

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-16-11)**  
**CARRIE MCPHERSON**  
**JUNE 17, 2016**

This is a report to the Flathead County Board of Adjustment regarding a request from BJ Grieve of WGM Group, Inc., on behalf of Carrie McPherson for a conditional use permit to allow for a two phase, 349 rental unit, six building mini-storage on the subject property. The subject property is located within the Blanchard Lake Zoning District and is zoned 'B-2 General Business' and 'SAG-5 Suburban Agricultural'.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on July 5, 2016 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

**B. Board of Adjustment**

This space is reserved for an update regarding the July 5, 2016 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant**

Carl Construction  
6250 Kestrel Court Suite #2  
Missoula, MT 59808

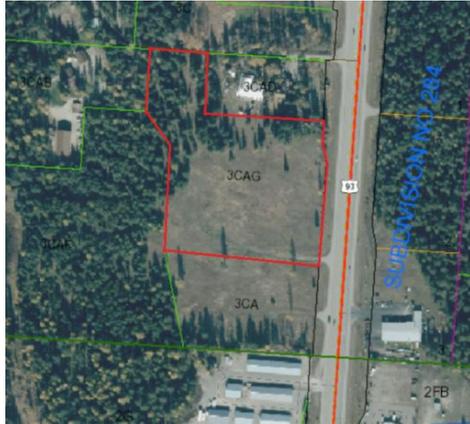
**ii. Landowner**

Carrie McPherson  
220 Minnesota Avenue  
Whitefish, MT 59937

**B. Property Location and Size**

The subject property is located at 5060 Highway 93 South, Whitefish Montana and is approximately 6.7 acres. The property can be legally described as Tract 3CAG in Section 24, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana (see Figure 1 below).

**Figure 1:** Subject property outlined red



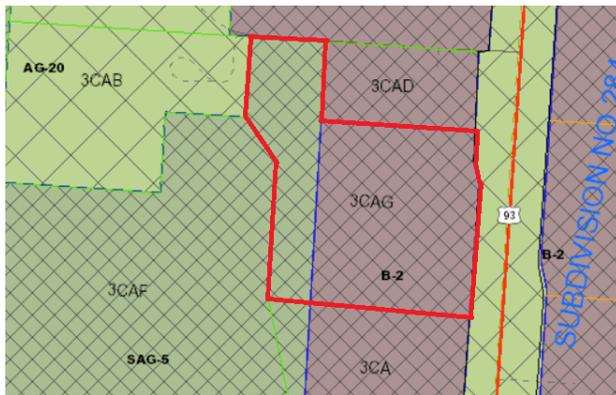
**C. Existing Land Use(s) and Zoning**

The property is currently undeveloped. The property is located within the Blanchard Lake Zoning District and is zoned ‘B-2 General Business’ and ‘SAG-5 Suburban Agricultural.’ B-2 is “A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities.” SAG-5 is ‘a district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encourage separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.’

**D. Adjacent Land Use(s) and Zoning**

The properties to the north, east and south are similarly zoned B-2 and the property to the west is zoned SAG-5 (see Figure 2 below). The properties to the west are largely undeveloped. To the east and north of the subject property is commercial and to the south is currently undeveloped with an approved Conditional Use Permit for mini-storage/RV storage. (see Figure 2).

**Figure 2:** Zoning surrounding the subject property (outlined red)



## Summary of Request

The applicant is proposing two phases which have an estimated two years completion time for each phase. Per the application, “Phase 1 would include Buildings 1, 2, and 3 and corresponding asphalt approach, facility parking and internal access as well as entry gate with keypad access. Phase 2 would include Building 4, 5 and 6 as well as a 30’ by 30’ office with a bathroom if a COSA is approved for water and wastewater.”

The definition of mini-storage is “*Any real property designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property*” [Section 7.13.080 FCZR] Mini-storage requires a conditional use permit under B-2 zoning [Section 3.17.030(9)].

### E. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on June 15, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the June 19, 2016 edition of the Daily Interlake.

