



CITY ZONING COMMISSION
AGENDA-Tuesday, October 6, 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

Motion. Approval of Minutes: September 1, 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. Special Review 932. Motion/Recommendation: Conditional Approval, Dave Green, Planner II**

This is a special review request to locate a beer & wine license without gaming for City Vineyard and for a drive through service window for City Brew in a 12,000 square foot proposed building with an 85-stall parking lot and landscaping in a Planned Development zone with underlying Community Commercial (PD-CC) zoning. The subject property is Lot 9, Block 2 of Cardwell Ranch Subdivision, 1st Filing, a 2.22 acre parcel of land. Tax ID: A34332.

b. **Item # 2. Special Review #933. Motion/Recommendation. Dave Green, Planner II**

This is a special review request to locate a new elementary/secondary school (K-8) in a 87,000 square foot proposed building with 36 classrooms, a library, multi-function rooms, music rooms, gymnasium, a kitchen and dining area, commons area, administration, and utility support spaces. New drive approaches off Colton Boulevard and Woody Drive would be added as well as drop-off & pick-up areas, new entry plazas, 126 parking off-street spaces, and landscaping. The subject property is located in a Residential 9,600 (R-96) zone, on Lot 2, Block 1 of St Thomas Subdivision, a 26.089 acre parcel of land. Tax ID: A33734.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, October 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 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. Testimony regarding the above mentioned item 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: 10/06/2015

Information

Subject

Motion. Approval of Minutes: September 1, 2015

Attachments

BZC_2015_09_01_Minutes_DRAFT

City of Billings Zoning Commission Meeting Minutes- September 1, 2015

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

Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday, September 28, 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	09/01/2015	10/06/2015	11/10/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1		1	1		1	1			
Barbara Hawkins	Commissioner	1	1	1		1	1		1	1			
Dan Wagner	Vice Chairman	1	1	1		E	1		1	1			
Dennis Ulvestad	Commissioner	1	E	1		1	1		1	1			
Mike Boyett	Commissioner	1	1	1		1	E		1	1			
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	--	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1		1	1		-	-
Tammy Deines	Planning Clerk	1	1	1		-	1			1		-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	--	-	-	-
Lora Mattox	Planner II	-	-	-		-	-	-	-	-	-	-	-
Karen Husman	Planner I	-	-	-		-	-	1	-	-			
Jeannette Vieg	Receptionist					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	09/01/2015	10/06/2015	11/10/2015	12/01/2015	TOTAL
Zone Change	2	2	2	0	0	0		2	0				8
Special Review	1	1	3	0	3	2		1	1				12

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

Public Comment

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

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. There was none.

Approval of Minutes: August 4, 2015

Chairman Dailey called for approval of the August 4, 2015 meeting minutes.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to approve the August 4, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

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 review the first agenda item.

Item #1: City Special Review #931 – 261 Swords Lane – Town Pump Bar & Casino - A special review request to locate an all beverage license with gaming for a new Town Pump Casino, Bar and Liquor Store in a 7,194 square foot proposed building with a 69-stall parking lot and landscaping in a Highway Commercial (HC) zone on the south half of C/S 98, a 2.36 acre parcel of land. Tax ID: D05600.

REQUEST

Item #1 - Special Review #931 – 261 Swords Lane – Town Pump Bar & Casino - A special review request to locate an all beverage license with gaming for a new Town Pump Casino, Bar and Liquor Store in a 7,194 square foot proposed building with a 69-stall parking lot and landscaping in a Highway Commercial (HC) zone on the south half of C/S 98, a 2.36 acre parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 criteria for Special Review 931.

Conditions of Approval:

1. The special review approval is for the location of an all beverage license with gaming on C/S 98, generally located at 261 Swords Lane, and no other use is intended or implied.
2. Any expansion of the building floor area greater than 720 square feet will require an additional special review approval.
3. Any increase in the number of parking spaces over 10% of what is shown (69 spaces) will require an additional special review approval.
4. There shall be no outdoor public address system, outside announcement system, whether permanent or temporary, of any kind. There shall be no outdoor event on the grounds that includes amplified music or an amplified sound system of any kind.
5. 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.
6. The applicant shall provide 2 (two) bike parking racks on the site of the type recommended by the City of Billings Off-Street Bicycle Parking Guidelines. The bike parking racks will be located as recommended in the guidelines.
7. 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.
8. 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.

In response to comments by Commissioners Dailey and Ulvestad, Nicole Cromwell said the State of Montana controls the intersection of Swords Lane and Main Street. Commissioner Boyett asked about the need for bike racks for this type of business. Nicole Cromwell pointed out the proximity to a well-developed bikeway and commented patrons or employees might use the bike racks.

Commissioner Ulvestad asked about the number of allowable licenses and the easement for the drive approach. Nicole Cromwell explained the quota system allows additional licenses as long as the population keeps growing. She pointed out the proposed drive approach on a posted plat map. Chairman Dailey asked about the traffic counts. Nicole Cromwell responded the statistics are a 3-year average and the applicant's agent, Mr. Tommerup, is well aware of potential traffic or parking

issues. She said the police department had no concerns with this application. Commissioner Hawkins asked about the determination for the bike racks and Nicole Cromwell referenced the “City of Billings Off-Street Bicycle Parking Guidelines”. Commissioner Ulvestad asked about the buildings located behind the garage and Nicole Cromwell said they will be demolished, and there has been no complaints from the surrounding residents.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #931.

Proponents

Alex Tommerup, AT Architecture, 848 Main St #7, Billings, MT

Mr. Tommerup represents property owner, Z & B Enterprises. He thanked staff for the presentation. He said they proposed locating the driveway as far west from the intersection as possible to avoid traffic conflicts. The bike racks can hold up to four bicycles; most likely one rack will be located in the front of the lot and another in the back northwest corner. Nicole Cromwell commented the racks should alleviate bike parking in illegal areas. Per Leonard Dailey's request, Alex Tommerup noted the topography of the parcel and related to the Commission constructed is proposed for next spring with a summer or fall opening for the business.

Ernie Szillat, 961 Gold Dust Circle, Billings, Montana,

Mr. Szillat owns property to the west of this parcel. He voiced concern with the driveway location as the bike path acts as the sidewalk along the road. He commented he has had several near misses with bicyclists when exiting in his vehicle, as it is difficult to see them. He said he is willing to give some of his parcel to the bike path with consideration of changing the frontage of these properties. Mr. Szillat said there have been several break-ins in this area; there are transients in the bike tunnel; and he would like to have this addressed. He stated he has contacted the State regarding the need for improvements to this intersection. Mr. Szillat is not opposed to casino and a bar but disagrees with the submittal letter language stating this is a “family environment”. He would like to address these issues for reasons of public safety. He said there is no vehicle access in the rear of the properties and the topography is sloped. He pointed out the current bike path which goes along Main Street and along Swords Lane on a posted map and voiced concern with vehicles exiting into bicycle traffic flowing along Swords Park Lane with a narrow window to access Airport Road due to incoming traffic speeds. In response to Mr. Szillat’s concerns, Nicole Cromwell said the Parks Department maintains the bike path; the bike pedestrian tunnel is lighted; and incidents of loitering should be reported to the Police Department. She said Planning Staff did take note of the exit issue and had considered an easement in the rear of the property but it is a matter of agreement of the property owner and those asking for an easement.

