



# Flathead County

## Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210

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

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

FEE ATTACHED \$ 700.<sup>00</sup>

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

B-2 Offices.

OWNER(S) OF RECORD:

Name: Fish Fool Properties, LLC Phone: 406-756-5133

Mailing Address: 572 COUNTRY WAY

City, State, Zip Code: Kalispell, MT. 59901

Email: Jerry@SNWMT.COM

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

Name: Jerome J Krier Jr Phone: 406-756-5133

Mailing Address: 572 Country Way

City, State, Zip Code: Kalispell, MT. 59901

Email: Jerry@SNWMT.COM

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address: \_\_\_\_\_ S 33 T 29N R 21W

Subdivision Name: Evergreen Acres Lot 4 Tract No(s): \_\_\_\_\_ Lot No(s): 4 Block No: \_\_\_\_\_

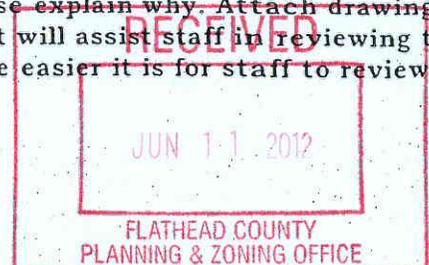
1. Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):

Evergreen Zoning District  
B-2 Zoning classification

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:

Please see attached

<sup>1</sup> Revised: 06/24/10



**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

*Please See attached*

- (2) adequate access

*Please See attached*

- (3) absence of environmental constraints

*Please See attached*

**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

*Please See attached*

- (2) traffic circulation

*Please see attached*

- (3) open space

*Please see attached*

- (4) fencing, screening

*Please See attached*

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(5) landscaping

*Please see attached*

(6) signage

*Please see attached*

(7) lighting

*Please see attached*

**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

*Please see attached*

(2) water

*Please see attached*

(3) storm water drainage

*Please see attached*

(4) fire protection

*Please see attached*

(5) police protection

*Please see attached*

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(6) streets

*Please see attached*

**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

*Please see attached*

(2) noise or vibration

*Please see attached*

(3) dust, glare or heat

*Please see attached*

(4) smoke, fumes, gas, or odors

*Please see attached*

(5) inappropriate hours of operation

*Please see attached*

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

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- 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:

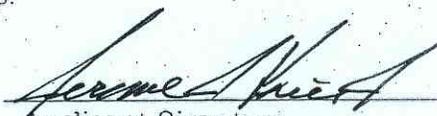
Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**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.)*

\*\*\*\*\*

*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.*

  
 \_\_\_\_\_  
 Applicant Signature

4-15-12  
 \_\_\_\_\_  
 Date

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### CONDITIONAL USE PERMIT APPLICATION

2. The property is zoned B-2. A mobile home use to exist in this location and was removed years back. The sewer, water and electrical connections still exist. The surrounding area to the West of the property is all business buildings and the area is paved asphalt.

Fish Fool Properties, LLC owns lot 3A and lot 4 off of Poplar Street. The proposed modular office building would be utilized by my business for administrative paperwork only. Four employees would exist in the office.

Ample area for parking is available on the North and West sides of the proposed office.

The office building would fit within the minimum setback distances of Front: 20 feet, Sides: 5 feet and Rear: 15 feet.

Traffic would be minimal since this business is administrative only and does not depend on "off the street clientele".

Access is already in place with the access easement from Highway 2 and paved asphalt approaching lot 3A. The area surrounding the proposed office location is asphalt, gravel or weeds.

Parking is planned on the North side of the garage allotting for six 9 x 22 foot spaces. Additional parking is available at the front or West side of the planned office.

A privacy fence for the 107 Poplar Drive residence would be considered for aesthetics and comfort of the property.

Landscaping would consist of shade trees in certain locations where asphalt is not in place.

Signage is not required for the administrative business other than identification of the office.

Lighting is in place with existing businesses already established and from Highway 2.

Sewer and water is in place and the connections exist from the previous mobile home. Storm water drainage is also in place.

Fire protection is just across Highway 2 at Fire Hall 81. Police protection is provided by the Kalispell Police and Sheriff's Department for the Evergreen area.

