



CITY ZONING COMMISSION

AGENDA-Tuesday, June 2, 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:

The minutes of the Board meeting of May 5, 2015.

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 #1; City Special Review #928 – 770 King Park Drive** – A special review request to locate a beer and wine license with gaming in an existing vacant structure with an adjacent outdoor patio, Lucky Lil's, a existing 37-space parking lot with landscaping in a Controlled Industrial (CI) zone on the north half of Lot 4A, Block 1, King Park Subdivision, a 79,524 square foot parcel of land.

- b. **Item #2 - Special Review #929 – 2802 Belvedere – Church School Expansion** – A special review request to expand an existing church school, Trinity Lutheran School, to add 7,975 square feet to an existing 26,399 square foot building, in a Residential 9,600 (R-96) zone on Lot 2A, Block 1, Oakland Subdivision, 2nd Filing. The property is about 4 acres in size.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, June 22, 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 uses. 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 uses. 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: 06/02/2015

Information

Subject

The minutes of the Board meeting of May 5, 2015.

Attachments

BZC Minutes_2015_05_05

City of Billings Zoning Commission Meeting Minutes- May 5, 2015

The City of Billings Zoning Commission met on Tuesday, May 5, 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 **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 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	-	1							
Barbara Hawkins	Commissioner	1	1	1	-	1							
Dan Wagner	Vice Chairman	1	1	1	-	E							
Dennis Ulvestad	Commissioner	1	E	1	-	1							
Mike Boyett	Commissioner	1	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	-	-	-	-
Jeannette Vieg	Receptionist	-	-	-	-	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	0	0								6
Special Review	1	1	3	0	3								8

Chairman Dailey introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; and Jeannette Vieg, Receptionist

Others in Attendance:

Mike Ferguson, Billings Gazette, Scott Nielson, Harvey Bonner, Margy Bonner, Keith Ligman, Ogden Hanson, William Smith, Gene Culver, Elizabeth Heal, Ryan Cremer, Scott Atwood, Dave Hawkins, Spencer Zaugg, Beverly Zaugg, Steven Winkle, Natasha Winkle, John Hanson, Darrin Williams, Mark Sinben, Mikaela Sinben

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

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

Motion

Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to approve the March 3, 2015 meeting minutes as submitted. Chairman Dailey, had a question on the vote count. Ms. Cromwell will clarify the votes. The motion carried with a unanimous voice vote with the provision above.

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. Commissioner Hawkins met with two residents from the neighboring subdivision of the special review #926. Margy and Harvey Boner and then Keith Ligman and Commissioner Ulvestad was also present. The residents wanted to discuss the special review #926 and we look at the site. They had the information we didn't have yet. Ms. Cromwell, what information was that, just to clarify. Commissioner Hawkins, they had the

plat and the drawing of where the building was going to go and whatever the information you had sent regarding the 300 feet. Chairman Dailey, would that meeting impact your ability to be impartial? Commissioner Hawkins, I don't think so as far as impartiality. It was informational, as we hadn't gotten our packet yet. Chairman Dailey, and you Commissioner Ulvestad? Commissioner Ulvestad, also Chairman, they asked what I thought and I said I was not going to make a decision at this time because I wanted to get all the information.

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

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

REQUEST

This is a special review request on the re-designed site plan. This is in a Residential 6000 zone on the west side of Bench Blvd just South of Wicks Lane and Bench Blvd. To the West is Hwy Commercial zoning which is the Volunteers of America Elderly Housing Apartments. To the North is Community Commercial Zone that is Best Friends Animal Hospital and the Billings Heights Water Association offices. There are three single family dwellings that front on Bench Blvd in front of this lot, there is a common access easement that goes between the property line of 1448 and 1442 and then another common access easement on the South of 1432. That is how access to the property will be gained. To the East across Bench Blvd is Residential 7000 and Residential Multi Family Restricted. Many of those homes are duplex or townhomes, condo unit ownership. Also Residential 7000 south of the subject property, and those are single family or duplex homes. One of the conditions is that the developer provide the relocation of the driveways of the single family dwellings onto the new access road at no cost or expense to the owners.

RECOMMENDATION

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

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.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Boyett asked the last time we met, how many units were proposed? Ms. Cromwell, 36, the same number. Commissioner Ulvestad asked was there was indicated a perimeter fence? Ms. Cromwell, yes with exception of the west property line, they intend to leave that open. Chairman Dailey asked was it was deemed we would not put that as a condition. Ms. Cromwell, the condition is

#7 which references the landscape plan that note showing the fencing is on landscape plan. Chairman Dailey asked about the street scene of Bench Blvd., when is Bench in front of these properties to be reconstructed. Ms. Cromwell, I believe MDT hopes to get started this summer. Other questions for Ms. Cromwell? There were none.

Public Hearing: Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #924.

Proponents

Gene Culver, Kincaid Land LLC, (no address given)

Mr. Culver is the property owner. Managing Partner of Kincaid Land

We took into consideration the concerns this group raised and the suggestions given and put them into the current design. We have been in contact with the neighbors in the area especially those bordering on Bench Blvd and are working with them to provide some conditions that they would like to see. He explained their plans for the fencing and how they would like to accommodate the neighbors and the children of the neighborhood. Commissioner Boyett, asked what their discussion was with the neighbors. Mr. Culver said we have been discussing hooking one of the neighbors into sewer. Property 1444 built property 1448. He ran his sewer over to 1448 and then 1448 hooked in to the city sewer. We will hook 1444 into our development at no cost to him. We have also talked about site obscuring fences, being of commercial grade vinyl. Also spoke where they would like a little additional landscape. Chairman Dailey, asked how was it determined how the sewer was hooked up. Mr. Smith, at the time it was agreement with Public Works, the City only wanted one connection into their system. Chairman Dailey, asked when the date of the agreement was. Mr. Smith, shortly after the subdivision was approved which was in 2008.

William E. Smith, P.E., Octagon Consulting Engineers, PO Box 78, Emigrant, Montana

Mr. Smith is the engineer for Kincaid Land LLC. In regard to a couple of points here, we talked about not putting fences along the easement. In our conversations with the neighbors that was some of the most substantive conversations we had about putting fences there. Ms. Cromwell, I believe that it is not in conflict with one of the conditions that you would do all the improvements for the new access road and that would include new fencing just make sure anything over 4 feet is 15 feet back from the new property line. William Smith, we will need a fence permit and will work out the details. With regard to the sidewalk, shown on the map here, with a buy in from NW energy since that is their easement down to the boundary between lots 4 and lot 3. We intend to put the sidewalk in there and have discussions with the City Engineering and pending approval by the power company. That has not been clarified at this point. If you have any specific questions I will take them now. There were no questions.

Opponents None

Chairman Dailey closed the public hearing for City Special Review #924 and called for a motion.

Motion

Commissioner Mike made a motion and Commissioner Barbara seconded the motion to forward a recommendation to City Council of May 26, 2015 conditional approval of City Special Review #924 with the Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad and Commissioner Smith stated they are voting in favor.

The motion carries, 4-0.

Item 2: City Special Review #926 – 2911 Rim Point Dr – LDS Meetinghouse

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.

Ms. Cromwell stated the applicant did forward to me the traffic study, sent that via email to the Board.

The City Engineer emailed me some preliminary comments on the recommendation and conclusion of that report. The chief concern by the City Traffic Engineer was that a right turn lane for the west bound traffic on Rimrock Road would be necessary so as not to impede thru traffic along Rimrock as people are turning north onto Rimrock Drive from Rimrock Rd. He was not concerned with the East bound study but was concerned the recommendation that no parking be allowed both sides of Rimpoint Drive from Rimrock Rd up to the N entrance drive. He stated he had no concerns of posting no parking directly in front of the LDS Meeting House property. Because the rest of the sub is not yet developed and is intended to be sold as single family homes he was concerned about restricting all of the parking on both sides of the street from this location down to Rimrock Road. Recommended the applicants traffic engineer to re-look at that proposal.

