



CITY ZONING COMMISSION

AGENDA-Tuesday, May 5, 2015, 4:30 p.m.

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes: March 3, 2015. (The April 7, 2015 meeting was cancelled).

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Item #2: City Special Review #924 – Bench Boulevard:** This is a special review to allow four, nine-plex multi-family buildings (36 dwelling units) in a Residential 6,000 (R-60) zone on Lot 4, Block 1, Chalice Acres Subdivision, a 1.98 acres parcel of land, generally located west of 1442 Bench Boulevard. The City Council allowed the applicant to withdraw on March 23, 2015 to re-design the site plan.
- b. **Item #2: City Special Review #926 –** A special review request to allow a new LDS Meeting House (place of worship) of 16,558 square feet and a future addition of 2,510 square feet, and a 171-stall parking area with landscaping in a Residential 9,600 (R-96) zone on Lots 28 through 37, Block 2 of Rim Point Subdivision, a 4.25 acre parcel of land.
- c. **Item #3; City Special Review #927 – 4020 Montana Sapphire Drive (aka 920 Shiloh Road) –** A special review request to locate an all beverage liquor license without gaming in a proposed new 4,500 square foot restaurant, The Divide Restaurant and Bar, an outdoor patio of 2,340 square feet, a parking lot and landscaping in a Highway Commercial (HC) zone on Lot 7, Block 1 of Montana Sapphire Subdivision a 1.69 acre parcel of land.

Other Business/Announcements

Adjournment

The City Council has designated **TUESDAY, May 26, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special review use and zone change.

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special review and zone change. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

City Zoning Commission

Meeting Date: 05/05/2015

Information

Subject

Approval of Minutes: March 3, 2015. (The April 7, 2015 meeting was cancelled).

Attachments

2015_03_03_BZC_minutes_draft

City of Billings Zoning Commission Meeting Minutes- March 3, 2015

The City of Billings Zoning Commission met on Tuesday, March 3, 2015 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, March 23, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/08/2015	10/06/2015	11/10/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1									
Barbara Hawkins	Commissioner	1	1	1									
Dan Wagner	Vice Chairman	1	1	1									
Dennis Ulvestad	Commissioner	1	E	1									
Mike Boyett	Commissioner	1	1	1									
Candi Millar	Director, Planning & Community Services	-	-	-	1	-	-	-	-	-	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1	1	1	1	1	1	-	-
Tammy Deines	Planning Clerk	1	1	1	1	-	1	1	-	1	1	-	-
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-	-	-	-
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-	-	1	-	-	1	-	-	-	-

Total Number of 2015 Applications	01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/08/2015	10/06/2015	11/10/2015	12/01/2015	TOTAL
Zone Change	2	2	2										6
Special Review	1	1	3										5

Chairman Dailey introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

Others in Attendance: Steve Hokanson; Roxanne Hokanson; Marion Dozier; Joanne Blyton; Don Blyton; Tom Ruschkewicz; Steve and Jen Carlson; Chris Jones; Alex Tommerup; Mike White; William Smith, Octagon Consulting Engineers; Richard Clark, West End Task Force; Grant Agnew; Gene Culver, Applicant; F Wayne Gustafson, Applicant; Elizabeth R. Hoff; John Armstrong

Public Comment

Chairman Dailey called for public comments. There were no public comments. Chairman Dailey closed the public comment portion of the meeting.

Approval of Minutes: February 3, 2015

Chairman Dailey called for approval of the February 3, 2015 meeting minutes.

Motion

Dan Wagner made a motion and Mike Boyett seconded the motion to approve the February 3, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

Chairman Dailey called for disclosures of conflict of interest. There was none.

Disclosure of Outside Communication

Chairman Dailey called for disclosure of ex parte communication. Nicole Cromwell disclosed staff received an e-mail from Keith Kolstad in opposition to City Zone Change #934 and a letter from Michele Zahn, Chair, South Side Neighborhood Task Force in opposition to City Zone Change #934.

Public Hearings:

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and asked Ms. Cromwell to open the next agenda item.

Item a) Zone Change #933 – 1229-1239 Poly Drive: Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

- A zone change from Residential 9,600 (R-96) to Residential 6,000 (R-60) on Lots 15-19, Block 1, College Subdivision, 1st Filing, a 17,500 square foot parcel of land, for an existing 6-plex multi-family dwelling. The City Council initiated this zone change on January 12, 2015 at the request of the property owner. Tax ID: A05126.

RECOMMENDATION: The Planning Division has considered the request and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria for this zone change.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. He commented the City initiated the current Zoning Code in 1972. Nicole Cromwell stated the oldest record of zoning she has found was dated 1947 and the original zoning for the City of Billings had five zoning districts. Chairman Dailey pointed out the applicant has minutes from 1966 and he commended the applicant for submitting this information with his request.

Public Hearing: Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #933.

Proponents

Wayne Gustafson, (no address given), Billings, Montana

Mr. Gustafson is the property owner. He said he appreciated Ms. Cromwell's presentation of the history and background of his property. Mr. Gustafson stated it is important this parcel is properly zoned to protect his investment. He commended Planning Staff and Councilman Swanson for their helpfulness with this process.

Opponents

There was none. Chairman Dailey closed the public hearing for City Zone Change #933-1229-1239 Poly Drive.

Motion

Commissioner Mike Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval of City Zone Change #933 with the Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad commended the owner for his excellent upkeep of this property over the years. The Commissioners agreed this issue should be addressed since was not created by the property owner but by the change in the City's Zoning Code.

The motion to approve City Zone Change #933 carried with a unanimous voice vote, 4-0.

Item b: City Special Review #923 – 960 S 24th St West – Suites F & G - CASH Casino and All Beverage Liquor License: Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review request to allow the location of an All Beverage Liquor License with gaming in Suites F & G (a 3,470 sf tenant space) in a Controlled Industrial (CI) zone, Lot 4A, Block 3, Midland Subdivision, 3rd Filing, 2.05 acre parcel of land. Tax ID: A29603.

RECOMMENDATION: The Planning Division recommends approval, subject to the following conditions:

1. The special review approval is for the location of an all beverage license with gaming and no other use is intended or implied.
2. Any expansion of the interior space greater than 347 square feet will require an additional special review approval. The addition of an outdoor seating area will require an additional special review approval.
3. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Boyett asked about the parking requirements. Nicole Cromwell stated this establishment will have 35 spaces as the Code requires restaurants to have a parking space for every 100 feet of gross floor space. In response to a question by Commissioner Dailey, she explained the special rewire is limited to Lot 4A and this floor plan includes both suites "F" and "G". Commissioner Dailey asked how many other nearby businesses have similar uses. Nicole Cromwell replied "Dottie's", 900 South 24th Street West, has an on premise beer and wine license with limited food services.

Public Hearing: Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #923.

Proponents

Grant Agnew, 960 S 24th St W #D, Billings, Montana

Mr. Agnew said he has had some difficulty in the past with leasers and wants to enter into an agreement with some quality operators. Commissioner Ulvestad asked about a microbrewery. Mr. Agnew said he will not entertain having a brewery at this location. He is projecting an opening date on June 1, 2015 with proposed hours from 8:00 a.m.-2:00 p.m.

Opponents

There was none. Chairman Dailey closed the public hearing for City Special Review #923.

Motion

Commissioner Dan Wagner made a motion and Commissioner Boyett seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #923 with the and Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Boyett said that considering the number of hotels in the vicinity, this will be a good addition to the neighborhood.

The motion to approve City Special Review #922 carried with a unanimous voice vote, 4-0.

Item c. City Special Review #924 – Bench Boulevard – Multi-family residences:

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review to allow 4 nine-plex multi-family buildings (36 dwelling units) in a Residential 6,000 (R-60) zone on Lot 4, Block 1, Chalice Acres Subdivision, a 1.98 acres parcel of land. The property received previous special review approval for 7 four-plex multi-family dwellings in 2008. Tax ID: A34249.

RECOMMENDATION The Planning Division is recommending denial based on the findings of the 3 criteria for Special Review #924.

REASONS

- Existing approval for 28 units (seven 4-plexes) may be best site design
- Several site requirements missing or incomplete – waste storage, fencing & buffering, internal street design.
- Not complementary or compatible with closest residential uses of 1 or 1.5 story structures

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Boyett asked if the proposed plan for seven duplexes will affect the front properties. Nicole Cromwell said the property owners and MDT are negotiating due to the upcoming improvements on Bench Boulevard. She pointed out these properties are not part of this special review request. Leonard Dailey pointed out there is an existing allowable special review for 28 units for this property.

Public Hearing

At 5:00 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #924.

Proponents

William E. Smith, Octagon Consulting Engineers, Billings, Montana

Mr. Smith is the engineer for this project. He presented the fundamental principles of the design being privacy and security of the residents. He described the proposed site plan and presented copies to the Commissioners. The access to the apartments is from rear of the structures with a rolled curb to allow vehicle and pedestrian access. The buildings face toward the center to enhance the access to the garage. The useable green space is accessible out of the back doors. The parking will be in the garage for privacy reasons. The private driveway is the width of a city street and meets the Fire Department's requirements. They constructed the onsite storm water detention under a substantial amount of onsite engineering. Mr. Smith pointed out the storm water cells are sized to accommodate a 100-year storm event. He noted the lighting proposed for the property to provide safety and lighting during the night. Chairman Dailey asked Mr. Smith to continue with the highlights of his presentation and avoid a line by line presentation.

Mr. Smith continued and said the proposal is for 36% lot coverage and explained the reasoning for the compacted crushed gravel sidewalks. He stated they have been working extensively with MDT and Sanderson Stewart who are engineering the infrastructure along Bench Boulevard with regard to access to this property. He pointed out they have an agreement for access to the property from the established easements to the subdivision. He provided the Commission with copies of the staff report with sections highlighted referencing the units approved in the 2008 special review approved by City Council and said these structures would be less obtrusive.

Gene Culver, Kincaid Land LLC, Billings, Montana

Mr. Culver is the property owner. He presented the Commission with a notebook containing several photographs of this property and the adjacent properties. Mr. Culver commented on the need for additional housing due to the City's projected growth in the next few years. He said although the 2008 plan was approved it was too costly for developer. The new site plan is in conformance but the City has recommended denial due to the height and setbacks. He said the proposed structures have the same height and setbacks as those proposed in 2008. There is a 3-story multi-family structure adjacent to their property and they are proposing two story structures. They intend to put up a privacy fence along Chalice Acres. He said they have addressed the water management issues. Regarding the neighborhood compatibility factor, Mr. Culver pointed out several different uses in this area and said he feels this proposal would be an upgrade to the neighborhood.

Pat Schindle, Broker, (no address given)

Mr. Schindle stated over the years he has had five buy-sell agreements on this property but has been unable to close the sales due to the cost of the infrastructure. He said there is a lot of interest in multi-plex housing properties; and he has an interested buyer if this is approved for a nine-plex development. He said the developer is considering a lease price point of \$900-\$1300 monthly per unit.

Opponents

Chris Jones, 1442 Bench Boulevard, Billings, Montana

Mr. Jones stated he is in opposition to this proposal due to the increased density and traffic. He said there are no sidewalks from Bench Boulevard and they have not adequately addressed the parking.

Rebuttal

Gene Culver, Kincaid Land LLC, Billings, Montana

Mr. Culver stated they would be in compliance with the R-6000 zoning, and if allowed to move the structures back they could have parking in front of the garages. He said access for Mr. Jones should not be an issue as he has a private access and they are willing to allow the other property owner on Bench Boulevard to use their private easement. Nicole Cromwell explained the setback requirements are fixed and it would not be possible to reset building #4. She gave the minimum setbacks for the other proposed structures. She pointed out the storm water detention areas may preclude some of the movement. Mr. Smith interjected and said they designed the storm water detention areas with the priority of maximizing the space behind the structures but they could consider moving the structures on the site plan.

Regarding density, Gene Culver commented single car garages do not lend well to two-car families. He said they anticipate price point of \$750-\$795 monthly rental fees and stated this proposal provides a workable alternative for those who wish to live and work in this area. Pat Schindle said the plan lends itself to single person household families and there will be limitations for parking.

Chris Jones, 1442 Bench Boulevard, Billings, Montana

Mr. Jones added the lease price point may attract low income renters and he reiterated his concern with traffic that will be passing his children's bedrooms. He stated this development will diminish his chance of future appreciation on his dwelling and his investment.

Chairman Dailey asked if there was anyone else wishing to speak in favor of Special Review #924. There was none. Chairman Dailey closed the public hearing at 5:56 p.m.

Discussion

He asked Nicole Cromwell regarding staffs' 2 primary concerns with the building height and setbacks. Nicole Cromwell stated the previous request's buildings plus the setback and the height was not as great as this proposal. She said an "unbroken" buildings plan does not have the same mass and referred to page 4 of the staff report. She said she could not find a similar square footage to unit ratio in Billings Heights.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of denial of City Special Review #924 based on the findings of the 3 criteria presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Wagner stated he is concerned with the plan's density and height of the buildings. Commissioner Ulvestad concurred. Chairman Dailey said he is in conflict with the owner's testimony there are limitations on the potential buyer and investor and the fact that one land use could affect land owners outside of the proposed special review. He is hopeful that something of this nature could be done and he will vote in opposition to the recommendation of denial.

The motion to deny City Special Review #924 carried with a unanimous voice vote, 3-1 with Chairman Daily opposing.

Item d. City Special Review #925 – 72 & 77 Lily Valley Circle – Retirement Center

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review to allow a retirement center with 15 units in a 16,438 square foot addition to an existing assisted living residence in a Residential 9,600 (R-96) zone on Lots 26 and 27, Block 2, Howard Heights Subdivision and additional land (13,151 square feet) from adjacent owners to the south and east, a 34,429 square foot parcel of land. The property received previous special review approval for an assisted living home in 2005. Tax ID: A20678 and A20679.

REQUEST

This is a special review to allow a retirement center with 15 units in a 16,438 square foot addition to an existing assisted living residence in a Residential 9,600 (R-96) zone on Lots 26 and 27, Block 2, Howard Heights Subdivision and additional land (13,151 square feet) from adjacent owners to the south and east, a 34,429 square foot parcel of land. The property received previous special review approval for an assisted living home in 2005. The owner is BLW Investments, LLC and the agent is AT Architecture, Inc.

RECOMMENDATION

The Planning Division recommends conditional approval with the following conditions:

1. The special review approval is for the expansion of an assisted living facility generally located at 72 and 77 Lily Valley Circle.
2. The approval is limited to Lots 26 and 27, Block 2, Howard Heights Subdivision, 10,576 sf and 7,865 sf (34,429 sf total) additional land from Churches.
3. The property currently owned by the Heights Baptist Church and the Trinity Church of the Nazarenes included in this site plan must be purchased and lot lines relocated before construction of the new addition can begin.
4. Increases in the number of units or the number of off-street parking spaces greater than 10% of the numbers shown on the site plan will require additional special review approval.
5. The site will be developed in substantial conformance with the submitted site plan dated 01-25-15. Minor modifications to the site plan are acceptable.
6. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

7. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Nicole Cromwell explained to Commissioner Boyett the City vacated the dirt road and it is owned by the church. She stated there will be one access to the property and right-of-way will have to be provided should the churches decide to subdivide in the future.

Public Hearing

At 6:16 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #925.

Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana

Mr. Tommerup is the agent for property owner, BLW Investments, LLC. He thanked Planner Dave Green for the presentation and said Mr. White is attending this evening. He concurred the Heights Baptist Church purchased the right-of-way from the City of Billings and it is vacated and he said there will be no north-south egress. He said they plan to start construction during the summer of 2015.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Special Review #925.

Elizabeth Hoff, 1513 Linda Lane, Billings, Montana

Ms. Hoff is an employee of Butterfly Homes. She stated Butterfly Homes' goal is to provide housing for elders for a longer period of time; and they are well known in the community. They are community based and work to keep the streets open during the winter for people in the area. They serve residents locally and from outlying areas. Commissioner Daily commented this sounds like a healthy situation.

Mike White, 730 Main Street, Ste. 102, Billings, Montana

Mr. White said the plan is for thirteen assisted living units on one level and two apartments in the basement for families or employees needing temporary housing. There will be a partial basement in the new structure which will adjoin the existing building. He has facilities in Livingston, Anaconda, Columbus and Whitehall. He stated here is a shortage of assisted living housing; they have had a strong waiting list for several years; and they are trying to accommodate the need.

Opposition

Roxann Hokanson, 83 Lily Valley Circle, Billings, Montana

Ms. Hokanson gave some history on this neighborhood and stated she feels there will be too many assisted living units in this area. She said the proposal does not resemble a home and does not fit in with the residential area. She voiced concern this will change the character of the neighborhood and set a precedence for no guarantee of no further multi-family homes.

Rebuttal

Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana

Mr. Tommerup stated the plan is residential in scale and other than the size has the same character as the other houses in the area. He clarified and said this is not a proposal for a zone change, and the majority of this land under this special review already for a third structure. Nicole Cromwell referenced a posted site plan. She said the third structure was not built, possibly due to the slope of the land. She said the difference between this proposal and the previous one is it involves additional land and a parking lot.

Stove Hokanson, 83 Lily Valley Circle, Billings, Montana

Mr. Hokanson stated this addition will devalue his property. He said Butterfly Homes is a good neighbor. He commented on the reasoning for the breakaway chain and emergency access from the church property to the cul de sac. He said he doesn't know if the parking lot configuration will be legal. Mr. Hokanson said there is only one lane available in the cul de sac during to the winter due to the snow stacking up. He reiterated this will be a large building across from his property and said he does not feel this needs to be at this location.

Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana

Mr. Tommerup stated the applicant has met with the City Fire Department and they have approved the site plans as they exist.

Mike White, 730 Main Street, Ste. 102, Billings, Montana

He said he has a similar project in Livingston and has good relationships with the five homeowners across the street. They keep the properties nicely landscaped and Mr. White stated they will ensure the cul de sac remains open in the winter and suggested they may work with the Baptist Church for the snow loading.

Elizabeth Hoff, 1513 Linda Lane, Billings, Montana

Elizabeth Hoff commented that the buildings will alleviate the drifting snow. She said the plan includes a proposal for an activities room for the residents.

Chairman Dailey asked if there was anyone else wishing to speak in favor of City Special Review #925. There was none. Chairman Dailey closed the public hearing at 6:37 p.m.

Motion

Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval of City Special Review #925.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad said he is in approval of this request due to the heightened need for retirement homes and he likes the way the building fits in with the other structures. Commissioner Wagner stated there is a need but he is not convinced it will not affect the value of the other surrounding residents.

The motion carried with a unanimous voice vote.

Item e. Zone Change #934 – Text Amendment – Allow the off street parking of Class A or Class D tow trucks in residential zones; Section 27-601(a) and 27-606

- A City Council initiated amendment to the Unified Zoning Regulations Section 27-601(a) and 27-606 to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. The City Council initiated this zone change on February 9, 2015 at the request of the Yellowstone Valley Tow Truck Association.

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation. She commented there is a companion Ordinance, 24-406 dealing with on-street parking but this Commission does not need to forward a recommendation on this ordinance. The Board of County Commissioners will also consider this ordinance.

RECOMMENDATION: The Planning Division is recommending denial of the amendments to allow tow trucks to park off-street in residential zones.

REASONS: The Planning Division has considered the proposed amendment and is recommending denial to the Zoning Commission based on the findings of the 10 criteria. This proposed zone change is not designed in accordance with the 2008 Growth Policy goals of predictable land use decisions that are compatible with existing neighborhoods and protects neighborhood integrity. It is:

- Not a predictable land use decision for residential zones
- Tend to increase neighborhood conflicts
- Residential streets and driveways not constructed for heavy weight truck use on a regular basis
- Subject adjacent residents to noise and fumes from starting and idling wreckers
- Enforcement of proposed amendment problematic

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Per request of the Commissioners, Nicole Cromwell clarified the minimum weight limits for each vehicle class, and said typically a Class A vehicle would be used to take home for overnight responses. Commissioner Dailey asked why City Council initiated this his ordinance. Nicole Cromwell stated Councilman Yackawich is in attendance this evening. She said there were four complaints in 2014 that were responded to by Code Enforcement but no citations were issued.