Streets are in place and no excessive traffic will be generated.

Noise vibration, dust, glare, heat, smoke fumes, gas or odors are not an issue as this facility will be used for administrative functions only.

Hours of operation are Monday through Friday 8:00 AM to 5:00 PM.

#### **A. Site suitability.**

The site is suitable for the use. This includes:

(1) Adequate usable space.

A previous mobile home was situated within the setback requirements. Adequate space is available for a modular office to be located within the setback requirements.

The modular office size is approximately 16 foot wide and 76 feet long.

(2) Adequate Access.

Access would be obtained from US Highway 2 through the developed access easement for Lot 3A and Lot 4.

(3) Absence of environmental constraints.

There are no lakes, streams or greenery. The area is paved asphalt and gravel.

#### **B. Appropriateness of design.**

(1) Parking scheme.

Ample parking can be provided on the North and West side of the proposed office location.

(2) Traffic circulation.

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This office does not require "off street clientele". Traffic circulation would be 99% office employees only ( 4 employees ) The business using the office space does not require solicitation from the public or store front sales. Traffic would flow from US Highway 2.

(3) Open space.

The entire area West of the proposed building location is open to Highway 2.

(4) Fencing, screening.

Fencing between the new office, garage and existing 107 Poplar residence is planned.

(5) Landscaping.

Asphalt, gravel and grass exist. Shade trees are planned for building cooling during summer months.

(6) Signage.

Since this business does not require "off the street clientele". A very small sign located on the building would be sufficient.

(7) Lighting.

Outdoor lighting is in place from highway 2 and businesses adjoining the property lines.

**C. Availability of public services and facilities.**

(1) Sewer.

Yes sewer exists through Evergreen Sewer and water. Connections from the previous mobile home exist.

(2) Water.

Yes water exists through Evergreen Water Department and connections from the previous building exist.

(3) Storm water drainage.

Storm water drainage exists through Evergreen Water and Sewer system installed throughout the premises.

(4) Fire protection.

The fire department is located directly across the street. Fire Hall 81.

(5) Police protection.

Provided by the local Police and Sheriff's department of Kalispell serving the Evergreen area.

(6) Streets.

(7) Streets are in place, developed and paved with asphalt.

**D. Immediate neighborhood impact.**

(1) Excessive traffic generation.

Because the business involves four employees and no " off the street clientele " excessive traffic would not be a factor.

(2) Noise or vibration.

This office is for paperwork / administration. No noise or vibrations will be generated.

(3) Dust, glare or heat.

Because the area is paved with asphalt there is no dust, glare or heat issues.

(4) Smoke, fumes, gas or odors.

No smoke, fumes, gas or odors will be generated from this office conducting administrative paperwork.

(5) Inappropriate hours of operations.

This office operates from 8:00 am to 5:00 pm.

