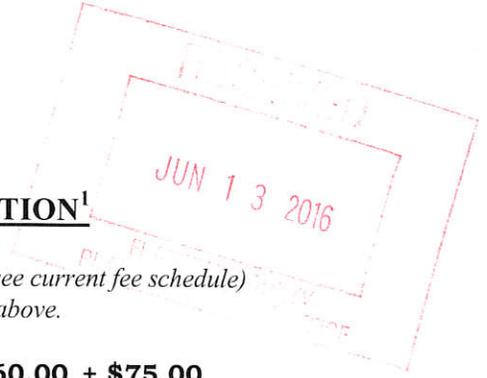


Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



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 \$ 760.00 + \$75.00

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

Tavern/Casino.

OWNER(S) OF RECORD:

Name: Den Gar Properties, LLC. – Attn: Gary Ohs Phone: (406)862-5561
Mailing Address: 1955 Hodgson Road
City, State, Zip: Whitefish, MT 59937
Email: _____

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

Name: Sands Surveying, Inc. Attn: Eric Mulcahy Phone: 755-6481
Mailing Address: 2 Village Loop
City, State, Zip Code: Kalispell, MT 59901
Email: eric@sandssurveying.com

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street
Address: 1985 Hodgson Road S 25 T 30 R 22
Subdivision Tract Lot Block
Name: N/A No(s). 2FB No(s). _____ No. _____

- Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**
B-2 (Blanchard Lake Zoning District)
- 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

The applicant has 3.8 acres of property which was the old location of the of Midway Motors car lot. Should the Board approve this Conditional Use Permit the applicant will remove the existing buildings on the property and replace them with a new 4,500 square foot tavern/casino building. The 3.8 acres has more than adequate space for the building and parking. Based on a potential for 71 seats in the building and four employees at maximum shift, the Flathead County Zoning Code would require 22 parking spaces.