Mark Olson, AT Architecture, 848 Main St #7, Billings, MT

Mr. Olson stated he is In favor of the project and appreciates staff’s presentation.

Rebuttal

Chairman Dailey called for rebuttal.

Alex Tommerup, AT Architecture, 848 Main St #7, Billings, MT

Mr. Tommerup stated narrowing the drive approach to a one vehicle access will provide a better level of safety. He said he likes the suggestion to provide an easement at the rear of the property and will relate this to the owners of "Town Pump", as they are community minded. In response to question by Commissioner Ulvestad, Mr. Tommerup said the easement for access to the property is State controlled, and the design and location for the access has to be approved by the state.

Mr. Tommerup clarified the language in the submittal letter and said he did not call this business a "family friendly environment".

Chairman Dailey closed the public hearing for City Special Review #931 and called for a motion.

Motion

Commissioner Wagner made a motion and Commissioner Hawkins seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #931.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Boyett commented there is no way to control the growth of the City. Commissioner Ulvestad stated he will vote against the motion as he feels more information is needed from the State, and he doesn't think it is feasible to do this. Chairman Dailey said this type of use is allowed under zoning and this special review is for a liquor license and gaming. Barbara Hawkins said the issues will be same with any business, and pointed out that this applicant is trying to address the access issues.

The motion to approve City Special Review #931 carried with vote of 4-1. Commissioner Ulvestad voted against the motion.

Other Business:

Nicole Cromwell announced the next meeting is scheduled for October 6, 2015.

Adjournment: The meeting adjourned at 7:25 p.m.

ATTEST: DRAFT TO BE APPROVED: October 6, 2015

Leonard Dailey, Chairman


Tamara L Deines, Planning Clerk



City Zoning Commission

Meeting Date: 10/06/2015

SUBJECT: Special Review #932 - 1335 Golden Valley Circle - City Vineyard, City Brew

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

Item #1. Special Review 932. Motion/Recommendation: Conditional Approval, Dave Green, Planner II

This is a special review request to locate a beer & wine license without gaming for City Vineyard and for a drive through service window for City Brew in a 12,000 square foot proposed building with an 85-stall parking lot and landscaping in a Planned Development zone with underlying Community Commercial (PD-CC) zoning. The subject property is Lot 9, Block 2 of Cardwell Ranch Subdivision, 1st Filing, a 2.22 acre parcel of land. Tax ID: A34332.

RECOMMENDATION

The Planning Division is recommending conditional approval.

APPLICATION DATA

OWNER: Yegen Grand Avenue Farms, LLC

AGENT: Steve Corning - Corning Companies

LEGAL DESCRIPTION: Lot 9, Block 2, Cardwell Ranch Subdivision, 1st Filing

ADDRESS: 1335 Golden Valley Circle

CURRENT ZONING: Planned Development - Community Commercial (PD-CC)

EXISTING LAND USE: Vacant / Farm Land

PROPOSED USE: City Vineyard and City Brew

SIZE OF PARCEL: 2.22 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

The City has approved numerous similar applications for drive-through services along the Grand Avenue corridor in the vicinity of this property and there have also been several waivers in different areas of the City of the 600-foot separation requirement between a business serving alcohol and any building that is predominantly used as a church or school or from a public park that contains a children's playground or playfield.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Community Commercial (CC)
Land Use: Retail and Service Businesses

SOUTH: Zoning: Planned Development-Multi Family (PD-MF)
Land Use: Vacant / Farm Land

EAST: Zoning: PD-CC
Land Use: Medical / Cancer Center
WEST: Zoning: PD-CC
Land Use: Vacant / Farm Land

BACKGROUND

This is a request to allow the construction of a new building that has two businesses in it, one with drive-through service. One business will occupy a space of 2,160 square feet and the other a space of 3,200 square feet on the main floor with a 1,800 square foot mezzanine. The property is approximately 2 acres in area and is located at the intersection of Grand Avenue and Golden Valley Circle, just east of the intersection of Grand Avenue and Zimmerman Trail. The property to the north and east of the subject property is zoned and used for commercial purposes. The property on the south side of Grand Avenue to the east and west is in the Cardwell Ranch PUD and is also zoned for commercial uses but is currently used for farming purposes. The property to the south in the PD is zoned Multi-family. It is not currently developed and is used for farming purposes.

A special review is required when a drive-through service is proposed adjacent to or across an alley from a residential zone. The applicant has submitted a site plan that identifies the location of the drive-through, and site upgrades including landscaping and the proposed drive-through lane. If approved, a City Brew is planning to locate in the north end of the new drive-through café building with City Vineyard occupying the space directly behind the City Brew portion. The property drive approach will be off of Golden Valley Circle which comes off of Grand Avenue on the south side. There is no direct approach proposed for this property off Grand Avenue. Solid waste service will be located in an enclosure to meet city code and be approved by City Solid Waste. The site plan shows adequate parking for the drive-through café and the City Vineyard. There are 3 other spaces for the additional retail tenants in building.

The surrounding zoning is primarily commercial except for the zoning to the south. South of this proposed development, is zoning for a multi-family neighborhood in the Cardwell Ranch PUD. Drive-through uses adjacent to or across the alley from a residential zone can create conflicts such as noise, traffic, litter and other impacts not compatible with residential uses. All of these potential impacts can be mitigated through application of conditions of approval and adherence to an approved site plan through the special review process. The Planning staff is recommending several conditions related to noise, lighting, solid waste management, traffic, and site control.

Grand Avenue is a principal arterial street that carries up to 23,000 vehicle trips per day with a posted speed limit of 35 mph. There is a curb-walk sidewalk on the north side of Grand Avenue and a boulevard walk on the south side fronting this property. The applicant is showing boulevard walks along Golden Valley Circle along the property. The intersection of Grand Avenue and Golden Valley Circle is a 'Right-in, Right-out' intersection access to this lot is off of Golden Valley Circle. The proposed drive-through will be on the east side of the building with traffic flowing north and west around the front of the building. This flow pattern will have the least impact on the adjacent neighborhood. Traffic impact to the residentially zoned property to the south will be minimal as it would appear most of the traffic will exit the access point that is nearest the additional commercial zoning to the west.