RECOMMENDATION

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

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.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Ms. Cromwell stated that the traffic study is available for review. Chairman Dailey, asked if there have those been conversations about the conditions. Ms. Cromwell sent the applicant the report approximately a week ahead and have had emails with Mr. Nielson, the Agent. He did not voice any concerns with those conditions. Chairman Dailey, with condition #6, the parking and the fence to North or to the South, is that a condition or is that part of the site plan. Ms. Cromwell stated that is part of the substantial conformance with the submitted site plan in condition #4. Breaking up those rows of parking is just specific to #6. Chairman Dailey asked what is the city's definition of a church or place of worship. Ms. Cromwell read the definition. Commissioner Ulvestad stated the area is R9600 zoning. If the church is built there will the zoning change. Ms. Cromwell replied it will stay R9600, the zoning code allows churches by special review approval in all of our residential zoning districts. Commissioner Ulvestad would this be considered a meeting place or place of worship. Ms. Cromwell stated the applicant this is what they call a LDS meeting house which is used for every day religious activities. Commissioner Hawkins asked if there was a limitation on how many churches can be in allowed in an area. Ms. Cromwell, not specifically in the code, each site is evaluated based

on its location and size of the building or density of the housing. It is very site and design specific. Commissioner Hawkins regarding the retaining wall, do you know how tall it is going to be? Concerned about the slope of the parking lot. Ms. Cromwell stated the city is adopting a new storm drainage manual. As always the applicant will have to contain the water from a 50 year storm. Storm water is taken care of on site, then released into the city storm sewer at a rate set by the City Engineer. Commissioner Boyett stated the spire is 30 feet higher than the zoning limit. Ms. Cromwell replied it is an unoccupied space, under our code 27-310 there are exceptions for those types of unoccupied spaces. Commissioner Boyett one of the things we discuss is the lighting, how is it going to done? Any restriction on the lighting. Ms. Cromwell did not include it as a condition of the parking lot. I understand the building will not be lit. Chairman Dailey said he saw it in the application, the applicant can address the lighting. Commissioner Boyett asked if this facility is going to used on a daily basis for 171 cars. Ms. Cromwell stated she didn't believe so. I don't believe any of the other locations similar to this in the city are used that way. Commissioner Ulvestad on the addition to this on the 10% parking spaces in the special review for the certain number of parking spaces they have now, is that included in the 10% addition or would that be an addition to the parking area. Ms. Cromwell stated the 171 spaces they have allows them to increase that by 10% or 17 spaces without coming back. There is also a 10% that applies to the square footage together combined without coming back for another special review. Chairman Dailey asked in regards to what we have on the power point who wrote that. Ms. Cromwell replied it written was by Marvin and Assoc. at expense of the applicant. And the City Traffic Engineer has looked it over. Chairman Dailey stated the recommendation was no parking on Rimpoint Drive and then a right turn only. Ms. Cromwell stated there was no recommendation to have a right turn on Rimrock road. Chairman Dailey asked regarding the retaining wall and the private utilities. Could you expand on that? Ms. Cromwell replied in the subdivision typically we have utility easement that are shown on the plat that private utilities run between lots to provide phone, cable, other private utilities. They are preserving those utility easements as platted so the retaining wall will be 8'6" from the property line. Chairman Dailey can you describe a retaining wall with a fence on top of it. Ms. Cromwell they can be seen on Rimrock, the N side properties are on a slope and in order to retain the land so it doesn't slope away, so where you are putting a driveway you would put a retaining wall to hold the earth then you add the fence on top. Commissioner Hawkins which way is the water supposed to be sloping. Ms. Cromwell replied typically you have drive approaches you have the throat that slopes down in to the street to the catch basins and then it slopes into the center after that there are catch basins. The retention pond and snow storage would be part of that storm water for the parking lot. All of that water would be captured and retain for the 50 year storm. Chairman Dailey asked what dept. guides telling the property owner they need all that storm water retention and fencing. Ms. Cromwell the City Engineering Dept. for the storm water and building for the fence. Commissioner Ulvestad I was concerned about west of the temple, there a road west that connects to Audubon. Ms. Cromwell replied they take traffic counts from all of the different streets that would give access to this property. Chairman Dailey with regard to Rimrock Road and west of where we were just speaking what is the plans, are they going to widen Rimrock. What is the state plan on that? Ms. Cromwell replied the state has no plans on widening Rimrock for the next 5 years.

Public Hearing: Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #926.

Proponents

Scott Nielson, NBW Architects, P.A., 990 John Adams Parkway, Idaho Falls, ID

Mr. Nielson represents the Corporation of the Presiding Bishop of the Church of Jesus Christ LDS. There has been a lot of growth in the west end of Billings and that is why the LDS Church is here. The LDS Church has owned the property since they bought the land to build the church. The remainder of the lots will be sold to a private developer, the negotiations are under way now as hopefully that property will be filled out as it should. To clarify the mechanical walls will be 4 feet high out of the same material that the building will have. There is no intention at all that the Church will not restrict parking on Rimrock Drive. We have read all conditions that were included in the staff report and the Church is prepared to accept those, took no exception to any of those. The church's philosophy is only putting light poles around the perimeter of the building. The poles are only 18 feet tall with a shoebox head, strictly a down light. As far as any building mounted lights, the only ones that are there are at the entrances and they are down lights, just there for safety and security. The pole lights are photo sensitive, turn off with a time clock at roughly 10:30 or 11pm. The building mounted lights are for safety and security will go on with photo cell and off with photo cell. What we are going to propose on the South property line with neighbors permission and agreement. And the retaining wall will probably just have a short guard rail on it. We are interested in protecting the privacy of the neighbor's back yards. We know there are a variety of fences back there and most of them are wood and we will propose about a 5 foot commercial vinyl fence. Chairman Dailey while we are on that it was referenced that the lot line of the neighbors to the south the fence will be in about 8 feet. Mr. Nielson that easement has telephone boxes and power boxes, we tried to decipher how to deal with that. We felt that if we moved our fence to the north it would put all of the boxes in their back yards. We thought it would be much more pleasing if the Church were to provide a new fence for them on the property line then all those boxes would be on the north side of the fence, as they are now. Chairman Dailey asked if there be a retaining wall and then a fence. Mr. Nielson there will be a fence on lot line then 8 feet of landscaping with the power boxes then the short retaining wall with the guardrail on top of it. Chairman Dailey what is the distance from the retaining wall to the building. Mr. Nielson there is a 25 foot drive, a 6 foot walk then probably 18 feet to the building. Chairman Dailey many people will be parking on the east and how will they be accessing the structure. Mr. Nielson there is an entrance on the east end, the north end. Chairman Dailey did you write the special review? Is this a prototype building? Mr. Nielson yes it has been built hundreds of times. Closest one like this building is in Dylan, but it has a lot of similarities to the one on Monad. It has a sloped roof as a house would, has brick veneer as a house would, it has low eaves, and typically you would see a 2 story house that have a ridge height around 24 feet. Articulatory it is intended to sit in neighborhoods. As for the landscaping, the church designed landscape based on the region and one of their main reasons was to reduce water usage. We contract with local landscape maintenance companies. Our primary use is on Sunday and the size of the building is designed for three congregations in order to keep congregations to a

manageable the size. Couple of nights a week for a couple of youth groups. We believe the proposal we made does meet the three criteria mentioned in the staff report consist with zoning regulations. There will be a discussion with the City Engineers regarding the traffic. I would be happy to answer any questions. Commissioner Hawkins you said you would have the light poles up close against the building so in the parking lot there are no light poles as all. Mr. Nielson we are showing three currently at 18ft pointing back toward the building and are down lights that can be set up with house shields. That is negotiable, we do have members who come and go in the dark and are concerned about their safety. Commissioner Boyett could you add more poles? Mr. Nielson, the location is the key, we are trying not to do that. Commissioner Boyett # 10 condition it will be all down lighting. If the traffic engineers says you cannot park on the street is that something you could live with. Mr. Nielson I would have to get more information on that yes it is. Ms. Cromwell, I believe the recommendation from your traffic engineer was to eliminate parking on the street from Rimrock Rd north to your driveway on both sides. The City traffic engineer said he doesn't agree with that recommendation, if the Church wanted to put no parking along just their frontage on the east side of Rimpoint Drive you could do that. Mr. Nielson we have no intention of posting anything. Commissioner Ulvestad on the property that the LDS owned, how long have they owned it. Mr. Nielson assumed it was purchased right after 1996. Commissioner Ulvestad the LDS probably knew they were going to expand. Mr. Nielson, this is a great point. The LDS Church cares a lot about their facilities. They want their buildings to sit in a nice neighborhood. Commissioner Ulvestad has the LDS Church looked at other areas. Mr. Nielson yes but they already owned this property. This is not an easy site to work with. Chairman Dailey another Church has been proposed to hold approx. 1 to 3 wards. Mr. Nielson yes their optimum capacity would be 3 wards. This building is designed to handle it. Chairman Dailey the word ward and congregation is interchangeable and typically a ward is 300 to 500 individuals. I am looking at what this structure is able to hold and the site capacity. Are you looking at max numbers instead of minimum numbers? Mr. Nielson there is a planning dept. in Salt Lake who very carefully analyzes the numbers regarding size of meeting houses.

