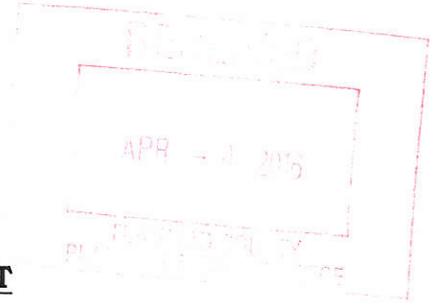


# Flathead County

## Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



### PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

#### APPLICANT/OWNER:

FEE ATTACHED \$ \_\_\_\_\_

- 1. Name: Roy and Marcella Vanderen Phone: Roy 250-7901  
Marcie 250-8439
- 2. Mail Address: 825 HELENA FLATS RD
- 3. City/State/Zip: KALISPELL MT 59901
- 4. Interest in property: OWNERS

Check which applies:  Map Amendment  Text Amendment:

#### TECHNICAL/PROFESSIONAL PARTICIPANTS:

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

#### IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

A. What is the proposed zoning text/map amendment?

#### IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 116 Poplar Dr. Kalispell, MT Lot 2
- B. Legal Description: Lots 1 & 2 of the Amended subdivision plat of a portion of Lots 6 and (Lot/Block of Subdivision or Tract #) of Evergreen Subdivision

Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 1.25 AC
- D. Zoning District: Evergreen Enterprise overlay w/in KCCMP
- E. The present zoning of the above property is: B-2
- F. The proposed zoning of the above property is: R-5
- G. State the changed or changing conditions that make the proposed amendment necessary: This is a lot behind another lot on the road. It has an easement to Poplar. But this location does not seem to be a good business location. It is residential around it, and on a dead end road.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan? *yes*
2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers? *yes, A vacant lot is more susceptible to transients setting/ causing fires and other trouble.*
  - b. Promote public health, public safety and the general welfare? *yes*
  - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? *yes. It provide more housing in overcrowded rentals situation.*
3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air? *yes, OPEN GROUND*
  - b. The effect on motorized and non-motorized transportation systems? *yes. PAVED STREET, OFF STREET PARKING*
  - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities? *yes.*
  - d. The character of the district and its peculiar suitability for particular uses? *It's mostly Residential. Since it's a dead end street and a small neighborhood, it would work for a duplex rather than a business.*
  - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? *There are no buildings on the property.*
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities? *yes.*

\*\*\*\*\*

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

Owner/Applicant Signature(s)

Date 4/1/16

*Marcello M VanDeren*

APR - 4 2016

## APPLICATION PROCESS

### APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A pre-application meeting is highly recommended. This can be scheduled at no cost by contacting the Planning & Zoning office. Among topics to be discussed are: Master Plan compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application.

C. Application fee.

D. The application must be accepted as complete by the Flathead County Planning & Zoning staff prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

### APPLICABLE TO APPLICATIONS FOR ZONE CHANGE:

A. Application Contents:

1. Completed Zone Change application, including signatures of all property owners applying for zoning map amendment.

IF this is a **MAP** amendment the following are also required:

- i) A map showing the location and boundaries of the property (*vicinity map*).
- ii) A Title Report of the subject property
- iii) An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee (*see form below*). The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

## Erik Mack

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**From:** Bob Stauffer <bob@aptec-mt.com>  
**Sent:** Friday, April 15, 2016 10:08 AM  
**To:** Erik Mack  
**Subject:** VanDeren Zone Change Request  
**Attachments:** Zoning Amendment Criteria Response.pdf

Eric,

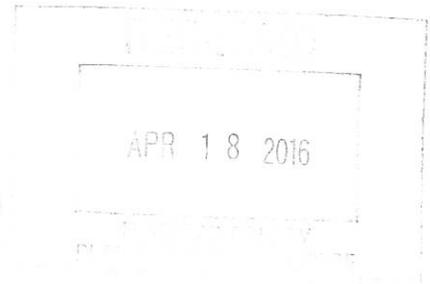
Attached is a response to the zoning amendment criteria items for Tract EGS-2 off Poplar Dr. in Evergreen. It is my understanding the owners have filled out all the required paperwork except these items, so I assume this can be inserted into that package.

Let me know if this is satisfactory.

Thank you.

**Bob Stauffer**  
**APEC Engineering, Inc.**

[bob@aptec-mt.com](mailto:bob@aptec-mt.com)  
111 Legend Trail  
Kalispell MT 59901  
P. 406.755.1333 F. 406.755.1310  
Cell 406.261.4803  
[www.aptec-mt.com](http://www.aptec-mt.com)



## Zoning Amendment Criteria Response

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

Yes. The property is located in an area that transitions from business along U.S. Hwy 2 to residential. The proposed zoning of R5 is consistent with zoning on adjacent properties to the north and provides a transition to the residential R2 zoning on the adjacent properties to the east.

2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers?

The proposed zoning of R5 has similar required setbacks and height limitations as existing B-2, so fire considerations remain the same.

- b. Promote public health, public safety and the general welfare?

Yes. Municipal water, sewer and road systems already serve the property.

- c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Yes. Public improvements to serve this property including roads, water, sewer, etc. are all existing.

3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air?

Yes. The proposed zoning has similar height and setback restrictions as the existing zoning, so adequate light and air should be maintained.

- b. The effect on motorized and non-motorized transportation systems?

The property is accessed off of Poplar Dr., which adjoins U.S. Hwy. 2. Permitted uses (residential) in the proposed zoning typically have lower vehicle trips per day than the existing zoning uses would, so the impact of the zone change will not negatively impact the road system.

- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the area around municipalities?

Yes. See #1 above.

d. The character of the district and its peculiar suitability for particular uses?

The property lies between business property to the west along U.S.Hwy. 93 and residential property to the east. The proposed zoning is similar to adjacent properties to the north and east and provides a natural transition between the business and residential communities.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

The lot is currently vacant. The proposed zoning is appropriate in that it allows uses that transition from the business zoning to the west along U.S. Hwy. 2 to the residential zoning on the adjacent properties to the east. The proposed amendment will not have a negative impact on values of adjacent properties.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

Proposed zone change is compatible with zoning on surrounding properties.