This application does not meet one of the requirements of zoning for this special review use which is the required separation of 600 feet between property lines from an eating and drinking place that serves alcoholic beverages from any building that is predominantly used as a church or school or from a public park that contains a children's play area. The 600 foot separation is between property lines. If measured from the southeast corner of the subject property to the northwest corner of Will James Middle School, the distance is approximately 104 feet. In Section 27-612 (a) (1), there are some exceptions that may be considered and will allow waiving this requirement if they are met. One is that an Arterial Street separates the properties. Another one is if a building or buildings obstruct the view between the separate uses or there is no direct physical access that exists between the two uses.

The proposed structure sits to the north of the lot and it will not be possible to see the proposed City Brew/City Vineyard from the vast majority of the Will James Middle School building because of the Frontier Cancer Center building to the east of the subject property. Also, Will James Middle School is a closed campus for lunch and has a chain link fence enclosing the grounds almost completely except for the street frontage of 30th Street West. This application meets two of the three exceptions and there only needs to be one of them met for the waiver of the 600

foot separation to be granted.

The Planning Division has reviewed this application and is recommending conditional approval and approval of the 600 foot waiver. 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 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, in so far, that it is in a district that allows drive-through services and on premise consumption of alcoholic beverages across from a residential zone by special review. The proposed buildings, landscaping, and solid waste storage will meet the code requirements for this zone. New landscaping will be installed around the building and along the street frontages. The property will only have access off of Golden Valley Circle which comes off of Grand Avenue.

The proposal is consistent with goals of the 2008 Growth Policy ,encouraging compatible uses and avoiding leapfrogging development beyond city services. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses. The building will be located as close as realistically possible to Grand Avenue and still retain circulation for the drive up and parking area. The application is conforming to the purposes of the regulations.

PROPOSED CONDITIONS

1. The special review is limited to Lot 9, Block 2 of Cardwell Ranch Subdivision, 1st Filing, generally located at 1335 Golden Valley Circle.
2. The special review approval is for the construction of a 12,000 square foot building of which 2,160 square feet is City Brew and 3,200 square feet is City Vineyard with a drive-through service and a beer and wine license without gaming. No other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed drive-through café or the alcohol sales portion of the building 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. The maximum height of any light pole in the outdoor areas shall be 20 feet above grade. Exceptions to this requirement are allowed for entry doorway lighting.
5. No construction or demolition activity will occur before 7 am or after 8 pm daily.
6. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, elms, lombardy poplar, silver leaf poplar, weeping willow, or box elder. All installed trees will be continuously maintained and replaced as necessary by the owner.
7. 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.
8. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking, and building locations.
9. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
10. The owner is allowed to have background music and un-amplified, live entertainment on the outdoor patio. Amplified, live entertainment is not allowed at any time.
11. 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.
12. 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.

ATTACHMENTS

Attachment A: Zoning Commission Action.

Attachment B: Zoning Map

Attachment C: Site photographs

Attachment D: Site Plan

Attachment E: Applicant Letter

RECOMMENDATION

Staff recommends Conditional Approval

Attachments

Attachments

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.

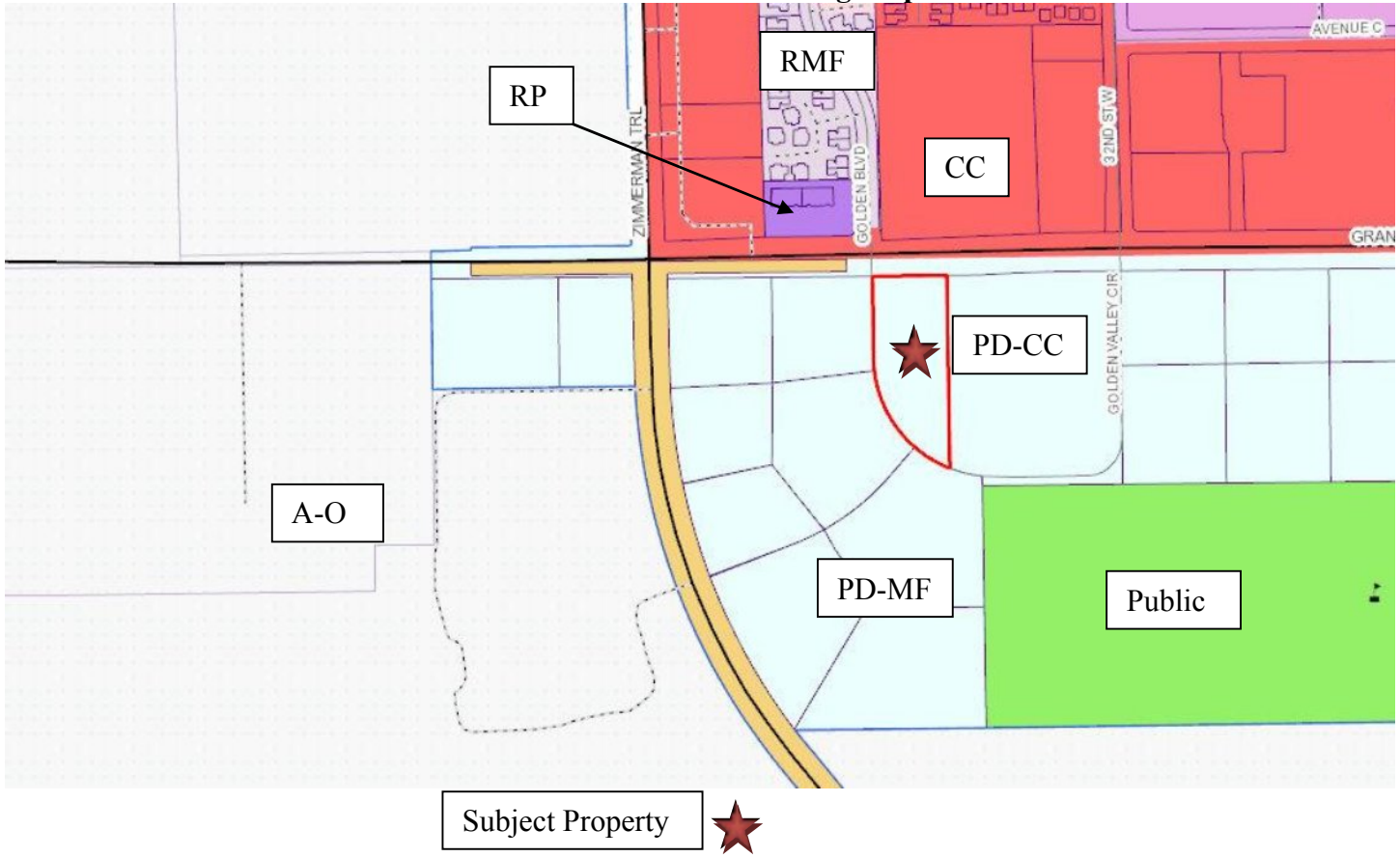
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

