

Attachment D
Letter from School District #2



Office of the Superintendent
Lincoln Center, Room 214
415 North 30th Street
Billings, Montana 59101-1298
Phone: (406) 281-5066 Fax: (406) 281-6186



June 20, 2013

Planning Division
c/o Nicole Cromwell
City of Billings
510 North Broadway
Parmly Library 4th Floor
Billings, Montana 59101

RE: City Special Review #908, Project Number 13-138

Dear Commission:

This letter serves as Billings Public Schools' ("the District's") testimony regarding Special Review #908—111 (aka 109) S. 24th Street West Suite #14. In short, the District asks the Commission to deny the request for waiver of the 600-foot separation to Central Heights Elementary and the proposed gaming establishment serving beer and wine. It is our belief that Billings does not want places of alcohol consumption and gaming less than a mere 600 feet from our schools.

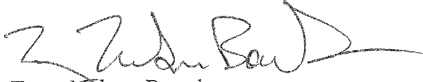
First, it is the District's position that the petitioners for the special review do not satisfy the City of Billings Code's requirements for potential waiver. The Code provides a 600 foot buffer between our schools and places serving alcohol and gaming establishments. The Code does indicate that waiver of this rule *may* be granted if there are barriers between the buildings. In order for a waiver to be considered, however, a building or building must "*entirely* obstruct the view between the separated uses." Sec. 27-612(a)(1)b. (emphasis added). Petitioner cannot show that occurs here, but instead notes that the school is merely partially obstructed by residential buildings. Moreover, petitioner asserts there is "no direct physical access between the school property and the complex," and describes distances and paths from existing front door to front door. Yet the span of a little over one residential yard separates the school's playground from the building itself, and no arterial street or buildings that entirely obstruct the view exist. From a technical standpoint, petitioner has not shown that a waiver can be granted.

Regardless of whether the elements are met, however, Billings Public Schools strongly urges the City of Billings to deny waiver as a matter of public safety and well-being. The City and the District share an obligation to keep our children as safe as possible. The relevant portions of the City Code of Billings was enacted to insure that our city is mindful of the welfare of all of its citizens, big and small. The 600 foot requirement is in place to protect our children and is not unreasonable. Nor is it an unreasonable request that our businesses actively engage in that interest, as well. Placing a gaming and alcohol establishment virtually across the street from an

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elementary school undermines the regulations in place, and jeopardizes the safety and well-being of the District's students and staff. The District asks that waiver not be granted here.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Nelsen Bouck". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Terry Nelsen Bouck
Superintendent

From: [Kylan Coghlan](#)
To: [Mayor & Council](#)
Subject: Special Review #908
Date: Thursday, June 27, 2013 4:41:51 PM

I am writing to express that I am against any request that will allow a bar or casino within 600 feet of our schools and our young children, i.e. City Special Review #908.

I do not believe that the special exceptions are met, the structure is visible from 2 of the entrances of Central Heights Elementary and foot traffic has a single street separation from the playground. I believe that even should the special exceptions be met in the future, that the children enrolled at Central Heights Elementary are far more important than the location of another Casino or Bar.

If the property owners would like to change the strip mall to mini-storage – great, I approve. Anything else puts the children at greater risk, risk that you as a council member can help to limit. Vote your conscious, not a “Point of Order”. If your decision is appealed or it needs to go to the courts to be argued, at least you can say that you stood up for the children of your city and did the right thing. There are plenty of other locations for a casino in Billings. In addition, it is not your duty to help poorly informed business owners recoup moneys spent without the proper permits. (Shame on the realtor and shame on the owners that purchased the property without knowing how the property was zoned).

Sincerely
Kylan Coghlan
3037 Gloxinia Dr
Billings MT

Cromwell, Nicole

From: Scott Walton <scottwalton500@hotmail.com>
Sent: Saturday, June 29, 2013 6:07 PM
To: Cromwell, Nicole
Cc: Marjean Narum; Penny Walton
Subject: Review #908

Importance: High

To whom it may concern,

My name is Scott Walton, I am a Home Owner/Resident in the Central Heights Subdivision east of the Rimrock Mini Mall that the Review #908 will affect. I am writing this statement as I will not be able to attend this hearing on July 2, 2013, and I want my statement to be heard.

I am **strongly against** the waiver for the ability to bring in gaming, beer and wine with the Jack Rabbit Red's Casino or any other Casino into any location in the Rimrock Mini Mall. You can not smoke in a Bar/Casino in Montana, but you can still smoke. Where will they smoke? In front of the building OR in the alley directly behind with these houses, with a back door open and music playing until 2:00 AM maybe? We have a zoning law in place for a reason that does not allow a casino within 600 feet of a school, let's keep it that way. I bought and live in this area for a reason, because of regulations that come with living close to a school, I have a child that will attend this school. Now as a tax paying citizen with a zoning law already in place you want to take that away! I do not think so.

I hope you remember that Central Heights Elementary School and Subdivision was here long before the Rimrock Mini Mall. I want my neighbor hood to be safe and secure, Casinos in general do not have a good record with crime/robberies. Thanks for your time.

Make it a Great Day!!

Scott Walton

From: [Shawna Halsey](#)
To: [Mayor & Council](#)
Subject: Special Review #908, Project Number 13-138
Date: Monday, July 01, 2013 10:13:57 AM

I am opposed to a waiver of the 600 foot separation requirement that has been requested. There is no need to have gambling and alcohol consumption in an area that close to a school.

Shawna Halsey
1365 Bluegrass Drive
Billings, MT 59106
406-652-4077

From: jandmul@bresnan.net
To: [,Mayor & Council](#)
Subject: casino
Date: Monday, July 01, 2013 8:04:48 PM

To all city council members.

Please do not allow alcohol or a casino so near to Central Heights school. There are casinos and alcohol beverages within 2 blocks of that location. I certainly hope you will honor the original ordinance it was set in place for the well-being of the school children. Also, it seems important to maintain that mall to be more "family friendly" with the ice cream store and Wild Bird Food and Supply store in that same area.

Thank you for reconsidering. Sincerely,

Barbara Mulvaney
5842 Foxtail Ln.
Billings, MT 59106