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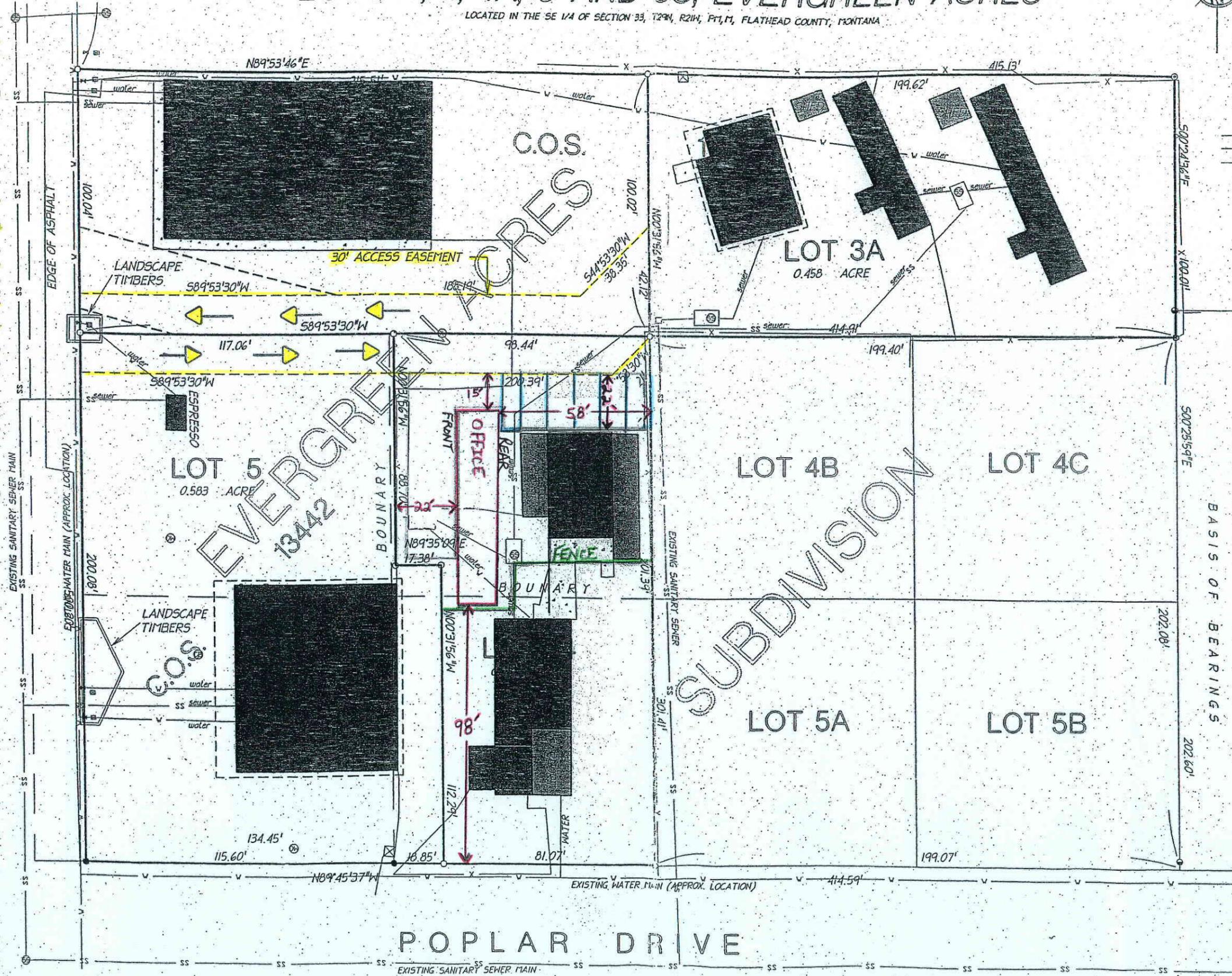
# LOT LAYOUT LOTS 3, 4, 4A, 5 AND 5C, EVERGREEN ACRES

