine 93/40. There currently is already a stop sign at Emerald Drive and W. Emerald Dr./Diamond Ct., but an additional stop sign could be added along Emerald Drive and Sapphire Ct. to both further discourage the public from taking this route and making it a slower route.

Nonetheless the Alpine 93/40 engineering team has come up with a solution to dissuade drivers from using Emerald Drive as their access to the project if they are coming from Columbia Falls by reconfiguring the two southern parking lot approaches onto Emerald Drive. These approaches are now proposed to be "right out" to ensure drivers leaving Alpine 93/40 to travel towards US 93 and "left in" to discourage motorists that use Emerald Heights from the 40 from entering Alpine 93/40. In essence, drivers turning onto Emerald Drive from the 40 will not be able to make a right turn into Alpine 93/40.

In addition to the approach at the southernmost of Alpine 93/40 being built so that no left turn is feasible, as you exit the parking lot, Alpine 93/40 will install signage that clearly establishes that "No Left Turn" is allowed.

CAN THE SPEED LIMIT ON US 93 BE REDUCED AS IT APPROACHES THE INTERSECTION WITH THE 40?

The speed limit on US 93 is determined by the Montana Transportation Commission in partnership with the Montana Department of Transportation (MDT); any potential change to this limit requires a speed study completed by MDT. A request for a speed study can be made by the City of Whitefish, in partnership with Alpine 93/40 and the Emerald Heights HOA and would be the most effective way to pursue a reduction in the speed limit. Alpine 93/40 is willing to cooperate and take the lead in making this joint request to MDT.

WHAT CAN BE DONE TO ALLEVIATE THE CONCERNS FROM VARIOUS HOMEOWNERS REGARDING THE EXISTING GRADE AT THE INTERSECTION OF EMERALD DRIVE AND HIGHWAY 93, PARTICULARLY DURING THE WINTER MONTHS?

Great question! The Emerald Drive approach to Highway 93 will be upgraded as part of this project and will provide much safer access to the highway. The new approach will meet the City of Whitefish's Engineering Standards from the East property boundary of Alpine 93/40 to the Highway 93 intersection. Our engineering team has evaluated this and is proposing that the western 60-feet of the reconstructed Emerald Drive be 5% max, with the remaining section less than 8%. Currently, the roadway is at approximately 10% grade. This existing roadway profile adjustment will require some fill (estimated to be 4-feet, or less) to decrease the existing grades. These proposed improvements meet Section 6.1.3 & Table 6-1 of the City of Whitefish's Engineering Standards for a City of Whitefish collector roadway.

CAN THE PROJECT BE ACCESSED FROM THE EXISTING APPROACH ON US 93 AND/OR CAN WE ADD ADDITIONAL APPROACHES ONTO HIGHWAY 93 AND/OR 40 TO ENTER AND EXIT THE PROPERTY?

Several options were explored to utilize the existing approach on US 93 as well as incorporation additional approaches. However, due to safety concerns, the Montana Department of Transportation has stated that the only approaches they will approve are those shown on the proposed site plan. With additional approaches often comes a higher crash rate and the risk of serious injury and fatal crashes, especially when drivers are entering and exiting a highway.

WHAT TYPE OF BARRIER WILL BE PLACED BETWEEN THE ASPEN 93/40 PROJECT AND EMERALD HEIGHTS?

Alpine 93/40 is committed to partnering with the City of Whitefish and the Emerald Heights HOA to determine a fence that suits the needs of all parties. The goals are to work together to identify a reasonable solution for all while addressing the issues of security, privacy, light and sound for both Emerald Heights and Alpine 93/40.

Also of critical importance, Alpine 93/40 feels that whichever barrier solution is arrived at, equal consideration needs given to a solution that has the least impact to the existing environment, more specifically the heavy grove of trees between both properties. For instance, if a solid concrete wall was to be built, a significant number of trees would need to be removed to accommodate the continuous wide footings required to support a 6'-6" tall wall. In other words, a solid block wall would result in a significant loss of the existing natural environment which ironically would also result in a reduction of privacy if a significant number of trees was to be removed. On the other hand, Alpine 93/40 and its architectural team have identified alternative options that will provide the same level of security and privacy of a solid block wall, while at the same time protect as much of the existing environment as feasible. One option that our team has come up with, is to create a barrier made from wood and or another prefabricated material that can be installed in panels with simple posts and individual square footings every six or eight feet on center. This would allow the wall to easily move up and down the existing grades but more important to move "in and out" and or around the existing trees to significantly minimize the number of trees that would need to be removed if it was a block wall. Furthermore, Alpine 93/40 is willing for the entirety of the wall to be located on its side of the property, including this "in and out", so as not to encroach on any other landowners' property. Some images of this concept are attached.

The proposed fence would have to abide by the current City of Whitefish codes, more specifically height, which currently is limited to six feet and six inches (6'-6"). Alpine 93/40 would not be opposed to building this fence higher, if both the Emerald Heights HOA wished this, and the City of Whitefish was willing to allow it.

Lastly It is important to mention that the southern half of the Aspen 40/93 project boundary with Emerald Heights or the three southernmost properties between both properties includes a 20-foot-wide open space requirement that together with our 30' required setback, effectively increases the total buffer width to 50-feet in this area.

WHAT COMMERCIAL USES WILL BE PERMITTED IF THE ALPINE 93/40 ANNEXATION AND INITIAL WB-T ZONING ARE APPROVED BY CITY COUNCIL?

The WB-T zoning in the city of Whitefish allows a variety of permitted uses. In addition to the WB-T zoning, the city of Whitefish has a series of uses that would allow under the WB-T zoning but would require a "Conditional Use Permit. (CUP)" This means that there is an additional list of potential uses that can be incorporated into the WB-T zoning, but they require City Council approval. The list of WB-T permitted, and CUP uses is incorporated as an exhibit to this document.

In the mixed use building at the corner of US 93 and the 40, per state legislation SB 245, all permitted commercial uses in the WB-T list of uses will be permitted as well as all those uses identified as requiring a Conditional Use Permit.

To alleviate the concern of incorporating into the project more intensive uses from both the permitted uses under the WB-T zoning and the Conditional Use Permit category, the development team has volunteered to remove some uses under both designations which can be reviewed in the attached exhibit. This reduced list of uses will be included in a formal document called the Developer Agreement. Any deviation to the land use or plan outlined in the Developer Agreement is required to come back to Council for review and approval.

WHAT KIND OF ASSURANCES DOES THE DEVELOPMENT AGREEMENT PROVIDE?

The Development Agreement will be a legally recorded document which runs with the land that provides the city and community clarity as to our vision for development of the project.

Therefore, the development team is willing to incorporate into the Development Agreement not only all the plans submitted to the city, but all staff recommendations provided in the City Council hearing of October 2, 2023, as well as every item in this document.

Once the land is annexed into the city, the developer will be required to build a project in substantial conformance with what is outlined in the development agreement.

PROPOSED FENCE CONCEPT