### F. Agency Referrals

Referrals were sent to the following agencies on May 31, 2016:

- Montana Department of Transportation
  - Reason: The property is located on a Montana highway, and has the potential to impact state facilities.
- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department’s jurisdiction, and has the potential to impact county facilities.
- Whitefish Rural Fire Department
  - Reason: The property is located within the department’s jurisdiction, and has the potential to impact Whitefish Rural Fire Department response.
- Flathead-City-County Environmental Health Department
  - Reason: The property is located within the department’s jurisdiction.
- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department’s jurisdiction and new construction could lead to the development of weeds on the subject property.
- Montana Department of Natural Resources and Conservation
  - Reason: The DNRC has requested a copy of all agency referrals.
- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.
- Whitefish Planning Department
  - Reason: The property is located near to the city.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

No written public comments have been received to date regarding this request for a conditional use permit. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for July 5, 2016. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Montana Department of Transportation
  - Comment: “The proposal will have direct access to Highway 93 via a joint-use approach. The owner’s representative has contacted MDT about the proposal and we agree that the location of the existing joint-use access as indicated on the submittal is acceptable for this proposal. As this will be a change in use of an existing access and the approach will be reconstructed within the right of way then the owner will need to obtain a new joint-use approach permit from MDT. They are currently going through the process of obtaining a new joint-use approach permit.” Email dated 6.14.16
- Bonneville Power Administration
  - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated 6.6.16
- Department of Natural Resources and Conservation
  - Comment summarized fire protection and wildland urban interface. Email received 6.15.16
- Flathead City-County Health Department
  - Comment: “This parcel was created by COS 20122 which imposed a sanitary restriction. The parcel is subject to review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal before the proposed development can be approved.” Email received 6.15.16

### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

#### **A. Site Suitability**

##### **i. Adequate Usable Space**

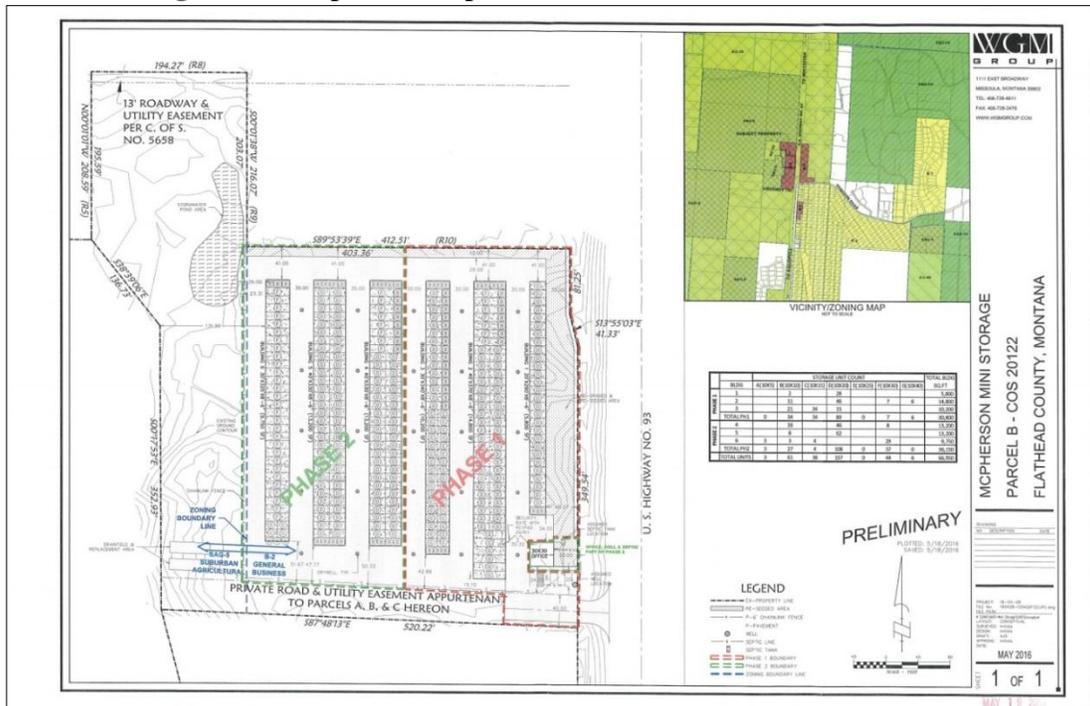
The subject property is currently zoned ‘B-2’ and ‘SAG-5’. In the ‘B-2’ zone, the minimum lot size is 7,500 square feet. The applicant is proposing to construct six storage buildings in two phases. Phase 1 includes Building 1 which will be 5,800 square feet, Building 2 will be 14,800 square feet and

Building 3 will be 10, 200 square feet. Phase 2 includes Building 4 which will be 13, 200 square feet, Building 5 will be 13,200 square feet and Building 6 will be 9,750 square feet. A 30 feet by 30 feet office will be included in Phase 2 which will add an additional 900 square feet. The permitted lot coverage in a B-2 zone is not applicable.

