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City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RESOLUTION NO. 1767

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY THREE BYRD'S PROPERTIES, LLC TO ADD A SMALL DRIVE THROUGH COFFEE SHOP TO THE EXISTING O'BRIEN LIQUOR AND WINE SHOP. THE PROPERTY IS DESCRIBED AS LOTS 4 & 5 AND A PORTION OF THE ABANDONED ALLEY, BLOCK 59 OF THE COLUMBIA FALLS TOWNSITE IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY.

WHEREAS, an Application has been filed with the City by Three Byrd's Properties, LLC (O'Brien and Melanie Byrd) to add a small drive through coffee shop to the existing O'Brien Liquor and Wine Shop. The property is zoned CB-2 General Business which allows restaurants as a permitted use but requires a Conditional Use Permit for drive-ups or drive-throughs. The property is described as Lots 4 & 5 and a portion of the abandoned alley, Block 59 of the Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County;

WHEREAS, the property is currently zoned CB-2 General Business which allows, with conditional use pursuant to 18.336.030 in the Columbia Falls Municipal Code, the proposed drive-through;

WHEREAS, said requested conditional use permit was considered by the Columbia Falls City-County Planning Board at its regular meeting on April 10, 2018, and said Board recommended granting the proposed conditional use permit, with certain conditions; and

WHEREAS, said conditional use permit was considered by the City Council of the City of Columbia Falls, Montana, at a public hearing held during the Council's regularly scheduled meeting on Monday, April 16, 2018, pursuant to public notice as required by law, and all comments filed or voiced concerning said requested conditional use permit having been considered by the City Council, along with the recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact. That the City Council specifically finds that the conditions set forth in Section 18.210.080 of the Columbia Falls Municipal Code are accurately evaluated as set forth in Conditional Use Report #CCU-18-02 of the Columbia Falls Planning Office, and the City Council hereby adopts said report as findings of fact in support of the requested conditional use permit.

Section Two. Permit Approved. That based upon the findings of Section One of this Resolution, the Application by Three Byrd's Properties, LLC (O'Brien and Melanie Byrd) to add a small drive through coffee shop to the existing O'Brien Liquor and Wine Shop. The property is zoned CB-2 General Business which allows restaurants as a permitted use but requires a Conditional Use Permit for drive-ups or drive-throughs. The property is described as Lots 4 & 5 and a portion of the abandoned alley, Block 59 of the Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County;

Section Three. Conditional Use Permit. That the conditional use permit is approved, specifically contingent upon the conditions set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section Four. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 16th DAY OF APRIL, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Karper, Piper, Robinson, Shepard, Fisher and Barnhart

NOES: None

ABSENT: Lovering

CITY CLERK

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 16TH DAY OF APRIL, 2018.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

1. The applicant shall secure an approach permit from the MDOT for the change in use in utilizing the access to Highway 2.
2. The applicant shall secure a sign permit from the City of Columbia Falls for new signage appropriated to the drive-through espresso stand.
3. Secure a building permit from the City for the remodel.
4. Secure approval from the Columbia Falls Public Works Department for the new approach onto 2nd Avenue West, if required.
5. The driveway and drive-through shall be paved in accordance with the Columbia Falls Air Quality Standards.