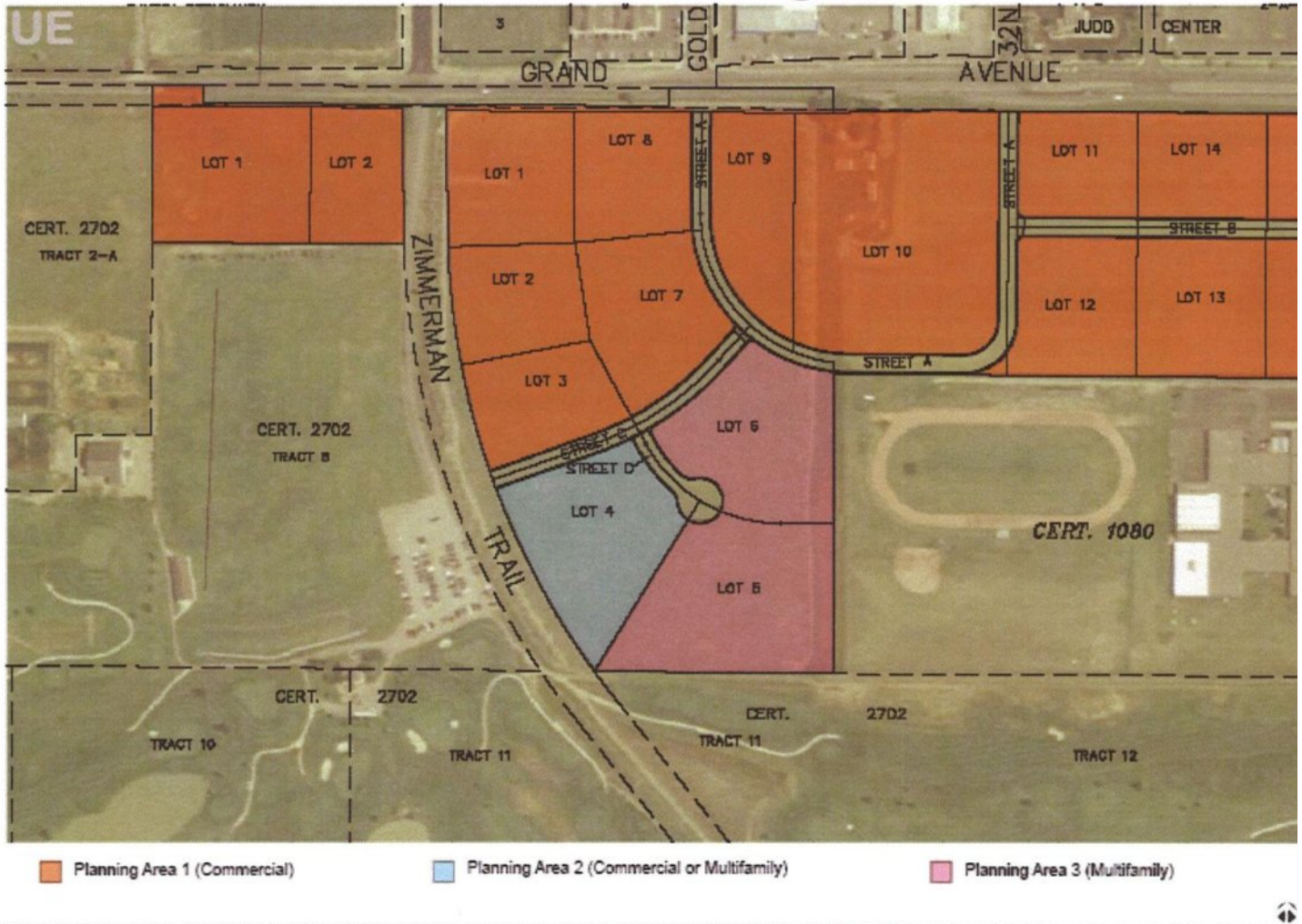
1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

