



CITY ZONING COMMISSION
AGENDA-Tuesday, November 3, 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: October 6, 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. Motion/Recommendation to City Council. Special Review #934, Dave Green, Planner II** - This is a special review request to an all beverage liquor license with gaming for American Foods of Montana in a 12,000 square foot building currently developed as the Geyser Park amusement park in an Entryway General Commercial zoning district (EGC). The property is on Lot 1A, Block 1, Geyser Park Subdivision, a 3.215 acre parcel of land.
- b. **Item #2 - Motion/Recommendation to City Council. City Zone Change #940 – Silver Creek Estates, Nicole Cromwell.** – A zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on Lots 1 & 2, Block 3 and Lot 8, Block 5, Silver Creek Estates Subdivision, a 7.99 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at 2211 West Hollow Brook Drive.
- c. **Item #3 -Motion/Recommendation to City Council. City Zone Change #941 – 2724 Shiloh Road, Nicole Cromwell, Zoning Coordinator** – A zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 2A1 of Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land. The applicant conducted a pre-application neighborhood meeting on July 27, 2015 at 2429 Mission Way. Tax ID: C01755
- d. **Item #4 - Motion/Recommendation to City Council. City Zone Change #942 – 5640 Grand Avenue, Nicole Cromwell, Zoning Coordinator** – A zone change request from Agriculture Open (A-1) to Public, on S5, T1 S, R25 E, E2 Government Lot 1, a 38.83 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at the City of Billings Fire Station No. 7, 1501 54th Street West. Tax ID: D12579. There is a concurrent application for annexation of this property that will be heard by the City Council on November 9.
- e. **Item #5 - Motion/Recommendation to City Council. City Zone Change #943 – Southeast intersection of Bench Boulevard and Barrett Road, Nicole Cromwell** – A zone change request from Residential 7000 (R-70) to Public, on S14, T1 N, R26 E, E2 NWSW Less COS 931, a 16.2 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at Bitterroot Elementary School, 1801 Bench Boulevard. Tax ID: C05144A and C05144B. There is a concurrent application for annexation of this property that is to be heard by the City Council on November 9.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, November 23, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special review use and zone changes.

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.

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

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding (November 20, 2015) the first reading of the amendment by the City Council.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special review and zone changes. 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: 11/03/2015

Information

Subject

Motion. Approval of Minutes: October 6, 2015

Attachments

BZC_2015_10_06_DRAFT

**City of Billings Zoning Commission
Meeting Minutes- October 6, 2015**

The City of Billings Zoning Commission met on Tuesday, October 6, 2015 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana
Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, 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 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	1		
Barbara Hawkins	Commissioner	1	1	1		1	1		1	1	1		
Dan Wagner	Vice Chairman	1	1	1		E	1		1	1	1		
Dennis Ulvestad	Commissioner	1	E	1		1	1		1	1	1		
Mike Boyett	Commissioner	1	1	1		1	E		1	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	1	-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	--	1	-	-
Dave Green	Planner II	-	-	-		-	-	-	-	-	1	-	-
Karen Husman	Planner I	-	-	-		-	-	1	-	-			
Jeannette Vieg	Planning Assistant					1			1	-			

Total Number of 2015 Applications	01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/01/2015	10/06/2015	11/10/2015	12/01/2015	TOTAL
Zone Change	2	2	2	0	0	0		2	0	0			8
Special Review	1	1	3	0	3	2		1	1	2			14

Chairman Dailey introduced the Planning Division Staff and Commission: Dave Green, Planner II; and Tammy Deines, Planning Clerk

In Attendance:

Randy & Cindy Krieger, Pam Christianson, Shaun Harrington, Joyce Haider, Steve Corning, Ryan Nordlund, Shane Swandal, Charlie Yegen, Peter Yegen III, James Kordony, Ric Heldt

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.

Commissioner Boyett disclosed he received a packet in the mail from the school but only briefly looked at it and set it aside. *Commissioner Hawkins recused herself from Special Review #932.

Approval of Minutes: September 1, 2015

Chairman Dailey called for approval of the September 1, 2015 meeting minutes.