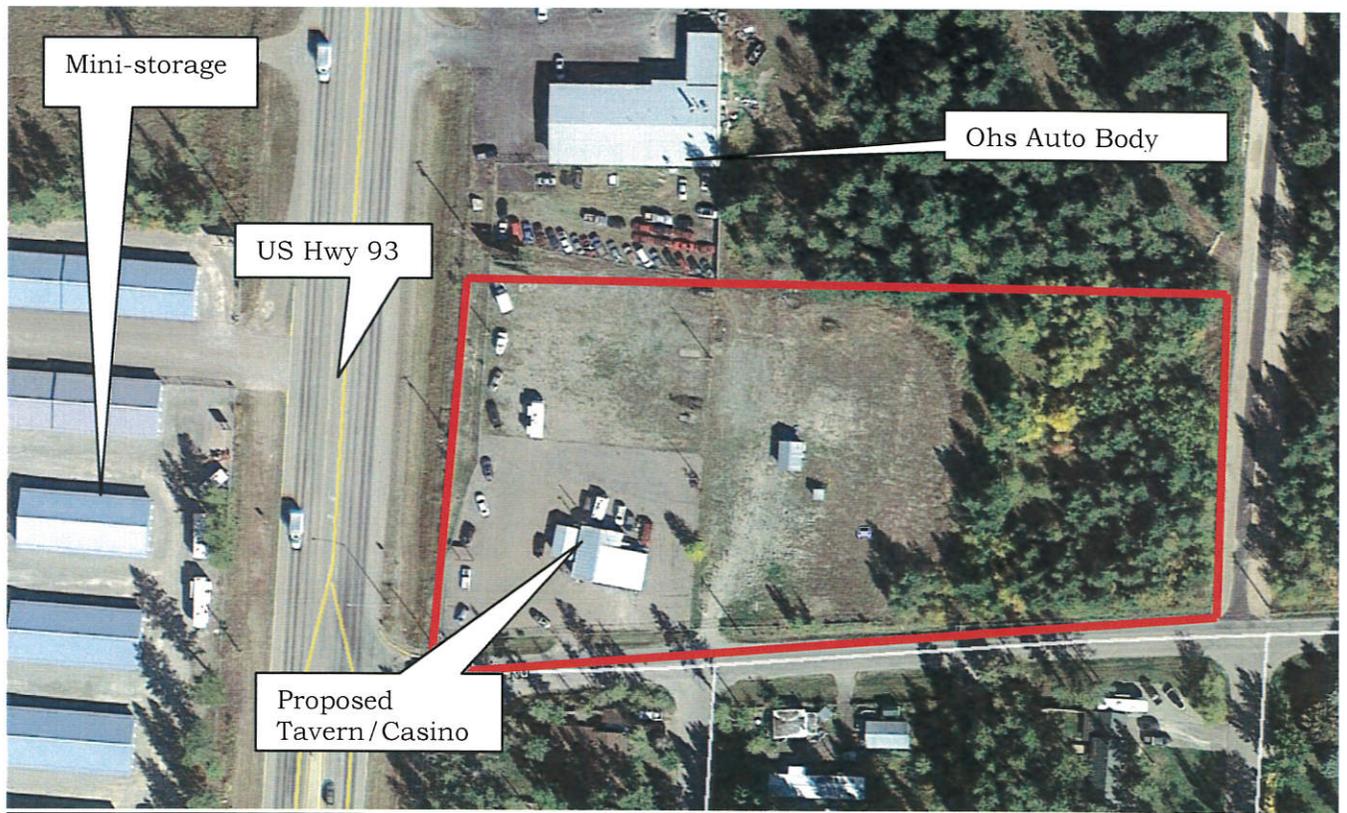


Figure 1: Dengar Property – Source Google Earth Photo

- (2) adequate access

Access is via an approach off of Hodgson Road. Hodgson Road is a county paved and maintained road and is considered a collector road for the County. The property also fronts on Highway 93 on the west but the property has no access to the Highway and none is proposed. The eastern driveway approach provides adequate site distance and width for the use.

- (3) absence of environmental constraints

The property is void of steep slopes, waterbodies, floodplains, hydric soils, and any of the typical issues that pose a constraint to development.

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 attached for the building and parking layout. The parking is based on seating and a ratio of one space per four seats plus one space per employee at maximum shift. With twenty seats in the gaming area, eleven seats at the bar and forty seats at ten tables in the restaurant we have a total of 71 seat. The applicant also anticipates four employees at maximum shift. The Flathead County Zoning Code requires 22 parking spaces for the proposed use. The applicant anticipates that he will need to update the approach permit with the Flathead County Road Department. All parking, loading, and driving isles will be paved.

- (2) traffic circulation

There are two existing driveways into the property from Hodgson Road. The applicants propose using the eastern approach. The single driveway provides access to the guest parking, employee parking and the loading area.

- (3) open space

The proposed building and parking area total approximately 20,000 square feet of impervious surface. The property is 3.8 acres or 209,088 square feet in size which means that the impervious surface takes up 9.5% of the property. Inversely, 90.5% of the property is open or undeveloped. Of note, the Flathead County Zoning Regulations do not have a minimum requirement for open space when considering a tavern or casino.

- (4) fencing, screening

The property is located on a commercial strip with Ohs Auto body to the north, Hodgson Road and Happy Valley to the south, Highway 93, ministorage, warehouse, pet groomers, and retail sales to the west, and suburban agricultural to the east. There is a significant vegetation buffer along the eastern third of the property that will remain in place. The existing chain link fence located around the old car lot will be removed with the car lot and office building.

- (5) landscaping

There is not much landscaping currently, just grass and shrubs on the western two-thirds. The eastern third of the property is forested and will remain. We are proposing some landscaping around the front of the building and the front parking lot.

- (6) signage

Should the applicant secure the proposed CUP, than the applicant will work with a sign maker to develop signage compliant with the Flathead County Zoning Ordinance.

- (7) lighting

There will be some security lighting in the front and rear of the establishment. The light will be dark sky compliant utilizing the new LED technologies and full cut-off.

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

The property has DEQ approval for commercial use and currently has a small on-site septic system for the old car lot. The applicant will need to secure a new septic approval from the Flathead City-County Health Department for the new commercial use.

- (2) water

There is an existing well on the site that serves the old car lot use. This will be utilized for the new commercial use.

- (3) storm water drainage

The applicant will work with his consultant and builder to develop the appropriate stormwater drainage for the site .

- (4) fire protection

The property is within the Whitefish Rural Fire District. The property has good access and is not heavily forested where the building is proposed. The proposed tavern/casino business should have no impact on the Fire District.

- (5) police protection

The subject property is served by the Flathead County Sheriff's Office. The Sheriff's Office is located in Kalispell and depending on the number of officers on duty and where they are at any given time will dictate the response time. .

- (6) streets

The property fronts on Hodgson Road and Highway 93. No access exists or is proposed for Highway 93. The access onto Hodgson is proposed at the existing eastern gravel approach. The road provides suitable access for the proposed use.

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

The ITE Trip Generation Manual, 7th Addition, provides estimated vehicle trip information based on various types of land uses. In the case of a Tavern/Casino the Trip Generation Manual gives two land use categories that fit the proposed use. The first category is Casino/Video Lottery (473) with an estimated peak hour trip generation is 13.4 trips per thousand square feet. A trip is defined as either coming or going. Therefore a 4,500 square foot building would generate approximately 60 vehicle trips on the peak hour. This statistic might be a bit skewed because the maximum number of machines allowed in an establishment with a liquor license is 20 gaming machines. The second category is the "Drinking Place" (936) with a peak pm hour generation of 15.4 trips. With 4,500 square feet this use may generate approximately 69 vehicle trips. Using these averages the trips could be 60 to 69 vehicle trips on the peak evening hours.

- (2) noise or vibration

The small tavern and casino business should not create any noise or vibration. The applicant does not propose a dance hall, live bands or other such attractions that would cause noise for neighboring properties.

- (3) dust, glare or heat

The propose tavern/casino business does not create any glare or heat. The driveway, parking and loading areas will all be paved and should not create dust.

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

The proposed tavern/casino business does not create any smoke, fumes, gas, or odors.