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





Attachment C
Site photos



Subject Property – View south from Grand Avenue



View east of subject property from Grand Avenue

Attachment C, continued
Site photos



View west along Grand Avenue



View across Grand Avenue from subject property

Attachment C, continued
Site photos

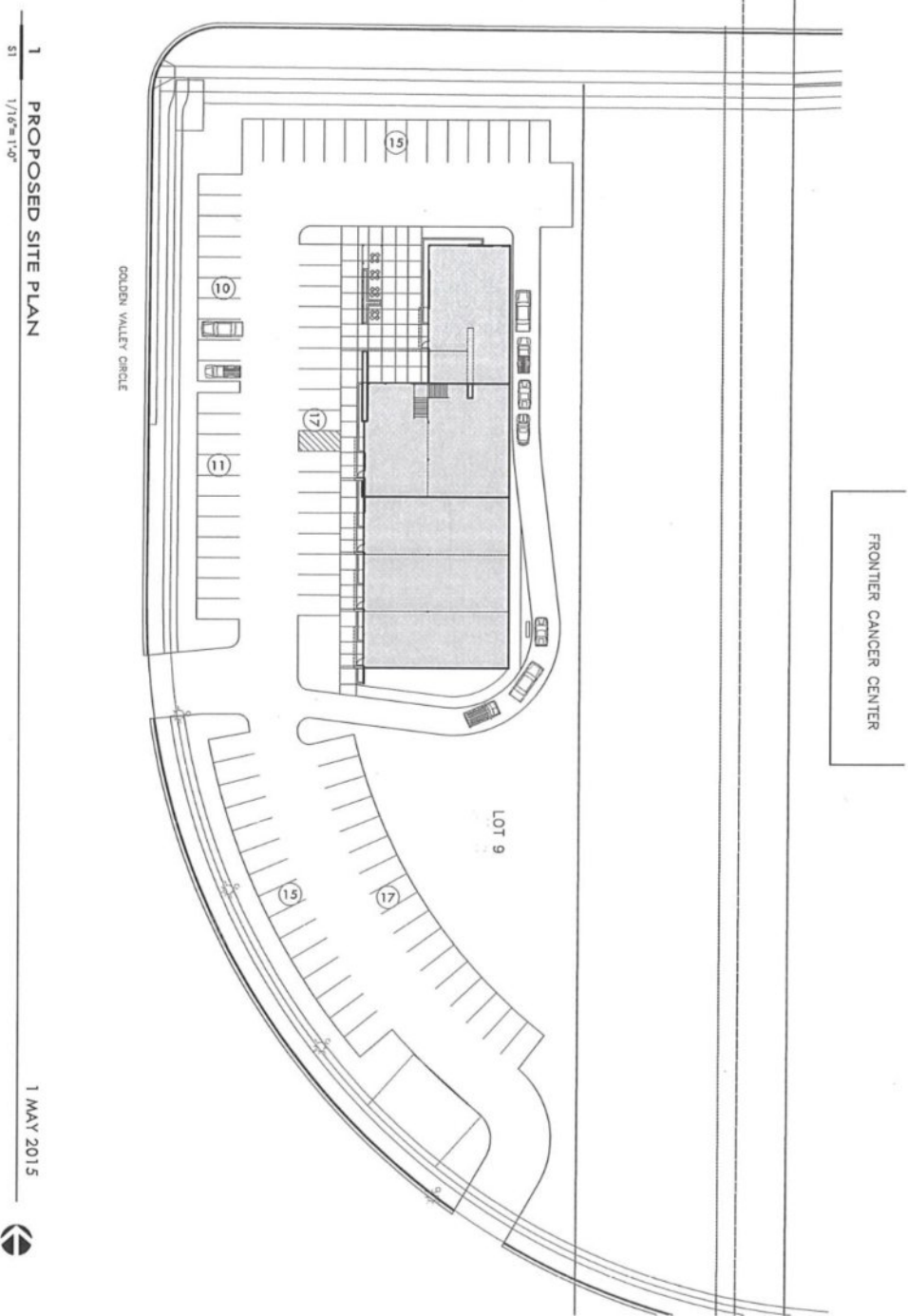


View north west across Grand Avenue from subject property



Subject Property ★

Attachment D Site Plan



1 PROPOSED SITE PLAN
 S1 1/16"=1'-0"

1 MAY 2015



PRELIMINARY

S1

PROPOSED
SITE PLAN

PREPARED BY: [REDACTED]
 CHECKED BY: [REDACTED]
 DATE: [REDACTED]

COLLABORATIVE DESIGN ARCHITECTS

2279 65th ROAD - SUITE C BILLINGS, MT 59102 TEL: 406.233.3400 FAX: 406.233.3700

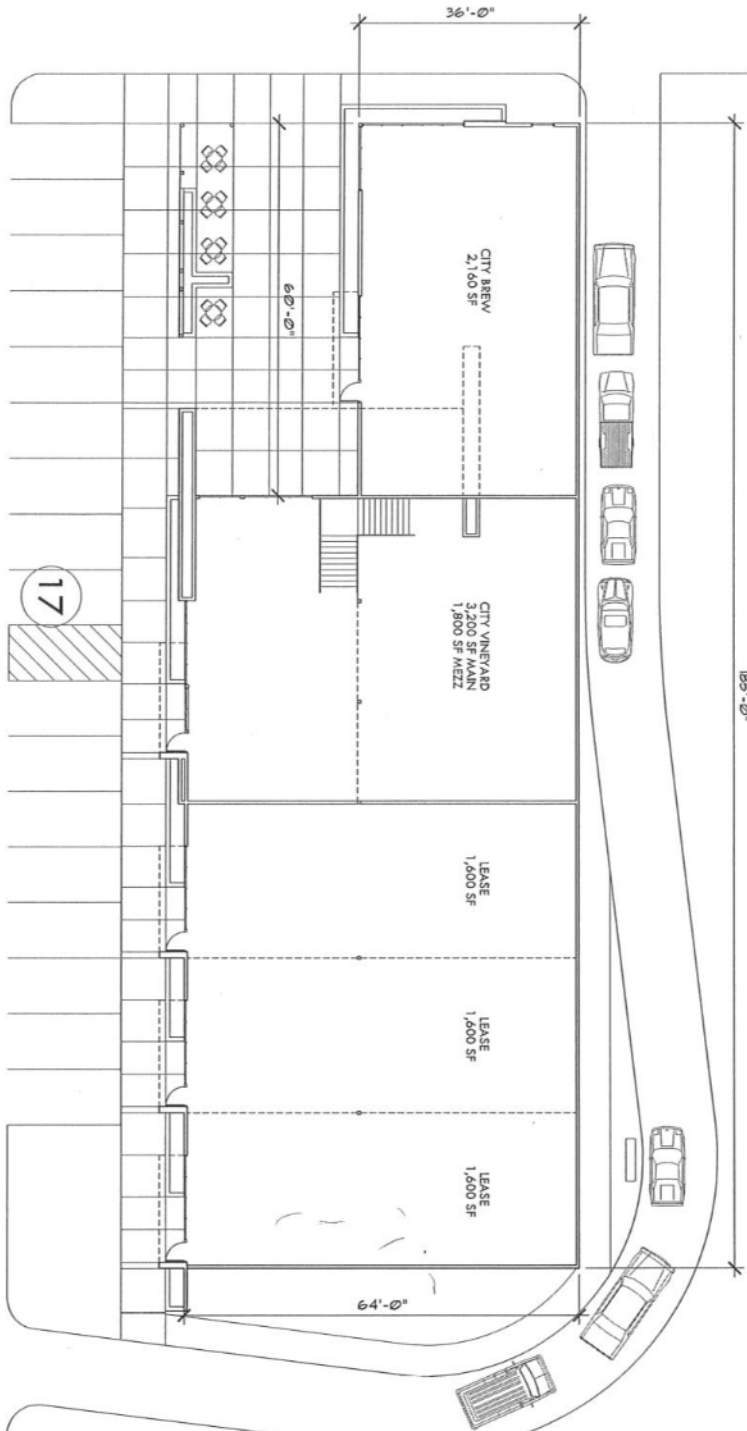
**CARDWELL RANCH SUBDIVISION
MAIN FLOOR PLAN**

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BILLINGS MONTANA

Attachment D Site Plan

1
1/16"=1'-0"
PROPOSED FLOOR PLAN



TOTAL BUILDING: 11,960 SF
 TOTAL PARKING: 85 SPACES
 FOOD: 5,000 SF @ 10/1,000 = 50 SPACES
 RETAIL: 7,000 SF @ 25 PLUS 1/200 = 32 SPACES

1 MAY 2015



PRELIMINARY

S2

PROPOSED
SITE PLAN

**COLLABORATIVE DESIGN
ARCHITECTS**

2280 GRANT ROAD - SUITE C BILLINGS, MT 59102 2 408.248.3443 F. 408.248.3742

**CARDWELL RANCH SUBDIVISION
MAIN FLOOR PLAN**

BILLINGS MONTANA

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COLLABORATIVE DESIGN
A R C H I T E C T S

www.collaborativedesignarchitects.com 406.248.3443

Attachment E
Applicant Letter

City Brew/City Vineyard Special Review Application Addendum

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

This proposal is consistent with both the adopted Growth Policy and the Planned Development Agreement for the East 80 at Cardwell Ranch (PDA), included with this application. The PDA contemplates a "mixture of commercial, retail, office, professional, medical and related uses..." This proposal, a commercial retail building consisting of a City Brew Coffee drive-up and retail store, combined with a City Vineyard retail store and wine bar, fits squarely within the PDA's allowed uses. The proposal is consistent with the growth categories within Cardwell Ranch, including the Frontier Cancer Center directly East of this proposed use. The coffee shop and wine store/bar retail operations are consistent and aligned with the PDA's stated goal that development patterns promote "economy, convenience, and amenity" within the PDA.