Public Hearing

At 7:01 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #934.

Proponents (In favor of the ordinance)

Joanne Blyton, President, Montana Tow Truck Association, Billings, Montana

Ms. Blyton thanked Ms. Cromwell and Planning Staff for their efforts and the presentation. She distributed a pamphlet from the “Tow and Recovery Association of America” discussing the Class types. Ms. Blyton said citations have driven this issue. She said they work to meet annual inspections to be included on the Police rotation list. She pointed out several makes of trucks that are allowed in driveways that are as noisy and large as some classes of tow trucks. She said this change affords City Council and the Codes to be uniform and the Code Enforcement Division will not have to guess at the gross weight as they post the class on the windows. She said they are community based and try to be good citizens. They are property owners and wish to use their properties and driveways to park their vehicles. Ms. Blyton said out of 43 companies, there are 3 that desire to have drivers have the vehicles at home when on rotation. They are asking to help the Police departments with better ETA (Estimated Times of Arrival), by having the equipment at the residence when on rotation. She said this comes down to public safety and welfare and response times. Ms. Blyton asked the Commissioners to seriously consider this request, and stated they would rather be solution driven instead of complaint driven.

Discussion

Commissioner Ulvestad asked if she has considered parking in commercial area instead of in neighborhoods. She said they have looked but there was not enough availability and she is not sure this would serve the best purpose. Commissioner Wagner commented the noise may be more offensive than the look of the wrecker. Ms. Blyton responded a Ford, Chevy, or GMC would have a similar noise levels. She explained the standard operating procedure which includes response time and said this came forward based on time arrivals for the City of Billings.

Opponents (Not in support of the ordinance)

Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana

Mr. Zurbuchen voiced concern with the potential engine noise interrupting nearby residents’ sleep.

Marian Dozier, 3923 3rd Avenue South, Billings, Montana

Ms. Dozier stated she is retired but served as a City of Billings Code Enforcement Officer from 1996-2003. She said she does not support this zone change as neighborhoods should be kept residential. She said one commercial truck brings other and this could include semi-trucks and delivery trucks. She voiced concern that approval of the ordinance could open the door for other businesses wanting the same consideration and suggested putting on call drivers on site at the companies’ business location.

Richard Clark, 1207 25th Street West, Billings, Montana

Mr. Clark stated he is the Chairman of the West End Task Force and he has received no favorable input for changing this ordinance. He said he the response rate is over 90% on time currently and there is no reason to change it. Commissioner Ulvestad asked for clarification on this statistic, and Mr. Clark said he read this in a Billings Gazette article.

Carol Moore, 615 North 15th Street, Billings, Montana

Ms. Moore stated she is in favor of the staff recommendation of denial as it is not to our benefit overall. She said the North Park Task Force is meeting this Tuesday and will forward their comments to the City Council.

Proponents (In favor of the ordinance)

Don Blyton, Billings Towing, 2212 Main Street, Billings, Montana

Mr. Blyton supports changing the ordinance for safety reasons. He spoke regarding traffic incident management to alleviate secondary incidents.

Jen Carlson, Maverick Towing, (No address given), Billings, Montana

Ms. Carlson thanked the Commissioners for their consideration and gave an instance in which a timely response could have saved a life. She said their tow truck is parked next to her bedroom and she is not disturbed at not. She said the trucks do not idle for hours at a time and they wish to provide safety for the community.

Steve Carlson, Maverick Towing, (No address given), Billings, Montana

Mr. Carlson said the vehicles they are asking for smaller than the quad cab pickup parked next door. He said he has a yard across town and has tried to find another space but they have to consider liability issues.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Zone Change #934. There was none. Chairman Dailey closed the public hearing at 5:18 p.m.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of denial of City Zone Change #934 based on the findings of the 3 criteria presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Wagner voiced concern that once City Council approves the change in the ordinance, the larger trucks will be harder to stop. He said he is not in favor. Commissioner Boyett noted this will affect a lot of people and commented on the collaborative testimonies and representation of the North Side, South Side and West End Task Forces voiced during this meeting.

The motion to deny City Zone Change #934 carried with a unanimous voice vote, 4-0.

Other Business:

--Nicole Cromwell announced the Commission will not meet in April due to a lack of agenda items. The next meeting is scheduled for May 5, 2015.

Adjournment: The meeting adjourned at 7:35 p.m.

ATTEST: DRAFT TO BE APPROVED ON MAY 5, 2015

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk



City Zoning Commission

Meeting Date: 05/05/2015

SUBJECT: Special Review 924 - Multi-Family Dwellings - Bench Boulevard

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #2: City Special Review #924 – Bench Boulevard: This is a special review to allow four, nine-plex multi-family buildings (36 dwelling units) in a Residential 6,000 (R-60) zone on Lot 4, Block 1, Chalice Acres Subdivision, a 1.98 acres parcel of land, generally located west of 1442 Bench Boulevard. The City Council allowed the applicant to withdraw on March 23, 2015 to re-design the site plan.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 criteria for Special Review 924.

APPLICATION DATA

OWNER: Kincaid Land LLC - Gene Culver

AGENT: William E. Smith, P.E. - Octagon Consulting Engineers

LEGAL DESCRIPTION: Lot 4, Block 1, Chalice Acres Subdivision

ADDRESS: 1400 Block of Bench Boulevard

CURRENT ZONING: R-60

EXISTING LAND USE: Vacant

PROPOSED USE: Four 9-plex multi-family dwellings (36 units)

SIZE OF PARCEL: 1.98 acres - 86,261 square feet

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

This property received a previous special review conditional approval in 2008 (Special Review 856) for seven, 4-plex multi-family dwellings (28 units). The owner has not acted on this approval since 2008, except for the filing of the Chalice Acres Subdivision to create lots for the 3 existing homes along the Bench Boulevard frontage and this large vacant lot west of those homes. The subdivision provided 2 access easements for the large vacant lot anticipating the construction of the seven 4-plex multi-family dwellings. The owner now contemplates an additional 8 dwelling units and a re-configuration from 4-plex buildings to 9-plex buildings.

Prior to the special review in 2008, another special review was approved for one of the parcels subsumed by the Chalice Acres Subdivision. This special review would have allowed two 10-plex multi-family dwellings (Special Review 767). Since this parcel was integrated into the new subdivision, the owner can no longer act on this special review approval.

The City has considered several special review requests for multi-family dwellings in R-60 in Billings Heights since zoning was adopted in 1972. Fourteen applications have been made for this type of development; 3 have been denied and 3 have been withdrawn. Eight applications have been conditionally approved. Four of the 8 have been limited to 4-plex multi-family dwellings. The remaining 4 applications were approved for 5 to 10-plex multi-family dwellings. These 4 applications are located within the Eagle's Nest Subdivision west of Main Street.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CC

Land Use: Billings Heights Water District offices and Best Friends Animal Hospital

SOUTH: Zoning: R-70

Land Use: Single family dwellings

EAST: Zoning: R-70 and RMF-R

Land Use: Duplex dwellings

WEST: Zoning: HC

Land Use: Volunteers of America - apartment complex

BACKGROUND

This is a special review request to allow 36 dwelling units in four, nine-unit buildings on Lot 4, Block 1 of Chalice Acres Subdivision. The property is approximately 2 acres in area and is located just west of 3 single family dwellings that have frontage on Bench Boulevard. To the west is the Volunteers of America apartment complex that has access to Main Street and is zoned Highway Commercial (HC). The subject property received a previous special review approval for 28 dwelling units in seven, four-unit buildings. The owner has a vested right to move forward with this previous approved plan, or with this new plan if it is approved by the City Council.

The original site plan was lacking in several details such as postal service, solid waste storage and removal, and off-street parking. The re-submitted site plans show these details, increased the number of off-street parking spaces from 36 to 66, and reduced the number of spaces provided on the private road from 18 to 11. All of the on-street spaces will be located entirely within Lot 4 of Chalice Acres and the remaining areas along the private road will be signed and curbs painted to indicate no parking is allowed. The height of the proposed 9-plexes has been reduced from 28 feet to 24 feet 9 inches to better match the existing dwelling heights in the area. The site plan show a 6 foot privacy fence (vinyl) along the east and south property lines. The common solid waste storage area is now located between the northern 2 buildings and will have an enclosure. A central mail facility will be located north of Building #4 along the northern leg of the private road. A paved sidewalk will be installed along the southern leg of the private road to provide safe pedestrian access to Bench Boulevard. The applicant has also provided a landscaping and lighting plan to ensure this amenity is provided for the multi-family development.

The applicant has submitted the re-designed site plans and a typical elevation of the proposed 9-unit buildings. The buildings would be 139 feet in length and 56 feet wide. The elevation plan shows 9 tuck-under garages on each front façade with a 2nd story living area above the garage. The proposed roof line is a 3:12 pitch so the roof lines will be similar in height to other dwellings in the area. There are no exterior front entrance doors for each dwelling unit. The elevation plan shows an exterior door on each end of the building to access a common interior hallway.

The applicant states the reason for the request is to construct 3-bedroom rental apartments based on a market analysis in Billings Heights. The applicant states the interior entrance from each garage to the living area will be more secure than a front door for each dwelling unit. The site plan shows a private road that loops around from Bench Boulevard. The proposed road is 34 feet in width with an 18-foot concrete apron in front of the garage doors that provides an additional parking space. The off-street parking regulations for the City of Billings require 1.5 parking spaces for each dwelling unit in a multi-family development where 2 or more bedrooms are provided in each unit. The re-designed site plan provides more than 2 parking spaces for each unit (2.1 spaces). Each unit will have 1 garage space and 1 driveway parking space except for Building #4 that has only 3 driveway parking spaces. This building has to meet the required zoning setback to the east property line so 6 of the units will only have a private garage space.

There is usable outdoor space around each building. All the buildings have a rear landing/patio area with an adjacent usable lawn area of at least 15 feet with the exception of Building #1. The lawn area north of building #1 is reduced to accommodate the required storm water retention area to the north. There is a larger lawn area to the east and west of Building #1.

The Planning Division has reviewed this application with other city departments and is recommending approval based on the findings of the 3 criteria. Before a recommendation

of approval or conditional approval may be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations, the 2008 Growth Policy including any neighborhood plans, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that it is in a zoning district, R-60, where multi-family dwellings are allowed by special review approval. In fact, a previous special review for 28 dwelling units in 7 multi-family dwellings has been conditionally approved for this property (2008). The form of the application is correct and the submitted site plan is in conformance with site development and zoning regulations for the R-60 zoning district.

The previous concern about the number of off-street parking spaces has been addressed through a redesign of the building locations. This provided an additional 30 off-street parking spaces. The site plan indicates all curb and parking lanes outside of Lot 4 will be marked and signed to prevent parking in these areas. The applicant has also shown areas for solid waste storage and postal service on site. The new site plan shows exterior fencing on the south and east property boundaries. A landscaping and lighting plan has been submitted and a proposed concrete sidewalk is shown on the southern leg of the private road. This will provide safe pedestrian access to Bench Boulevard. The submitted Traffic Analysis has been accepted by the City Traffic Engineer and the recommendations will be implemented as submitted. The recommendations are to place a stop sign where each leg of the private road intersects Bench Boulevard and to provide new drive approaches off the private access easement for Lots 1 and 3 of Chalice Acres. (see Traffic Analysis Attachment).

The application does conform to the second and third criteria. The zoning regulations adopted by the City Council have the purpose of promoting health, safety and general welfare and to implement the 2008 Growth Policy and the Billings Heights Neighborhood Plan. The proposed site plan and buildings have been redesigned to address the previous concerns including additional off-street parking, landscaping, screening to adjacent properties, areas for mail service and solid waste storage. The building heights have been reduced from 28 feet to 24 feet 9 inches and outdoor spaces are shown for the use of the new residents.

Careful site design is necessary to ensure compatibility with adjacent uses. This site has been re-designed so details for landscaping, screening, storm water management, solid waste collection are complete. The Heights Neighborhood Plan adopted in 2006 indicated the area between Bench Boulevard and Main Street should be developed with a mixture of housing choices and uses. There are few multi-family apartment housing units east of Main Street at this time. There are many choices for single family, two-family, elderly housing, manufactured homes and four-family dwellings but only a handful of apartment dwellings.

PROPOSED CONDITIONS:

1. The special review is limited to Lot 4, Block 1 Chalice Acres Subdivision generally located west of 1442 Bench Boulevard.
2. The special review approval is for the construction of four, 9-plex multi-family dwellings and no other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting, including security lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. Exceptions to this requirement are allowed for porch or entry doorway lighting. The maximum height of any light pole in the outdoor areas shall be 15 feet above grade.
5. No construction or demolition activity will occur before 7 am or after 8 pm daily.
6. Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
7. The site will be developed in substantial conformance with the revised site plans submitted April 10, 2015 including Site Plan and Section (Sheet 1 of 4), Storm Water Drainage Plan & Details (Sheet 2 of 4) and Detailed Site Plan and Landscaping (Sheet 1-A) including landscaping, parking, mail service area, solid waste storage area and building locations.
8. The applicant will install and provide, at no cost to the City or adjacent owners, the required improvements to the private access road including but not limited to all pavement, utilities, pavement markings, private driveways, signs and other road appurtenances as required. The applicant will coordinate any such improvements with the City Engineering Division.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

RECOMMENDATION

The Planning Division is recommending conditional approval and adoption of the findings of the 3 criteria for Special Review 924.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Commission Determinations

Zoning Map

Site photos

Site plan and applicant letter

Traffic Analysis

Attachment A
Zoning Commission Action

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

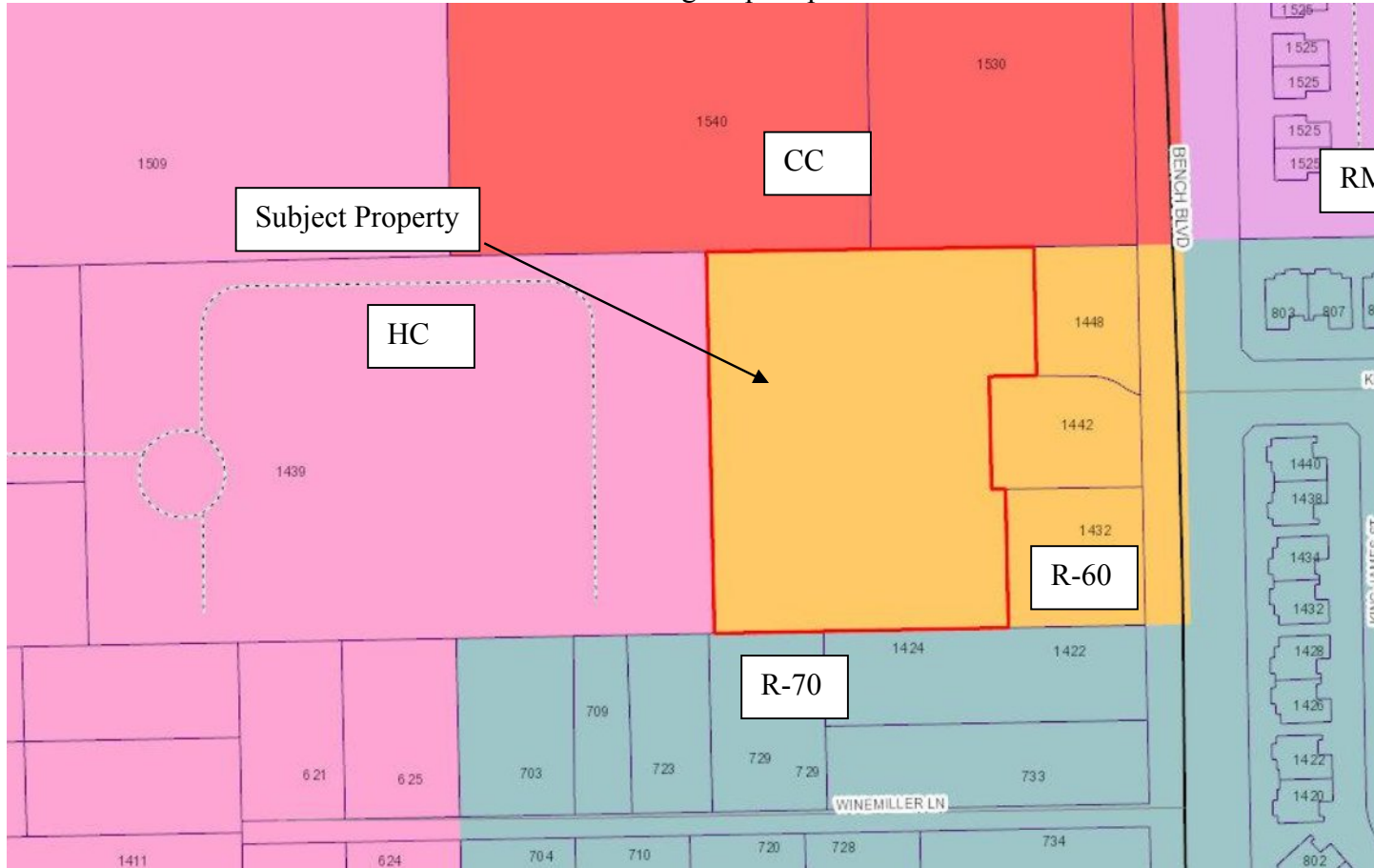
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Attachment B
Zoning Map – Special Review #924



Subject Property

Attachment C

Site Photos – Special Review #924



New private road to Lot 4 (south entrance)

Subject Property from Bench Boulevard – south of 1432 Bench Boulevard



View of 1432 Bench from east side of Bench Boulevard

Attachment C, continued
Site Photos – Special Review #924



View west to 1442 and 1448 Bench from across Bench Boulevard



View north east across Bench Boulevard

Attachment C, continued
Site Photos – Special Review #924



View south along Bench Boulevard



View south and east across Bench Boulevard

Attachment C, continued
Site Photos – Special Review #924



View west across Bench Blvd to new northern private road entrance



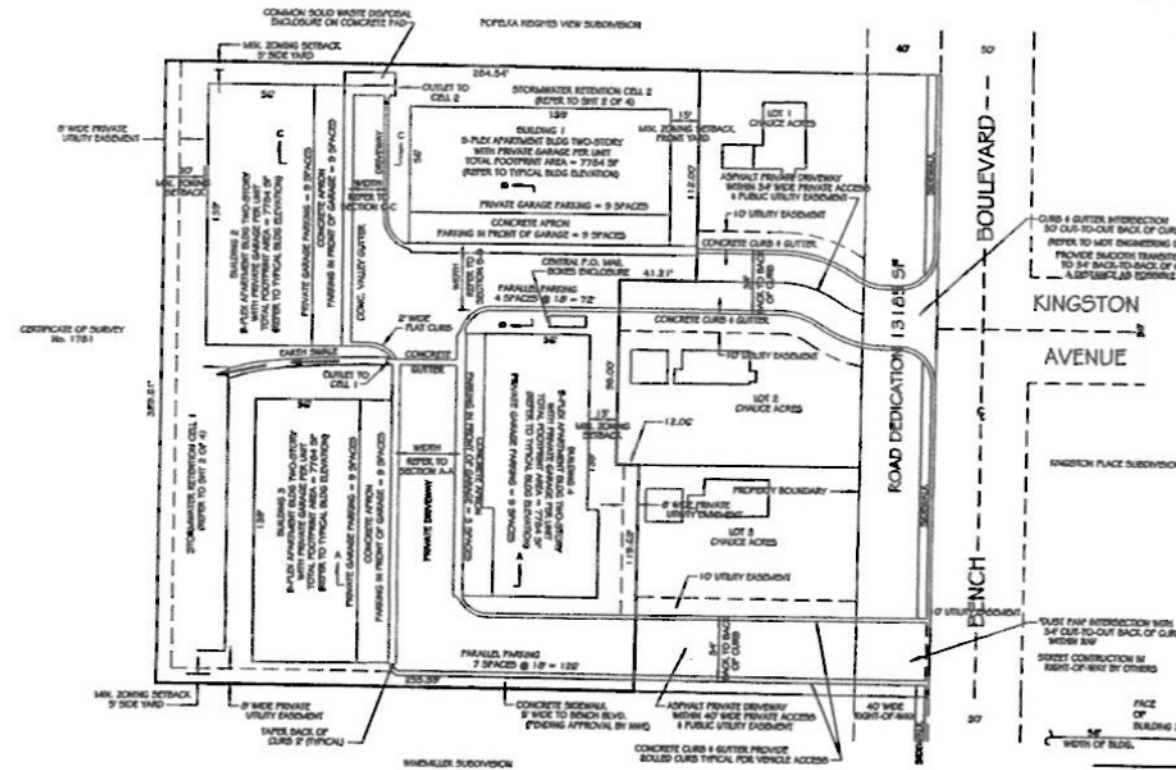
South property line – vinyl fencing, sidewalk and entrance road area