Does the applicant want to speak? Spencer Zuagg I am a dentist by trade and also a LDS leader. Our intention is to be great neighbors to provide service to others and assist our parish. Chairman Dailey my question was discussed that people from the LDS community say they have met with the neighbors. Mr. Zuagg, the main concern has been the fence, lighting and traffic have been three main concerns. Chairman Dailey the discussions are ongoing, they haven't been stalled. Mr. Zuagg we have open communication with people and the lighting concern was it going to stay on all night. I didn't have the answer so I asked and according to the builders it is phot elec. Chairman Dailey with regard to this if it goes thru zoning in a favorable way and it goes to the City Council, what is your time frame? Mr. Zuagg we would like to start permitting process in June, July to get the bidding and start July/August and built by 2016 August. Any other questions. The floor will be open to public testimony who wants to speak in favor. None.

Opponents

Margie Bonner, 4613 Toyon Dr., Billings, Montana

Our house will look directly over the 171 lot parking lot. Read the zoning code, R9600 zoning is intended to promote primarily a single family environment. The nonresidential usage would be 52.9 %. If you approve this as a special use you will be in violation of your code. Adopted Growth Policy of 2008, the purpose of this is to guide local officials to make decisions. One of the objectives is to preserve neighborhood integrity. Presented a petition signed by the neighborhood in opposition to this. Part of that goal is predictable land use decision and new decisions and that new developments that are sensitive and compatible with the character of the adjacent neighborhoods. This building being proposed is close to 20,000 sq. ft. with that addition. Our neighborhood the homes have a foot print between 12 to 1500 sq. ft. This size is not compatible with the footprint of the neighborhood. One of the objectives of the Growth Policy is that it would preserve community assets such as the rims. And another of your directives is to reduce the visual impact of the rims. This is going to be a big building that sits on a hill with a big spire and I think you need to look at if you are meeting your growth policy if you approve the building of this structure. There is a Bike path that runs along Rimrock and gets a lot of use by the neighborhood and kids. There are parks in the area, kids riding their bikes to the parks and the school. A lot of people on Sunday morning riding the bike path. The 171 stall parking lots, if you filled the lot and emptied it three times, that would be 526 vehicles crossing the path. As you are heading south on Rimpoint drive, there is a blind intersection to the path. There is a concern regarding this area. Rationale, we do not want to become a neighborhood of mega churches.

Harvey Bonner, 4613 Toyon Dr., Billings, Montana

When we bought our house the temple has already been approved, assured it was going to be a single family neighborhood. We will be looking across that parking lot, there is a lot of light spillover. Mr. Bonner passed out the City Zoning Commission minutes of July 21st 1997. Third paragraph down “the lights will be turned off at 11pm”, that has not happened. Since this is a neighborhood with R 9600 zoning, we were looking forward to high end houses compatible like ours. Now we have to look at the draining area, and we will get a view of great big parking lot that will takes up almost a whole block. That is not compatible with our neighborhood or the promises that have not been kept. I strongly encourage you to deny the special review application.

Mark Singer, 4551 Audubon Way, Billings, Montana

We paid extra for our house with three large windows to look at the mountains. That is gone because now we will look at the parking lot. What will happen to the run off that may be an issue for my home. Down lighting is a big issue. If those lights are on all night long, that is going to flash right into our home. Construction noise, we have two very small children, that will be an issue for me for a year. Traffic. I get the right hand turn lane, but you are completely ignoring the fact that if I take a left hand turn off of Hide Park on a Sunday I will not be able to get out there. That is a major issue for me. More building, what if they don't sell it a developer and they want to add on more church property. What is the value of my house going to be? I bought a very expensive home for basically the neighborhood.

Ryan Cramer, 4602 Toyon Dr., Billings Montana

I just bought house and moving in as we speak. Had not seen any of the planning for this church. What I did see was the zoning for about 20 houses to be built off of these cul-de-sacs. Bought the dream home and hoped that there would be other homes around us like ours. Like everyone else, does not want to look at the parking lot from my deck, was not aware of this planning when I bought the home. If I was to sell my home I feel I have already lost money on my home.

Ogden Hanson, 4560 Palisades Park Dr, Billings, Montana

I had just purchased my home when the temple came in, and we heard all the good stories about the temple. But the City of Billings, one of the stipulations that Rimrock above there are no commercial establishments, buying and selling. If you go to the Temple, if you do not have the right attire you have to purchase it at the door. I am upset that the city would even desire to put another church in our neighborhood.

John Hanson, 4608 Palisades Park Dr, Billings, Montana

I was actually a neighbor back in 1996, when the LDS church brought the temple property they also purchased the property we are discussing then. Ask the zoning commission why they need two large buildings churches on the same property. Any questions for me?

Keith Ligman, 4607 Pine Cove Rd, Billings, Montana

Mr. Zuagg sent him some elevation plans of this building. Mr. Ligman discussed the elevation and grade of the lot. Consider the grade of the lot, how high the building will stick up and it does not conform to the neighborhood. Concerned with the lighting also. It is a commercial building in a residential neighborhood.

Steve Winckle, 4705 Rimrock Rd., Billings, Montana

I also will be looking in their parking lot, but I am more concerned about the traffic, I have younger grandchildren who rides their bikes along the road. The lighting is I am afraid is going to be quite a bit. The Temple is lite up all the time. Shared a picture of the Temple at 4am. Concerned that I will have lights in my backyard all night long. Hoping there would be homes built back there to help the value of the neighborhood. Don't think it would be good for our neighborhood. I don't need to be spending more money on my house to have it worth less than we paid.

Rebuttal

Mr. Nielson stated that this is a Temple, not a commercial establishment and it does not have regular business hours. Chairman Dailey there are questions regarding the lighting. Mr. Nielson I cannot speak to promises made in 1997 but it is important to understand why 2 large buildings are on the same site. They have two complete different purposes. The Temple has a specific purpose, the meeting house is just that. The Temple is built to be seen, typically the lights are left on the temple. The meeting house has a different function, it is not the policy to run these lights after 11 at night.

Chairman Dailey the view of the Rims was the question with the view be changing with construction. The lots are on higher ground. Mr. Nielson the lots behind the meeting house have been sold to a residential builder, and they are no longer under control of the church. There will be homes built behind the church that will be taller than the meeting house.

Chairman Dailey the proposed use is not compatible with the existing area.

Mr. Nielson I have spent the last few years in Kansas doing work for the LDS. I hear the term mega churches. I have seen mega churches along that corridor and this is not a mega church. This building is bigger than a home, of course it is. We still want churches in our neighborhoods. Once they are there we don't seem to get the same response. The Church endeavors to be a good neighborhood.

Chairman Dailey, regarding the blind corner toward Rimrock Rd.

Mr. Nielson that is an issue, having a blind corner with a bike path is an issue. We will work with our civil engineers in town to address that. As far as traffic, the average would be 3 to 4 people per car, on an average we try to figure 3 per car. That is still a lot of cars, still a lot of traffic and we would be happy to look into this.