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

City Brew/City Vineyard has recognized a growing demand in its existing business for this location, with necessary expanded space for both operations. City Vineyard, in particular, hopes to respond to increasing consumer demand for broader product offerings and space for special tasting events. City Brew and City Vineyard recognize an increasing need for their business West of 24th Street, serving an expanding population base along the Grand Avenue corridor. City Brew and City Vineyard are gratified to be able to respond to demand driven needs and to serve their growing customer base.

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

The design and construction of this proposed project will present a thoughtful use of the site, with upscale and quality building materials, harmonious with and reflective of the existing Frontier Cancer Center design and architecture. As stated above, there is a real consumer demand for City Brew/City Vineyard retail services in this corridor, and the quality of the building and businesses will enhance the character of this growing retail sector.

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.

City Brew and City Vineyard intend to build and operate one City Brew Coffee retail store, including drive-up service, with one City Vineyard retail store and wine bar attached, operating under a beer and wine license without gaming. The proposal contemplates a building

size reasonably proportionate to the site. Drive through stacking is designed to minimize any traffic impact, and inflow and outflow congestion concerns are negligible. Special review is being sought for drive through operation (City Brew) and on-premise alcohol consumption (City Vineyard) per the PDA and City of Billings requirements. The existing property is agriculture, bordered directly to the East by Frontier Cancer Center. Will James Middle School's property line falls within 600 feet of the proposal (though the school building itself does not), which will require a waiver of the 600-foot separation requirement for on-premises alcohol consumption. There is a visual barrier between the proposed building and the school, as well as no direct physical access (fencing) between the school's property and the proposed site, which would authorize the waiver.



City Zoning Commission

Meeting Date: 10/06/2015

SUBJECT: Special Review #933 - Billings Catholic Schools - New K-8 School

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

Item # 2. Special Review #933. Motion/Recommendation. Dave Green, Planner II

This is a special review request to locate a new elementary/secondary school (K-8) in a 87,000 square foot proposed building with 36 classrooms, a library, multi-function rooms, music rooms, gymnasium, a kitchen and dining area, commons area, administration, and utility support spaces. New drive approaches off Colton Boulevard and Woody Drive would be added as well as drop-off & pick-up areas, new entry plazas, 126 parking off-street spaces, and landscaping. The subject property is located in a Residential 9,600 (R-96) zone, on Lot 2, Block 1 of St Thomas Subdivision, a 26.089 acre parcel of land. Tax ID: A33734.

RECOMMENDATION

The Planning Division is recommending conditional approval.

APPLICATION DATA

OWNER: Roman Catholic Bishop of Great Falls

AGENT: A&E Architects, PC

LEGAL DESCRIPTION: Lot 2, Block 1, St Thomas Subdivision

ADDRESS: Lot immediately east of the St. Thomas Church on Colton Boulevard between Woody Drive and 21st Street West

CURRENT ZONING: Residential 9600

EXISTING LAND USE: Undeveloped and Practice Field for Billings Catholic Schools

PROPOSED USE: New K-8 School

SIZE OF PARCEL: 26.089 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

The City approved two special reviews for the assisted living centers to the west of this property in residential zoning. Other private schools located on residentially zoned property in the city have gone through special review and been granted conditional approval.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential 9600 (R-96)
Land Use: Residential

SOUTH: Zoning: Residential 6,000 (R-60) and Public
Land Use: Residential and Rose Park

EAST: Zoning: R-96
Land Use: Residential

WEST: Zoning: R-96, Residential Multi-family Restricted and R-60
Land Use: Assisted Living Facilities, Residential, and Professional offices

BACKGROUND

This is a request to allow the construction of a new school on property owned by the Billings Catholic Schools. According to the letter that was submitted by Billings Catholic Schools with this application, the property was purchased in 1959 for 1 dollar with the future goal of building a school. The property is approximately 26 acres in area and is located on the south side of Colton Boulevard between Woody Drive and 21st Street West. The entire 26 acres will not be used in the plan, the southern portion of the lot will remain in its native state providing open space and separation from the BBWA canal. The site plan shows the building closer to Colton with some parking alongside the existing sports field. The properties surrounding the subject property are zoned residential and public with single-family and multi-family residential uses, assisted living facilities, professional offices, and public park land. A special review is required when a school is proposed to be built on residentially zoned land. The applicant has submitted a site plan that identifies location of the proposed school, parking areas, vehicle circulation, and site upgrades including landscaping and outdoor play areas for the students. The plan also identifies one access off of Colton Boulevard and one off of Woody Drive. Solid waste service will be located in an approved area with an enclosure. The site plan shows adequate parking for the school.

The surrounding zoning is primarily residential except for the zoning to the south which is public where Rose Park is located. Schools have traditionally been built in neighborhoods to serve the surrounding areas. In general, they increase values in the neighborhoods as people looking to buy a house consider where the nearest school is to the area they are looking to buy. With the school there also is the increase in traffic when dropping off children and when they are being picked up after school. These two times generally close to the same time as those commuting to or coming from work, but often the school traffic is a little later in the morning and earlier in the afternoon. These potential impacts can be mitigated through application of conditions of approval and adherence to an approved site plan through the special review process. The Planning staff is recommending several conditions related to noise, lighting, solid waste management, traffic and site control.

Colton Boulevard is a collector street that carries up to 5,000 vehicle trips per day in this area of Billings with a posted speed limit of 35 mph. With a school, there would be a school zone created on Colton Boulevard which would slow traffic down during student drop off and pickup times. There are curb-walk sidewalks on both sides of Colton Boulevard. On the Colton Boulevard frontage there are proposed 'bulb outs' to provide a student drop off area. The proposed 'bulb outs' on Colton Boulevard were discussed with City Engineering staff prior to the site plan submittal for the special review.

The Planning Division has reviewed this application and is recommending conditional approval. 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 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, in so far, that it is in a district that allows a school as long as they have gone through the special review process. The proposed buildings and landscaping meet the code requirements for this zone. At the time of building permit submittal, other details for zoning will be reviewed for compliance such as solid waste dumpster locations and enclosures. New landscaping will be installed around the building and along the street frontages. The property will have an approach off of Colton Boulevard and one off of Woody Drive. A drop off area along the west side of the new building off of the streets is also proposed.

The proposal is consistent with goals of the 2008 Growth Policy and the Billings Infill Policy, specifically the recommendation to encourage re-development of under-utilized land, encouraging compatible uses and avoiding leapfrogging development beyond city services. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses. Conditions of approval will mitigate any potential negative impacts to the residential neighborhood.