Attachment C, continued
Site Photos – Special Review #924



SITE PLAN

FOR
LOT 4 OF CHALICE ACRES SUBDIVISION (LOT AREA: 86,261 SF)
LOCATED IN THE NE 1/4 OF SECTION 22, T1N, R26E, P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
PREPARED TO SHOW PROPOSED DEVELOPMENT
OF 4-NINE PLEX RESIDENTIAL APARTMENT BUILDINGS,
IBC OCCUPANCY CLASSIFICATION RESIDENTIAL GROUP R-2

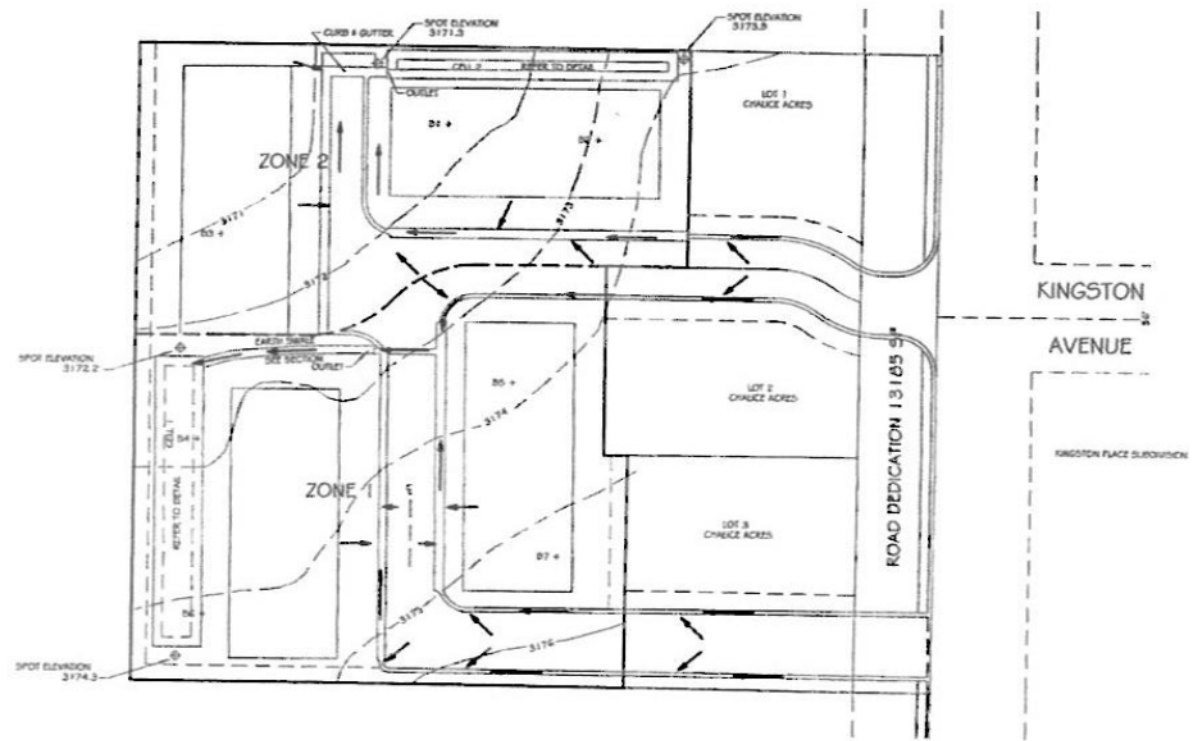


SITE PLAN

SCALE: 1" = 40'



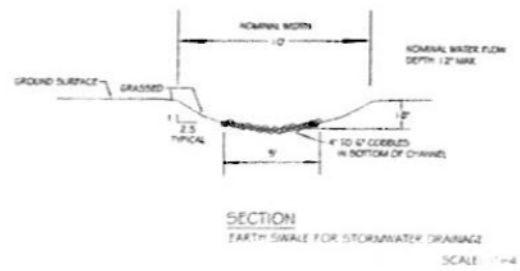
TYPICAL BUILDING FRONT ELEVATION
(SCHEMATIC)



GEOTECHNICAL SOIL INVESTIGATION
BORING LOCATIONS B1-B7 (REFER TO GEOTECH REPORT)

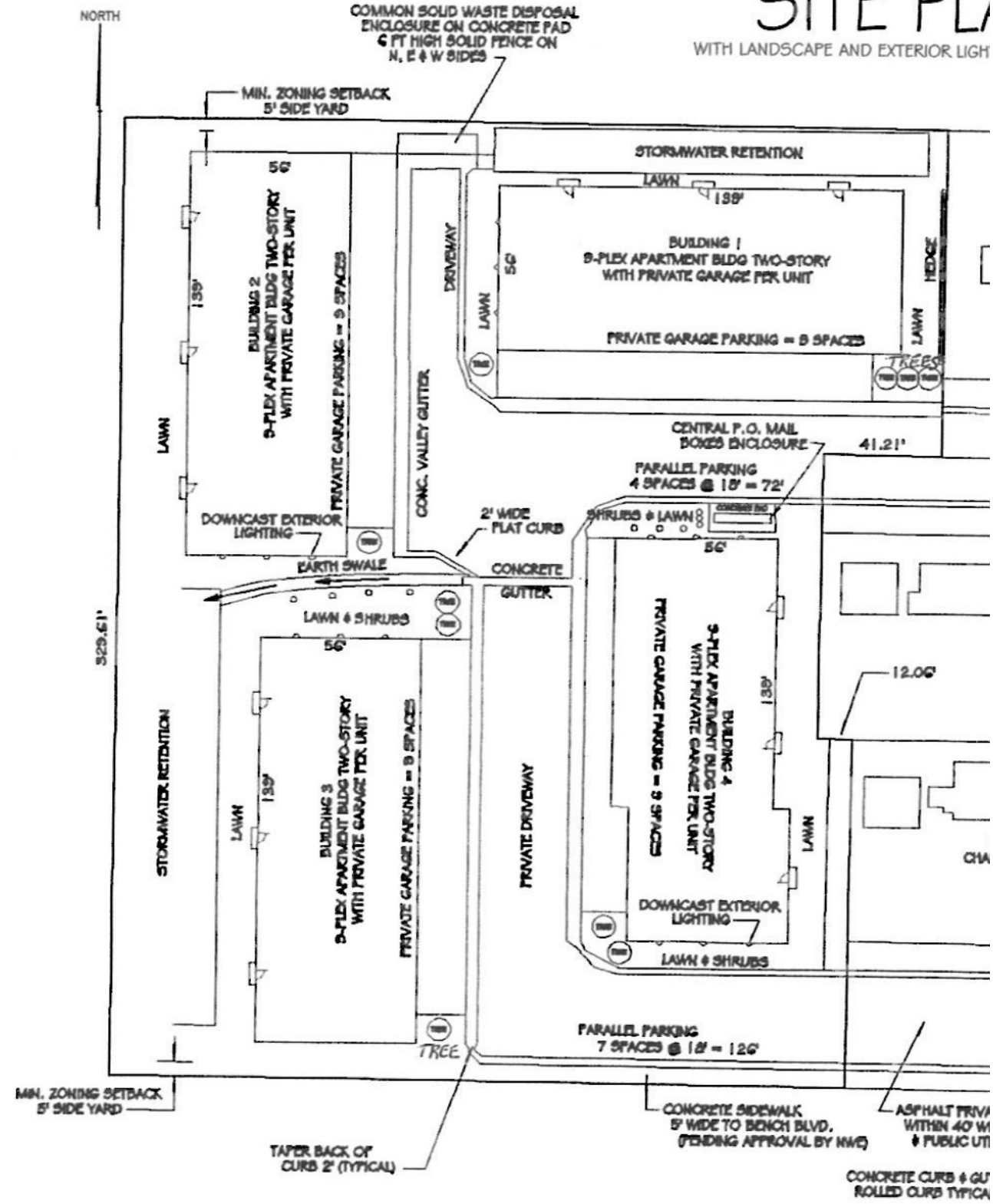
SITE STORMWATER DRAINAGE PLAN

SCALE: 1" = 40'



SITE PLAN

WITH LANDSCAPE AND EXTERIOR LIGHT





OCTAGON

Consulting Engineers, LLC

BIOENERGY • CIVIL • MECHANICAL

April 10, 2015

Nicole Cromwell, AICP
Planning & Community Services Dept.
City of Billings
2825 3rd Ave North, 4th Floor
Billings, MT 59101

Re: City Special Review #924, Project # 15-18:
Submittal of Information for Consideration by Zoning Commission

Dear Nicole:

The following documents are submitted for the Zoning Commission's consideration at their public hearing on Tuesday May 5, 2015:

1. Revised Site Plan and Sections, sheet 1 of 4 (2 copies plotted at 24"x36")
2. Revised Site Plan and Sections, sheet 1 of 4 (2 copies plotted at 11"x17")
3. Revised Stormwater Drainage Plan and Details, sheet 2 of 4 (2 copies plotted at 11"x17")
4. New Site Plan with Landscape and Exterior Lighting Concept, sheet 1-A (2 copies plotted at 11"x17")

(Two full size copies of this enlarged site plan will be provided under separate cover by Monday 4/13 due to technical difficulties with the computer.) *copies included.*

Revisions to the layout previously considered include:

Height of Buildings:

The height of each building will not exceed 24 ft-9inches above the finished first floor slab-on-grade.

Designated Parking Spaces: A total of 77 spaces for residents and guests will be provided as follows: 36 private single car garages plus space for one car in front of 30 garage doors plus 11 parallel parking spaces along the curb of the driveway loop. This averages out to 2.1 vehicle spaces per dwelling.

The parking spaces in front of each garage door were created by moving Buildings 1, 2 and 3, and the south 1/3 of Bldg 4 an additional 6 ft from the curb. The north portion of Bldg 4 could not be moved due to the zoning required setback from west property boundary.

Additional Improvements: Sight obscuring fencing will be constructed adjacent to residential properties along the east and south boundaries; common solid waste collection enclosure located on north boundary between Bldgs 1 & 2; central post office boxes enclosure on concrete pad installed north of Bldg 4; and concrete sidewalk to access Bench Blvd along south boundary will require approval by Northwestern Energy due to their private utility easement along this boundary.

Landscape Plan and lighting concept: The general layout of lawn, shrubs and trees has been depicted on the enlarged site plan. A total of 10 trees have been shown. Down-cast luminaires will be provided over garage doors and on select ends of buildings to provide ambient light for safety of pedestrians at night while minimizing horizontal spread of light beyond this development.

During the previous Zoning Commission public hearing several references were made to the current special review approval on Lot 4 for 28 duplex units. However no details were made clear and no distinct comparisons could be made. The attached table entitled "Comparison of Four Nine-plex Buildings with Approval to Construct Seven Four-plex Buildings" provides a detailed apples-for-

Nicole Cromwell, AICP

Re: City Special Review #924, Project # 15-18:

Submittal of Information for Consideration by Zoning Commission

April 10, 2015

page 2 of 2

apples comparison of the two multiple family projects. The objective parameters measured show the two projects to result in nearly equal impacts.

During the City of Billings deliberations of the subdivision application for Chalice Acres Subdivision, the owner/developer of the property expressed their intentions to build a high density multiple-family project on Lot 4. As a result, the R-60 zoning classification was put on the property as part of the subdivision approval to provide the higher density alternatives which are not available with other residential zoning classifications. The original owners of Chalice Acres Subdivision Lots 1, 2 and 3 purchased these lots with full disclosure that a high density multiple family development would be constructed. The special review for 28 duplex units was approved by the City of Billings in 2008 shortly after the Chalice Acres subdivision plat was filed of record. This leads me to believe that the present owners of Lots 1, 2 and 3 purchased their property in full knowledge of the high density multiple-family development on the adjacent lot. This fact should be taken into consideration by the Zoning Commission at the upcoming public hearing.

Gene Culver has discussed the proposed development with the owners of Lots 1 and 2. In addition, we have agreed to meet with the owners to consider their input at their convenience. Gene and I expect to meet with them before the upcoming ZC public hearing pending their schedule.

In summary, the revised design addresses the fundamental concerns raised in the Zoning Commission's first public hearing, and the proposed four nine-plex buildings do not result in any greater impacts than the current approval for 28 duplex units. Therefore, we are confident that the result of a second public hearing will be more favorable toward this project.

Sincerely,



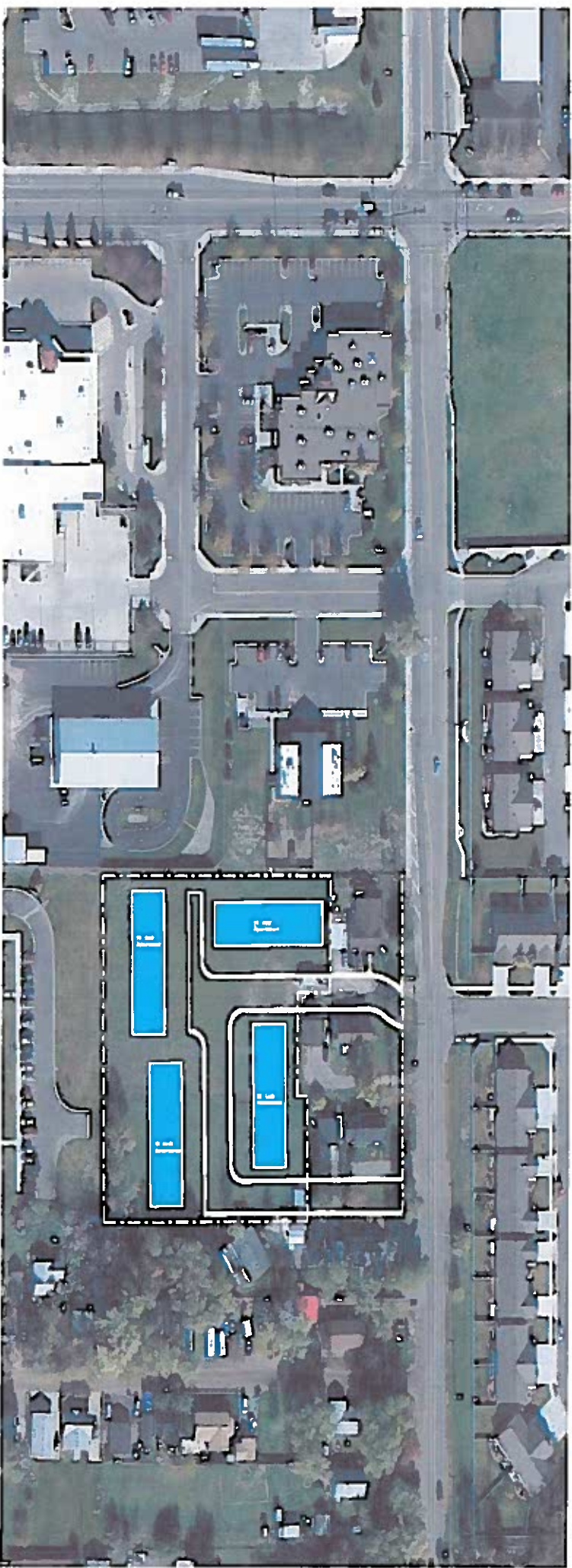
William E Smith, P.E.
Consulting Engineer

Attachments



Chalice Acres Lot 4
Special Review of Proposed Multiple Family Development
Comparison of Four Nine-plex Buildings with
Current Approval to Construct Seven Four-plex Buildings

<u>Description of Item:</u>	<u>Current Approval</u>	<u>Proposed Special Review</u>
Number of Buildings	7 duplex buildings	4 nine-plex buildings
Number of residential units	28 dwellings	36 dwellings
Proposed floor plan	3 bdrm apts = 28 full basemnt = 28 (could add a bdrm)	3 bdrm apts = 20 2 bdrm apts = 16 full basemnt = 0
Total number of bdrms	(28x3)+ 6 in basemnt = 90	(20x3)+(16x2) = 92
Footprint Dimensions of bldg:		
with garages	(80' x 35')+(2 x 24' x 20')	139' x 56'
w/out garages	95' x 40'	None
Footprint area of bldg		
with garages	5 bldgs @ 3760 sf	4 bldgs @ 7784 sf
w/out garages	2 bldgs @ 3800 sf	
Cumulative total of fp area	26,400 sf	31,136 sf
% coverage of lot by bldgs (Total bldg area ÷ 86,261 sf)	30.6 %	36.1 %
Visual massing of bldgs:		
Along North boundary (over a visual width of 200 lf)	2 bldgs 170 ft end-to-end with one 10 ft gap in that length	1 bldg 139 ft long in that length
Along West boundary (over a visual width of 330 lf)	3 bldgs 260 ft end-to-end with two 10 ft gaps in that length	2 bldgs 305 ft end-to-end with 1 28 ft wide gap in that length
Max distance btwn adjacent bldgs on N & W boundaries	37 ft	36 ft
Clear distance btwn bldgs:		
Across north loop driveway	75 ft	64 ft
Across west loop driveway	67 ft	68 ft
Bldg height	25 ft	25 ft
Parking spaces		
Private garage	20 spaces	36 spaces
In front of unit	36 spaces	30 spaces
Parallel in driveway	9 spaces	11 spaces
Total parking spaces	65 spaces	77 spaces
Average spaces per unit	2.3 per unit	2.1 per unit



TRAFFIC ACCESSIBILITY STUDY

for

Chalice Acres Subdivision Lot 4

Billings, MT

Prepared for

KINCAID LAND, LLC

Prepared by



MARVIN & ASSOCIATES

**1300 North Transtech Way
Billings, MT 59102**

April 2014

TRAFFIC ACCESSIBILITY STUDY

for

Chalice Acres Subdivision Lot 4

Billings, MT

Prepared for

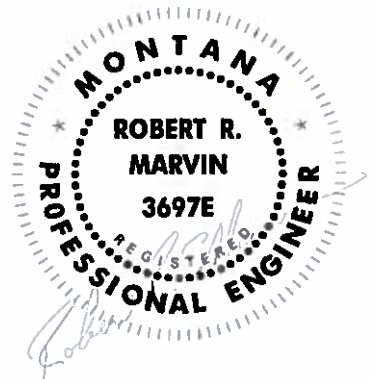
KINCAID LAND, LLC

Prepared by



MARVIN & ASSOCIATES

1300 North Transtech Way
Billings, MT 59102



April 2014
P.T.O.E. # 259

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Marvin & Associates

**Chalice Acres Subdivision Lot 4
TRAFFIC ACCESSIBILITY STUDY**

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

INTRODUCTION

This report summarizes a traffic accessibility study completed for the Chalice Acres Subdivision Lot 4 development in Billings, Montana. The proposed Chalice Acres Lot 4 property is located on the west side of Bench Boulevard approximately 850 feet south of the Wicks Lane and Bench Boulevard intersection (see Figure 1). This property is currently undeveloped and all of the surrounding property is occupied by businesses and residences.

Octagon Engineering prepared a site plan for the developer, Kincaid Land, LLC. The developer retained Marvin & Associates to provide a Traffic Accessibility Study (TAS) after having had discussions with City of Billings Public Works staff. City of Billings staff indicated that the study should focus on the accesses and the key intersection of Wicks Lane and Bench Boulevard. Therefore, this study focuses on the two site accesses and the intersection of Wicks Lane and Bench Boulevard.