According to the application, “The site will be developed with six mini-storage buildings containing a total of 349 rental units that meet required setbacks from the property lines and separation between structures. Customers and emergency vehicles will be able to maneuver within the 30’ lanes provided between proposed structures. The property on which the structures are proposed also has usable space outside the area to be developed with structures. This usable space may be used for locating a storm water pond as well as a drain field and replacement area as necessary during DEQ review of a Certificate of Subdivision Approval.” The proposal provides for 4 off-street parking spaces, 40 foot access, five 30 foot wide lanes between building and one 26 foot wide lane on the west side of the property. The front setback for the property is 20 feet, the rear setback is 15 feet and the side setback is 15 feet. The site plan shows the buildings located outside the required setbacks. (Figure 3) Based on the submitted site plan and staff’s site visit there appears to be adequate space to accommodate the proposed use on the property.

**Finding #1** – The subject property appears to contain adequate usable space because the lot is approximately 6.7 acres which is larger than the minimum lot size required, the proposed buildings will be located outside the setbacks, there is no restriction on permitted lot coverage, and there will be adequate room for parking.

**Figure 3:** Proposed site plan



**ii. Adequate Access**

The application states, “Access to the site will be directly off of Highway 93. After approval of a Conditional Use Permit and prior to commencement of the use of the property for mini-storage, the applicant will work with the Montana Department of Transportation (MDT) to obtain a shared use approach permit with a physical approach that meets agency specifications.

After the MDT approach is crossed, the site will then be accessed by an asphalt driving surface entering the mini-storage facility at the southeast corner of the property. Phase 1 of the proposed facility will be Buildings 1, 2, and 3 and an entry gate with a keypad for access. Phase 2 of the proposed facility will be Buildings 4, 5 and 6 and a 30’ by 30’ on site office if a COSA can be approved for water and wastewater (a COSA for storm water will be required regardless). If a COSA for water and wastewater is not approved, no on-site office will be constructed and the entire facility will simply be accessed by the entry gate and keypad for future operations.

Mini-storage customers will proceed through the single, secure access point and drive to their storage unit. The single point of entry will help improve facility safety by controlling access.”

The subject property is located on Highway 93 a paved four lane principal arterial highway and is within a 60 foot easement. The site plan shows one access located at the southeast corner of the property. Based on staff’s site visit it appears there is adequate sight distances from the proposed access to enter and exit the property safely. All access onto Montana Highways shall have been approved by the Montana Department of Transportation with the issuance of an approach permit, per Section 6.16.010(4) [FCZR].

**Figure 4:** Access off Highway 93 in front of subject property



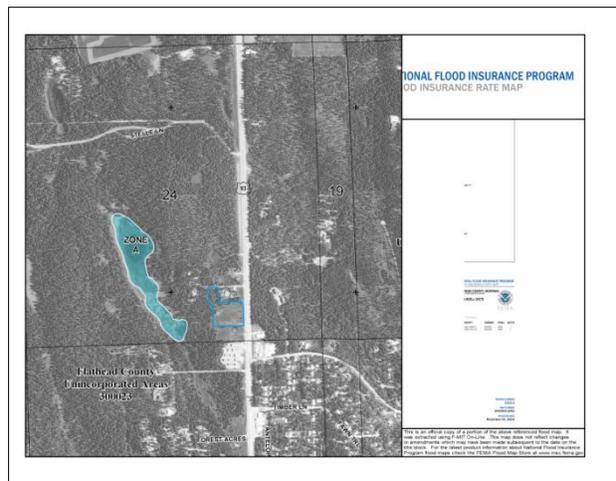
**Finding #2** – There appears to be adequate access for the proposed use because the site plan shows a 40 foot wide drive within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain a new approach permit from Montana Department of Transportation.

