



**CONDITIONAL USE PERMIT APPLICATION<sup>1</sup>**

FEE ATTACHED \$ 500.00

**PROPOSED USE (as described in the Flathead County Zoning Regulations):**

RA-1 Residential Apartment Zoning. 8 Unit Apartment Building.

**OWNER(S) OF RECORD:**

Name: Falcon Development Inc Phone: 949.230.9179

Mailing Address: 215 Fox Hollow Lane

City, State, Zip Code: Whitefish, Mt. 59937

Email: josh5151@hotmail.com

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**

Name: George J. Joseph Phone: 949.230.9179

Mailing Address: 215 Fox Hollow Lane

City, State, Zip Code: Whitefish, Mt. 59937

Email: josh5151@hotmail.com

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):**

Street  
Address: 213 Spruce / 2921x33xxx-7AJA      S33      T 29      R21

Subdivision      Tract      Lot      Block  
Name: assessor # 0670385      No(s). 2      No(s).      No.

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

RA-1 Residential Apartment

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

<sup>1</sup> Revised: 06/11/12

**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

The subject lot is 22,960 sq.ft. in size. RA-1 Zoning has a minimum lot requirement of 7500 sq.ft. with an additional 1500 sq.ft. required for each dwelling in excess of two. Thus, lot is of adequate size. As per SEC 3.15.040, setbacks are satisfactory. Permitted lot coverage is 35%, the proposed building would cover 17%.

- (2) adequate access

The proposed building will be accessed by a 22 foot wide dovetailed internal driveway which connects to Spruce Road. This surface will be professionally engineered and finished in concrete and or asphalt by a local paving company.

- (3) absence of environmental constraints

The site is relatively flat open land. Property is located in FEMA zone C, area of MINIMAL flooding. There appears to be no environmental constraints on subject property.

**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

Planning & Zoning require two spaces per dwelling, plus one visitor parking space per every four units. This equals 18 spaces. As per our site plan, we are proposing 20 parking spaces to be constructed. All spaces are on the same lot as building.

- (2) traffic circulation

Traffic generated from this building will not be excessive, only serving residents and occasional visitors. Entrance to subject building will be from a secondary residential street/road. Driveway width will allow for sufficient travel and turnaround space when necessary. Location (close to banks/schools/churches) may encourage walking.

- (3) open space

Landscaping will be completed by a professional landscaping contractor as per site plan. Sprinkler system will be installed to ensure proper growth and management of grounds. Please view sister building at 21 W. Evergreen to view use of landscaping/open space. Any use of fencing will conform to the zoning of this

- (4) fencing, screening

We intend to landscape and or fence the required setback areas along the edges of the property. If a fence is built, it will conform to the zoning of this property.

- (5) landscaping

Landscaping will be completed by a professional landscaping contractor as per the site plan. Intend to install sprinkler system to ensure proper growth and management. Please view sister building at 21 W. Evergreen to view landscaping. Any use of fencing will conform to the zoning of this property.

- (6) signage

If any signs are installed, they will conform with the sign standards for this district.

- (7) lighting

Any and all lighting, if used will be shielded and directed onto subject property.

**C. Availability of Public Services and Facilities**

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer

Evergreen water and sewer district

- (2) water

Evergreen water and sewer district

- (3) storm water drainage

All storm water will be directed towards the landscaped areas surrounding the property. In ground drain basin will be installed as well for water drainage.

- (4) fire protection

Building will be engineered & built to current state and federal commercial building codes. Evergreen Fire Department will provide protection. Fire department is approximately one (1) mile from subject building.

- (5) police protection

Property is in the service of the Flathead County Sheriffs Office. Impact should be minimal. Sister building has had little if any activity in past three (3) years.

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- (6) streets

The building will be accessed off Spruce Road, just north of W. Evergreen drive.  
Both Spruce and Evergreen are built to County standards.

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**D. Immediate Neighborhood Impact**

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation

Site is very close to US HWY 2. Thus any excess traffic should disperse easily.  
Majority of traffic generation will stem from building residents only.

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- (2) noise or vibration

Building would be for residential use only and thus impact should be minimal. Past use for vacant lot has been for heavy equipment storage & maintenance and thus this will be a substantial reduction in noise and or vibration.

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- (3) dust, glare or heat

dust, glare or heat will not be generated from this residential building.

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- (4) smoke, fumes, gas, or odors

smoke and or fumes will not be a concern as this is a residential building. Units will not have fireplaces.

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- (5) inappropriate hours of operation

The proposed use is multifamily residential. This is not a commercial business.

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3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts

- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list 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.
  - (*The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.*)

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*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. 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 the approval and development process.*

Falcon Development INC   
Owner(s) Signature (all owners must sign)

6-10-2013  
Date

\_\_\_\_\_  
Applicant Signature (if different than above)

\_\_\_\_\_  
Date

JUN 14 2013