LOCATED IN THE SE 1/4 OF SECTION 33, T29N, R21W, P11M, FLATHEAD COUNTY, MONTANA



10 0 10 20 40 80

U.S. HIGHWAY No. 2



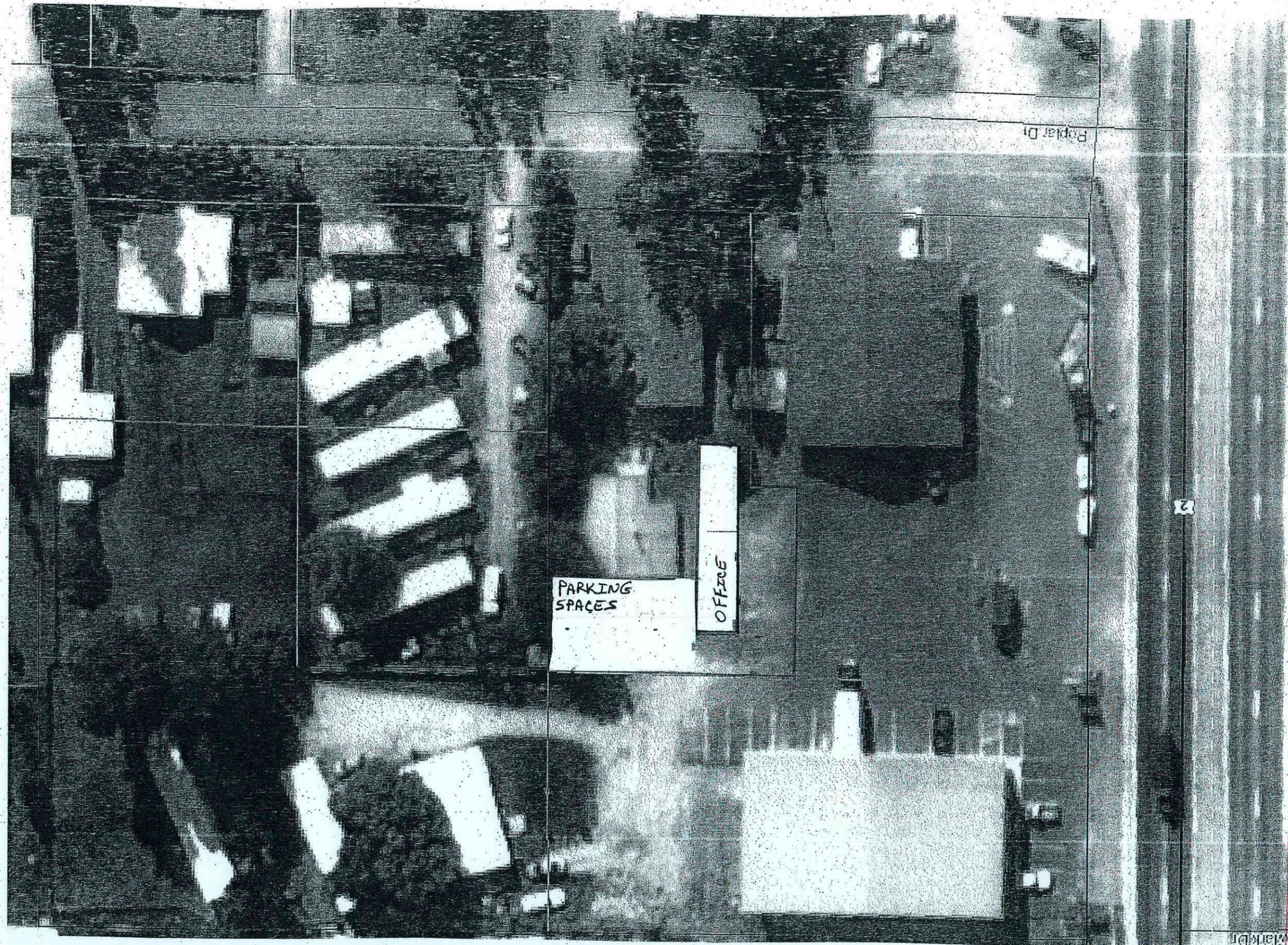
- ◻ WATER METER
- ⊗ WATER GATE VALVE
- ⊙ STORM DRAIN CATCH BASIN
- ⊙ STORM DRAIN DRYWELL
- ⊙ SANITARY SEWER MANHOLE
- SS SANITARY SEWER LINE
- W WATER LINE
- X FENCE

