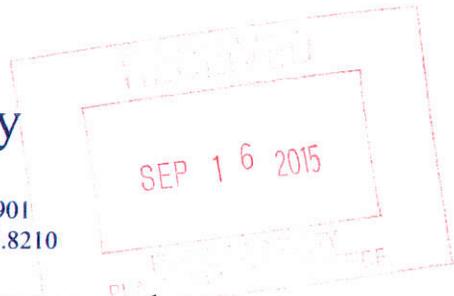


Flathead County Planning & Zoning

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



CONDITIONAL USE PERMIT APPLICATION¹

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 \$ _____

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

Restaurant in B-1 zone. "Drive through Espresso and food"

OWNER(S) OF RECORD:

Name: Mark Rhodes Phone: 406 885-3004

Mailing Address: Po Box 445

City, State, Zip Code: Kila MT 59920

Email: Amy.Rhodes@myway.com

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

Name: Michael Rozell Phone: 406 250 4023

Mailing Address: Po box 4617

City, State, Zip Code: Whitefish MT 59937

Email: Tamale.Lujah@gmail.com

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address: 4885 Hwy 93 S. S 25 T 30 R 22

Subdivision Name: Happy Valley Homesites Tract No(s). _____ Lot No(s). 286 Block No. _____

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

Happy Valley, B-1 County

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:

A. Site Suitability.

The site is suitable for the use. This includes:

- (1) adequate usable space

See Attachment 1

- (2) adequate access

See Attachment 1

- (3) absence of environmental constraints

See Attachment 1

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

See Attachment 1

- (2) traffic circulation

See Attachment 1

- (3) open space

See Attachment 1

- (4) fencing, screening

See Attachment 1

(5) landscaping

See Attachment 1

(6) signage

See Attachment 1

(7) lighting

see Attachment 1

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

See Attachment 1

(2) water

See Attachment 1

(3) storm water drainage

See Attachment 1

(4) fire protection

see Attachment 1

(5) police protection

see Attachment 1

(6) streets

See Attachment 1

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

See Attachment 1 + 2

(2) noise or vibration

See Attachment 1 + 2

(3) dust, glare or heat

See Attachment 1

(4) smoke, fumes, gas, or odors

See Attachment 1 + 2

(5) inappropriate hours of operation

See Attachment 1 + 2

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 9/11/15 Planner's Signature [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.

[Signature]
Owner(s) Signature (all owners must sign)

9-16-15
Date

[Signature]
Applicant Signature (if different than above)

9/16/15
Date

Attachment 1

A. Site Suitability.

1. The site is adequate for the usage of an espresso stand/drive up, take out, and delivery food shack; providing stacking spaces, employee, and additional parking if needed.
2. This site is directly connected to US Highway 93 via a paved approach being able to allow traffic to come in and out of the property smoothly.
3. The property is currently undeveloped outside of the stand and flat paved area making it absent of any environmental constraints.

B. Appropriateness of Design.

1. The parking lot is constructed and designed to have 2 parking spaces for employees, additional stacking parking spaces, and additional other parking if necessary.
2. There will be a 3-4 car stacking parking available and also 3-4 car parking available if necessary for any high volume times. The previous tenant was approved for up to 200-300 vehicle traffic per day with this same stacking but without the additional 3-4 parking spaces we intend to provide.
3. There is a significant amount of undeveloped space available which can be used if any issues or expansions arise.
4. There is existing fencing already constructed to allow all residents and people to know and see where the boundaries are for property and creates privacy.
5. No specific requirements are listed for landscaping under a B-1 Zoned area.
6. The signage was approved for previous business and there will be no changes to the structure of the sign.
7. The building has self-illuminant lights. They are soffit lights directed downward so only building is affected by lighting.

C. Availability of Public Services and Facilities.

1. The sewer was designed to sustain a commercial area. This would be adequate for our project.
2. This site is already receiving water from the Happy Valley Water and Sewer District for utility purposes approved by the Flathead City County Health Department.
3. The site will add minimal storm water run-off and will go from drains to an existing drainage ditch.
4. The area the site is on is served by the Whitefish Rural Fire district.
5. The area the site is on is served by the Flathead County sheriff.
6. Direct access in and out of property onto Highway 93, which was created for high volume traffic.

D. Immediate Neighborhood Impact

1. Customers are projected to come from the highway or from the gas station which sees non-stop traffic from very early to late hours of the day. The project will not cause any additional amount of traffic that isn't already known to the area.
2. The project will blend in with the noise and or vibration level that the mini-mart and highway already creates.
3. The property is paved and we do not anticipate any dust control issues. A fence was put in to prevent a glare from stationary cars sitting at the stand going into the surrounding homes.
4. Again, the stand will not create any smoke, fumes, gas, and/or odors that are not already created by the highway or the mini-mart.
5. Highway 93 sees traffic from all hours of the day and night and the mini-mart is open from 6am-10pm. The project would be open from 6am-11pm which would add very additional little traffic in the last hour of operation, which would mostly be used for clean and prep for the next days business.

Attachment 2

Additional notes:

There are a few comments we would like to add to help communicate what we desire to do and how it will affect, or not affect, the surrounding residents and community.

The property that our project is utilizing is an already existing facility accessed by U.S Highway 93 via an existing entrance road, and is across from a mini-mart mobile station. These two factors bring to light a few different elements, namely:

1. Traffic from surrounding factors

- U.S 93 is a main highway used by vehicles of all sorts, all hours of the day and night. The mini-mart across from our facility is open from 6am-10pm daily, seeing large amount of traffic during hours of operation. Also, the traffic heading North on 93 utilizes our property's access road to cut over to the gas station. The reason this is being mentioned is to establish that the traffic our project will add will simply blend in with the existing traffic that enters through our access road and that the community is already used to.