Motion

Commissioner Wagner made a motion and Commissioner Boyett seconded the motion to approve the September 1, 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 Mr. Green to review the first agenda item.

Item #1: City Special Review #932 – 1335 Golden Valley Circle – City Vineyard, City Brew, Dave Green, Planner II - 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, on Lot 9, Block 2 of Cardwell Ranch Subdivision, 1st Filing, a 2.22 acre parcel of land. Tax ID: A34332

REQUEST

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, on 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.

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 & wine license without gaming license 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 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 populous 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.

Planner Dave Green stated this special review is for the drive up service window and for a beer and wine license without gaming. The drive up service portion of the review is required because part of this property is across the street from residential zoning. He also explained that one of the requirements is a 600-foot separation between property lines from a use that serves alcoholic beverages and any building that is predominantly used as a church or school or from a public park that contains a children's play area. The southern tip of this property is across a private street from the northwest corner of the property that belongs to School District #2 and is the location of Will James Middle School.

He stated that in Section 27-612 (a) (1) there are some exceptions that may be considered and will allow waiving the 600-foot separation 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. He stated this proposal meets two of the requirements for provisions of a waiver of the 600-foot separation distance to be granted. 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 Will James Middle School because of the Frontier Cancer Center. Another factor is Will James Middle School is a closed campus and has a fence enclosing the grounds completely except for on the street frontage of 30th Street West.

Dave Green suggested amending and clarifying Condition of Approval #2 to clarify that the proposed development is for the City Brew and City Vineyard uses only and the condition should read:

The special review approval is for the construction of a 12,000 square foot building of which 2,160 square feet is City Brew, ~~3200 square feet~~ *with the remainder of the building for* City Vineyard with a drive-through service and a beer & wine license without gaming license no other use or development configuration is intended or implied by this approval.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Wagner asked for a reiteration of the changes to Condition #2. Chairman Dailey suggested an amendment to Condition of Approval #3 to read:

Any expansion of the proposed drive-through café or the remainder of the building use *greater than 10% alcohol sales building greater than 10 percent* of what is shown on the submitted site plan will require an additional special review.

Per the request of Commissioner Ulvestad, Dave Green reviewed a plat map and pointed out the areas proposed for multi-family uses on nearby property and noted that although the 600-foot separation requirement applies to churches and schools; it does not apply to multi-family residential uses. A comment was made

Commissioner Boyett asked if alcohol will be served on the outdoor patio and if there are other instances of the waiver of the separation distance in the community. Dave Green replied the design depicts an enclosed structure for the patio area and there have been other instances of waivers being granted in the city that are separated by an arterial street, fencing, or physical barriers.

Commissioner Dailey asked about the height of the Cancer Center building. Dave Green said the Cancer Center is considered a visual obstruction as it is a 2-story building of 28-30 feet in height. He said the continuous fencing around the school site, (except across the face of the property), acts as a physical barrier. Commissioner Dailey asked if the golf course serves beer and wine and it was pointed out this use it is an adjacent property line and the building is located across Zimmerman which is an arterial.

Discussion followed on traffic flows and Dave Green commented he is unsure of the impacts but he would think there would be an increase in the morning. **Commissioner Hawkins asked if there have been any traffic studies have been conducted at the intersection of 32nd Street West and Grand Avenue. She stated she owns a building directly across from 1335 Golden Valley Circle and has developed subdivisions to the north. She said these people have complained for years about how busy this intersection is and the difficulty in making left turns onto Grand Avenue. Dave Green said this question should be referred to the City Engineering Division. Commissioner Hawkins recused herself from participating in the hearing for Special Review #932.

Applicant/Agent

Chairman Dailey asked for presentation by the applicant.

Steve Corning, 2939 Gregory Drive, Billings, Montana 59102

Mr. Corning stated he is developing this building on the behalf of Becky Reno, owner of City Brew. Mr. Corning said City Brew employs more than 400 people, and he feels that Becky Reno is one of the best independent retailers in the area.

Mr. Corning explained that “The Vineyard” concept is creating a "laboratory store" to develop retail service lines that can be expanded off of the wine sales. The owners wish to have as much flexibility as possible to offer a new market to Billings and allow development of an environment with a broad set of offerings. This is not intended to be a bar setting and there is no gaming.