**iii. Absence of Environmental Constraints**

According to the application, “The subject property is not mapped as Special Flood Hazard Area on FEMA’s FIRM panel, and does not exhibit wetlands,

rock outcroppings or steep slopes. There are no known hazards requiring remediation on the subject property. The property currently has a sanitary restriction and in order to lift that restriction the property must be reviewed for compliance.” The subject property is relatively flat with no significant elevation changes. The subject property is located on FEMA FIRM panel 30029C 1405J, the lot is located in an un-shaded Zone X and classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the parcel and there appears to be no other environmental constraints.

**Figure 6:** FEMA FIRMette 30029C 1405J (Subject property outlined in blue)



**Finding #3** – As proposed, the mini-storage appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.

## B. Appropriateness of Design

### i. Parking Scheme

The applicant states, “The proposed facility will have four standard vehicle parking spaces and one ADA-compliant parking space available at the entry. These parking spaces will serve Phase 1 when an entry gate with a keypad is developed, and will also serve a facility office if one is constructed with Phase 2. If a COSA is not approved for water and wastewater to serve an office and no office is constructed, the parking outside the gate will simply serve the facility.

Additionally, temporary parking will be provided throughout the facility in compliance with Section 4.13.060 of the Flathead County Zoning Regulations. All parking/driving lanes will be 30’ wide when storage units open to both side of the lane (between Buildings 1, 2, 3, 4, 5 and 6) and 26’ wide when units only open to one side of the lane (west of Building 6).”

Per Section 4.13.050 [FCZR], One (1) parking space shall be provided for the on-site manager with two (2) additional spaces provided at the leasing office.

Based on the applicant's submitted site plan and staff's site visit to the subject property, there appears to be adequate space for the required parking.

Section 6.14.010 [FCZR] requires all parking surfaces to be designated properly by painted lines or other methods of demarcation, therefore the applicant will be required to clearly designate and demarcate parking spaces.

**ii. Traffic Circulation**

The applicant states, "Prior to operating as a mini-storage warehouse facility, an approach permit will be secured from MDT acknowledging the use on Parcel B of COS #20122. Vehicles will enter the property from a shared approach on U.S. Highway 93 and park at spaces near the entry. A security gate will allow customers one point of access to the facility to provide for greater security. Buildings will be spaced 30' apart per Flathead County Zoning Regulations for double-sided access. Space is provided at the ends of buildings for turning and backing to access all buildings in all directions."

The site is accessed from Highway 93, a paved four lane Montana Highway. The site plan shows traffic aisles approximately 30 feet wide between storage buildings and the applicant has stated there will be a 26 foot wide aisle on the west side of the property. This appears to meet the requirements for Section 4.13.060 [FCZR]. The access drive width of 40 feet would provide for adequate travel lanes for ingress and egress. The proposed parking areas appear large enough to accommodate the number of proposed spaces, while affording adequate and compliant internal traffic circulation.

**Finding #4** – The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows 5 designated and demarcated parking spots and the proposed traffic aisle widths meet standards set forth in Section 4.13.060 [FCZR].

**iii. Open Space**

The subject property is approximately 6.7 acres in size and the proposed buildings would cover 67,040 square feet or 1.54 acres of the total lot. The applicant states, "The proposed design incorporates a sloped 40' wide buffer on the east side of the property from the edge of the highway right of way to the east side of Building #1. This space is twice the otherwise required front yard setback in a "B-2 general Business" zone and provides a modest additional separation from the highway to the mini-storage buildings. This space will be re-vegetated after grading in accordance with a SWPPP to prevent weeds and erosion. A 12' wide buffer on the north side of the property will similarly be re-vegetated after grading in accordance with a SWPPP.

Additionally, the west side of the subject property is currently zoned "SAG-5 Suburban Agricultural" so no mini-storage buildings are proposed there at this time. This space may be used for a storm water pond and drain field and replacement area as an appropriate use of open space to serve a mini-storage facility." The proposed size of the buildings and location shown on the site plan would be able to comply with the setbacks requirements within the B-2 zone.