Chairman Dailey, on the value of the homes.

Mr. Nielson my honest experience is we have gone into vacant fields and built this very building and by time we are done the neighborhoods have built along with us. Church does maintain the property, and we build attractive buildings. Some people would not hesitate living next to one of these.

Chairman Dailey regarding new housing or existing homes. Will their values go down?

Mr. Nielson I have talked to a contractor about a bad rain storm. It is not our interest to have our water on your property. I appreciate these comments and it makes us better at what we do.

Any other questions. There were none.

John Hanson 4608 Palisades Park Dr., Billings, MT

I want to Rebuttal the Rebuttal. I can speak for the promises made in 1997, I was there.

Chairman Dailey, would you hold that for the City Council meeting.

I have information that would clarify very quickly. #1 it is all on the record, #2 LDS promised that all of this property would be R9600. When the Temple went in we heard that people want to move in near the Temple. It has been 20 years, there are no houses because the LDS refused to sell the property. I would put to you why do they need 2 large buildings. #3 Back in 1997 they didn't call the Temple a Temple, they called it a Church.

Chairman Dailey closed the public hearing for City Special Review #924 and called for a motion.

Motion

Commissioner Ulvestad made a motion and Commissioner Hawkins seconded the motion to deny a recommendation to City Council of conditional approval and adoption of the findings of the 3 criteria for Special Review #926 presented by staff.

Discussion

Chairman Dailey called for discussion on the motion. Questioned the reason for denial. Commissioner Hawkins, her main concern is on the real-estate aspect of it. The people purchased their homes on what had been approved and found out what was said in the meetings was not true. This was all supposed to be R 9600, they were going to have residential houses built around the Temple. They purchased their homes on what had been told to them in the past now they are in their houses and they find out here comes a parking lot and building that wasn't supposed to be there. The housing and the storm water were my main concerns. The whole idea that they were told it was going to be houses and they now have another building.

Commissioner Ulvestad is concerned about the spiral and the height of the building. They said at 2008 that time you would not be able to see the temple at night. Concerned about commercial, is there going to be cooking inside there? Bake sales?

Ms. Cromwell typically a building this size if reviewed as an assembly for this purpose. All the required building codes, kitchen, bathrooms, class rooms, it would be reviewed as a commercial building. Based on the occupancy based on that building.

Commissioner Ulvestad was also concerned about the lighting, it is very bright. It also decreased the value of the home, it not compatible.

Commissioner Hawkins it the petition going to be a valid one.

Ms. Cromwell, there is not a valid protest review for a Special Review. The petition will be passed on to the City Council.

Commissioner Boyett if we approve this we can set restrictions. Lighting, etc.

Ms. Cromwell, yes you can add conditions, amend conditions. The Council also has that proactive.

Commissioner Boyett so we can also make recommendations for traffic.

Ms. Cromwell, since we haven't had a full review, I would not recommend getting into the traffic conditions. That would be something that the City traffic division would address that.

Commissioner Hawkins, has all of this property around the Temple been taxed or is it tax exempt. If this is built it would be tax exempt, correct?

Ms. Cromwell yes, but not fee exempt.

Chairman Dailey as far as the zoning history, City Council conditionally approved Special Review for the Temple in 1997, and then since 1997 there have been major additions which was approved by City Council for Faith Evangelical, Lutheran Church of the Good Shepard, Emanuel Baptist Church, and Apostle Lutheran Church, all located in west Billings. Are they similar to this Special review?

Ms. Cromwell with the exception of the Apostle Lutheran Church all are much larger. Faith Chapel is in a residential zoning district, along with Lutheran Church of the Good Shepard, Apostles Lutheran Church, Faith Church all sit in residential zones. All has to go thru Special Review. The difference with most of the rest of these Churches is they have frontage on arterial streets.

Commissioner Hawkins I have one more question Rimrock Subdivision does not stand on its own it is also part of Lillis Subdivision.

Ms. Cromwell in order to re-arrange the lots for the original LDS Temple, Lillis Heights Subdivision was re-platted into Rimpoint Subdivision.

Commissioner Hawkins, is it still part of the Lillis Heights Subdivision? Concern is the square footage here is over 50% of Rimpoint Subdivision.

Ms. Cromwell I see that calculation, but I don't have the ability to check those numbers. 52% of the land area is for non-residential land purposes.

Chairman Dailey is there any further discussion? We have a motion on the floor to deny #926?

The motion to carried 2-2. No recommendation. First public hearing the second will be the City Council meeting May 26, 2015.

Item 3 City Special Review #927– 4020 Montana Sapphire Dr (aka 920 Shiloh Road) – All Beverage without gaming:

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. 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.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. It was mentioned there is a church right up the street in the strip mall on Sapphire Drive. It is 715 feet away from the proposed restaurant. Any questions for Nicole? There were none.

Public Hearing

Chairman Dailey opened the public hearing and called for proponents or opponents of the City Special Review #927.

Proponents

Scott Atwood, Atwood Architecture, 1301 Division Street, Billings, Montana

Mr. Atwood represents property owner David Williams and will address any questions. Question regarding the noise outside. It is not going to be that kind of bar, it is intended to be a nice sit-down restaurant with a bar. The owner does envision a nicer than normal landscaped patio area with maybe 3 fire pits.

Commissioner Ulvestad has a question on the all liquor license with no gaming. Who decides in the future if there gaming in the future, would he need a Special Review? Where did you acquire this liquor license?

Mr. Atwood there is a special lottery for this particular license and the owner was awarded one. He would have to get a different license with the state plus a Special Review if he wanted to add gaming. Chairman Dailey what is the time frame?

Mr. Atwood they have hired the contractor and he presented a tentative schedule of February 2016 opening date, they would love to be open by Christmas.

Opponents

Rebuttal

None

Chairman Dailey asked if there was anyone else wishing to speak in favor of Special Review #927. Chairman Dailey closed the public hearing and called for a motion.

Motion

Commissioner Hawkins made a motion and Commissioner Boyett seconded the motion to forward a recommendation to City Council of May 26, 2015 of City Special Review #927 based on the findings of the 3 criteria presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Boyett this area will be all apartments and restaurants plus the people in the area could walk to the restaurant. This is a great area and it would be easier for the residents.

The motion carried 4-0.

Other Business:

****The next meeting will be held on Tuesday, June 2, 2015.**

Adjournment: The meeting adjourned at 7:45 p.m.

ATTEST: DRAFT TO BE APPROVED ON JUNE 2, 2015

Leonard Dailey, Chairman

Jeannette Vieg, Receptionist



City Zoning Commission

Meeting Date: 06/02/2015

SUBJECT: Special Review 928 - 770 King Park Drive - Beer & Wine with Gaming

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #1; City Special Review #928 – 770 King Park Drive – A special review request to locate a beer and wine license with gaming in an existing vacant structure with an adjacent outdoor patio, Lucky Lil's, a existing 37-space parking lot with landscaping in a Controlled Industrial (CI) zone on the north half of Lot 4A, Block 1, King Park Subdivision, a 79,524 square foot parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 review criteria for Special Review 928.

APPLICATION DATA

OWNER: BK RE 5165, LLC

AGENT: AT Architecture, Alex Tommerup

LEGAL DESCRIPTION: Lot 4A, Block 1 King Park Subdivision

ADDRESS: 770 King Park Drive

CURRENT ZONING: CI

EXISTING LAND USE: Vacant Del Taco Restaurant

PROPOSED USE: Proposed remodel for Lucky Lil's with outdoor patio

SIZE OF PARCEL: north half of 79,524 square foot parcel

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

The City Council has conditionally approved 23 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 at least 5 locations nearby currently providing food and alcoholic beverage service. There are 2 locations that allow gaming.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CI
 Land Use: Parking and Retail Businesses

SOUTH: Zoning: CI & HC
 Land Use: Retail Businesses (Burger King)

EAST: Zoning: CI
 Land Use: Dave's Bridal and Furniture Your Way stores

WEST: Zoning: CI
 Land Use: Archie Cochrane Ford Dealership

BACKGROUND

This is a special review request to allow a beer and wine license with gaming in a vacant restaurant located at 770 King Park Drive. The proposed new location will be a Lucky Lil's with a limited restaurant menu and gaming. The 2,164 square foot restaurant will be remodeled and will use the existing 403 square foot outdoor patio. The property is zoned Controlled Industrial (CI) and there are no schools, churches or public parks with play grounds or playing fields within 600 feet of this location. The restaurant shares the same lot as the adjacent Burger King located at 790 King Park Drive. The area is mostly devoted to retail and service businesses.

