

TALKING POINTS IN OPPOSITION OF THE MOUNTAIN GATEWAY PUD AS PROPOSED

- **NEW:** Petition the city to change the notice policy and to make the applications public within 48 hours of submission and be able to sign up for push notifications as citizens. Had we found out about this development through the standard process, we wouldn't have had time to get information together, organized and disseminated to the public.
- Don't annex in R4 as WR2. Fix the zoning issues of the past and annex in mirroring the surrounding zoning.
- Traffic concerns - adding around 340 units & commercial will have an astronomical impact on traffic on Wisconsin Ave, Lakeshore Drive and Big Mountain Road. This increase in traffic could very likely cause a devaluation of real estate north of the viaduct.
- Safety concerns - egress across the viaduct in case of an emergency such as a fire and medical is a real concern with the current congestion issues, let alone exacerbated.
- The city should be obligated to protect the safety of its citizens and potentially impose a moratorium on developments of certain densities until these issues can be mitigated. At the very least they should not allow any increased densities from current zonings.
 - If they allow these types of developments to go through, they could be liable for the losses of human life and property.
- Fire Station does not have a solid plan to be brought to fruition and shouldn't be considered a community benefit.
- The developers were involved with The Quarry. They were held to the same architectural standards as would apply here. Do we consider that project a success as a community? Or is it a cookie cutter disappointment with no buffers and a substantial loss of old growth forest that could have been held to higher standards and enriched the community.
- **Here is a compilation of zoning requirements that we do not believe have or will be met.** And let it be known that 11-2S-8D states "A PUD may be denied upon a finding that it does not substantially achieve the intent of the PUD, the approval criteria in subsection B of this section are not met, and/or deviations from standards are neither beneficial to the neighborhood or community at large, nor properly justified." Furthermore, section 11-2S-8F states: "Because the site planning and design issues involved with PUDs can be complex, there is no time limit for final action by the City Council."
 - Article S. WPUD Planned Unit Development District Zoning Regulations
 - 11-2S-1: Purpose And Intent
 - D. Ensure that new developments respects the character, scale, and qualities of the surrounding neighborhood.
 - E. Encourage new development to integrate with existing neighborhoods to result in stronger, livable, sustainable neighborhoods, rather than series of individual developments.

- 11-2S-2: PUD Types and Permitted Uses:
 - A. Residential Planned Unit Development (R-PUD): The purpose of the Residential PUD option is to facilitate creatively designed, livable neighborhoods in Residential Zoning Districts where the proposed product type, density, scale, and character are appropriate and complement adjacent development.
- 11-2S-3: Standards of Development
 - C. Open Space: Not more than seventy percent (70%) of the planned unit development site shall be devoted to parking facilities, streets, buildings and accessory buildings. The remaining thirty percent (30%) must remain as open space as defined under section 11-9-2 of this title. Note: This provision shall not apply to projects which both propose only permitted uses and which comply with the minimum lot sizes of the underlying zone.
 - We're concerned this open space will not be executed and that the conceptual renderings are misleading. For example, it appears that around 50% percent of the property in the conceptual rendering is covered by impermeable services with a very small allotment for storm retention. This will likely have to become a lot larger to manage stormwater as there are no storm sewers in place here.
 - E. Landscaping: Additional landscaping may be required by the City Council to provide a buffer between proposed uses or between the adjacent zoning districts.
 - We would advocate for the city to require a 200' buffer around the entire perimeter be dedicated to open space.
 - G. Architectural Design: Architectural design of buildings shall be aesthetically compatible throughout the development. However, the applicant shall take appropriate measures to ensure that multi-family buildings and town homes have a varied exterior appearance within the overall architectural theme. Visual monotony and institutional sameness are to be avoided. (Ord. 19-11, 6-3-2019)
 - The Quarry development (same developers, same Wisconsin Corridor Plan) was held to this same standard - we believe it was not executed and that we should be very cautious about allowing a repeat to occur.
- 11-2S-5 Deviations from Standards
 - In order to provide flexibility in the design approach, the Planned Unit Development Overlay allows deviations from many standards of the underlying zoning district as well as

from certain standards in the "Standards for Design and Construction" (Public Works Design Manual). Any proposed deviations from adopted standards above and beyond those allowed under chapter 1A of this title must be justified by one or more clear community benefits as set forth in section 11-2S-6 of this article, and shall directly relate to the purpose and intent of the PUD as set forth in section 11-2S-1 of this article.

- We do not believe this development provides "clear community benefits" and should not be allowed as a WPUD and furthermore allowed no deviations.
- 11-2S-6 Community Benefit
 - As set forth in section 11-2S-5 of this article, deviations from adopted standards must be justified by one or more clear community benefits. For purposes of this article, a community benefit is an amenity, facility, or service that is of intrinsic or economic value to the community and/or adjacent neighborhood introduced by the proposed planned development that would not otherwise be required. Community facilities and services such as streets, water, sewer, and storm drainage (including on and off- site easements for these facilities), and parkland and parkland dedications or fees in lieu, that are required under a conventional subdivision or other City codes or standards may not be considered community benefits. The following list outlines desirable community benefits and is not all-inclusive as each development site is unique and the developer may propose alternative community benefits
 - A. Environmentally Sensitive Areas: Protects environmentally sensitive areas that would not be protected otherwise to the same degree as without a PUD;
 - B. Natural Features: Preserves, enhances, and rehabilitates natural features of the subject property, such as significant woodlands, native vegetation, view sheds, topography, or non- critical area wildlife habitats, not otherwise required by other City regulations;
 - C. Public Access: Providing public access to a trail, trailhead, bike path, waterbody, parks, schools, or public lands;
 - D. Streetscapes: Providing streetscape improvements such as pedestrian signals, ADA compliant curb height crossings, street furniture,

bike racks, public art, cultural and interpretive displays, transit shelters, etc.;