**iv. Fencing/Screening**

The application states, “The entire perimeter of the property will have a 6’ chain link fence, compliant with Flathead County Zoning Regulations for fence heights in B-2 and SAG-5 (far west side of the proposed mini-storage warehouse site) zones.” Fencing constructed on the property will be required to comply with Section 5.04 [FCZR].

**v. Landscaping**

Landscaping is not required within B-2 zones and SAG-5 zoning is not residential. The application states, “No landscaping is required since the proposed mini-storage warehouse facility is not located adjacent to a residentially zoned area.” The site plan shows reseeded open space on the east and north yards and natural open space on the west side of the property.

**Finding #5** – The proposed open space on the north, east and west sides of the subject property appears adequate because there are no lot coverage restrictions in B-2 zones and SAG-5 zones are not considered residential.

**vi. Signage**

The applicant states “The proposed mini-storage warehouse facility is restricted to signage allowed in a B-2 zone. The property has 472.12’ of highway frontage and the storage building nearest the highway frontage (Building 1) has 290’ of building frontage. The proposed mini-storage facility is allowed a combination of free-standing, ground and off-site signs with total square footage determined by building frontage length as well as wall signs at a ratio of 1 square foot of wall sign for each lineal foot of building frontage length. The exact size and type of signage that may be used on the subject property has not yet been determined. The applicant will develop signage on the subject property that complies with the requirements of the Flathead County Zoning Regulations.” When the applicant installs signage, it must conform to Section 5.11 FCZR.

**Finding #6** – There will be limited impacts resulting from signage because the applicant will be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.

**vii. Lighting**

The applicant has stated, “Facility lighting will be located on the ends of buildings and on the sides of buildings. Sections 5.12.20 and 5.12.030 of the Flathead County Zoning Regulations appear to apply to a porch or yard lighting and lighting adjacent to or abutting a residential land use district, neither of which apply to mini-storage lighting in a B-2 zone. However, for purposes of efficiency and cost-savings, lighting in the proposed mini-storage facility will generally be directed downward to illuminate only the ground and sides of buildings for safety and security.” When the applicant chooses to install lighting it must comply with performance standards set forth in [FCZR] Section 5.12.

**Finding #7** – There will be limited visual impacts resulting from lighting because the proposed lighting and future lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.

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

#### **i. Sewer**

Comment from Flathead City-County Health Department states, “This parcel was created by COS 20122 which imposed a sanitary restriction. The parcel is subject to review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal before the proposed development can be approved.”

The applicant states, “The subject property was created via family transfer in 2015 with a sanitary restriction and therefore has not been reviewed for wastewater. The applicant wishes to build six mini-storage buildings that do not require water or wastewater. The applicant also plans to build a 30’ by 30’ office with a bathroom as part of Phase 2, but at this time does not have a COSA. If a COSA is approved for wastewater, the applicant plans to build the office as part of Phase 2. However, if a COSA for wastewater is not approved, the facility will simply be six buildings of mini-storage with a single entry gate controlled by a keypad.”

#### **ii. Water**

Comment from Flathead City-County Health Department states, “This parcel was created by COS 20122 which imposed a sanitary restriction. The parcel is subject to review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal before the proposed development can be approved.”

The applicant states, “The subject property was created via family transfer in 2015 with a sanitary restriction and therefore has not been reviewed for wastewater. The applicant wishes to build six mini-storage buildings that do not require water or wastewater. The applicant also plans to build a 30’ by 30’ office with a bathroom as part of Phase 2, but at this time does not have a COSA. If a COSA is approved for wastewater, the applicant plans to build the office as part of Phase 2. However, if a COSA for wastewater is not approved, the facility will simply be six building of mini-storage with a single entry gate controlled by a keypad.”

**Finding #8** – The proposed use is expected to minimally impact public water and sewer services because the proposed development requires review under the Sanitation in Subdivisions Act and must be reviewed before being approved for the proposed use.