The property has access from King Park Drive with connections to King Ave West to the south and Rosebud Drive to the north. The conversion from a fast food restaurant to a Lucky Lil's should not have any impact on traffic circulation to or from the location.

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. Compliance with building code will be ensured through the permit review. Any deficiencies in the existing public right of way improvements will also be reviewed with the building permit. The location is in one of the zoning districts that allows a beer and wine license with 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 Planning Division is recommending several conditions to mitigate and prevent any potential conflicts with adjacent land uses.

The Planning Division is recommending the following conditions:

1. The special review approval shall be limited to the north half of Lot 4A, Block 1, King Park Subdivision, generally located at 770 King Park Drive.
2. The special review approval is for the location of a beer and wine license with gaming and no other use is intended or implied.
3. Any expansion of the restaurant and patio area greater than 10% will require an additional special review approval.
4. The building remodel will include the complete removal of the drive through window service facilities.
5. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
6. 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 interior of the building.
7. The patio is allowed to have background music. Background music is defined as amplified music that is not audible beyond the patio perimeter.
8. The premises shall not be used for outdoor live entertainment whether on the patio or on the parking lot.
9. 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.
10. 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.
11. 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 928.

APPROVED BY CITY ADMINISTRATOR

Attachments

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.

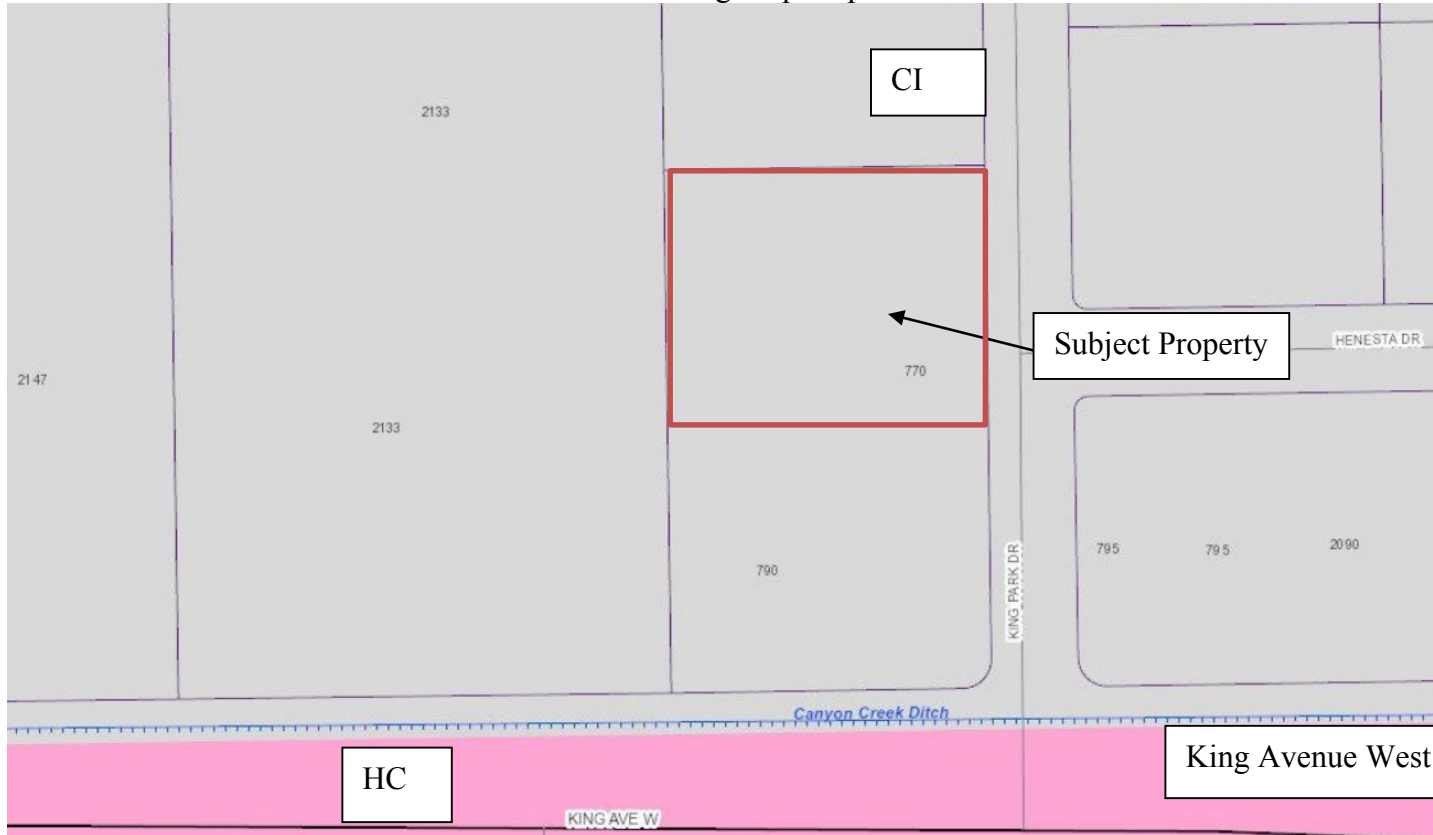
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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 #928