The study methodology and analysis procedures within this study employ the latest technology and nationally accepted standards in the area of site development and transportation impact assessment. Recommendations made within this report are based on accepted standards and the professional judgment of the author.

SITE LOCATION & DESCRIPTION

Figure 1 shows the proposed Chalice Acres Lot 4 site plan overlaid on a Google aerial photo. There are two accesses proposed for the Chalice Acres Lot 4 property. The northern access would be aligned to enter Bench Boulevard opposite Kingston Avenue, a local street serving an existing townhouse development. The southern access would be located approximately 180 feet south of Kingston Avenue. There would be a single circulation road within the site that would access the four apartment buildings. Each of the buildings would have 10 apartment units.

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

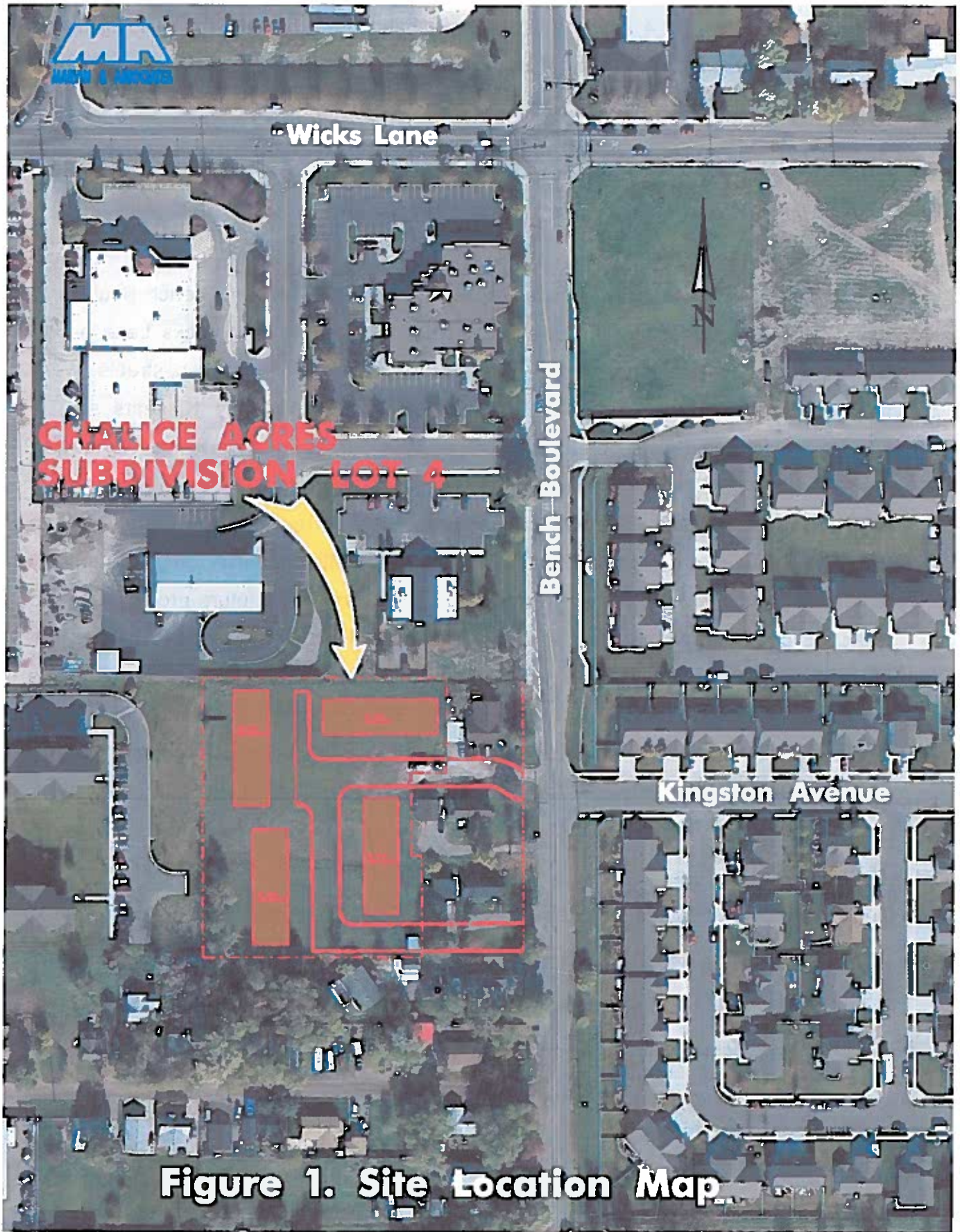


Figure 1. Site Location Map

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

The Chalice Acres Lot 4 apartments will have parking in front of each building and it has been assumed that the City of Billings Building Department has or will check that the number of spaces agree with City Building Codes.

EXISTING CONDITIONS

Streets & Intersections

The adjacent and potentially impacted streets are Wicks Lane and Bench Boulevard, along with the intersection of those two streets (see Figure 1). Wicks Lane and a portion of Bench Boulevard, along with the intersection of those two streets, were reconstructed as part of the Walmart development approximately 12 years ago. A project that connected Bench Boulevard to Main Street at 6th Avenue North was constructed in 2012 and reconstruction of Bench Boulevard from Metra to Hilltop Road was completed in 2013. The new connection resulted in redistribution of traffic at the Bench Boulevard and Wicks Lane intersection. Traffic patterns are substantially different than those used to design the original intersection. A future project has also been designed that will reconstruct Bench Boulevard from Hilltop Road to HWY 87 at Main Street, north of Wicks Lane. That project will result in modifications to the Wicks Lane and Bench Boulevard intersection and the typical section all along Bench Boulevard. The future typical section on Bench Boulevard will accommodate two thru lanes with a center two-way left-turn lane with bike lanes on each side of the roadway.

Traffic Volumes

Turning movement counts were taken between 4:30 and 5:45 pm on April 1 and April 2, 2014 at the Wicks Lane and Kingston Avenue intersections with Bench Boulevard. Figure 2, on the following page, illustrates turning movement counts and average weekday traffic (AWT) on the surrounding streets and intersections. AWT volumes in Figure 2 were not counted but were estimated using turning movement counts and daily traffic variation factors from the MDT permanent count station data on Main Street.

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

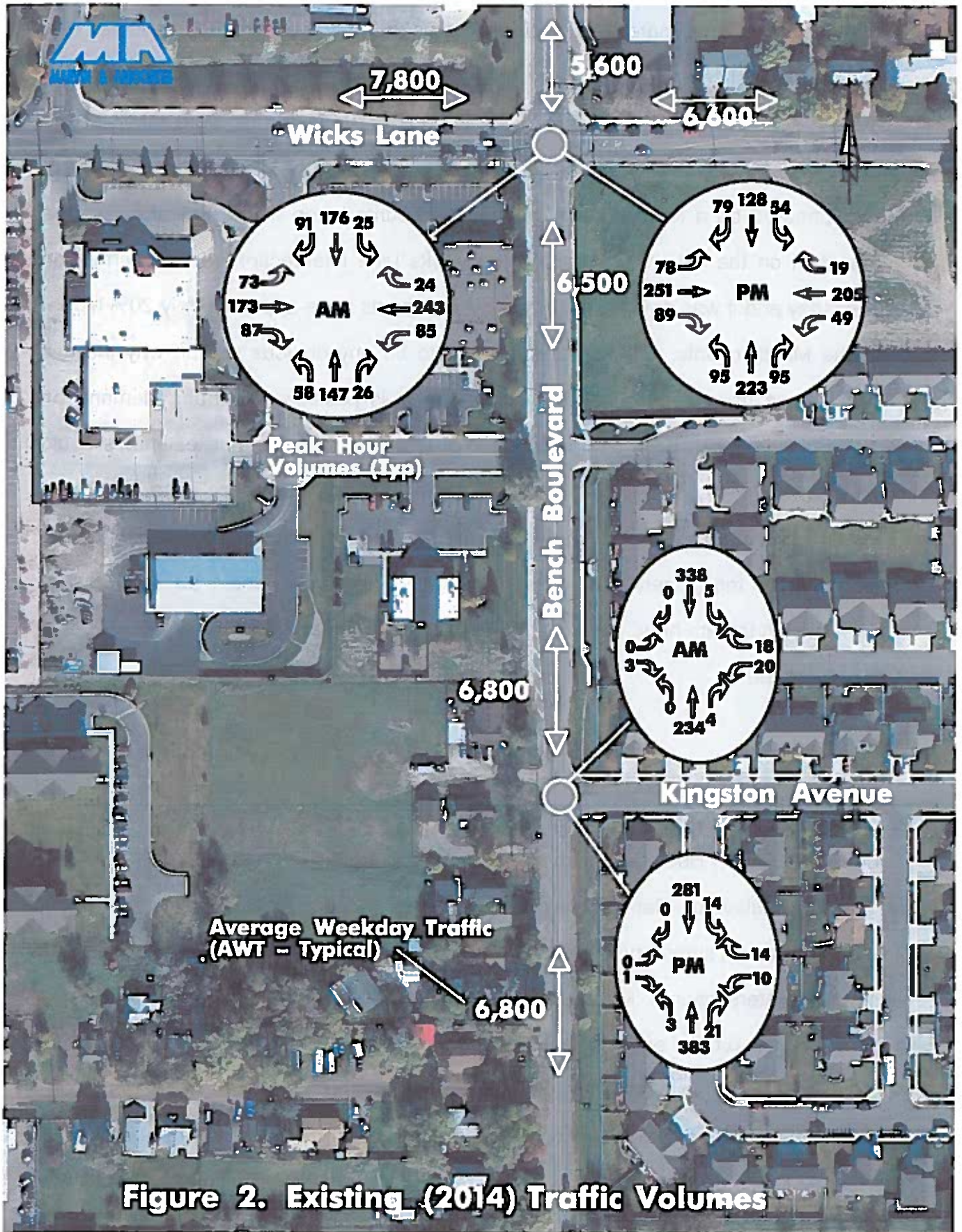


Figure 2. Existing (2014) Traffic Volumes

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

The traffic counts are approximately the same as the average peak hour volumes that would be experienced at these intersections over the course of a year, according to the daily and seasonal factors. It should be noted that traffic counts were taken at the intersection of Wicks lane and Bench Boulevard on Thursday March 27, 2014. Since there appeared to be a large imbalance between counts taken at the Kingston Avenue intersection on the following Tuesday, the Wicks lane intersection was recounted on Wednesday and it was determined that the April counts were approximately 20% higher than the March counts. There doesn't appear to be any obvious reason why the two counts should have been substantially different. It is possible that traffic demand on Bench Boulevard can be highly variable. Thus, design hour volume estimates could have a low level of confidence. Peak am hour traffic volumes were calculated using directional splits, historic hourly counts, and a traffic balancing routine. Since the peak pm hour trip generation potential of the development would be substantially greater than in the am hour, it was felt that the cost of performing actual am hour counts was not justified.

Capacity

Capacity calculations were completed for the stop controlled intersection of Kingston Avenue and Bench Boulevard and for the signal controlled intersection of Wicks Lane and Bench Boulevard. Capacity calculations can be found in Appendix A of this report. Table 1 provides a summary of measures of effectiveness (MOEs) for each approach at each of the intersections. MOEs include the control delay in seconds per vehicle, the level of service (LOS), and the volume to capacity (V/C) for each of the intersection approach legs. It can be seen that all of the movements at both of the intersections have a LOS of "B" or better, which indicates that all movements are operating at acceptable levels of service.

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

Table 1. Capacity Analysis Summary 2014 Existing Conditions

Intersection	MOE	NB		SB		EB		WB	
<i>Movement Group</i>		L	TR	L	TR	L	TR	L	TR
<i>Bench Boulevard & Wicks Lane Peak AM Hour</i>	Control Delay (s/veh)	10.4	10.9	9.9	11.4	11.2	12.0	11.3	12.1
	LOS	B	B	A	B	B	B	B	B
	V/C Ratio	0.16	0.26	0.06	0.34	0.20	0.35	0.21	0.36
	Queue Length (95%)	2	3	1	4	2	4	2	5
<i>Movement Group</i>		L	TR	L	TR	L	TR	L	TR
<i>Bench Boulevard & Wicks Lane Peak AM Hour</i>	Control Delay (s/veh)	10.8	12.1	10.4	10.9	11.2	12.8	11.0	11.8
	LOS	B	B	B	B	B	B	B	B
	V/C Ratio	0.23	0.45	0.16	0.26	0.20	0.46	0.15	0.30
	Queue Length (95%)	6	6	2	4	3	5	2	4
<i>Movement Group</i>		LTR		LTR		LR		LR	
<i>Kingston Avenue & Bench Boulevard Peak AM Hour</i>	Control Delay (s/veh)	8.0		7.8		10.4		13.3	
	LOS	A		A		B		B	
	V/C Ratio	0.00		0.00		0.01		0.10	
	Queue Length (95%)	0.0		0.0		0.0		0.4	
<i>Movement Group</i>		LTR		LTR		LR		LR	
<i>Kingston Avenue & Bench Boulevard Peak PM Hour</i>	Control Delay (s/veh)	7.9		8.4		9.9		14.6	
	LOS	A		A		B		B	
	V/C Ratio	0.00		0.01		0.00		0.08	
	Queue Length (95%)	0.0		0.0		0.0		0.3	

TRIP GENERATION

Trip generation rates found in the ITE Trip Generation report, Ninth Edition, were evaluated and it was found that these rates could be applied specifically to the type of development being proposed on this site. The ITE Trip Generation Code 220 for Apartments was used with the independent variable for this land-use being the number of apartments (40 units). The following rates and calculations were used:

AWT: $T=6.65(X) = 6.65(40) = 266$ AWT

Peak AM: $T=0.49(X)+3.73 = 0.49(40)+3.73 = 23$ (20% entering)

Peak PM: $T=0.55(X)+17.65 = 0.55(40)+17.65 = 40$ (65% entering)

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The following peak am and pm hour trip generation numbers would apply to the two accesses:

AM Hour:	5 Enter	18 Exit
PM Hour:	26 Enter	14 Exit

In addition to total trip generation numbers, it is sometimes important to know the type of trips to properly evaluate traffic impacts. Some percentage of total trips could be assigned to the pedestrian mode, since there are significant complimentary trip attractors within walking distance of the proposed development. However the total trip generation numbers are so low that any fraction thereof would be irrelevant.

Internal capture trips are of significant importance for certain developments. In this case, it doesn't appear that there would be any significant internal capture trips.

There are also three classifications of trip types related to use of the street system: 1) Primary purpose trips are trips for which the development is a primary destination from any particular origin. 2) Diverted linked trips are trips made to the development as a secondary destination and are diverted from a path between an origin and a primary destination. 3) Passerby trips are also trips made to a development as a secondary destination, but the primary trip path is on the adjacent street system, i.e. stop on the way home from work. For this development, it was assumed that no passerby trips could be considered.

The combination of all trip types results in the net number of new or system added trips. In this case, the net number of trips would equal the total trips as stated above.

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

TRIP DISTRIBUTION

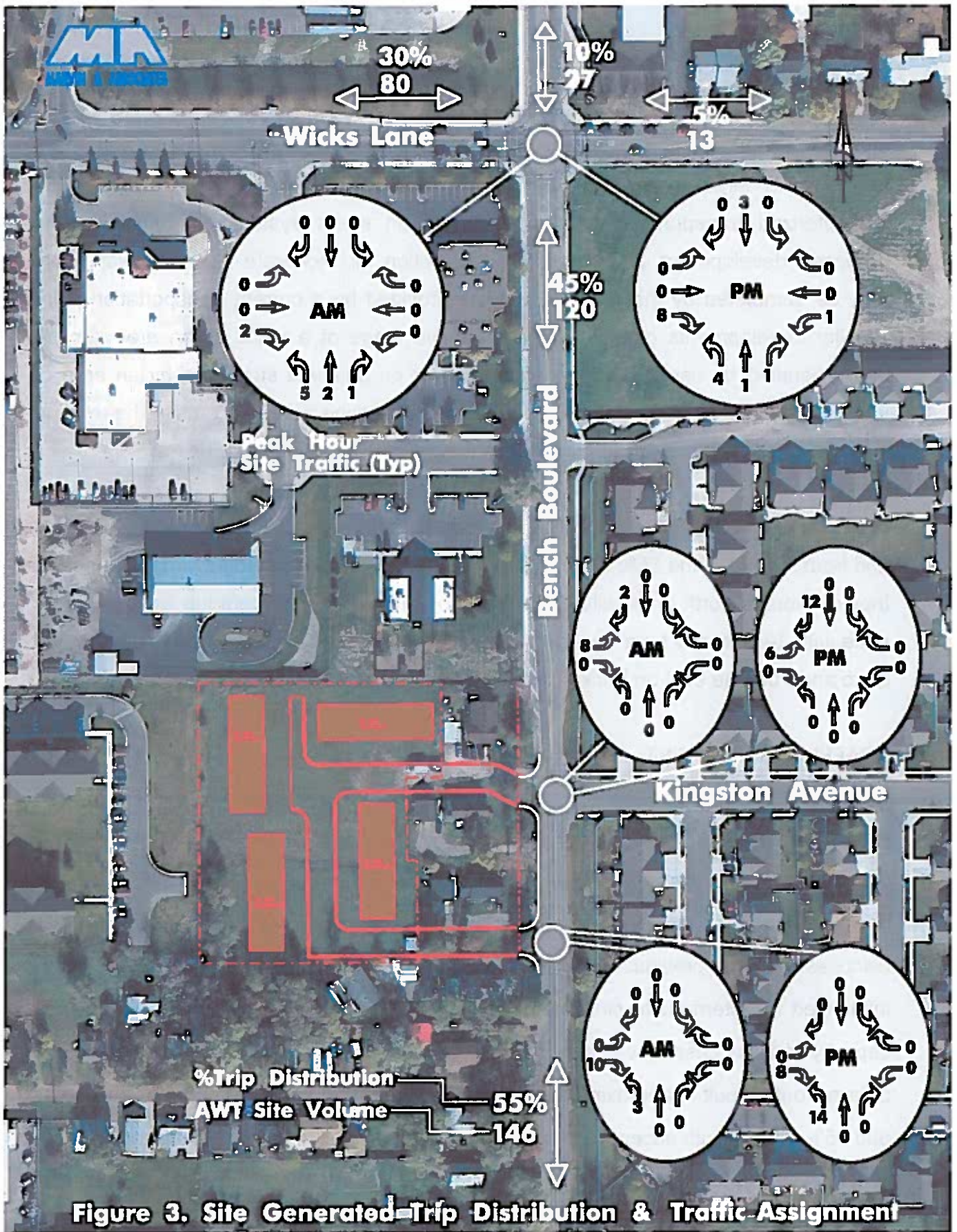
There are various methods of determining the directional distribution of trips to and from site developments and subdivisions. For large and complex developments within the middle of a large urbanized area, the task is best accomplished by creating a computerized transportation model of the urban street system and including the proposed development changes. Trip distribution for moderate sized developments may be completed by manipulation of data provided by a current transportation plan. Smaller developments or developments on the fringe of a small urban area can be easily handled by using existing traffic volumes on adjacent streets or by an area of influence method, or both. In this case, the use of existing traffic patterns at the existing intersections would provide an acceptable means of distributing trips.

The analogy method of trip distribution resulted in an estimated distribution of 45% to and from the north and 55% to and from the south on the Bench Boulevard. Of the 45% trips distributed north of the site, 30% would be directed to and from the west on Wicks Lane with 10% to and from the north on Bench Boulevard and the remaining 5% would be to and from the east on Wicks Lane.

TRAFFIC ASSIGNMENT

Assignment of site traffic to the street system and site access points is normally dependent upon several factors, directional distribution, passerby distribution and operational conditions at the site and on the street system. Directional distribution was discussed in the previous section. Assignment of traffic to the access points is influenced by internal site circulation, number of approaches, internal travel time and capacity of the access movements. In this case, it was determined that travel times and delays would result in approximately 45% of the site traffic assigned to the north access and 55% to the south access, which is directly proportional to the trip distribution.