- (5) inappropriate hours of operation

The Tavern/Casino will have hours of 10 am to 2:00 am. While this is late, the property is located in a commercial zone along a US Highway.

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. An ‘Adjoining Property Owners List’ request form must be submitted with the application, with a separate fee (*see forms below*). The list will be sent directly to the Planning & Zoning office. 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.

Gay Lohs
 Owner(s) Signature (all owners must sign)

6/10/16
 Date

 Applicant Signature (if different than above)

 Date

Samples of architectural styles for the proposed Tavern/Casino

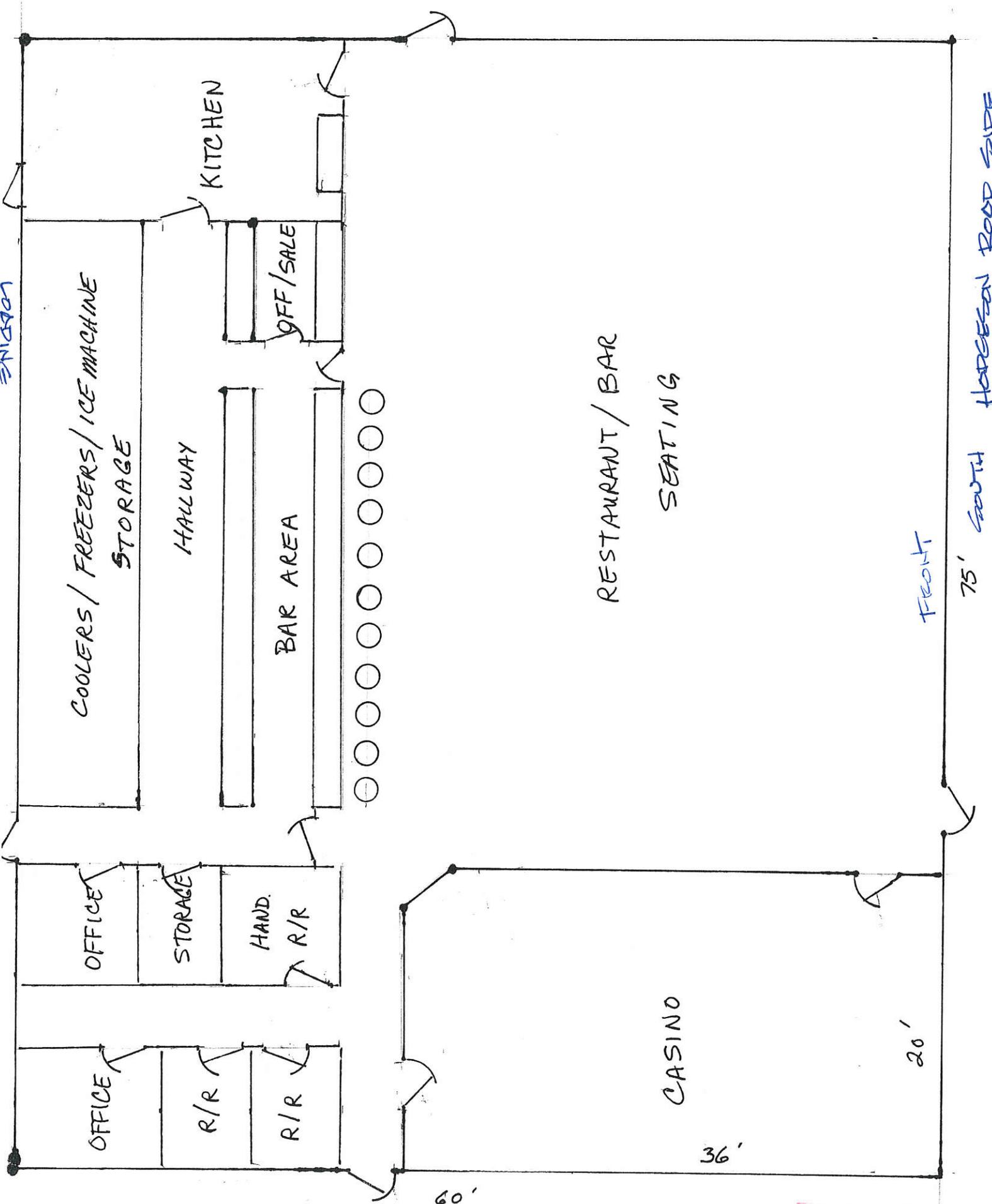


The applicant will use stone and gable roofs with corbels reflecting the Parkitecture theme.

This Casino on Highway 2 uses board and batten siding along with some stone wainscot and gabled roof lines to provide architectural interest.



ENIGMA



COOLERS / FREEZERS / ICE MACHINE STORAGE

HALLWAY

BAR AREA

KITCHEN

OFF / SALE

OFFICE

STORAGE

HAND. R/R

OFFICE

R/R

R/R

RESTAURANT / BAR SEATING

SEATING

CASINO

20'

36'

60'

FRONT

75'

SOUTH

HARRISON ROAD SIDE

JUN 13 2016