Subject Property

Attachment C
Site Photos – Special Review #928



Subject Property from King Park Drive



View north west to Archie Cochrane Ford

Attachment C, continued
Site Photos – Special Review #928

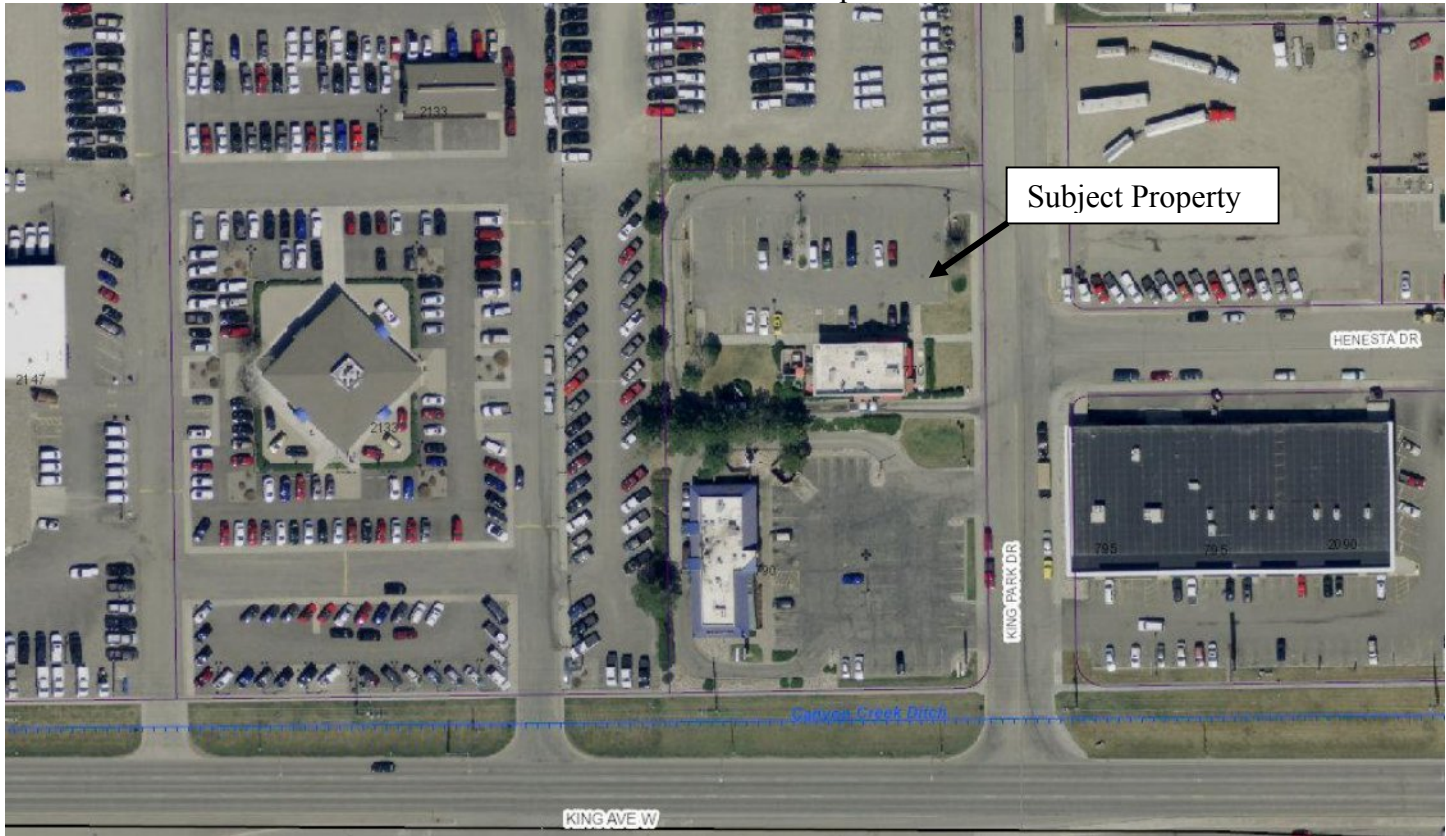


View east across King Park Drive



View south to Burger King

Attachment C, continued
Site Photos – Special Review #928



Special Review 928
Site Plan and Applicant Letter



April 16, 2015

Planning & Community Services Department
4th Floor
2825 3rd Ave North
Billings, MT 59102

RE: Request for Special Review For
Town Pump – Lucky Lils
770 King Park Drive
Billings, MT 59102

Planning Staff:

The New Inns, Inc, which is an operating company for Lucky Lils casino is looking to remodel the existing vacant Del Taco building into a casino. This project would be a remodel to the the existing building. See attached Location Map – Exhibit I. The following outlines the data requested by your application instructions.

A. Forward:

This land consists of the northern half of Lot 4A which has a total of 79,524 SF and is zoned Controlled Industrial. The vacant Del Taco building which we are remodeling was originally built in 2001. The proposed remodel will include a casino floor, 'cage', restrooms to meet the requirements for a potential increase in occupant load and other requirements per the Building Code.

1. Questions:

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy? (Answer to Instructions 1.A)

1. Economic Development - This new addition will increase the economy of the area by making use of an existing building that is currently vacant. Lucky Lils will also employ additional full time people at this location to manage the business. This facility remodel will help strengthen the area economy through the creation of a viable business which has attracted a steady clientele in the region. This will help support the Billings job markets and the economy of area businesses.
2. Aesthetics - The area around the existing building and grounds is well landscaped and is kept in good condition. A new and attractive sign will be

Request for Special Review
Lucky Lils
770 King Park Drive, Billings, MT
4/16/15

updated which will be a nice addition for the facility identification for potential clients and the neighboring businesses. The remodeled building will improve the appearance of the facility and area.

3. Natural Resources – Lucky Lils keeps their site area free of weeds, well landscaped, etc which helps with fire management.
4. Public Services –This new casino will provide an ever increasing population that uses these facilities to not only gamble, but also to spend time with friends.
5. Land Use Element – This addition will carry a similar land use as the neighboring Buildings.

- B. Why is there a need for the intended use of the property on this location. (Answer to Instructions 1.B)

Lucky Lils has operated casinos in the City and has seen an increase at all of it's locations. This one would provide a facility in this area where there currently is not a Lucky Lils. It is a great location for existing customers as well as first time customers to discover the Lucky Lils family.

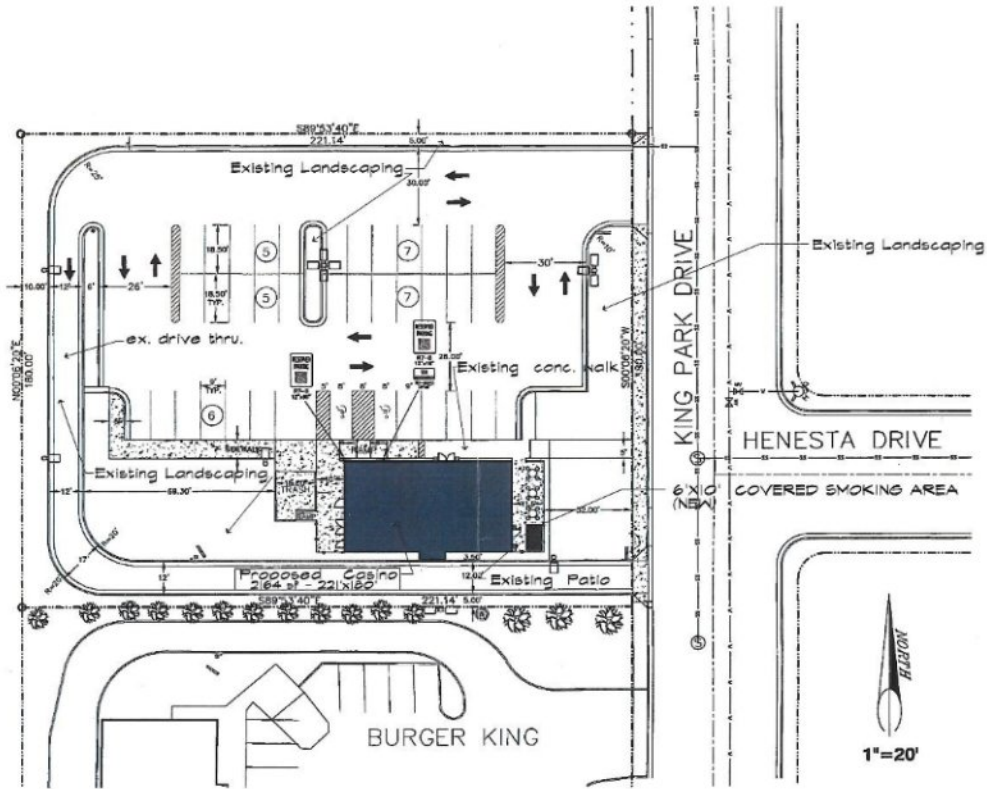
- C. How will the public interest be served if this application is approved? (Answer to Instructions 1.C)

This project will address many issues of public concern including providing a business that operates in an existing vacant building. It will provide for maintenance of the grounds including parking lot & landscaping. Also the service that it provides meets the needs of the area as well as it is located in a neighborhood of businesses that it is very compatible with.

- D. Prepare a written statement addressing what is intended to be done with the property, and why the special review is being sought. (Answer to Instructions 1.D)

The proposed use is a casino which will include a casino floor, a cage for services to the clientele, expanded restrooms, an office, a cooler and back room for supplies, storage and utilities. The exterior may be freshened up and signage will be new displaying the Lucky Lils brand per the City sign requirements.

The current facility is zoned Controlled Industrial. A casino is allowed under a special review approval.



SITE STATISTICS:
 GROSS AREA = 0.876 ACRES = 38,847 S.F.
 PERCENT COVERAGE (BUILDING) = 2,164 = 5.43%
 PERCENT LANDSCAPING = 10,296 S.F. = 26%

SITE PLAN
 Scale: 1"=20'



City Zoning Commission

Meeting Date: 06/02/2015

SUBJECT: Special Review 929 - 2802 Belvedere Dr - Trinity Lutheran Church School Expansion

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #2 - Special Review #929 – 2802 Belvedere – Church School Expansion – A special review request to expand an existing church school, Trinity Lutheran School, to add 7,975 square feet to an existing 26,399 square foot building, in a Residential 9,600 (R-96) zone on Lot 2A, Block 1, Oakland Subdivision, 2nd Filing. The property is about 4 acres in size.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 criteria for Special Review 929.