#### **iii. Storm Water Drainage**

The applicant states “Parcel B of COS #20122 was created by Aaron S. McPherson on October 21, 2015 using a family transfer exemption. The family transfer also claimed an exemption from DEQ review by stating that no new facilities will be constructed on the parcels. Therefore, prior to construction of

sewer, water and storm water facilities, the subject property must undergo sanitation review and have a COSA approved. Regardless of whether or not a COSA can be approved for water and wastewater to serve an office...a COSA will need to be approved for storm water for Phases 1 and 2.” The use must also be approved for storm water drainage through the Sanitation in Subdivisions Act. All parking areas and access driveways shall have at a minimum, per Section 6.13.010(1) [FCZR], adequate drainage so that injuries not be caused to adjacent properties nor will water drain across a public walk. All storm water runoff is required to be absorbed on-site.

**Finding #9** – The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and will go through review under the Sanitation in Subdivisions Act.

**iv. Fire Protection**

The applicant states, “The property is served by the Whitefish Rural Fire District. The nearest fire station is at the intersection of Whitefish Stage and Hodgson Road, approximately two road miles away.” Due to the proximity to a fire station, quick response times in the event of an emergency are possible.

**v. Police Protection**

The application states, “The subject property is served by the Flathead County Sheriff’s Office. Call volume from the proposed facility is anticipated to be very low.” The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in an emergency would not be unreasonably long given the property’s proximity to an urban, developed area of the County.

**vi. Streets**

As stated in the application, “The proposed mini-storage facility will be accessed via U.S. Highway 93. Prior to operation as a mini-storage facility, a shared-use approach permit will be secured from the Montana Department of Transportation verifying that the approach meets MDT standards for location and construction and property being served.” Highway 93 is classified as a principal arterial and is a paved four lane highway within a 60 foot right-of-way. Highway 93 is maintained by the Montana Department of Transportation.

**Finding #10** – The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by Highway 93, a paved four lane principal arterial.

**D. Immediate Neighborhood Impact**

**i. Excessive Traffic Generation**

The applicant states,” According to a spread sheet prepared by the Florida Department of Transportation using the 8<sup>th</sup> Edition of the ITE Trip Generation Manual, 349 units of mini-storage will generate approximately 87 average daily

trips, with a p.m. peak of seven trips. The proposed mini-storage facility will access directly off U.S. Highway 93 South. There is a traffic count location approximately 1.5 miles south of the subject property that shows an Average Annual Daily Traffic (AADT) value of 14,140 for 2014. Based on this, approximately 87 additional average daily trips from the proposed mini-storage facility would not be “excessive” traffic generation.

The applicant will contact MDT and determine and comply with all of MDT’s requirements for an approach to serve the proposed mini-storage facility. This will mitigate potential impacts by meeting MDT’s design standards for approaches for the proposed land use.”

Comments from the Montana Department of Transportation states, “The proposal will have direct access to Highway 93 via a joint-use approach. The owner’s representative has contacted MDT about the proposal and we agree that the location of the existing joint-use access as indicated on the submittal is acceptable for this proposal. As this will be a change in use of an existing access and the approach will be reconstructed within the right of way then the owner will need to obtain a new joint-use approach permit from MDT. They are currently going through the process of obtaining a new joint-use approach permit.”

The subject property is located within a B-2 zone and there are other commercial facilities in the area. The amount and type of traffic resulting from the proposed use is anticipated to be similar to existing traffic conditions on Highway 93, and does not appear to generate traffic out of character for the area.

**Finding #11** – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated to be similar to existing traffic conditions in the area. A new approach permit is required from the Montana Department of Transportation.

**ii. Noise or Vibration**

The applicant states, “The only noise will be the sound of vehicles arriving and departing and using the facility. Traditionally mini-storage is a relatively quiet land use. Repair work is not allowed on site and after construction is complete there is no equipment on-site that would create vibration that would create a deleterious impact to neighbors. While some noise and vibration will naturally occur as a result of construction activities related to the development of the building, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise or vibration beyond what is typical for a commercial area is anticipated as a result of the proposed mini-storage.

**Finding #12** – The proposed use is not anticipated to have an immediate neighborhood impact because the mini-storage will not create excessive noise or vibration.

**iii. Dust, Glare or Heat**

The application states, “The proposed mini-storage facility will be constructed with matte-finished metal structures and will not create a glare that is uncharacteristic of a B-2 General Business zone. The facility will be paved to prevent dust. Heat will be anticipated during the summer but will not have a deleterious impact on adjoining land uses.”

