

**Attachment C**  
Pre-application meeting notes and applicant's Letter

MINUTES  
OF  
SIAM THAI, LLC  
PRE-APPLICATION NEIGHBORHOOD MEETING  
HELD  
MAY 31, 2011

A pre-application neighborhood meeting, was held by Siam Thai, LLC, on March 31<sup>st</sup>, 2011, at 9:30 o'clock a.m. Mountain Daylight Time, at the Siam Thai Restaurant located at 3210 Henesta Drive, Suite G.

The meeting was called for the purpose of receiving comment from any neighbors who were entitled to notice with respect to the potential application of Steel Properties, Inc., with Siam Thai, LLC acting as agent, for an amendment to the Planned Unit Development Agreement dated May 24, 1982. Such agreement governs the zoning and land uses within the Harvest Subdivision.

Present at the meeting were Thawee Williams, the sole member of Siam Thai, LLC, Ray Williams, Thawee Williams' husband, and Andrew T. Billstein, attorney for Siam Thai, LLC. No other persons attended the meeting.

As no other persons attended the meeting, Thawee Williams declared the meeting adjourned at 10:15 a.m. Mountain Daylight Time.

DATED: June 1<sup>st</sup>, 2011.

Siam Thai, LLC



By: Thawee Williams, its sole Member



## ATTACHMENT TO CITY ZONE CHANGE APPLICATION FORM

Siam Thai, LLC provides the following additional information with respect to that certain City Zone Change Application Form in which Steel Properties, Inc. is the owner of record.

### I. Introduction.

Siam Thai, LLC operates the Siam Thai Restaurant at Lot 3, Block 40, Harvest Subdivision, 4<sup>th</sup> Filing, commonly known as 3210 Henesta Drive. Siam Thai, LLC opened for business at that location on October 22, 2001. On March 23, 2011, Siam Thai applied to the Montana Departments of Justice and Revenue for a restaurant beer and wine license with a catering endorsement which would allow Siam Thai to serve beer and wine for on-premises consumption without gaming. Siam Thai believes that confirmation from the City of Billings to the Montana Department of Revenue that on-premises beer and wine consumption is an allowable use at 3210 Henesta Drive is the final item before a license is issued to Siam Thai.

### II. Necessity of Zone Change.

All lots located in the Harvest Subdivision, including Lot 3, Block 40 of the 4<sup>th</sup> Filing, are subject to the building and use restrictions contained in that certain Planned Unit Development Agreement dated May 24, 1982, recorded on June 9, 1982, under Document No. 1231501 (the "Agreement").

Pursuant to Section II.A.3. of the Agreement, 3210 Henesta is subject to the same restrictions that are applicable to a Neighborhood Commercial zoning district. The sale of beer and wine for on-premises consumption, whether with or without gaming, is not an authorized use in a Neighborhood Commercial zoning district. Accordingly, a restaurant beer and wine license cannot be used by Siam Thai at 3210 Henesta unless the Agreement is modified by the City of Billings.

The narrow modification of the Agreement to allow for on-premises beer and wine consumption at 3210 Henesta Drive is consistent with the existing zoning and land uses of the immediate area. First, two locations near 3210 Henesta Drive, one of which is within the Harvest Subdivision, sell beer and wine for off-premises consumption. Second, the intent of a planned development zoning district is to provide flexible land use which allows differing uses and improvements based on particular site specific situations. Harvest Subdivision is a residential/commercial mixed use development. The proposed modification will allow a neighborhood restaurant that has operated in the same location to continue operating at the same location but to also provide greater services.

### III. Growth Policy.

The narrow modification of the Agreement is consistent with the goals and objectives of the Growth Policy. First, issue 4 of the land use element of the Growth

Policy notes that urban sprawl threatens the rural character of land surrounding Billings. The modification would allow an existing business to remain in its existing urban location rather than seeking new construction. Second, issue 3 of the economic development element of the Growth Policy contains an objective to convey a business-friendly attitude. The modification would convey such an attitude. Finally, policy II of the Implementation Tools and Strategies of the Growth Policy notes several considerations in developing the character of neighborhoods which are consistent with the modification:

- Gaming and casino licenses will continue to be restricted because the modification only allows on-premises consumption without gaming.
- The modification supports mixed use development that allows a long-term neighborhood restaurant to remain in the neighborhood.
- The modification encourages special zoning for developments that provide mixed use.

Based upon the foregoing, the modification is consistent with the goals and policies of the Growth Policy by avoiding urban sprawl, conveying a business-friendly attitude and supporting special zoning of mixed use development.

#### IV. Conclusion.

The narrow modification to the Agreement is (a) a necessary change to allow a neighborhood business to continue operating in its present location and (b) consistent with the Growth Policy by retaining an urban business in its present location, supporting mixed-use development and avoiding greater sprawl.