APPLICATION DATA

OWNER: Trinity Evangelical Lutheran Church

AGENT: Collaborative Design Architects, Jeff Kanning & Nick Pancheau

LEGAL DESCRIPTION: Lot 2A, Block 1, Oakland Subdivision, 2nd Filing

ADDRESS: 2802 Belvedere Drive

CURRENT ZONING: R-96

EXISTING LAND USE: Trinity Evangelical Lutheran Church and School

PROPOSED USE: Same with addition of 7,975 square feet to school

SIZE OF PARCEL: 4.22 acres

CONCURRENT APPLICATIONS

Building Permit Application BP-15-02654.

APPLICABLE ZONING HISTORY

The church and school on this property existed before the current zoning requiring a special review approval for this use in residential zoning districts. The City adopted this requirement in 1972. Since 1972, 5 special reviews have been approved to expand existing churches in this neighborhood including the Lutheran Church of the Good Shepherd on 24th St West, St. Andrew's Church on 24th St West, the LDS Meetinghouse on Belvedere Drive, Rocky Mountain Community Church on Broadwater Avenue, and the Messiah Lutheran Church on Colton Boulevard.

SURROUNDING LAND USE & ZONING

- NORTH:** Zoning: R-96
Land Use: Single family residences
- SOUTH:** Zoning: R-96
Land Use: Single family residences
- EAST:** Zoning: Residential Multi-family
Land Use: Nursing home, apartments and single family residences
- WEST:** Zoning: R-96
Land Use: Single family residences

BACKGROUND

This is a special review to add a 7,975 square foot addition to expand classroom space at the Trinity Lutheran Church and school at 2802 Belvedere Drive. The project also includes a remodel for the main entryway on the north side of the building and a re-configuration of the parking lot and student drop-off area east of the building on 28th Street West. The existing building is 26,399 square feet and the church school has experienced increased enrollments. The proposed addition will include space for pre-school, a library, computer lab and a music room. The site is 4.22 acres in area and is larger enough to accommodate the addition and provide the other necessary outdoor areas for recreation and parking. The property is located at the intersection of 28th St West and Belvedere Drive. Neighboring properties include single family homes, apartments and a nursing home. The total square footage of the building will be 34,374 square feet with 55 off-street parking spaces provided. A basketball court will be slightly re-located to accommodate the building addition.

The Oakland Subdivision is a well-developed neighborhood and the subject property is located on local streets. This neighborhood also includes an LDS Meetinghouse at 2929 Belvedere Drive. The Trinity Lutheran Church is located at 537 Grand Avenue so this property only serves as a K-8 private school for the church. There are no local traffic counts available for Belvedere Drive or 28th Street West. Daily traffic is likely similar to other public or private elementary schools in neighborhoods. The proposed addition will be similar in height and siding materials to the existing building. The re-design of the parking lot to the east will include additional street trees and a sight-obscuring dumpster enclosure. In addition, the site includes a storm water retention area south of the re-designed parking lot. No changes are proposed for the remaining landscaped and parking areas on the

property.

The Planning Division has reviewed the proposed addition and the 3 criteria for special review approval and recommends 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. The application is consistent with the 2008 Growth Policy to encourage compatible land uses in neighborhoods. Private schools and churches and combinations of these uses are allowed by special review approval in all residential zones. The church school has existed in this neighborhood for many years prior to the special review requirement. The proposed addition will be similar in architectural style and finish to the existing structure. The addition will allow this essential neighborhood feature to remain and expand to accommodate increase enrollments. The Planning Division is recommending several conditions of approval that will ensure any potential conflicts are mitigated.

The Planning Division recommends the following conditions:

1. The special review is limited to the expansion of an existing private church school and no other use is intended or implied.
2. The approval is limited to Lot 2A, Block 1, of Oakland Subdivision, 2nd Filing, generally located at 2802 Belvedere Drive.
3. Any addition to the building or the parking area greater than 10% of the total shown on the site plan shall require additional special review approval.
4. There shall be no demolition or construction activity before 7 am or after 8 pm.
5. Any new outdoor lighting - except security lighting on the building - will have full cut-off shields so that no part of the lens or fixture projects below the shield. Any new outdoor pole light is limited to 15 feet in height above grade.
6. The solid waste collection enclosure shall be sight-obscuring, tall enough so no part of the collection box projects above the enclosure and have a sight-obscuring closing gate or gates.
7. The new landscaping shall be installed as shown on the submitted site plan.
8. The addition shall be in substantial conformance with the submitted site plan. Minor modification are allowed.
9. The applicant will install new bicycle racks as recommended by the Planning Division guidelines. (see attachments)
10. 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.
11. 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 929.

APPROVED BY CITY ADMINISTRATOR

Attachments

Site photos

Determinations

Zoning Map

Site Plan and Applicant Letter

Bike Rack Parking Guidelines

Attachment C
Site Photos – Special Review #929



Subject Property view south from Belvedere Drive



View south and west from Main entrance on Belvedere Drive

Attachment C, continued
Site Photos – Special Review #929



View east to intersection of Belvedere and 28th St West



Proposed addition

Attachment C, continued
Site Photos – Special Review #929



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.

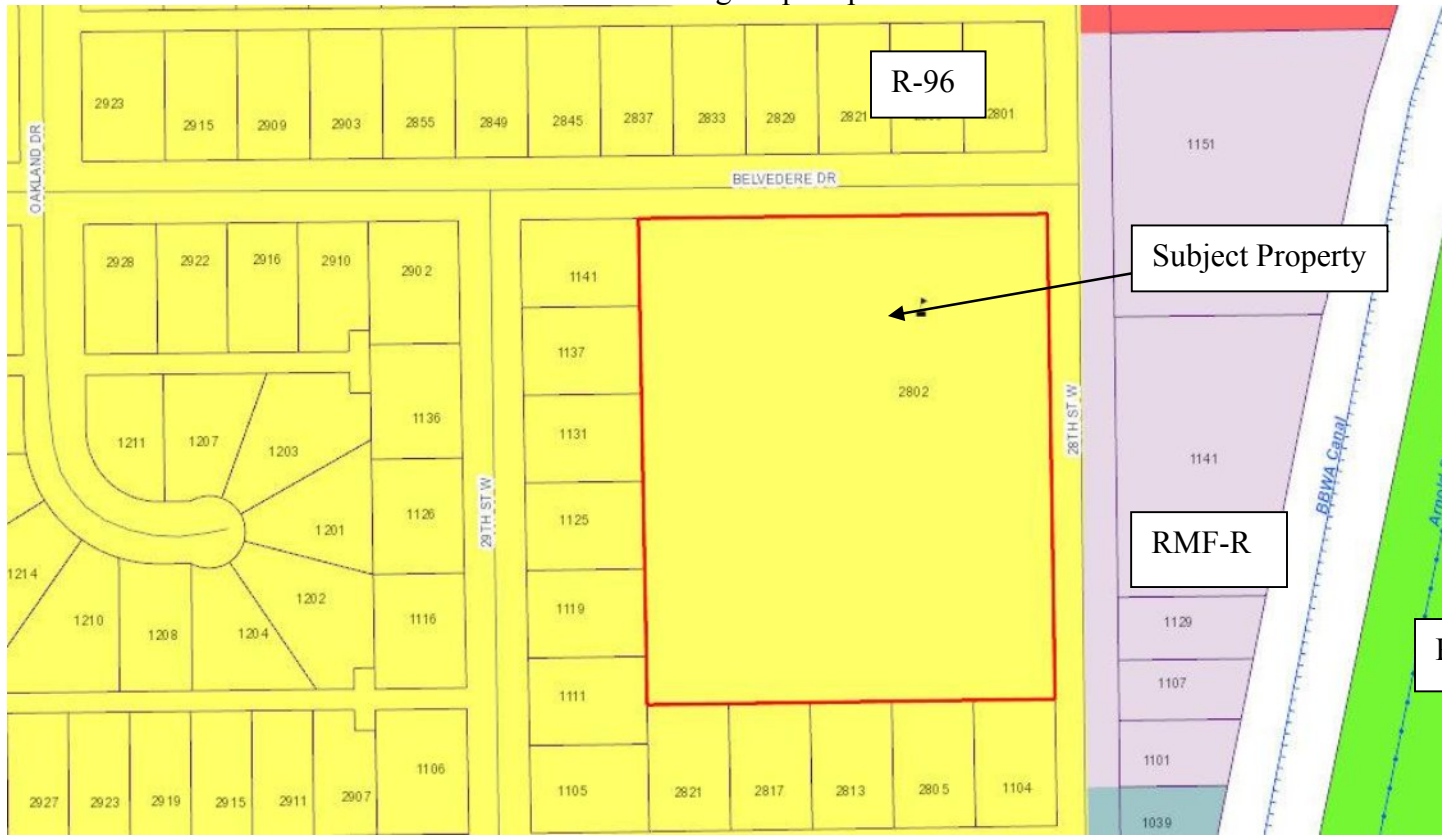
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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 #929