Mr. Corning thanked the Yegens for their help with this development and said he feels it is a nice step forward with the Cardwell Ranch Master Plan. He stated they have met with the Will James Middle School principal and Pat Cobb, the owner of the Cancer Center, and neither had concerns. Commissioner Ulvestad asked if bottled liquor could be sold in the future. Mr. Corning reiterated that this is not the intent; the thrust of the business is serving wine and gourmet foods. Commissioner Dailey asked how much information was provided to the middle school. Mr. Corning stated the school is on the list of affected parties and received a notice letter. He said during their meeting with Will James' principal they outlined the 600-foot separation distance and the impacted area and he had no issue with this. Commissioner Daily asked if the School Board will have an issue with this request. It was pointed out the notice would have been sent to the School District instead of the School Board. Commissioner Dailey stressed the need for full disclosure. Mr. Corning stated he will commit to contacting Superintendent Terry Bouck, and School District #2 Facility Coordinator Lou Anderson.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #932.

Pam Christianson, 3916 Bushwood Drive, Billings, Montana

Ms. Christianson stated she is not speaking as a proponent or an opponent of this special review request but wished to bring forward a caution. She said she is married to one of the owners of the Cancer Center and not here to represent them, and is a customer of City Brew and City Vineyard. Ms. Christianson commented on the instance of the 600-ft rule that was used to preclude the use for a medical marijuana business proposed to be located near Will James Middle School. She voiced concern that a precedent will be set if this request is approved with the waiver. She said she there are 26 schools (in Billings) with nothing similar to this business nearby. She said the Will James' track and field are in near proximity to this location. She said she took photos of a 4-ft farm fence and said there is not a 6-ft fence. She said she personally has contacted the Yegens to request fencing with a gate on the Cancer Center's property to access the school property. Ms. Christianson said she feels the argument for the visual view obstruction is questionable. She voiced concern with the potential for increased traffic. She commented the intersection of 32nd Street West and Grand Avenue is very busy which makes it difficult to make left turns onto Grand Avenue. Ms. Christianson said she has partnered with Cathy Aaragon to advocate for a sidewalk with a crosswalk built between the field and the Cancer Center to allow students to cross from the neighborhoods on the north. They were told there will not be a stop light at this intersection. She asked the Commissioners to be cautious with their decision and that they ensure the information is correct and neutral.

Ryan Nordlund, 2722 Highwood Drive, Billings, Montana 59102

Mr. Nordlund is the agent for City Brew. He said anyone coming and going will be blocked by the view shed of business itself and the Cancer Center; and the only outdoor seating will be on the second level. The south side of the building will have no outdoor seating on the ground level for alcohol. The chain link fence separates the property and the school. He referred to the site plan. He pointed out there is no direct way for students to walk back and forth from the school to this

property. He said this operation has no plans for liquor or gaming and serving beer and wine would be the limit.

Commissioner Wagner asked what will happen if the farm fencing is removed. Ryan Nordlund said the school fence is continuous. He pointed out there are surrounding uses that serve alcohol including Albertsons and the Enzo Bistro, which are in close proximity to the school. In response to a question by Leonard Dailey, Dave Green said the middle school is a closed campus; children are not to leave campus even for lunch unless parents are there to pick them up.

Ryan Nordlund said City Brew's hours of operation are 5:30 a.m.-9:00 p.m. and City Vineyard may be open as late as midnight on a weekend. Steve Corning said they plan to start in the spring with a completion time in the fall.

Charlie Yegen, chas@pyegen.com, Billings, Montana

Mr. Yegen said his great grandfather purchased this property in 1889, and he was the first class president at Will James Middle School. He stated they have worked to keep perspective with the area and the community. He said the covenants and restrictions on the property are more restrictive than the city requirements. Mr. Yegen said he is speaking in approval of this application. He stated this is not an onerous situation and they feel comfortable in welcoming this business into the subdivision. He said the intersection of 32nd Street West and Grand Avenue is plumbed for a street light and will be installed when the properties are developed and meet merit.

Chairman Dailey asked if anyone else wanting to speak in opposition of City Special Review #932. There was none. Chairman Dailey called for rebuttal.