RECOMMENDATION

The Planning Department recommends conditional approval.

PROPOSED CONDITIONS

1. The special review is limited to Lot 2, Block 1 of St. Thomas Subdivision generally located on the lot immediately east of the St. Thomas Church on Colton Boulevard between Woody Drive and 21st Street West.
2. The special review approval is for the construction of a new 87,000 square foot building for Billings Catholic Schools, grades K-8. No other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed building or 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 shield. The maximum height of any light pole in the outdoor areas shall be 20 feet above grade. Exceptions to this requirement are allowed for entry doorway lighting.
5. All proposed drive approaches will be reviewed by City Traffic Engineering for final approval and location.
6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, elms, lombardy poplar, silver leaf poplar, weeping willow, or box elder. All installed trees will be continuously maintained and replaced as necessary by the owner.
8. 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.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking, and building locations with the exception of condition 5.
10. Any new signage will require sign permit approval from the Planning Division. The school will be allowed on (1) monument sign not larger than 32 square feet and it may have external illumination.
11. 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.
12. 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.

ATTACHMENTS

Attachment A: Zoning Commission Action.

Attachment B: Zoning Map

Attachment C: Site photographs

Attachment D: Site Plan

Attachment E: Applicant Letter

RECOMMENDATION

Staff recommends Conditional Approval

Attachments

Attachments

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



Subject Property ★

Attachment C
Site photos



Subject Property – View south from Colton Boulevard



View west along Colton Boulevard

Attachment C, continued
Site photos



View east along Colton Boulevard



View north of the subject property

Attachment C, continued
Site photos

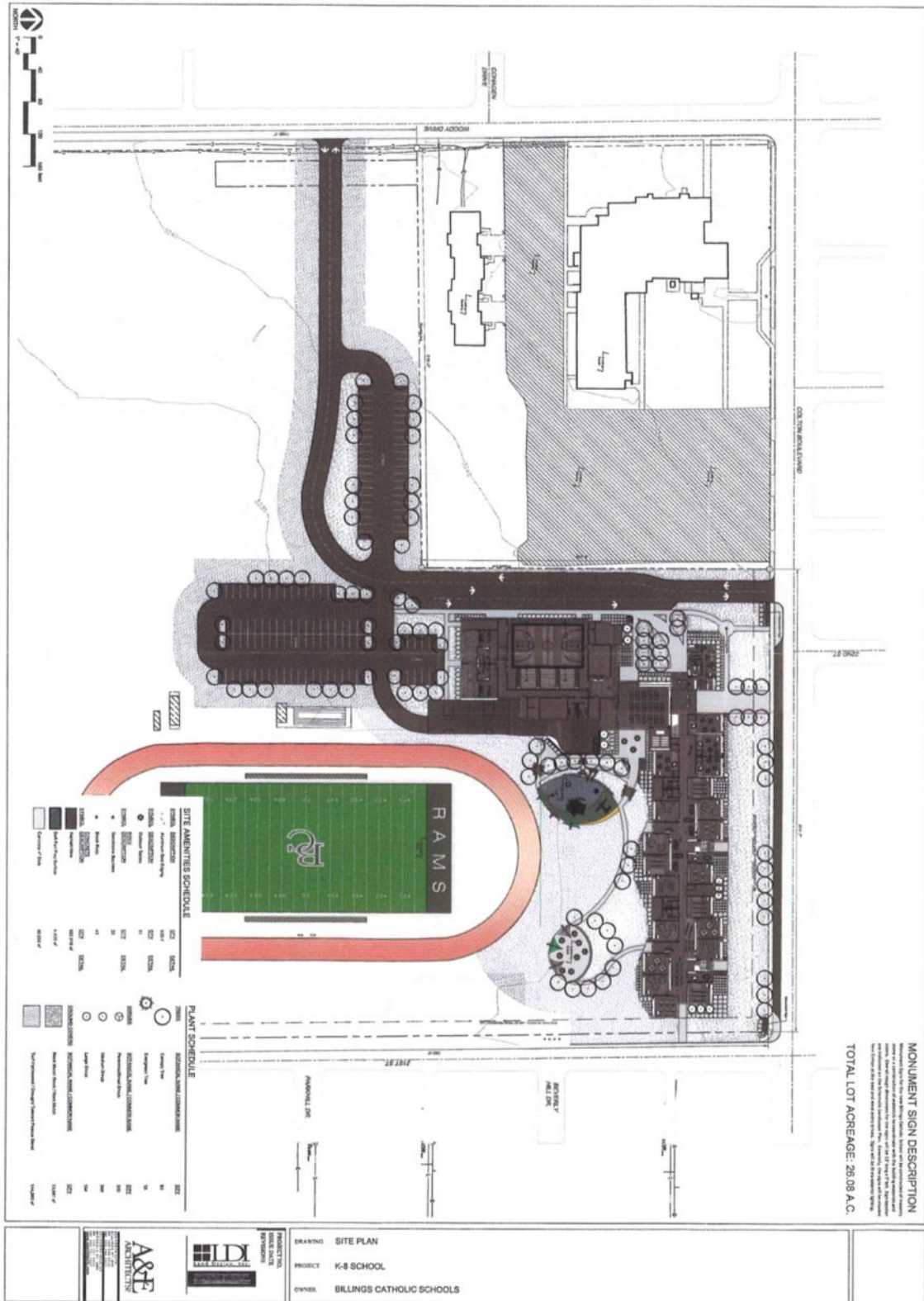


View west along Colton Boulevard



Subject Property ★

Attachment D Site Plan





EXTERIOR Elevations





EXTERIOR

Drop-off / Entry



Conceptual View of the Main Entry from the Northwest, looking Southeast

Attachment E
Applicant Letter



Planning & Community Services Dept.
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

September 8, 2015

RE: Special Review Application
Billings Catholic Schools

Dear Sir or Madam,

Please find the attached information addressing the Special Review requirements for the new K-8 school proposed to be adjacent to St. Thomas Church on Colton Boulevard. You will find the application, plans, existing photos, and conceptual images of the proposed new facility within this package. Additionally, following are the required responses to questions in the application:

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
 - a. Land Use Element

This project will preserve the neighborhood integrity by keeping the residential zones intact and maintaining most of the existing open area on the lot. By providing a new school, the project will maintain a high quality of life for new and existing residents through increased land values, making the neighborhood more attractive with a new school amenity close by. The project creates contiguous development in an existing population center, providing a central asset to the adjacent church, surrounding neighborhoods and professional office areas. By creating this new school, an attractive community will be maintained and further enhanced by providing an educational choice in a convenient location. As an educational asset, this project will help develop a more self-contained neighborhood, supplementing the residential, professional and cultural aspects of the existing surrounding community.