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Figure 3 shows the percentage trip distribution, average weekday traffic (AWT) assignment, and the peak am and pm hour traffic assignments. It can be seen that in the am and pm hours all of the traffic to and from the north would use the northern approach and all of the site traffic to and from the south would use the southern approach due to the relative travel times and delays associated with each access. In actual operations, there may be vehicles accessing the site using all of the turning movement options for a variety of reasons, but the theoretical demand for those movements shown as zero would not exist based on the site development circulation and access patterns.

TRAFFIC IMPACTS

Traffic Volumes

Figure 4 presents a summary of peak am and pm hour volumes at the access points and on the surrounding street system. The turning movement volumes are calculated by adding the site traffic assignment to existing traffic volumes. Also shown in Figure 4, are the relative percentage increase that site traffic would add to existing AWT volumes. The largest percentages increases would occur on Bench Boulevard adjacent to the proposed development due to access movements into and out of the site. The percentage increase in traffic on Bench Boulevard would only be approximately 2%. Normally traffic counting samples can only estimate average traffic conditions within 10% accuracy and from the two separate counts taken at Wicks and Bench, it appears that traffic volumes can vary by more than 20% in a one week period. Therefore, it can be assumed that the 2% increase could be considered insignificant.

Chalice Acres Subdivision Lot 4 Traffic Accessibility Study

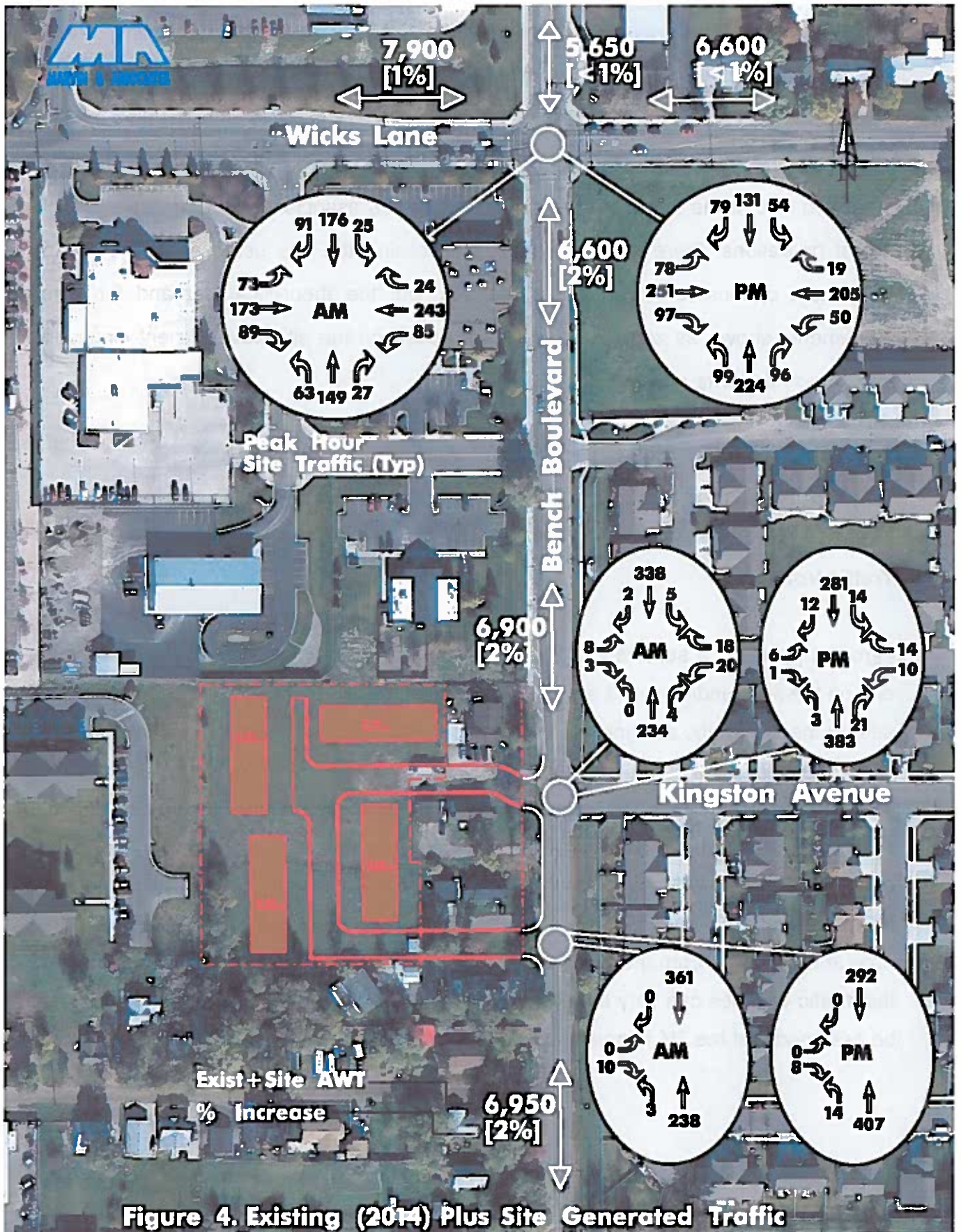


Figure 4. Existing (2014) Plus Site Generated Traffic

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Capacity Impacts

Appendix "B" contains capacity calculations for existing plus site traffic (peak hour) conditions. Table 2 is a summary of capacity impacts at the site accesses and at the intersection of Wicks Lane and Bench Boulevard in the same format as contained in Table 1.

Table 2. Capacity Analysis Summary 2014 Existing Plus Site Traffic

Intersection	MOE	NB		SB		EB		WB	
		L	TR	L	TR	L	TR	L	TR
<i>Movement Group</i>		L	TR	L	TR	L	TR	L	TR
<i>Bench Boulevard & Wicks Lane Peak AM Hour</i>	<i>Control Delay (s/veh)</i>	10.5	10.9	9.9	11.4	11.2	12.1	11.3	12.1
	<i>LOS</i>	B	B	A	B	B	B	B	B
	<i>V/C Ratio</i>	0.17	0.26	0.06	0.34	0.20	0.35	0.21	0.36
	<i>Queue Length (95%)</i>	3	4	1	4	2	4	2	5
<i>Movement Group</i>		L	TR	L	TR	L	TR	L	TR
<i>Bench Boulevard & Wicks Lane Peak AM Hour</i>	<i>Control Delay (s/veh)</i>	10.8	12.1	10.4	10.9	11.2	12.9	11.0	11.8
	<i>LOS</i>	B	B	B	B	B	B	B	B
	<i>V/C Ratio</i>	0.24	0.45	0.16	0.26	0.20	0.47	0.16	0.30
	<i>Queue Length (95%)</i>	5	5	2	4	4	6	2	3
<i>Movement Group</i>		LTR		LTR		LR		LR	
<i>Kingston Avenue & Bench Boulevard Peak AM Hour</i>	<i>Control Delay (s/veh)</i>	8.0		7.8		14.5		13.4	
	<i>LOS</i>	A		A		B		B	
	<i>V/C Ratio</i>	0.00		0.00		0.05		0.10	
	<i>Queue Length (95%)</i>	0.0		0.0		0.2		0.4	
<i>Movement Group</i>		LTR		LTR		LR		LR	
<i>Kingston Avenue & Bench Boulevard Peak PM Hour</i>	<i>Control Delay (s/veh)</i>	7.9		8.4		17.8		14.7	
	<i>LOS</i>	A		A		C		B	
	<i>V/C Ratio</i>	0.00		0.01		0.05		0.08	
	<i>Queue Length (95%)</i>	0.0		0.0		0.2		0.3	
<i>Movement Group</i>		LT				LR			
<i>Southern Site Access & Bench Boulevard Peak AM Hour</i>	<i>Control Delay (s/veh)</i>	8.0				10.7			
	<i>LOS</i>	A				B			
	<i>V/C Ratio</i>	0.00				0.03			
	<i>Queue Length (95%)</i>	0.0				0.1			
<i>Movement Group</i>		LTR				LR			
<i>Southern Site Access & Bench Boulevard Peak PM Hour</i>	<i>Control Delay (s/veh)</i>	7.9				10.1			
	<i>LOS</i>	A				B			
	<i>V/C Ratio</i>	0.01				0.02			
	<i>Queue Length (95%)</i>	0.0				0.1			

In comparing Table 1 to Table 2 it can be seen that all movements at the accesses and intersection would still operate at or above LOS "B". It can also be seen that the addition of site generated traffic to the proposed access at the Kingston Avenue intersection would operate at LOS "C" while the south access would operate at LOS "B". Since none of the MOEs would be impacted to any significant degree, it could be

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concluded that additional traffic generated by the site development would not impact the efficiency of existing traffic operations.

Safety Impacts

In addition to capacity impacts, safety of the proposed site layout and access would be a prime factor in consideration of impacts to the street system. Increased traffic volumes at the access points wouldn't necessarily result in an increased number of accidents due to increased exposure rates. At certain points along the system, usually at intersections, safety concerns are the greatest. From observations of existing conditions, the biggest factor that could be involved with potential safety would be sight distance at the approaches. Since there are no immovable objects that currently obstruct sight distance, the only obstructions would be queued vehicles. Since there are only single lanes in each direction and the capacity calculations indicate that queues will be no more than a single vehicle, conflicts should not exist. Turn lane warrants were examined and it was discovered that the projected traffic volumes would be well under the warranting values.

Pedestrians

Pedestrian access to the site from the public street system is not expected to be significant and the movement of pedestrians between adjacent developments doesn't have the potential to be substantial. Existing pedestrian traffic in the area was minimal with the only pedestrian activity occurring at the intersection of Wicks and Bench.

FUTURE ACCESS OPERATIONS

Consideration of access operations in the future need to be assessed to determine if future traffic increases on the roadway system would change the efficiency of the proposed accesses. Since a future MDT project will widen Bench Boulevard and will provide a continuous center turn-lane, bike lanes and sidewalks, evaluation of future operations assumed that the improvements would be in-place within the next 5 years. Capacity calculations using an annual growth rate of 2% along with the planned typical road section were completed (Appendix C). It was determined that the northern access

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at the intersection of Kingston Avenue would operate at LOS "C" while the southern access would operate at LOS "B". Thus, the planned access should provide acceptable levels of service in future years.

CONCLUSIONS & RECOMMENDATIONS

The proposed subdivision development would generate new vehicular trips on the existing street system. On a daily basis, new traffic on Bench Boulevard would represent an increase of approximately 2% of existing traffic volumes on Bench Boulevard. The proposed accesses to the site property would operate at acceptable levels of service initially and well into the future. Capacity calculations at the existing intersection of Wicks Lane and Bench Boulevard indicate that the proposed site development traffic would not degrade existing levels of service to any substantial degree and additional vehicle queues at that intersection would not impede operations on Bench Boulevard.

The only identifiable development conditions that need to be addressed would be associated with potential safety concerns. The study analysis indicates that no additional measures such as additional traffic lanes are warranted as a mitigation measure. Since the development accesses will be constructed as street approaches, it would be necessary to install stop signs at their intersections with Bench Boulevard. Internally, traffic speeds should be relatively low (20 mph or less). However, the internal curves are 90 degree turns and the line of sight on the inside of those curves could present a safety problem if any permanent structure or landscaping is placed in the corner areas. Therefore, the sight lines on those corners should be maintained (see Figure 5).

Figure 5 shows new driveway locations for two of the three existing residential houses fronting on Bench Boulevard. The existing driveways would be too close to the access streets and the driveway approaches should be moved to the new subdivision streets, as shown.

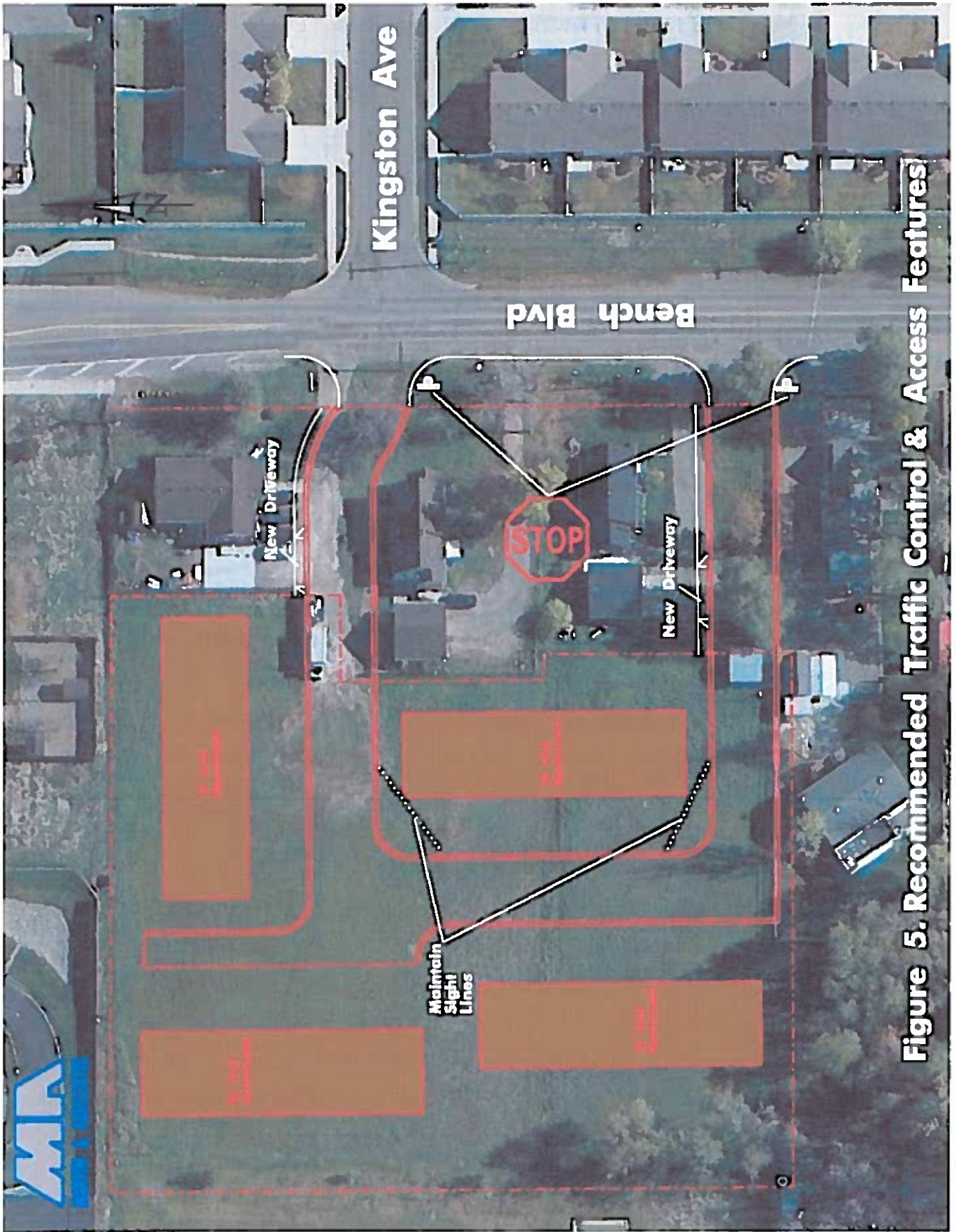


Figure 5. Recommended Traffic Control & Access Features



APPENDIX "A"

Existing Capacity Calculations

HCM Analysis Summary

2014 Existing
R Marvin
AM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist AM

Area Type: Non CBD
Analysis Duration: 15 mins.

Lanes			Geometry: Movements Serviced by Lane and Lane Widths (feet)											
Approach	Outbound		Lane 1		Lane 2		Lane 3		Lane 4		Lane 5		Lane 6	
EB	2	1	L	12.0	TR	12.0								
WB	2	1	L	12.0	TR	12.0								
NB	2	1	L	12.0	TR	12.0								
SB	2	1	L	12.0	TR	12.0								
Data			East			West			North			South		
			L	T	R	L	T	R	L	T	R	L	T	R
Movement Volume (vph)			73	173	87	85	243	24	58	147	26	25	176	91
PHF			0.86	0.86	0.86	0.91	0.91	0.91	0.80	0.80	0.80	0.87	0.87	0.87
% Heavy Vehicles			0	0	0	0	0	0	0	0	0	0	0	0
Lane Groups			L	TR		L	TR		L	TR		L	TR	
Arrival Type			3	3		3	3		3	3		3	3	
RTOR Vol (vph)			32			8			8			35		
Peds/Hour			5			5			5			5		
% Grade			0			0			0			0		
Buses/Hour			0			0			0			0		
Parkers/Hour (Left Right)			--		--	--		--	--		--	--		--
Signal Settings: Actuated			Operational Analysis				Cycle Length: 60.0 Sec				Lost Time Per Cycle: 9.0 Sec			
Phase:			1	2	3	4	5	6	7	8	Ped Only			
EB			LTP											
WB			LTP											
NB				LTP										
SB				LTP										
Green			25.0	26.0										0
Yellow	All Red		3.5	1.0	3.5	1.0								

Capacity Analysis Results									Approach:	
App	Lane Group	Cap (vph)	v/s Ratio	g/C Ratio	Lane Group	v/c Ratio	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
EB	L	423	0.084	0.417	L	0.201	11.2	B	11.8	B
	TR	762	0.145	0.417	TR	0.348	12.0	B		
WB	L	441	0.088	0.417	L	0.211	11.3	B	11.9	B
	* TR	784	0.152	0.417	TR	0.364	12.1	B		
NB	L	462	0.068	0.433	L	0.156	10.4	B	10.8	B
	TR	809	0.110	0.433	TR	0.255	10.9	B		
SB	L	515	0.024	0.433	L	0.056	9.9	A	11.2	B
	* TR	793	0.145	0.433	TR	0.335	11.4	B		

NETSIM Summary Results

2014 Existing
R Marvin
AM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist AM

App	Lane Group	Queues Per Lane Avg/Max (veh)	Average Speed (mph)	Spillback in Worst Lane (% of Peak Period)	
EB	L	1 / 2	10.7	0.0	
	TR	2 / 4	18.4	0.0	
	All		16.9	0.0	
WB	L	1 / 2	15.1	0.0	
	TR	3 / 5	16.7	0.0	
	All		16.5	0.0	
NB	L	1 / 2	9.9	0.0	
	TR	2 / 3	17.9	0.0	
	All		16.0	0.0	
SB	L	0 / 1	12.2	0.0	
	TR	3 / 4	17.1	0.0	
	All		16.7	0.0	
Intersect.			16.5		

HCM Analysis Summary

2014 Existing
R Marvin
PM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist PM

Area Type: Non CBD
Analysis Duration: 15 mins.