LOT 13A

BASIS OF BEARINGS

**RECEIVED**  
 JUN 11 2012  
 FLATHEAD COUNTY  
 PLANNING & ZONING OFFICE

POPLAR DRIVE



PARKING SPACES

OFFICE

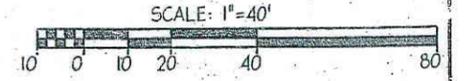
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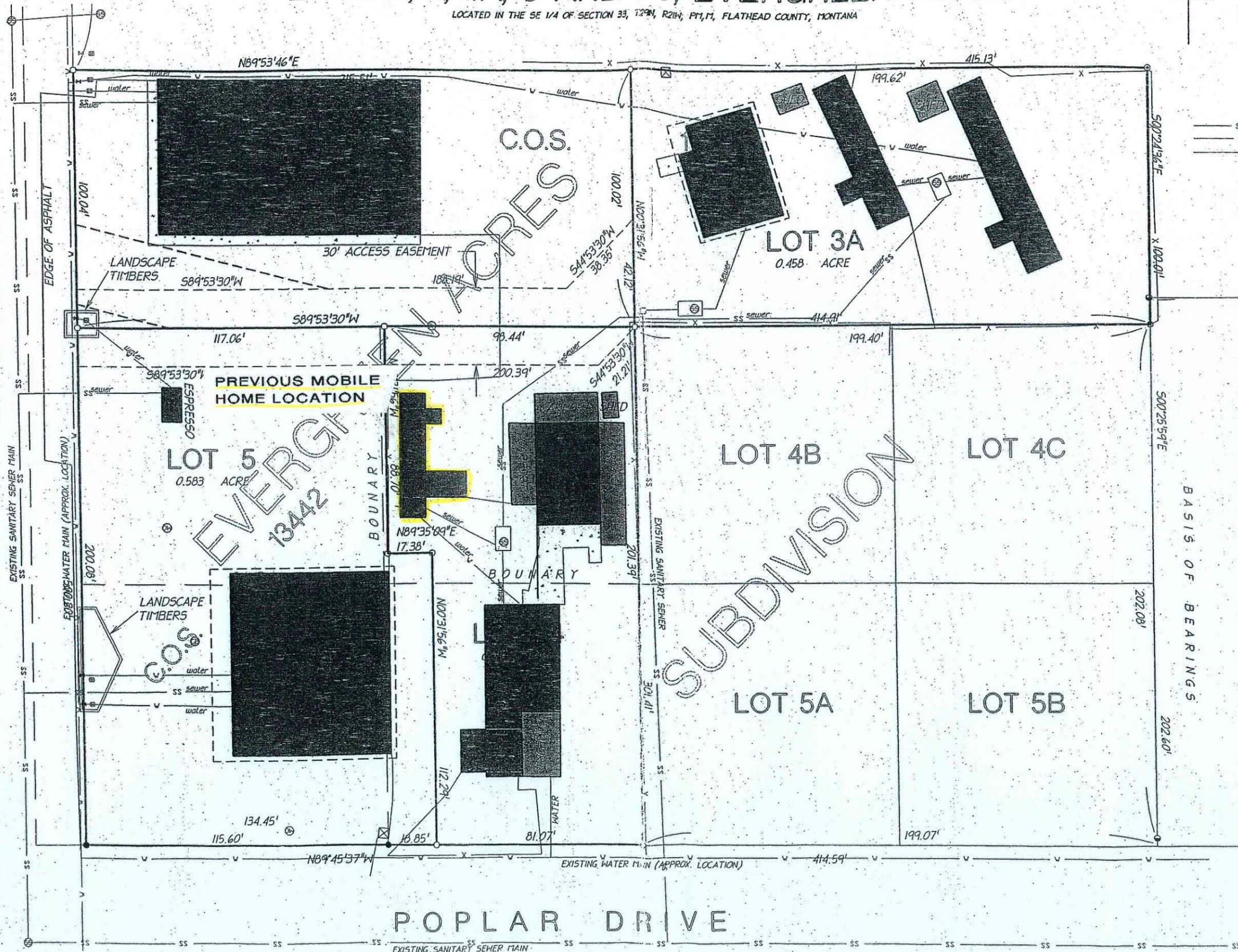
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FLATHEAD COUNTY  
PLANNING & ZONING OFFICE

# LOT LAYOUT LOTS 3, 4, 4A, 5 AND 5C, EVERGREEN ACRES

LOCATED IN THE SE 1/4 OF SECTION 33, T24N, R21W, P11M, FLATHEAD COUNTY, MONTANA



U.S. HIGHWAY No. 2



- WATER METER
- ⊗ WATER GATE VALVE
- ⊕ STORM DRAIN CATCH BASIN
- ⊖ STORM DRAIN DRYWELL
- ⊙ SANITARY SEWER MANHOLE
- SS — SANITARY SEWER LINE
- V — WATER LINE
- X — FENCE

LOT 13A

BASIS OF BEARINGS

RECEIVED

JUN 11 2012

FLATHEAD COUNTY  
PLANNING & ZONING OFFICE

POPLAR DRIVE

EXISTING SANITARY SEWER MAIN

EXISTING WATER MAIN (APPROX. LOCATION)