Although the project includes some hardscape areas, the continued functionality of existing natural systems is ensured by leaving a very large percentage of the existing lot as native vegetation and drainage systems, supporting the living creatures in the area that use the irrigation ditch as part of their natural habitat.

The project will use City/County resources in a cost-effective manner by locating the building very close to the current utility infrastructure system, reducing costs and material requirements for the building connection. This new school building will reduce parent commuting and traffic congestion by limiting the amount of travel parents will need to perform to deliver their children to school. Three schools will be combined into one, which will allow families with multiple school-aged children to deliver to one location, rather than driving those children to different locations from the west end to downtown.

- b. Economic Development Element

Constructing a new K-8 school in this neighborhood will improve the quality of life for residents through strengthening the area economy with positive impact from a building project, raising property values with the completed project, and providing an opportunity for good living-wage jobs in the new school. Consolidating the grade levels in this school will help reduce travel time and expense through town for parents who currently deliver and pick up their children to/from multiple locations.

Ultimately, this project will help attract and retain businesses that offer competitive wages and benefits by providing an attractive educational choice for the families of its employees. To that point, the Billings Catholic Schools system is already nationally recognized for its excellence in education, and this new facility will provide a new safe and healthy school facility, improving upon the existing facilities. Having this state-of-the-art facility will allow the City to promote and further highlight educational quality as a business

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recruitment tool in the Billings area. Furthermore, the tuition-based nature of this school will attract and retain educated citizens to not only have their children attend, but potentially be employed at this location. Tuition at BCS is based on income making it affordable, and this new facility will encourage socio-economic diversity and growth within our city.

Once the new school is completed, the existing facilities will be re-purposed for new owners and users, allowing further economic improvement in those associated neighborhoods for other desirable services.

c. Aesthetics Element

The construction of the new school will improve the image of the community by providing a creatively designed and pleasing new building that fronts Colton in an appropriate manner to create a comfortable streetscape. The new playgrounds and upgraded practice field will also be an improvement to the current grounds. This project will instill pride in the community, and also help aesthetically unify the current St. Thomas Church grounds as part of the school campus, and vice-versa, with a new landscape and parking approach to the north entrance of the property off Colton Boulevard. The new school will also provide more aesthetic open space by creating playgrounds, outdoor learning areas, and improved athletics areas for the children, which can also be accessed by the neighbors when school is not in session.

d. Natural Resources Element

This new facility and property development will use City/County resources in a cost effective manner by meeting and exceeding the newly adopted energy codes, far surpassing the existing facilities in efficiency of energy consumption from the utility infrastructure. The site has also been planned to place the building as close to the existing utility infrastructure as possible, lessening the need for extensions of utilities. The continued functionality of natural systems will be ensured through retaining a hugely significant portion of the open site area, providing natural water percolation for storm water management and creating landscaping areas that will enhance the native habitat.

e. Open Space & Recreation Element

Convenient access to bicycle and pedestrian facilities will be provided with new connectors to the school facility from the sidewalk along Colton Boulevard, as well as a path from the Rose Park bridge over the irrigation ditch that connects with areas south, east and west of the project site.

f. Transportation Element

Travel times will be reduced for most parents who have multiple children enrolled in the Catholic School system. Rather than having to drive to multiple locations across the city, a consolidated drop-off/pick-up location will be provided for their children. A convenient traffic connection is available from both 19th Street West and 24th Street west via Colton Boulevard. The project will maintain safe & efficient traffic flow through appropriate turn lanes, segregated traffic flow and organized movement of traffic both with the school and the St. Thomas Church site. The project will reduce traffic congestion at the site and allow for safe and convenient pedestrian and vehicle access to the school location. Furthermore, City bussing will be convenient as the school will lie along an existing Met Transit bus route 4P Parkhill. Additionally children can reach the facility by bicycling on many safe routes in the area away from street traffic.

g. Public Facilities & Service Element

This project will improve the community image by improving a largely unused and undeveloped lot, creating a presence for a strong community resource along Colton Boulevard. This improvement and the location of a school very close to the neighboring residences will increase property values and the desirability of the neighborhood.

h. Cultural and Historical Resources Element - N/A

This property does not have historical or cultural elements to Billings, but it does to many Billings' residents. The land was purchased in 1959 for one dollar, with the express purpose of building a school. Through the years, the project has been put on hold for one reason or another. All the pieces have finally fallen into place and now,

nearly 60 years after its inception, is the time to build this school. Hundreds of Billings residents will say "it was worth the wait." This will preserve and promote faith-based education which is so important to the Catholic Culture Community.

i. Community Health Element

As stated previously, this new facility will support and encourage walking and bicycling for exercise and transportation by providing convenient connections to pedestrian paths. This new school will also provide safe walking routes that already exist in the neighborhood, thereby reducing the use of vehicles for those that live within walking distance.

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

Each of the three BCS buildings that make up grades K-8 are at or nearly at capacity. Several closets are being utilized as office space for instructors, and special education teachers. St. Francis Primary is renting the community room and a corner of the church for classes from Mary Queen of Peace, which is expensive year after year. For the first time in history, the schools have been forced to limit enrollment at several grade levels. There is no space for growth. Additionally, the schools are nearing the end of their useful lifespan for educational purposes. It is more cost-effective and learning-effective to build a new facility than to repair the old ones. The new facility will provide room for growth, increased safety measures for the students, safer and more convenient drop off and pick up areas for the parents, increased educational opportunities through increased electives.

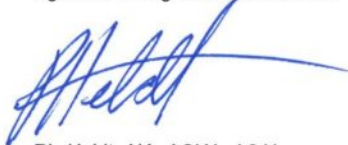
3. How will the public interest be served if this application is approved?

There has been a steadily growing desire for enrollment in the K-8 grades within the BCS system for many years, with BCS having to limit enrollment due to the capacity of the current facilities. This new building would accommodate current students while encouraging new families to attend. The thoroughly analyzed and planned capacity of this school will allow new students enrollment opportunity to eliminate current enrollment limitations.

4. 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.

This project is currently zoned R-9600, which requires a Special Review for the allowable use of a primary and secondary school. The property was originally purchased in the 1950's with this use in mind and is now seeking approval for the allowable use of the the construction of the new K-8 school. A new building is proposed of approximately 87,000 square feet, consisting of 36 classrooms, library, multi-function areas (on two levels with an elevator), and chapel music rooms, gym, commons area, kitchen, administration area, and utility support spaces. The sitework will consist of a new approach from Colton Boulevard and Woody Drive with drop-off drives in the site, and along Colton Boulevard, as well as new entry plazas, parking, parking landscaping, and a refurbished existing track & field.

Sincerely,
A&E Architects, PC
Agent for Billings Catholic Schools



Ric Heldt, AIA, ACHA, ASAI
Principal