Lanes			Geometry: Movements Serviced by Lane and Lane Widths (feet)											
	Approach	Outbound	Lane 1		Lane 2		Lane 3		Lane 4		Lane 5		Lane 6	
EB	2	I	L	12.0	TR	12.0								
WB	2	I	L	12.0	TR	12.0								
NB	2	I	L	12.0	TR	12.0								
SB	2	I	L	12.0	TR	12.0								
Data	East			West			North			South				
	L	T	R	L	T	R	L	T	R	L	T	R		
Movement Volume (vph)	78	251	89	49	205	19	95	223	95	54	128	79		
PHF	0.86	0.86	0.86	0.91	0.91	0.91	0.80	0.80	0.80	0.87	0.87	0.87		
% Heavy Vehicles	0	0	0	0	0	0	0	0	0	0	0	0		
Lane Groups	L	TR		L	TR		L	TR		L	TR			
Arrival Type	3	3		3	3		3	3		3	3			
RTOR Vol (vph)	36			6			32			31				
Peds/Hour	5			5			5			5				
% Grade	0			0			0			0				
Buses/Hour	0			0			0			0				
Parkers/Hour (Left Right)	---		---	---		---	---		---	---		---		
Signal Settings: Actuated		Operational Analysis				Cycle Length: 60.0 Sec				Lost Time Per Cycle: 9.0 Sec				
Phase:	1	2	3	4	5	6	7	8	Ped Only					
EB	LTP													
WB	LTP													
NB		LTP												
SB		LTP												
Green	25.0	26.0										0		
Yellow	All Red	3.5	1.0	3.5	1.0									

Capacity Analysis Results									Approach:	
App	Lane Group	Cap (vph)	v/s Ratio	g/C Ratio	Lane Group	v/c Ratio	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
EB	L	465	0.082	0.417	L	0.196	11.2	B	12.5	B
	* TR	770	0.192	0.417	TR	0.460	12.8	B		
WB	L	363	0.062	0.417	L	0.149	11.0	B	11.6	B
	TR	785	0.127	0.417	TR	0.304	11.8	B		
NB	L	517	0.100	0.433	L	0.230	10.8	B	11.8	B
	* TR	795	0.195	0.433	TR	0.450	12.1	B		
SB	L	381	0.071	0.433	L	0.163	10.4	B	10.8	B
	TR	789	0.111	0.433	TR	0.256	10.9	B		

NETSIM Summary Results

2014 Existing
R Marvin
PM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist PM

App	Lane Group	Queues Per Lane Avg/Max (veh)	Average Speed (mph)	Spillback in Worst Lane (% of Peak Period)	
EB	L	1 / 3	11.1	0.0	
	TR	4 / 5	17.6	0.0	
	All		16.5	0.0	
WB	L	1 / 2	8.9	0.0	
	TR	2 / 4	18.2	0.0	
	All		17.0	0.0	
NB	L	2 / 6	7.8	0.0	
	TR	3 / 6	16.2	0.0	
	All		14.2	0.0	
SB	L	1 / 2	9.6	0.0	
	TR	2 / 4	18.7	0.0	
	All		16.9	0.0	
Intersect.			15.8		

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information					
Analyst	R Marvin		Intersection	Bench & Kingston				
Agency/Co.	Marvin Associates		Jurisdiction	City of Billings				
Date Performed	4/2/2014		Analysis Year	2014 Existing				
Analysis Time Period	Peak AM							
Project Description Chalice Acres Sub Lot 4								
East/West Street: Kingston Avenue			North/South Street: Bench Boulevard					
Intersection Orientation: North-South			Study Period (hrs): 0.25					
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	0	234	4	5	338	0		
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.89	0.89	1.00		
Hourly Flow Rate, HFR (veh/h)	0	288	4	5	379	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Eastbound			Westbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0		3	20		18		
Peak-Hour Factor, PHF	0.50	1.00	0.50	0.75	1.00	0.75		
Hourly Flow Rate, HFR (veh/h)	0	0	6	26	0	24		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration	LR			LR				
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LR			LR		
v (veh/h)	0	5	50			6		
C (m) (veh/h)	1191	1281	482			672		
v/c	0.00	0.00	0.10			0.01		
95% queue length	0.00	0.01	0.35			0.03		
Control Delay (s/veh)	8.0	7.8	13.3			10.4		
LOS	A	A	B			B		
Approach Delay (s/veh)	--	--	13.3			10.4		
Approach LOS	--	--	B			B		

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information			
Analyst	R Marvin			Intersection	Bench & Kingston		
Agency/Co.	Marvin Associates			Jurisdiction	City of Billings		
Date Performed	4/2/2014			Analysis Year	2014 Existing		
Analysis Time Period	Peak PM						
Project Description Chalice Acres Sub Lot 4							
East/West Street: Kingston Avenue				North/South Street: Bench Boulevard			
Intersection Orientation: North-South				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	3	383	21	14	281	0	
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.89	0.89	0.89	
Hourly Flow Rate, HFR (veh/h)	3	472	25	15	315	0	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration	LTR			LTR			
Upstream Signal		0			0		
Minor Street	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	0		1	10		14	
Peak-Hour Factor, PHF	0.50	1.00	0.50	0.75	1.00	0.75	
Hourly Flow Rate, HFR (veh/h)	0	0	2	13	0	18	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		LR			LR		
Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11
						12	
Lane Configuration	LTR	LTR	LR			LR	
v (veh/h)	3	15	31			2	
C (m) (veh/h)	1257	1077	406			730	
v/c	0.00	0.01	0.08			0.00	
95% queue length	0.01	0.04	0.25			0.01	
Control Delay (s/veh)	7.9	8.4	14.6			9.9	
LOS	A	A	B			A	
Approach Delay (s/veh)	--	--	14.6			9.9	
Approach LOS	--	--	B			A	

APPENDIX "B"

Existing Plus Site Traffic Capacity Calculations

HCM Analysis Summary

2014 Existing Plus Site
R Marvin
AM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist Plus AM

Area Type: Non CBD
Analysis Duration: 15 mins.

Lanes			Geometry: Movements Served by Lane and Lane Widths (feet)											
	Approach	Outbound	Lane 1		Lane 2		Lane 3		Lane 4		Lane 5		Lane 6	
EB	2	1	L	12.0	TR	12.0								
WB	2	1	L	12.0	TR	12.0								
NB	2	1	L	12.0	TR	12.0								
SB	2	1	L	12.0	TR	12.0								
Data	Fast			West			North			South				
	L	T	R	L	T	R	L	T	R	L	T	R		
Movement Volume (vph)	73	173	89	85	243	24	63	149	27	25	176	91		
PHF	0.86	0.86	0.86	0.91	0.91	0.91	0.80	0.80	0.80	0.87	0.87	0.87		
% Heavy Vehicles	0	0	0	0	0	0	0	0	0	0	0	0		
Lane Groups	L	TR		L	TR		L	TR		L	TR			
Arrival Type	3	3		3	3		3	3		3	3			
RTOR Vol (vph)	32			8			8			35				
Peds/Hour	5			5			5			5				
% Grade	0			0			0			0				
Buses/Hour	0			0			0			0				
Parkers/Hour (Left Right)	---		---		---		---		---		---			
Signal Settings: Actuated		Operational Analysis				Cycle Length: 60.0 Sec				Lost Time Per Cycle: 9.0 Sec				
Phase:	1	2	3	4	5	6	7	8	Ped Only					
EB	LTP													
WB	LTP													
NB		LTP												
SB		LTP												
Green	25.0	26.0										0		
Yellow	All Red	3.5	1.0	3.5	1.0									

Capacity Analysis Results									Approach:	
App	Lane Group	Cap (vph)	v/s Ratio	g/C Ratio	Lane Group	v/c Ratio	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
EB	L	423	0.084	0.417	L	0.201	11.2	B	11.9	B
	TR	761	0.146	0.417	TR	0.351	12.1	B		
WB	L	439	0.088	0.417	L	0.212	11.3	B	11.9	B
	* TR	784	0.152	0.417	TR	0.364	12.1	B		
NB	L	462	0.074	0.433	L	0.171	10.5	B	10.8	B
	TR	809	0.113	0.433	TR	0.260	10.9	B		
SB	L	514	0.024	0.433	L	0.056	9.9	A	11.2	B
	* TR	793	0.145	0.433	TR	0.335	11.4	B		

NETSIM Summary Results

2014 Existing Plus Site
R Marvin
AM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist Plus AM

App	Lane Group	Queues Per Lane Avg/Max (veh)	Average Speed (mph)	Spillback in Worst Lane (% of Peak Period)	
EB	L	1 / 2	10.4	0.0	
	TR	3 / 4	18.1	0.0	
	All		16.6	0.0	
WB	L	1 / 2	14.6	0.0	
	TR	3 / 5	16.6	0.0	
	All		16.4	0.0	
NB	L	1 / 3	7.5	0.0	
	TR	2 / 4	18.8	0.0	
	All		15.5	0.0	
SB	L	0 / 1	12.3	0.0	
	TR	3 / 4	17.2	0.0	
	All		16.8	0.0	
Intersect.			16.3		

HCM Analysis Summary

2014 Existing Plus Site
R Marvin
PM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist Plus PM

Area Type: Non CBD
Analysis Duration: 15 mins.

Geometry: Movements Serviced by Lane and Lane Widths (feet)

Lanes			Geometry: Movements Serviced by Lane and Lane Widths (feet)											
Approach	Outbound		Lane 1		Lane 2		Lane 3		Lane 4		Lane 5		Lane 6	
EB	2	1	L	12.0	TR	12.0								
WB	2	1	L	12.0	TR	12.0								
NB	2	1	L	12.0	TR	12.0								
SB	2	1	L	12.0	TR	12.0								
Data			East			West			North			South		
			L	T	R	L	T	R	L	T	R	L	T	R
Movement Volume (vph)			78	251	97	50	205	19	99	224	96	54	131	79
PHF			0.86	0.86	0.86	0.91	0.91	0.91	0.80	0.80	0.80	0.87	0.87	0.87
% Heavy Vehicles			0	0	0	0	0	0	0	0	0	0	0	0
Lane Groups			L	TR		L	TR		L	TR		L	TR	
Arrival Type			3	3		3	3		3	3		3	3	
RTOR Vol (vph)			36			6			32			31		
Peds/Hour			5			5			5			5		
% Grade			0			0			0			0		
Buses/Hour			0			0			0			0		
Parkers/Hour (Left Right)			---		---	---		---	---		---	---		---
Signal Settings: Actuated			Operational Analysis					Cycle Length: 60.0 Sec			Lost Time Per Cycle: 9.0 Sec			
Phase:			1	2	3	4	5	6	7	8				Ped Only
EB			LTP											
WB			LTP											
NB				LTP										
SB				LTP										
Green			25.0	26.0										0
Yellow	All Red		3.5	1.0	3.5	1.0								

Capacity Analysis Results

App	Lane Group	Cap (vph)	v/s Ratio	g/C Ratio	Lane Group	v/c Ratio	Delay (sec/veh)	LOS	Approach:	
									Delay (sec/veh)	LOS
EB	L	465	0.082	0.417	L	0.196	11.2	B	12.5	B
	* TR	767	0.197	0.417	TR	0.473	12.9	B		
WB	L	355	0.065	0.417	L	0.155	11.0	B	11.6	B
	TR	785	0.127	0.417	TR	0.304	11.8	B		
NB	L	515	0.104	0.433	L	0.241	10.8	B	11.8	B
	* TR	795	0.196	0.433	TR	0.453	12.1	B		
SB	L	379	0.071	0.433	L	0.164	10.4	B	10.8	B
	TR	789	0.113	0.433	TR	0.261	10.9	B		

NETSIM Summary Results

2014 Existing Plus Site
R Marvin
PM Hour

Wicks/Bench
4/3/14
Case: Bench Wicks Capacity Exist Plus PM

App	Lane Group	Queues Per Lane Avg/Max (veh)	Average Speed (mph)	Spillback in Worst Lane (% of Peak Period)	
EB	L	1 / 4	9.5	0.0	
	TR	4 / 6	17.2	0.0	
	All		15.9	0.0	
WB	L	1 / 2	7.6	0.0	
	TR	2 / 3	18.0	0.0	
	All		16.5	0.0	
NB	L	1 / 5	9.7	0.0	
	TR	3 / 5	17.4	0.0	
	All		15.8	0.0	
SB	L	1 / 2	10.1	0.0	
	TR	2 / 4	18.4	0.0	
	All		16.8	0.0	
Intersect.			16.1		

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information				
Analyst	R Marvin		Intersection	Bench & Kingston			
Agency/Co.	Marvin Associates		Jurisdiction	City of Billings			
Date Performed	4/2/2014		Analysis Year	2014 Existing Plus Site			
Analysis Time Period	Peak AM						
Project Description Chalice Acres Sub Lot 4							
East/West Street: Kingston Avenue			North/South Street: Bench Boulevard				
Intersection Orientation: North-South			Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	0	234	4	5	338	2	
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.89	0.89	0.89	
Hourly Flow Rate, HFR (veh/h)	0	288	4	5	379	2	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration	LTR			LTR			
Upstream Signal		0			0		
Minor Street	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	8		3	20		18	
Peak-Hour Factor, PHF	0.50	1.00	0.50	0.75	1.00	0.75	
Hourly Flow Rate, HFR (veh/h)	16	0	6	26	0	24	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		LR			LR		
Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	LTR	LTR		LR			LR
v (veh/h)	0	5		50			22
C (m) (veh/h)	1189	1281		481			401
v/c	0.00	0.00		0.10			0.05
95% queue length	0.00	0.01		0.35			0.17
Control Delay (s/veh)	8.0	7.8		13.4			14.5
LOS	A	A		B			B
Approach Delay (s/veh)	--	--		13.4			14.5
Approach LOS	--	--		B			B

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information				
Analyst	R Marvin		Intersection	Bench & Kingston			
Agency/Co.	Marvin Associates		Jurisdiction	City of Billings			
Date Performed	4/2/2014		Analysis Year	2014 Existing Plus			
Analysis Time Period	Peak PM						
Project Description <i>Chalice Acres Sub Lot 4</i>							
East/West Street: <i>Kingston Avenue</i>			North/South Street: <i>Bench Boulevard</i>				
Intersection Orientation: <i>North-South</i>			Study Period (hrs): <i>0.25</i>				
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	3	383	21	14	281	12	
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.89	0.89	0.89	
Hourly Flow Rate, HFR (veh/h)	3	472	25	15	315	13	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	<i>Undivided</i>						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration	<i>LTR</i>			<i>LTR</i>			
Upstream Signal		0			0		
Minor Street	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	6		1	10		14	
Peak-Hour Factor, PHF	0.50	1.00	0.50	0.75	1.00	0.75	
Hourly Flow Rate, HFR (veh/h)	12	0	2	13	0	18	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		<i>N</i>			<i>N</i>		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		<i>LR</i>			<i>LR</i>		
Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	<i>LTR</i>	<i>LTR</i>		<i>LR</i>			<i>LR</i>
v (veh/h)	3	15		31			14
C (m) (veh/h)	1243	1077		403			296
v/c	0.00	0.01		0.08			0.05
95% queue length	0.01	0.04		0.25			0.15
Control Delay (s/veh)	7.9	8.4		14.7			17.8
LOS	<i>A</i>	<i>A</i>		<i>B</i>			<i>C</i>
Approach Delay (s/veh)	--	--		14.7			17.8
Approach LOS	--	--		<i>B</i>			<i>C</i>

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information					
Analyst	R Marvin		Intersection	South Access & Bench				
Agency/Co.	Marvin Associates		Jurisdiction	City of Billings				
Date Performed	4/3/2014		Analysis Year	2014 Existing Plus Site				
Analysis Time Period	Peak AM							
Project Description <i>Chalice Acres Sub Lot 4</i>								
East/West Street: <i>Southern Access</i>			North/South Street: <i>Bench Blvd</i>					
Intersection Orientation: <i>North-South</i>			Study Period (hrs): <i>0.25</i>					
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	3	238			361	0		
Peak-Hour Factor, PHF	0.90	0.90	1.00	1.00	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	3	264	0	0	401	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	<i>Undivided</i>							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	<i>LT</i>					<i>TR</i>		
Upstream Signal		0			0			
Minor Street	Eastbound			Westbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0		10					
Peak-Hour Factor, PHF	0.50	1.00	0.50	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	20	0	0	0		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		<i>N</i>			<i>N</i>			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration		<i>LR</i>						
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	<i>LT</i>						<i>LR</i>	
v (veh/h)	3						20	
C (m) (veh/h)	1169						653	
v/c	0.00						0.03	
95% queue length	0.01						0.09	
Control Delay (s/veh)	8.1						10.7	
LOS	A						B	
Approach Delay (s/veh)	--	--					10.7	
Approach LOS	--	--					B	

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Marvin			Intersection	South Access & Bench			
Agency/Co.	Marvin Associates			Jurisdiction	City of Billings			
Date Performed	4/3/2014			Analysis Year	2014 Existing Plus Site			
Analysis Time Period	Peak PM							
Project Description Chalice Acres Sub Lot 4								
East/West Street: Southern Access				North/South Street: Bench Blvd				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	14	407			292	0		
Peak-Hour Factor, PHF	0.92	0.92	1.00	1.00	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	15	442	0	0	324	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LT					TR		
Upstream Signal		0			0			
Minor Street	Eastbound			Westbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0		8					
Peak-Hour Factor, PHF	0.50	1.00	0.50	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	16	0	0	0		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration		LR						
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	15						16	
C (m) (veh/h)	1247						722	
v/c	0.01						0.02	
95% queue length	0.04						0.07	
Control Delay (s/veh)	7.9						10.1	
LOS	A						B	
Approach Delay (s/veh)	--	--				10.1		
Approach LOS	--	--				B		

APPENDIX "C"

Future Conditions Capacity at Accesses

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information			
Analyst	R Marvin			Intersection	Bench & Kingston		
Agency/Co.	Marvin Associates			Jurisdiction	City of Billings		
Date Performed	4/2/2014			Analysis Year	Year 2020 Conditions		
Analysis Time Period	Peak PM						
Project Description Chalice Acres Sub Lot 4							
East/West Street: Kingston Avenue				North/South Street: Bench Boulevard			
Intersection Orientation: North-South				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	3	435	21	16	320	12	
Peak-Hour Factor, PHF	0.83	0.83	0.83	0.91	0.91	0.91	
Hourly Flow Rate, HFR (veh/h)	3	524	25	17	351	13	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	1	1	0	1	1	0	
Configuration	L		TR	L		TR	
Upstream Signal		0			0		
Minor Street	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	6		1	12		16	
Peak-Hour Factor, PHF	0.50	1.00	0.50	0.75	1.00	0.75	
Hourly Flow Rate, HFR (veh/h)	12	0	2	16	0	21	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		LR			LR		
Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	L	L		LR			LR
v (veh/h)	3	17		37			14
C (m) (veh/h)	1206	1031		356			255
v/c	0.00	0.02		0.10			0.05
95% queue length	0.01	0.05		0.34			0.17
Control Delay (s/veh)	8.0	8.6		16.3			19.9
LOS	A	A		C			C
Approach Delay (s/veh)	--	--		16.3			19.9
Approach LOS	--	--		C			C

TWO-WAY STOP CONTROL SUMMARY								
General Information					Site Information			
Analyst	R Marvin				Intersection	South Access & Bench		
Agency/Co.	Marvin Associates				Jurisdiction	City of Billings		
Date Performed	4/3/2014				Analysis Year	2020 Conditions		
Analysis Time Period	Peak PM							
Project Description Chalice Acres Sub Lot 4								
East/West Street: Southern Access					North/South Street: Bench Blvd			
Intersection Orientation: North-South					Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	14	462			333	0		
Peak-Hour Factor, PHF	0.92	0.92	1.00	1.00	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	15	502	0	0	370	0		
Percent Heavy Vehicles	0	-	-	0	-	-		
Median Type	Undivided							
RT Channelized			0				0	
Lanes	1	1	0	0	1	0		
Configuration	L	T					TR	
Upstream Signal		0			0			
Minor Street	Eastbound			Westbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0		8					
Peak-Hour Factor, PHF	0.50	1.00	0.50	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	16	0	0	0		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0				0	
Lanes	0	0	0	0	0	0		
Configuration		LR						
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L						LR	
v (veh/h)	15						16	
C (m) (veh/h)	1200						680	
v/c	0.01						0.02	
95% queue length	0.04						0.07	
Control Delay (s/veh)	8.0						10.4	
LOS	A						B	
Approach Delay (s/veh)	--	--				10.4		
Approach LOS	--	--				B		



City Zoning Commission

Meeting Date: 05/05/2015

SUBJECT: Special Review 926 - 2911 Rim Point Dr - LDS Meetinghouse

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #2: City Special Review #926 – A special review request to allow a new LDS Meeting House (place of worship) of 16,558 square feet and a future addition of 2,510 square feet, and a 171-stall parking area with landscaping in a Residential 9,600 (R-96) zone on Lots 28 through 37, Block 2 of Rim Point Subdivision, a 4.25 acre parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval and adoption of the findings of the 3 criteria for Special Review 926.