While some dust is anticipated during construction activities, the resulting impacts will be limited in duration, similar to the impacts of construction noise and vibration. Highway 93 is a paved highway and the proposed public parking spaces and aisles between the storage buildings will also be paved.

As with any development, increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as the surrounding area. However, these impacts can be mitigated by retaining open space on the subject property in conformance with the bulk and dimensional requirements of the zoning and ideally, landscaping these areas or maintaining them as grass or other types of pervious surfaces.

**Finding #13** – The proposed use is not anticipated to have an immediate neighborhood impact concerning dust, heat or glare because the subject property contains, in its plan and application, matte-finished metal structures and all driving surfaces will be paved.

**iv. Smoke, Fumes, Gas, or Odors**

The applicant states, “The proposed mini-storage facility will be operated in conformance with the Flathead County Zoning Regulations so no propane or gasoline engines or any boat or vehicle will be stored in an enclosed vehicle. No repair work, etc. will occur within a storage unit.”

The proposed mini-storage is not expected to create any smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage. The proposed use will likely not impact the surrounding neighborhood with regard to these types of emissions.

**Finding #14** – The proposed use is not anticipated to have an immediate neighborhood impact concerning smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage.

**v. Inappropriate Hours of Operation**

The applicant states, “The hours of operation of the proposed mini-storage facility will be 5:00 a.m. to 10:00 p.m. These hours of operation shouldn’t be inappropriate given the surrounding zoning and land uses and proximity and direct access to U.S. Highway 93.”

**Finding #15** – The proposed use is not anticipated to have inappropriate hours of operations and will operate from the hours of 5 a.m. to 10 p.m. in a manner consistent with commercial uses in the surrounding area.

## V. SUMMARY OF FINDINGS

1. The subject property appears to contain adequate usable space because the lot is approximately 6.7 acres which is larger than the minimum lot size required, the proposed buildings will be located outside the setbacks, there is no restriction on permitted lot coverage, and there will be adequate room for parking.
2. There appears to be adequate access for the proposed use because the site plan shows a 40 foot wide drive within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain a new approach permit from Montana Department of Transportation.
3. As proposed, the mini-storage appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.
4. The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows 5 designated and demarcated parking spots and the proposed traffic aisle widths meet standards set forth in Section 4.13.060 [FCZR].
5. The proposed open space on the north, east and west sides of the subject property appears adequate because there are no lot coverage restrictions in B-2 zones and SAG-5 zones are not considered residential.
6. There will be limited impacts resulting from signage because the applicant will be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.
7. There will be limited visual impacts resulting from lighting because the proposed lighting and future lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.
8. The proposed use is expected to minimally impact public water and sewer services because the proposed development requires review under the Sanitation in Subdivisions Act and must be reviewed before being approved for the proposed use.
9. The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and will go through review under the Sanitation in Subdivisions Act.
10. The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by Highway 93, a paved four lane principal arterial.
11. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated

to be similar to existing traffic conditions in the area. A new approach permit is required from the Montana Department of Transportation.

12. The proposed use is not anticipated to have an immediate neighborhood impact because the mini-storage will not create excessive noise or vibration.
13. The proposed use is not anticipated to have an immediate neighborhood impact concerning dust, heat or glare because the subject property contains, in its plan and application, matte-finished metal structures and all driving surfaces will be paved.
14. The proposed use is not anticipated to have an immediate neighborhood impact concerning smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage.
15. The proposed use is not anticipated to have inappropriate hours of operations and will operate from the hours of 5 a.m. to 10 p.m. in a manner consistent with commercial uses in the surrounding area.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for mini-storage on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-16-11 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

## **VII. CONDITIONS**

1. Construction of the mini-storage on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the 'B-2 General Business' zoning designation [FCZR Section 3.19].
4. The subject property shall be required to undergo Sanitation in Subdivision review before being approved for the proposed use.
5. The proposed use shall be reviewed by the Montana Department of Transportation and obtain an approach permit for a mini-storage. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
6. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.

7. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
8. Off street parking spaces must be designated properly by painted lines or other methods of demarcation.
9. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
10. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: DV