- E. Public Facilities: Provides public facilities that could not be required by the City for development of the subject property without a PUD, such as fire stations, utility facilities, public playgrounds, recreational facilities, public parking, bike paths, etc.;
- F. Use Of Sustainable Development Techniques: Design which results in sustainable development; such as LEED certification, energy efficiency, use of alternative energy resources such as solar power, stormwater re-use, low impact development techniques, etc.;
- G. Rights-Of-Way: Extending public streets, bike paths, trails, and/or sidewalks in compliance with adopted transportation plans;
- H. Affordable Housing: Providing employee housing and/or affordable housing, land, or fees in lieu in greater quantity than otherwise required and consistent with housing needs assessments and the Whitefish Legacy Homes Program;
- I. Affordable Housing Type: Providing a greater mix of affordable housing unit types consistent with the array of housing types provided in the overall development; or
- J. Overall Design: Provides a PUD design that is superior to the design that would result from development of the subject property without a PUD. A superior design may include the following:
 - 1. Open Space/Recreation: Provides increased functional open space or recreational facilities beyond standard Code requirements; and provides a quality environment through either passive or active recreation facilities and attractive common areas, including accessibility to buildings from parking areas and public walkways; or
 - 2. Circulation/Screening: Provides superior circulation patterns or location or screening of parking facilities; or
 - 3. Landscaping/Screening: Provides superior landscaping, buffering, or

- screening in or around the proposed planned urban development; or
- 4. Site And Building Design: Provides superior architectural design, placement, relationship or orientation of structures, or use of solar energy; or
- 5. Alleys: Provides alleys for proposed detached or attached units with individual, private ground-related entries. (Ord. 19-11, 6-3-2019)
- 11-2S-7 Application Procedure
 - A. The applicant shall furnish the following information and materials with the application:
 - 1. A written report on the results of any citizen participation effort done on their part. If an outreach is done, the report shall include details of the techniques the applicant may have used to involve the public and the surrounding neighborhoods. That may include dates and locations of meetings where citizens were invited to discuss the proposal, copies of mailings, posted notices, concept plans, etc., the name and location of those receiving notice, and the number of people that participated in the process. The outreach report should also include a summary of concerns and issues expressed by the public, and how the applicant will address or not address said issues or concerns in their formal proposal
 - The developer may have checked this box but it was far from the spirit of the regulation. A meeting was held at the Taphouse but was not on any public calendar. There were perhaps 20 people in attendance. It was unable to be located on any public forum, calendar, social media, etc. When attendees spoke with their neighbors after the meeting, regret was commonly expressed that community members wished they'd known it was going on and would have liked to attend. Also, most folks in attendance thought this was an affordable housing development and the conversations were derailed onto that for the majority of the meeting.

- A meeting was also held about the fire station the week prior. It was held in a ballroom at the Lodge at Whitefish Lake. Drinks were provided, handouts available, etc - it was very organized. When multiple community members called the lodge to confirm the date and time, the concierge, and front desk attendants showed nothing on their calendars of any such event. Only by calling the fire department directly was any information obtained.
- 9. Written statement of intent and justification for any proposed deviations from standards above and beyond those allowed in section 11-1A-6 of this title. Each PUD application must include a written explanation describing how the development meets the purpose and intent (section 11-2S-1 of this article) and approval criteria (subsection 11-2S-8B of this article) and describing the specific community benefits (section 11-2S-6 of this article) of the proposed development and how the project provides greater benefits to the City as applicable than would a development carried out in accordance with otherwise applicable Zoning and Subdivision Ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district, subdivision standards, or public works standards and how it deviates from or exceeds those standards.
- 11-2S-8: Approval of the Planned Unit Development
 - A. Approval of a planned unit development shall be based upon a finding that the proposed project substantially achieves the intent of the PUD as set forth in section 11-2S-1 of this article, the approval criteria outlined below are met as applicable, and that there are one or more clear community benefits and proper justification for any proposed deviations from standards.
 - B. A PUD may be approved by the Whitefish City Council upon findings that the approval criteria set forth herein are **substantially met** as they may apply and adverse impacts identified through the development review process are avoided or effectively mitigated through plan modification,

conditions of record, or other legal and proper means.

Approval criteria are as follows:

- 2. Development must be sensitive to and respectful of wildlife habitat and/or seasonal migration corridors as identified by a competent wildlife assessment or verified by empirical evidence.
- 4. The character and qualities of existing neighborhoods must be preserved and protected. Proposed PUDs are to be integrated into the existing neighborhood in terms of scale, quality, character, and street continuity. When, in the judgment of the City Council, such integration is not possible, practical, or will otherwise not produce desired outcomes for the existing neighborhood, effective buffering and transitions must be provided by the proposed development.
- 6. New development must provide attractive, high quality streetscapes through the use of landscaping, sidewalks/bikeways, street trees, and quality street lighting fixtures, including design consideration for and integration with adjacent structures.
 - Based on the Quarry - it is hard to believe this will be executed.
- 9. New development must avoid a monotonous and/or institutional appearance through varied architecture and orientation of buildings, and where appropriate, varying the type of residential unit within the project.
 - Based on The Quarry - it is hard to believe this will be executed.
- 11. All new development must demonstrate substantial compliance with and/or implementation of the growth policy, including adopted neighborhood plans and corridor plans.
- C. In approving a PUD, the Council may impose reasonable conditions. Such conditions may be imposed in order to
 - Mitigate or avoid adverse impacts to adjacent property, neighborhood, and/or the community at large.
 - Ensure the veracity of any claim of community benefit made by the applicant.

- Support a finding that an approval criterion is met and/or ensure the veracity of the finding.