2. Noise

- The noise from our project will be minimal. The traffic noise that will result from people coming through our drive-through will simply blend into the noise the highway and mini-mart already produce.

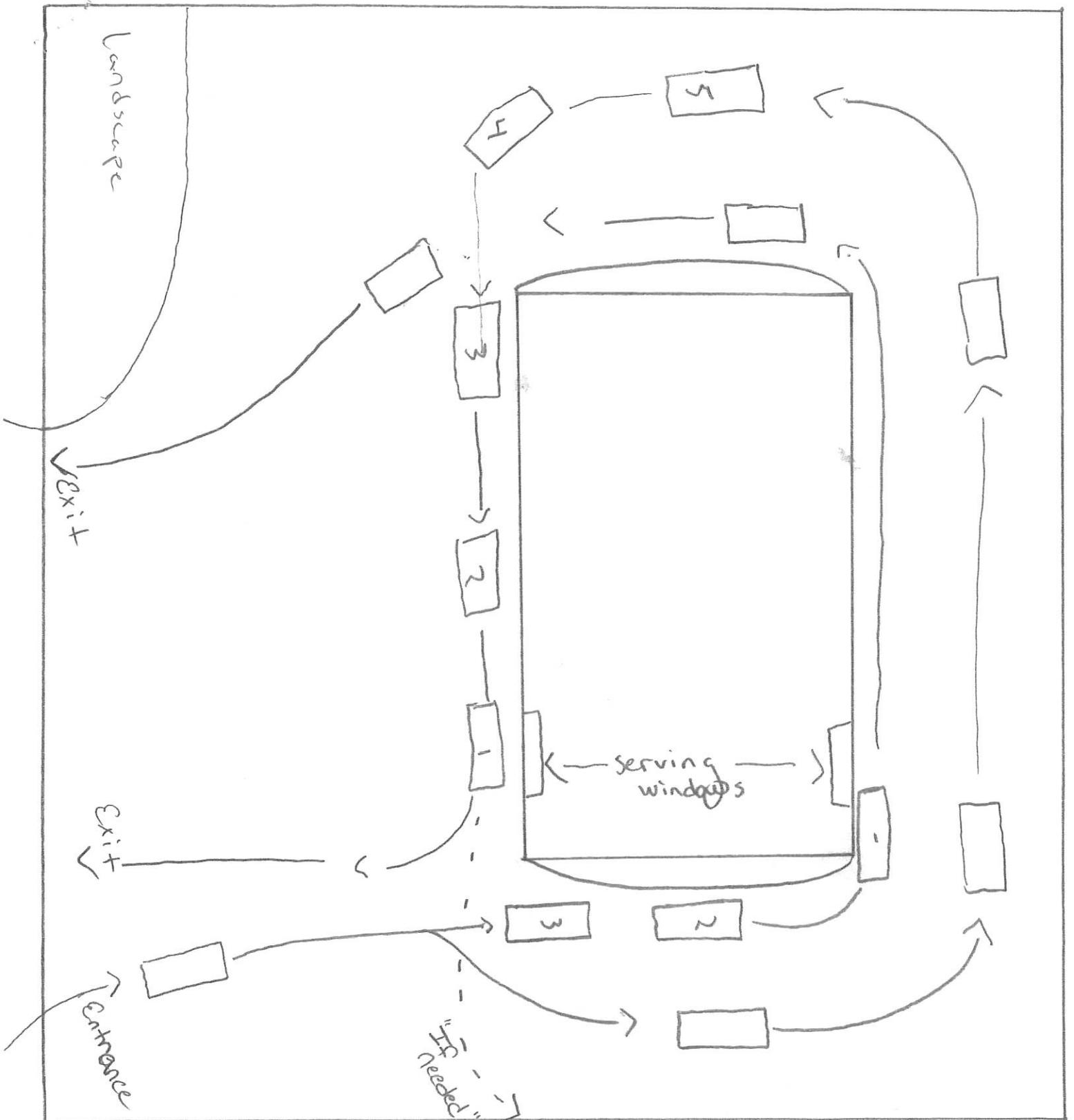
3. Smell

- The only new smell that will be added by our project will be that of things like cooked hamburgers or french fries, which we believe will dissipate relatively quickly, not carrying very far. To note, the smell of diesel and gasoline is already very present as you drive upon the property and is very pervasive, so the additional smells from our espresso/food stand would most likely be covered with these already existing smells.

4. Traffic from our project

- As noted in our application, we desire to make a change to the operations of the existing espresso stand. We desire to not only offer coffee and pre-prepared foods as was currently being done, but also provide a limited menu of cooked food. This could create a concern in regards to creating more traffic by adding cooked foods to the menu, but statistics say that espresso stands actually create a larger amount of traffic than food drive-up stands. Since there is already an existing approval for an espresso stand with an approved traffic load of up to 200-300 cars per day, based on statistics adding food to our project should not change the amount of cars we would see on a day-to-day basis.

- Additionally, our plan is to also offer delivery. We have plenty of space, as shown in the site plan drawing, to have the cars of employees be parked along with additional space for customer "wait time" parking if needed. In line with this, a space for a delivery car to come and go would be available.



Additional Parking	Employee Parking
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Google Maps Google Maps

Our property



Imagery ©2015 Google, Map data ©2015 Google 20 ft

--- = property boundary



Imagery ©2015 Google, Map data ©2015 Google 100 ft

both traffic for our project and mobile station use this access road.

1 - Our entrance and exit is also used by customers to and for the mobile station all hours of the day. Our property with the project desired won't add much additional traffic, that the community isn't already used to.

2 - cars from mobile station will exit via our access road.