APPLICATION DATA

OWNER: Corporation of the Presiding Bishop of the Church of Jesus Christ LDS

AGENT: NBW Architects, P.A. Scott Nielson

LEGAL DESCRIPTION: Lots 28 through 37, Block 2 of Rim Point Subdivision

ADDRESS: 2911 Rim Point Drive

CURRENT ZONING: R-96

EXISTING LAND USE: Vacant

PROPOSED USE: LDS Meetinghouse

SIZE OF PARCEL: 4.25 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

The City Council conditionally approved Special Review 607 on October 27, 1997 for the LDS Temple located north and west at 3100 Rim Point Drive. This property was originally a part of Lillis Heights Subdivision and re-platted as part of the LDS Temple development. Several other special review applications for new or expanded churches and places of worship have been approved by the City Council since 1997 including major additions to Faith Chapel, Lutheran Church of the Good Shepherd, Apostles Lutheran Church, Emmanuel Baptist Church and Faith Evangelical Church, all located in West Billings. This property has been zoned Residential 9,600 (R-96) since its annexation to the City in 1997. All of the above named churches are also in residential zoning districts.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-9600
 Land Use: Vacant

SOUTH: Zoning: R-9600
 Land Use: Single Family Residential

EAST: Zoning: R-9600
 Land Use: Single Family Residential

WEST: Zoning: R-9600
 Land Use: Vacant and LDS Temple grounds

BACKGROUND

The Church of Jesus Christ LDS is in need of additional meetinghouse space to accommodate a growing church membership. The meetinghouse is meant to accommodate the everyday worship activities and will be similar in size and construction style as other meetinghouse sites in Billings (912 Wicks Lane, 2929 Belvedere, 3595 Monad Road, 1640 Broadmoor and 1711 6th Street West). The proposed building will be located on approximately 4.25 acres east of Rim Point Drive. The current lots are platted for single family homes with cul-de-sacs. The property will need to submit an amended subdivision to vacate the streets and to remove the existing public utilities in those rights of way.

The proposed meetinghouse is a 16,558 square foot building with a future addition of 2,510 square feet. The building will be a single story structure with a maximum building height of approximately 28 feet. The church spire will be approximately 64 feet above finished grade. There is also a small 190 square foot storage shed on the east end of the parking lot next to the dumpster enclosure. The building will not have a basement area. The site shows two drive approaches from Rim Point Drive - one on the north end and one on the south end of the property. The two driveways allow access to the proposed 171-space parking lot on the east end of the property. This appears to meet the site development code for off-street parking. The site slopes from north to south and there are two proposed retaining walls to accommodate the adjacent slopes. There are utility easements along both the north and south property lines and the retaining walls will run along these utility easements. The easements will be left open so private utility companies may access these areas at any time. A master landscaping plan shows a perimeter 6 foot

vinyl privacy fence along the south, east and north property lines. The west property line will be open to Rim Point Drive. No freestanding sign is proposed - the building will have 1 un-lit stone engraved sign. The building is proposed as wood construction with a brick exterior. There is no building lighting. The proposed lighting is for the parking and sidewalk areas. Four mechanical pads for air handling units are shown on the site plan - two north of the building and two south of the building.

The applicants states in the cover letter that a traffic study has been prepared for the project but not yet submitted to the City Traffic Engineer for review. There may be additional traffic at the Rimrock Road and Rim Point Drive intersection. This section of Rimrock Road carries approximately 7,200 vehicles per day. At this intersection Rimrock Road has two travel lanes, a center turn lane, and two, 5-foot shoulders against the curbing. Homes on the north side of Rimrock Road have a frontage road to use for access to their property. The traffic study will be submitted for review and approval by the City.

The Planning Division has reviewed this application with other city departments and is recommending conditional approval based on the findings of the 3 criteria. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations, the 2008 Growth Policy including any neighborhood plans, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that it is in a zoning district, R-96, where churches and places of worship are allowed by special review approval. The City has conditionally approved similar churches and places of worship in West Billings in the past 10 years as the population in this area has increased. The form of the application is correct and the submitted site plan appears to be in conformance with site development and zoning regulations for the R-96 zoning district. The proposal is consistent with goals of the 2008 Growth Policy, and the West Billings Neighborhood Plan – specifically the goal of encouraging uses that are compatible with the character of the adjacent land use patterns. This site is adjacent to low density residential development and the existing LDS Temple. There are some impacts from the proposed location that need to be mitigated by conditions of approval specifically concerning the parking area and the mechanical units. Other recommended conditions are standard conditions applicable to all special review approvals.

The Planning Division recommends approval, subject to the following conditions:

1. The special review approval is for the construction of an LDS Meetinghouse of 16,558 square feet with a future addition of 2,510 square feet and a 171-space parking lot.
2. The approval is limited to Lots 28 through 37, Block 2 of Rim Point Subdivision, generally at 2911 Rim Point Drive.
3. Increases in the size of the meetinghouse including its future addition or the number of off-street parking spaces greater than 10% of the numbers shown on the site plan will

require additional special review approval.

4. The site will be developed in substantial conformance with the submitted site plan submitted 3-24-15. Minor modifications to the site plan are acceptable.

5. The applicant will provide a screening wall around each mechanical pad as shown on the site plan to reduce noise and provide continuity with the adjacent building. The screening wall will be compatible in color and materials to the adjacent building.

6. The applicant will provide internal parking lot landscaping for the two center north-to-south parking rows east of the building. The applicant will provide at least one landscape island break along the row of 43 parking spaces against the north property line. This break should be at or near the mid-point of this row of parking spaces.

7. There shall be no construction activity before 7 am or after 8 pm.

8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

9. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit or zoning compliance permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The use and development of the property must be in accordance with the submitted site plan.

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 926.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Commission determinations

Zoning Map

Site photos

Site Plan and Applicant Letter

Attachment A
Zoning Commission Action

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Attachment B
Zoning Map – Special Review #926



Subject Property

Attachment C
Site Photos – Special Review #926



Subject Property from Rim Point Drive – view east



View northeast across west cul-de-sac of Audubon Way

Attachment C, continued
Site Photos – Special Review #926

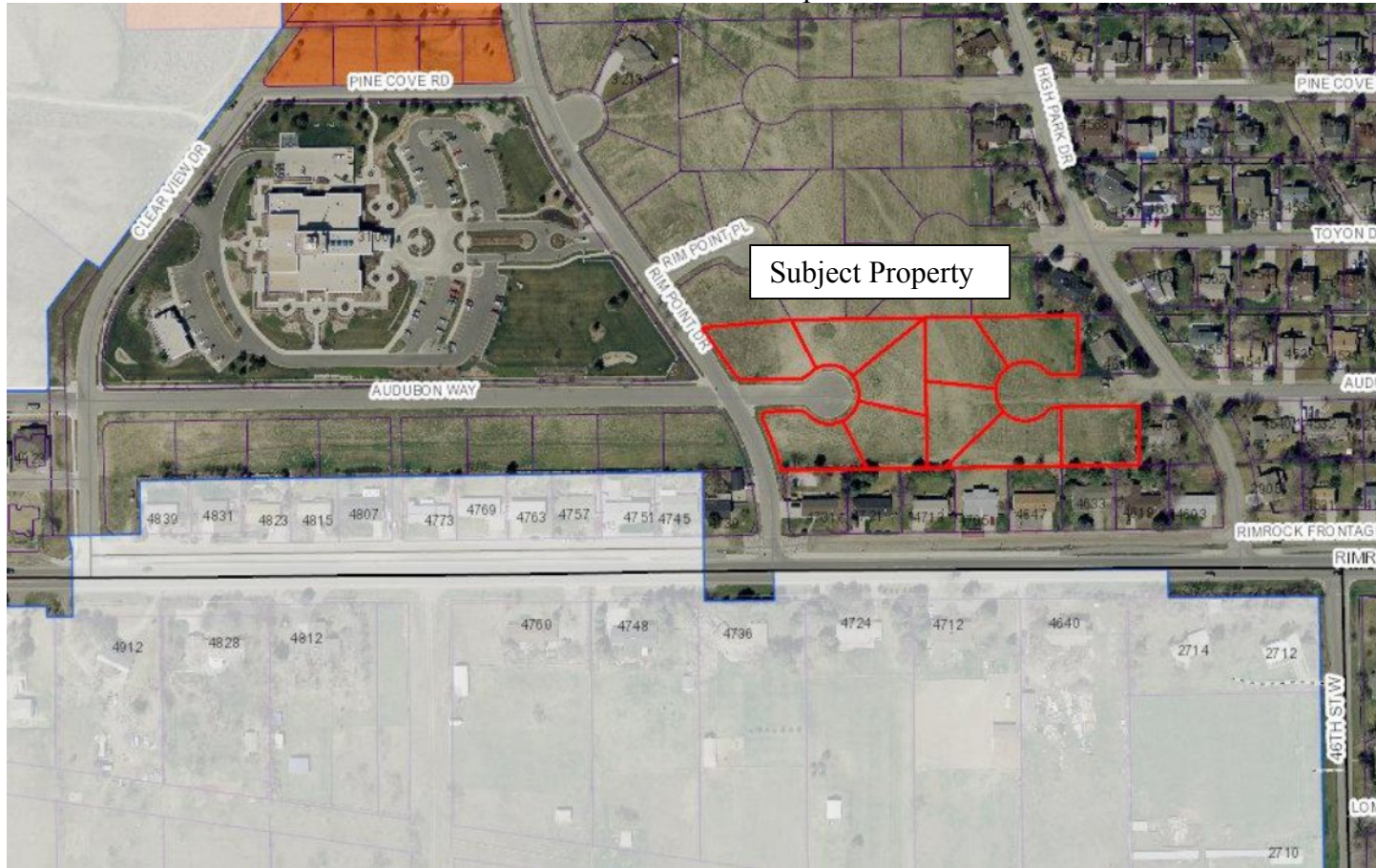


View north west across Rim Point Drive

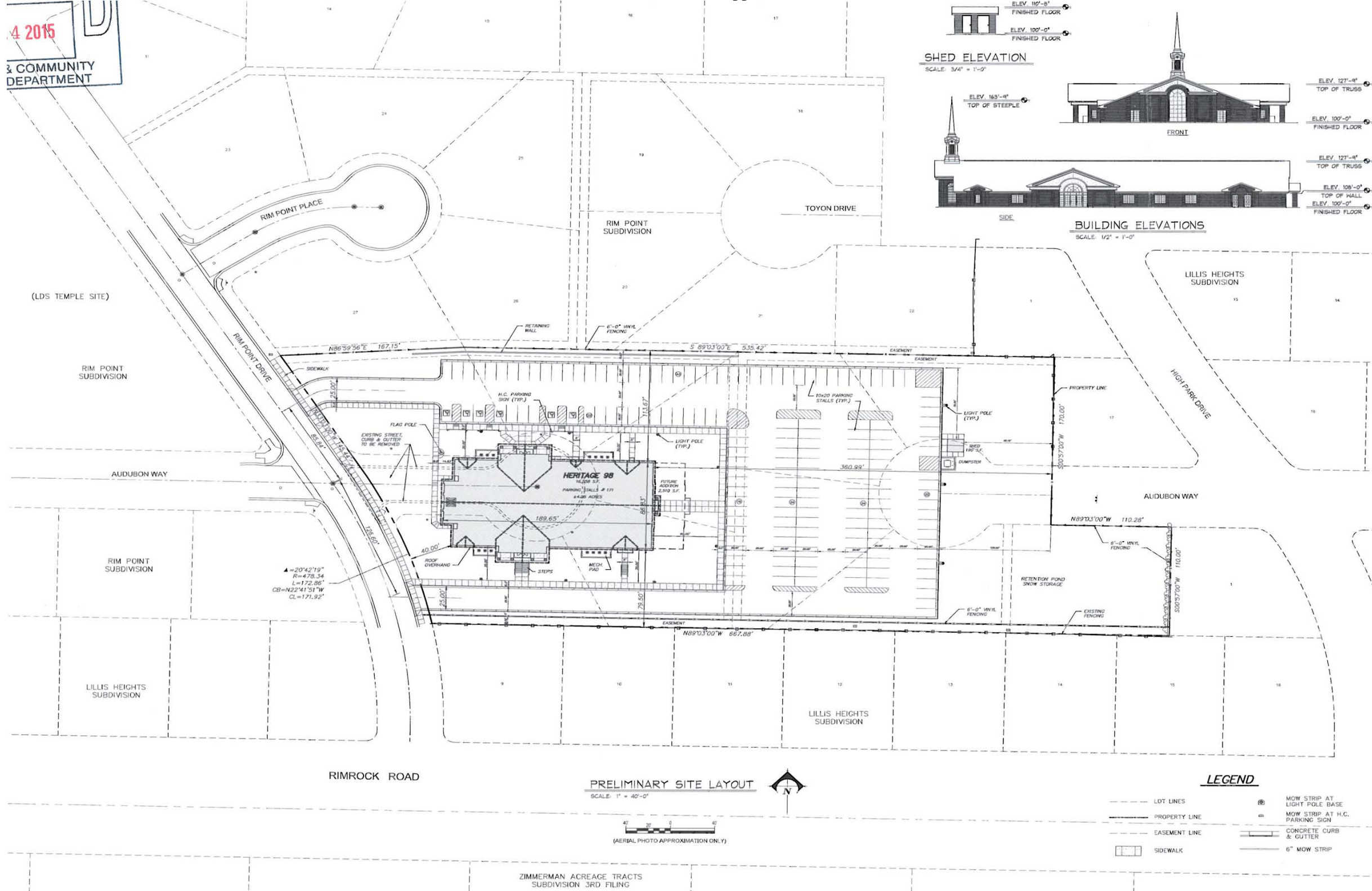


View south along Rim Point Drive to its intersection with Rimrock Road

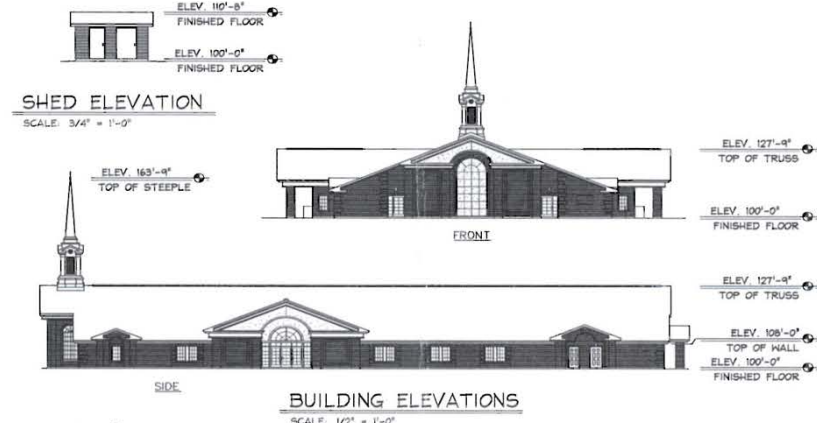
Attachment C, continued
Site Photos – Special Review #926



Special Review 926
Site Plan and Applicant Letter



4 2015
COMMUNITY DEPARTMENT



nbwarchitects p.a.
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Stamp

BILLINGS SWEET GRASS
CREEK HERITAGE 98
Billings Montana Stake

Project for:
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mark	Date	Description

Project Number: 13040
Plan Series: ...
Property Number: ...

Sheet Title:
PRELIMINARY SITE PLAN - HERITAGE 98
RIM POINT LOTS 28-37

Sheet:
C1.0

**SPECIAL REVIEW APPLICATION
INSTRUCTIONS ITEM 1 B**

B. *Why is there a need for the intended use of the property at this location?*

The existing LDS meetinghouse facilities in the Billings area are currently at or above capacity. Growth in general population and therefore LDS population as well in this area has resulted in the number of members of the LDS church to grow over the period of the past number of years. The congregations that meet in the existing area facilities have grown to the point where some of them need to be divided to create more administratively manageable sized congregations. Because of scheduling issues each of the existing meetinghouses are not capable of handling any more congregational units than they currently house and still be able to meet the worship and activity needs of the members. The need is to construct an additional meetinghouse that can accommodate the additional congregation(s) that will be created in the near future.

This particular site was selected for two reasons:

The geographical location provides short travel times and reduced vehicular involvement for the members who live in this area. It will allow them to avoid longer car trips to reach the other meetinghouses where they currently attend.

The subject land is currently owned by the LDS church and is available for this use. The church has investigated other potential sites but the other locations available were not always best suited for access by the members it needs to serve in terms of location. In addition, purchase costs of other properties together with development costs were significantly more prohibitive on most of the sites in comparison to this site primarily with respect to their ownership.

**SPECIAL REVIEW APPLICATION
INSTRUCTIONS ITEM 1 C**

C. *How will the public interest be served if this application is approved?*

The present site is currently vacant ground and has been reported occasionally in the past as an attractive area for renegade dumping. Current maintenance is by the LDS church and the site is periodically mowed to keep weeds down but it still remains as a vacant area which is not necessarily attractive. The development of this site will create an attractive addition to the community of Billings with tasteful architecture and well planned and maintained landscape.

The development will provide a finished site which will be inviting to those who choose to avail themselves of the use of the facility. Studies have shown that the construction of a church facility promotes a better neighborhood environment, more of a safe environment, does away with the ugliness and uselessness of vacant property within a city, and the typical construction of additional single family residences that follow.

It is the intention to sell the remaining property around the temple and the proposed meetinghouse to a qualified developer to allow the rest of the property to be properly developed into the appropriate housing aforementioned. This will finish out the neighborhood in a suitable manner.

**SPECIAL REVIEW APPLICATION
INSTRUCTIONS ITEM 1 D**

D.

Prepare a written statement addressing what is intended to be done with the property, including new construction or changes in the use of the property, and why the special review is being sought.

It is the intention of the LDS church to construct a new meeting house on the subject property. The meeting house is a 16,558 sf building with a sloped roof. It is a frame building with brick veneer. It will be single story with no basement. The remainder of the site will provide city compliant parking and landscaping. All of the property designated for the church will be developed and / or improved with this project. There are no recreational facilities being developed with this site. The property has previously been platted for single family residence. The house lots that will still exist on the Temple property aside for what is designated for the church will still remain single family and is in the process of being sold to a local developer for the construction of single family residences.

The Special Review is being sought because it is being required by the City of Billings.



City Zoning Commission

Meeting Date: 05/05/2015

SUBJECT: Special Review 927 - 4020 Montana Sapphire Drive - All Beverage without gaming

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #3; City Special Review #927 – 4020 Montana Sapphire Drive (aka 920 Shiloh Road) – A special review request to locate an all beverage liquor license without gaming in a proposed new 4,500 square foot restaurant, The Divide Restaurant and Bar, an outdoor patio of 2,340 square feet, a parking lot and landscaping in a Highway Commercial (HC) zone on Lot 7, Block 1 of Montana Sapphire Subdivision a 1.69 acre parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 review criteria for Special Review 927.

APPLICATION DATA

OWNER: David Williams

AGENT: Atwood Architecture, Scott Atwood

LEGAL DESCRIPTION: Lot 7, Block 1 Montana Sapphire Subdivision

ADDRESS: 4020 Montana Sapphire Drive (aka 920 Shiloh Road)

CURRENT ZONING: ELI

EXISTING LAND USE: Vacant

PROPOSED USE: Proposed new restaurant and bar - The Divide

SIZE OF PARCEL: 1.69 acres

CONCURRENT APPLICATIONS

MT Dept. of Revenue - License for All Beverage Service without gaming

APPLICABLE ZONING HISTORY

The City Council has conditionally approved 22 locations for on-premise service of alcohol in this area of West Billings since 1985. Most of these locations were for restaurants with just a few for bars with casinos, such as Montana Lil's at 2850 King Ave West approved in 2008. There are two bars and casinos in Montana Sapphire at this time - Manny's (2008) and Tinseltown Casino (2007). An All Beverage License without gaming is an unusual license in Montana. Most All Beverage Licenses have gaming attached. This license is for a restaurant with a full service bar.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: ELI
 Land Use: Vacant

SOUTH: Zoning: Public
 Land Use: Shiloh Conservation Area

EAST: Zoning: ELI
 Land Use: Vacant

WEST: Zoning: HC
 Land Use: Vacant

BACKGROUND

This is a special review to locate an All Beverage License without gaming for a new proposed restaurant, the Divide, in the Montana Sapphire Subdivision at 4020 Montana Sapphire Drive. The property is easily accessible from Shiloh Road and is situated just north of the new Shiloh Conservation Area. The city has approved 22 locations in the area for alcoholic beverage service but the two existing locations in Montana Sapphire are more geared for bars and casino gaming and not restaurant service. There are no churches, parks with playing fields or playgrounds, or schools within 600 feet of this proposed location. The proposed restaurant will be a maximum of 4,500 square feet with an outdoor patio of 2,340 square feet. The property will have to comply with the South Shiloh Overlay District requirements due to the portion of this lot that runs east to Shiloh Road. The proposed site plan shows 42 parking spaces - this may need to increase to accommodate the additional area of the patio. The site plan appears to meet all the requirements for the zoning and site development.