Subject Property

Special Review 929
Site Plan and Applicant Letter

COLLABORATIVE DESIGN
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collaborativedesignarchitects.com

4 May 2015

**SPECIAL REVIEW APPLICATION
INSTRUCTIONS**

Answer the following questions:

1.A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Land Use: The site historically has always been used as a school site. The proposed addition is a predicable expansion of the current use. There are no 'change of use' issues. The proposed addition will allow Trinity Lutheran School (TLS) to continue to function at this location and not look for a larger site west of town that would increase sprawl, traffic and pressure on City services.

Economic Development: The proposed addition will allow TLS to continue to prepare students to move into higher education and job training to provide skilled workers for the Billings economy.

Aesthetic Element: The plans will provide a new entry on the east side and add a new main entry on the north side to provide a more pleasing and unified appearance for the building. Landscaping will be modified and added to provide a buffer to the street and adjacent properties. The existing deteriorated approaches will be replaced with new code compliant approaches.

Transportation: The new approaches and parking configuration will provide clear direction and traffic flow increasing the safety for the students and the neighbors using the sidewalk and street system adjacent to the school.

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

As enrollment continues to increase there is a need to for additional educational spaces to provide the skills and training that today's students need as they move onto further their education and job skills to compete in a ever changing market place. TLS also endeavors to train the whole person instilling values of faith, family and community.

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

From a practical standpoint, the project will improve the appearance and safety of the school not only for the students but for the neighborhood as well. On a broader scale, TLS goal is to train young people who have the values and education to become model citizens and leaders in their community.

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

The proposed addition provides additional classroom space, music room, library, computer lab and preschool spaces. The current TLS preschool is operated out of a house across the street. These students can now be brought into the same building to participate in and have direct access to the schools other facilities. The previous location of the preschool will be sold and converted back into a residence. This will return the house back into its intended use and will provide greater safety for the preschool students who will no longer need to walk across the street to access the main school facility. The Special Review is being sought to make these changes which will enhance the school's ability to train students and improve the appearance and function of their school facilities in the neighborhood.

COLLABORATIVE DESIGN ARCHITECTS, INC.



Jeff Kanning, AIA
Principal

City of Billings

Off-Street Bicycle Parking Guidelines

Thank you for choosing to provide safe and convenient bicycle parking to your customers, clients, employees and residents. This will help meet the City's goal to improve and prioritize bicycle accommodations within Billings.

Customers and Clients

Bicycle Parking

1. Bicycle parking spaces are at least 2 feet by 6 feet; minimum 7 feet overhead clearance.
2. A minimum 5 feet access aisle behind rack for bicycle maneuvering.
3. Spaces should not block pedestrians; 4 foot throughway recommended, 3 feet required.
4. Bicycle rack installed a minimum of 30 inches from adjacent walls and other edges.

Bicycle Rack Site Location

1. Located in highly visible area outside main entrance of building and easily accessible.
2. On a hard surface, such as concrete.
3. In rows and within 50 walking feet of a main entrance, distributed to serve all entrances and buildings.
4. Shared bicycle parking facilities within 150 feet of main entrances to buildings served.

Bicycle Racks*

1. Two points of contact with bicycle.
2. Supports "U" type shackle-lock.
3. Securely anchored.

RECOMMENDED



NOT RECOMMENDED



*examples only. not an all inclusive set.

Employees and Residents

1. Either located on site or in an area where the closest point is no more than 300 feet from site.
2. To provide security, long-term facilities are recommended in at least one of the following locations:
 - In a locked room
 - In an area enclosed with a fence with a locked gate.
 - Within 100 feet of an attendant or security guard.
 - In an area monitored by a security camera; or
 - In an area that is visible from employee work areas.
3. At least 50 percent of long-term bicycle parking should be covered.
4. A minimum of 30 percent attached to floor or ground.

For Questions Contact:

Jeffrey Butts,
 Bicycle and Pedestrian
 Coordinator
 406.247.8637
 buttsj@ci.billings.mt.us

Bicycle Parking by Land Use

The 2011 Billings Area Bikeway and Trails Master Plan (ci.billings.mt.us/bikeplan) recommends the following amounts of bicycle parking. These are not regulated currently in City Code, but are meant to provide guidance for installation of bicycle parking facilities. Call 406.247.8637 with questions.

Recommended Amount of Short Term Bicycle Parking (Clients and Customers)	
Use Type	Recommended Bicycle Parking Spaces
Warehouses, and freight terminals	1 per 5,000 sq ft of floor space
Wholesale business	10 percent of required auto parking
Food or beverage places with sale and consumption on premises	10 percent of required auto parking
Motor vehicle, machinery, plumbing, heating, ventilation, building material supplies, sales and services	The greater of 2 or 20 percent of required auto parking
Retirement homes and housing projects for the elderly which have received a declaratory ruling from the Montana Human Rights Commission allowing sale or lease of the units exclusively to person sixty (60) years of age or older	1 per 4 employees
Motel and motor courts	1 per 10 rooms
Hotels	1 per 10 rooms
Hospitals (with less than 100 beds based upon state licensed bed count)	15 percent of required auto parking
Hospitals (with over 100 beds based upon state licensed bed count) and institutions	10 percent of required auto parking
Theaters	The greater of 10 spaces or 5 percent of seating capacity
Churches, auditoriums, bingo parlors and similar places of assembly	The greater of 10 spaces or 5 percent of seating capacity
Stadiums, sports arenas and similar open assemblies	The greater of 10 spaces or 5 percent of seating capacity
Bowling Alleys	10 percent of required auto parking
Medical doctor or dental clinics or offices located within the medical corridor	15 percent of required auto parking
Medical doctor or dental clinics or offices located outside the medical corridor	15 percent of required auto parking
Medical and dental clinic	15 percent of required auto parking
Banks, businesses and professional offices	1 per 300 sq ft of gross floor area
Mortuaries	The greater of 2 or 10 percent of required auto parking
Other retail:	
If less than 5,000 sq ft of floor area	15 percent of required auto parking
If over 5,000 sq ft of floor area	10 percent of required auto parking
Manufacturing uses, research testing and processing, assembling and all industries	10 percent of required auto parking
Libraries and museums	20 percent of required auto parking
School, elementary, and junior-high, public, private or parochial	1 per 5 students
School, high school, college - public or private	1 per 5 students
Service stations, and drive-in restaurants	1 per 4 employees
Residential, multi-family	The greater of 2, or 1 per unit (if no garage available)
Fraternity or sorority	1 per bedroom
Boarding houses, lodging homes and similar uses	1 per 3 bedrooms
Convalescent homes, nursing homes, rest homes	1 per 4 employees

Recommended Amount of Long Term Bicycle Parking (Employees and Residents)	
Use Type	Recommended Bicycle Parking Spaces
Residential Categories: Multi-family Single family	The greater of 2, or 1 per unit (if no garage is available) None
Commercial Office	The greater of 2 or 10 percent of required auto parking
Restaurants, cafes, bars, and similar uses	The greater of 2 or 5 percent of required auto parking
Retail store and service establishments	The greater of 2 or 5 percent of required auto parking