The Planning Division has reviewed the application and the 3 criteria for special review and is recommending conditional approval. Before a recommendation of approval or conditional approval may be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria, and appears to conform to all parts of the Unified Zoning Regulations. Complete compliance with the South Shiloh Overlay District for details on landscaping, screening,

building design and signage will be evaluated at the time of building permit submittal. The location is in one of the zoning districts that allows an all beverage license without gaming by special review approval. The application is conforming to the purposes of the regulations and the 2008 Growth Policy. The location of an additional license in this area should have no impact on the surrounding uses or neighbors.

The application also conforms to the second and third criteria. The Montana Sapphire Subdivision is not yet fully developed so additional businesses and residents will help to improve the area. The new Shiloh Conservation Area is an amenity for this subdivision and the addition of a full service restaurant with an outdoor patio overlooking the conservation improvements will be beneficial. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses.

The Planning Division is recommending the following conditions:

1. The special review approval shall be limited to Lot 7, Block 1, Montana Sapphire Subdivision.
2. The special review approval is for the location of an all beverage license without gaming and no other use is intended or implied.
3. Any expansion of the restaurant and patio area greater than 684 square feet will require an additional special review approval.
4. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
5. The outdoor patio shall have a continuous 4-foot fence around the perimeter with "exit only" gates as required for public safety. There will be no direct entrance from the parking area to the fenced patio area except through the restaurant.
6. The patio is allowed to have background music or un-amplified live music. Background music is defined as amplified music that is not audible beyond the patio perimeter.
7. The solid waste storage area shall have a sight-obscuring enclosure constructed in similar materials and colors of the building. The enclosure will include a sight-obscuring gate.
8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
9. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 927.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Commission determinations

Zoning Map

Site Photos

Site Plan and Applicant Letter

Attachment A
Zoning Commission Action

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

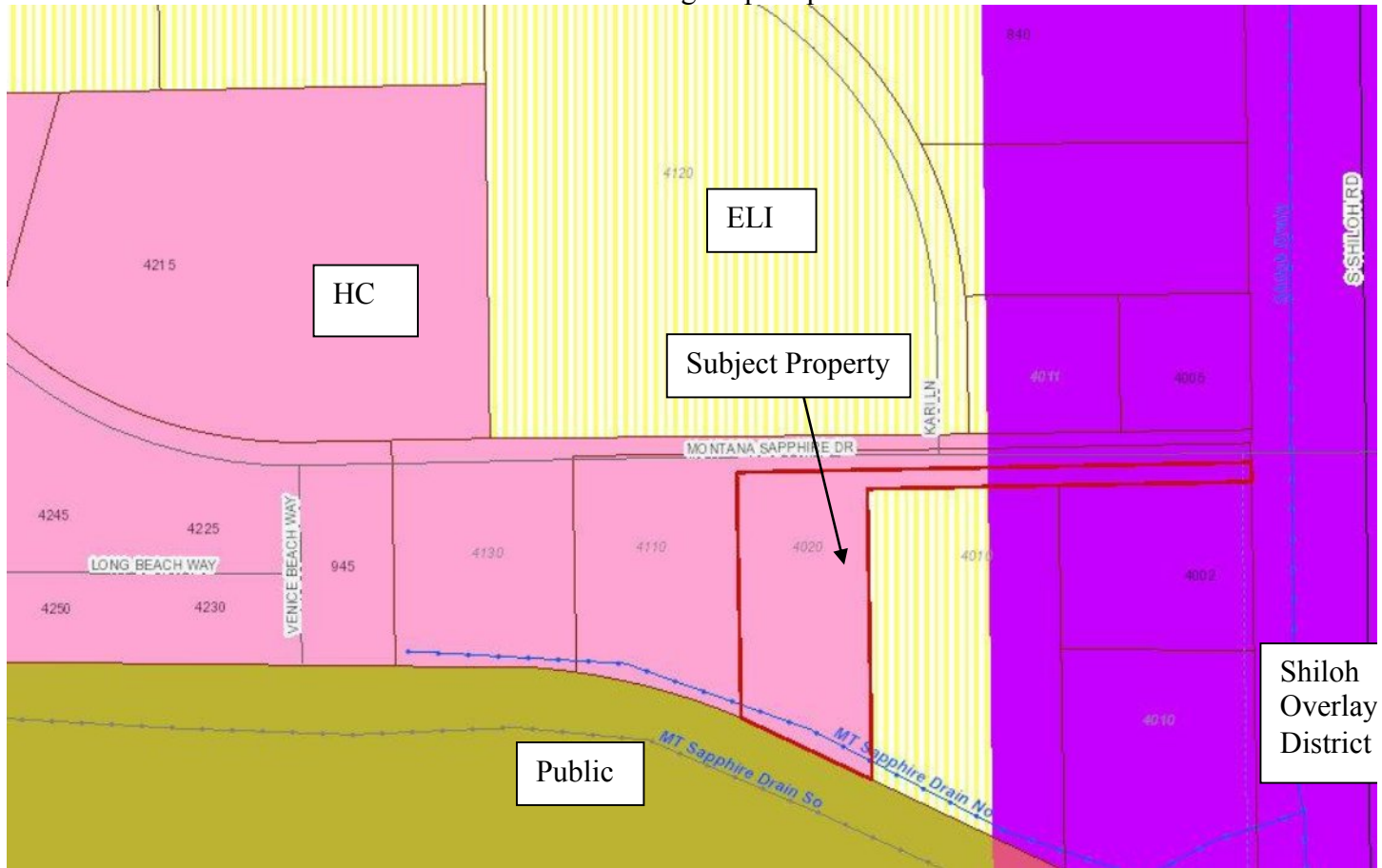
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Attachment B
Zoning Map – Special Review #927



Subject Property

Attachment C
Site Photos – Special Review #927



Subject Property from Montana Sapphire Drive



View west along Montana Sapphire Drive

Attachment C, continued
Site Photos – Special Review #927

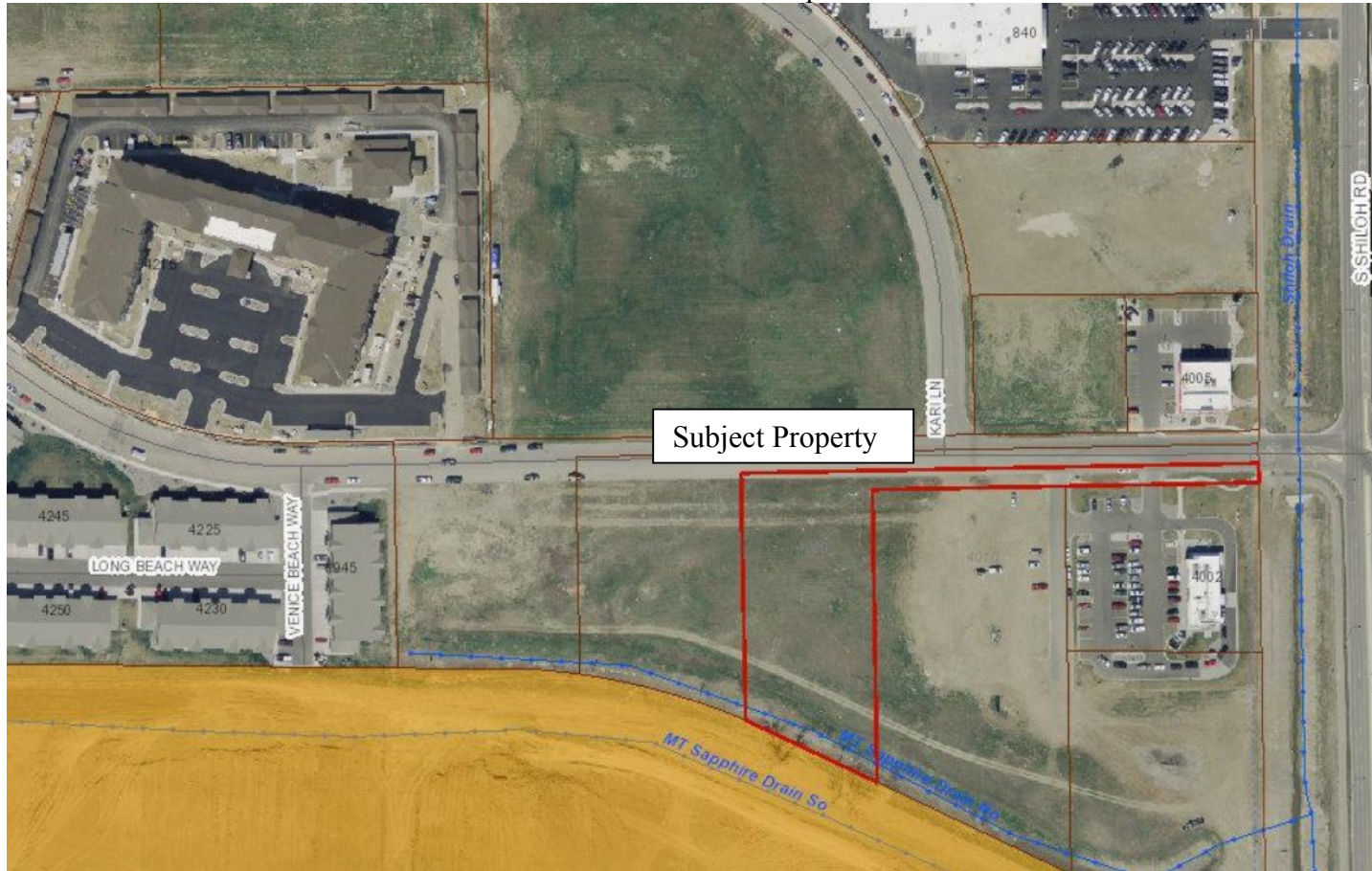


View north across Montana Sapphire Drive

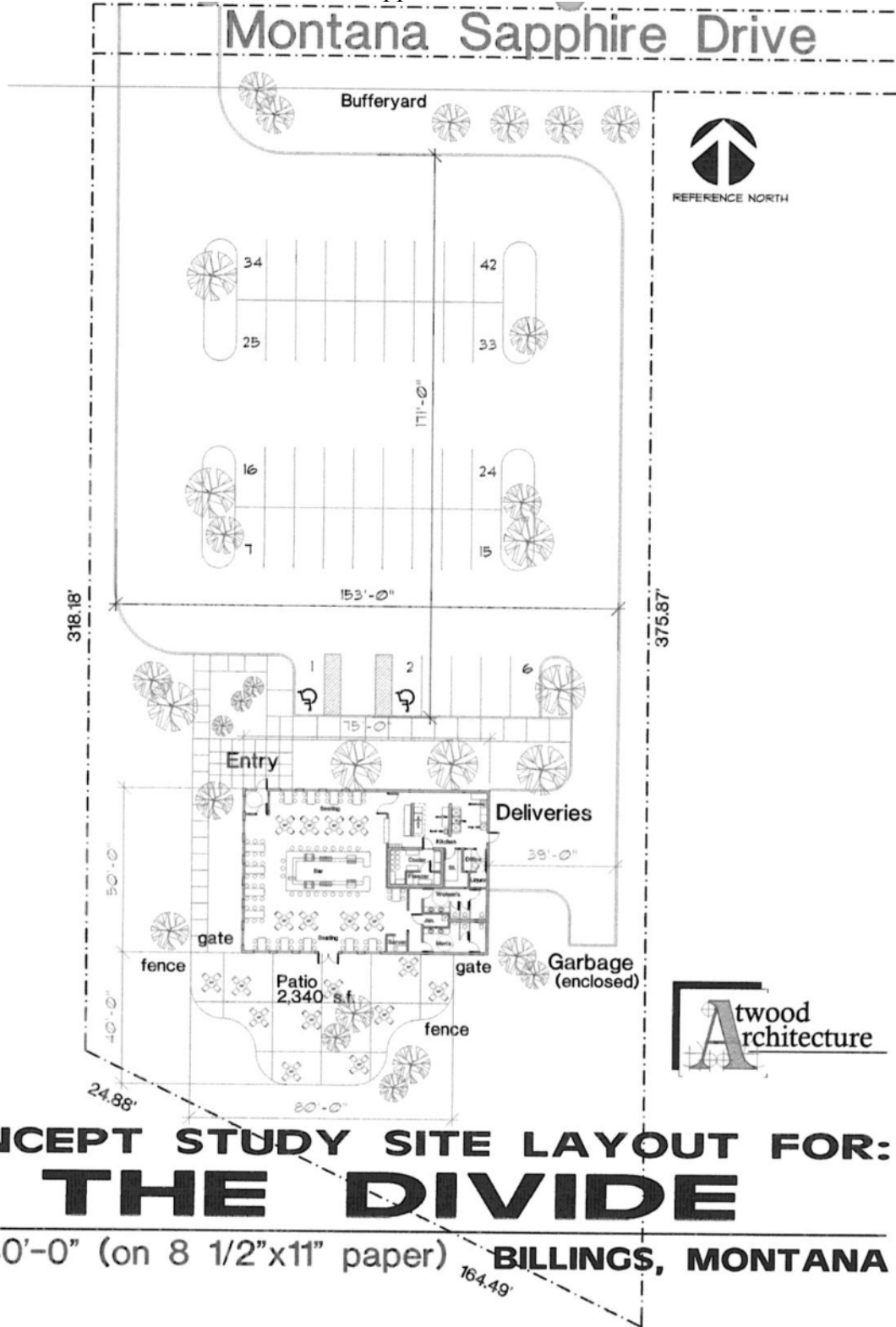


View east along Montana Sapphire Drive

Attachment C, continued
Site Photos – Special Review #927



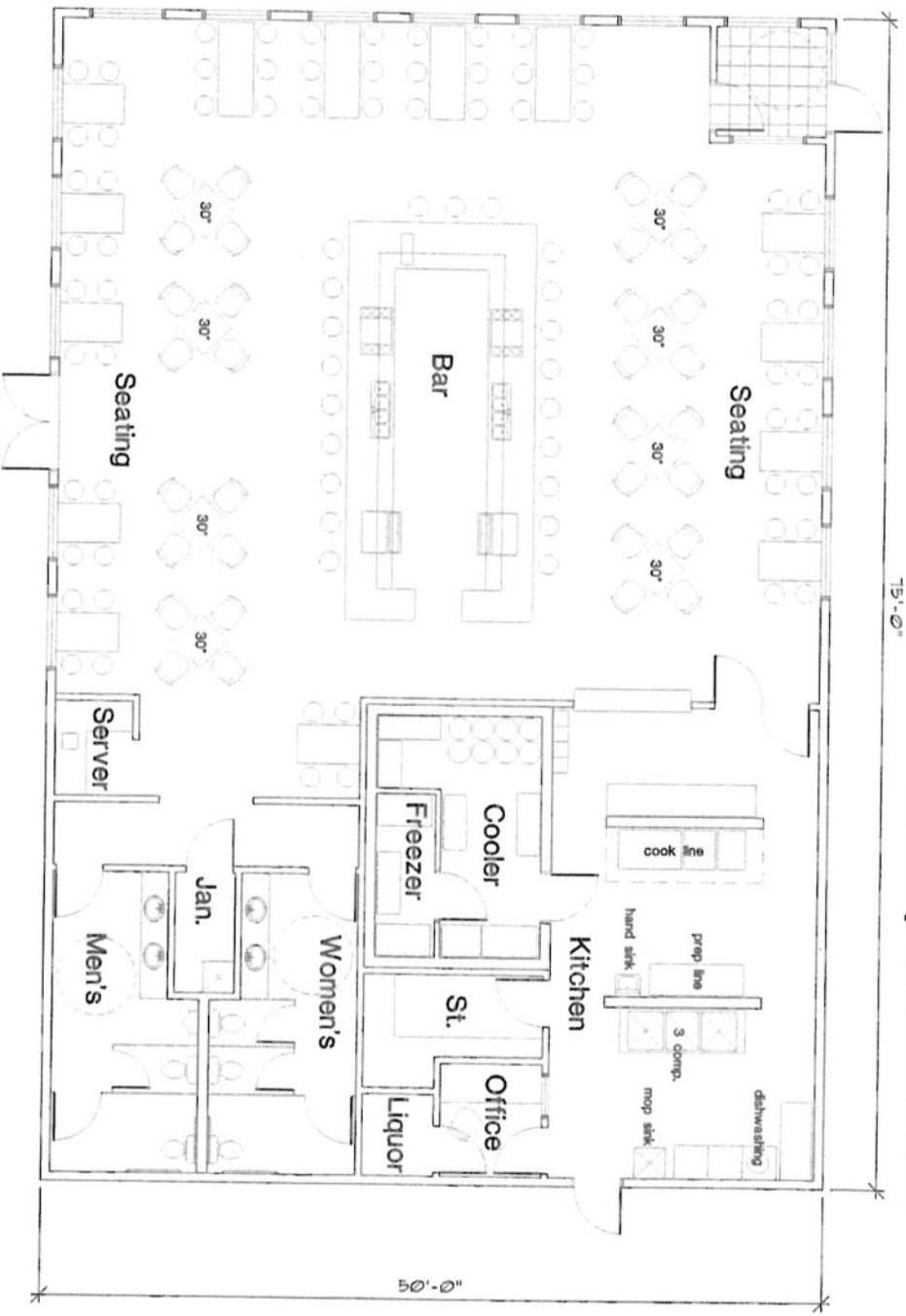
Special Review 927
Site Plan and Applicant Letter



CONCEPT STUDY SITE LAYOUT FOR:
THE DIVIDE
1" = 40'-0" (on 8 1/2"x11" paper) **BILLINGS, MONTANA**

CONCEPT STUDY PLAN FOR: **THE DIVIDE**

BILLINGS, MONTANA



Special Review Narrative The Divide Restaurant and Bar

April 6, 2015

Project Description:

An approximate 3,750 s.f. Restaurant and Bar

While not completely designed at this time, the project is seen as “non-high tech” with a western feel, using woods and stone in a warm, comfortable atmosphere. Locating the restaurant/bar adjacent to the Shiloh Conservation Area is seen as part of the atmosphere of the facility. We’ve used the term....”American Pub & Casual Dining Establishment” to describe our goals to others. We would like to note that the facility is not intended to house gaming or casino functions.

Project Address:

920 Shiloh Road (we have reason to believe this will change to an address on Montana Sapphire Drive but have not gone through that process just yet.)

Lot 7 of the Montana Sapphire Subdivision (off of Shiloh and King Avenue) - see attached

Question 1A:

We have investigated the proposed area, learned about the surrounding commercial and residential development as well as future growth expectations and determined that the area is the most suitable location to meet the goals for our proposed facility. The west end business and residential growth continues and it is expected that our facility will serve this area as well as draw from other areas of the City using the Shiloh Road transportation linkage.

Question 1B:

West end growth continues with the infilling of the Montana Sapphire Development (originally envisioned in 2002) with a variety of businesses and services. It is estimated that 70% of that development is either built out or under contract in some fashion with both residential and business development.

Question 1C:

Approval of the Special Request will allow us to build a new, attractive facility to serve the area and to employ more Billings citizens.

Question 1D:

The Special Review is an “automatic” requirement prior to the granting of an All Beverage license. We would like to note that the Special Review is NOT part of a desire for gaming or casino activity.

Questions 2 A and B

See attached exhibits showing a proposed floorplan and site layout. Because the drawings

have only been developed to a “conceptual” stage and further refinement is needed by a Kitchen Designer, it is anticipated that the facility could conceivably grow by another 250 - 500 square feet. However, we are comfortable stating that the facility will not exceed 4,500 square feet. Please note that again, due to the conceptual nature of the drawings at this time, full landscape design has not occurred just yet. We have been advised of both the City requirements and the Montana Sapphire Development requirements for bufferyards and landscaping requirements and agree to comply with them as part of the final permit submittal process.