Rebuttal

Steve Corning, 2939 Gregory Drive, Billings, Montana

Mr. Corning spoke regarding setting a precedence for a waiver of the 600-ft separation distance. He stated the City Code has stipulated items that allow conditional approval of this request. He said the Cancer Center is 38-40 feet tall and he presented a visual diagram to the members of the Commission. Mr. Corning said the City Vineyard and City Brew on Grand Avenue coexist in the same building, and there has never been an incident with minors as the owners conduct business at the highest level. He pointed out that Enzo's and McKenzie River Pizza both serve beer and wine and are in the near vicinity of the school.

Chairman Dailey asked how this endeavor will deal with traffic. Steve Corning said a traffic study relative to coffee businesses on this site was previously conducted. He said he feels this is a good location due to the traffic mitigation and the need to exit off of Grand Avenue to get onto the site. He commented that the owners are very sensitive to this as a large percentage of the business is drive through purchases.

Charlie Yegen said the traffic study and planned development was done in about 2010. He commented on the need for pedestrian safety and said the development of the site will be a benefit as it will become more formalized with drive accesses and sidewalks.

Chairman Dailey allowed Ms. Christianson to speak again during this rebuttal period.

Pam Christianson, 3916 Bushwood Drive, Billings, Montana

Ms. Christianson clarified her previous statement and said there is 4-ft chain link fence located in front of Will James Middle School. She voiced concern with safety for students when walking as they are forced down the street to Grand Avenue and are supposed to use the crosswalk on Rehberg Lane. She had contacted the Yegens to try to get a crosswalk built. She said there have been student versus vehicle accidents at this location as they were crossing where there were not supposed to cross.

Commissioner Ulvestad asked if discussions regarding the street light have been held with Interstate Bank. Ryan Nordlund said this is a complicated issue due to the SIA agreements that exist on the north side of Grand Avenue but they are aware the signal has been plumbed. He pointed out the sidewalk on the south side of Grand Avenue on a posted map. He said the reason a signal has not been installed at 32nd Street West and Grand Avenue is that traffic merits have not come to the point of increase to make a signal required.

Chairman Dailey closed the public hearing at 5:39 p.m. and called for a motion.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of conditional approval of Special Review #932 with the conditions recommended by staff and the verbiage modifications for Condition of Approval #2 and Condition of Approval #3.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad stated he will vote for approval of this request. He is impressed with business owner Becky Reno, and developers Steve Corning and the Yegens. He said he likes this location and he feels that this will be a good investment for the City. Commissioner Boyett said he will vote for approval. He said he does not think kids will be walking over and buying booze and there will be traffic issues as this area develops. His concern is with potentially setting a precedent with the separation distance. Commissioner Hawkins said her granddaughter attends Will James Middle School and walks with friends to get to Starbucks/Albertsons. She jested and said this location may prevent accidents as they will not have to cross the street. Commissioner Dailey commented this may be ultimately better for all as the parties involved have good character and this aspect of development will bring the traffic issues to the forefront to the City and City engineers.

The motion carried with a unanimous voice vote, 4-0, with Commissioner Hawkins abstaining from the vote.

Item #2. City Special Review #933 – Billings Catholic Schools – New K-8 School, Wyeth Friday, Planning Division Manager– A special review request to locate a new

elementary/secondary school (K-8) in a 87,000 square foot proposed building with 36 classroom, 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, drop-off & pick-up areas, new entry plazas, 126 parking spaces and landscaping 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.

REQUEST

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 classroom, 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, drop-off & pick-up areas, new entry plazas, 126 parking spaces and landscaping 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

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 School, 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 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. 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 sign will require a sign permit approval from the Planning Division. The school will be allowed on (1) monument sign not larger than 32 square feet and 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.

Following his presentation, Wyeth Friday stated staff received requests for a larger format site plan but no negative input.

Discussion

Commissioner Dailey called for questions and discussion from the Commission. In response to a question by Commissioner Ulvestad, staff said the the closest elementary schools to this location may be Rose Park Elementary or Poly Drive Elementary. Commissioner Dailey asked about traffic counts on Colton Boulevard. Wyeth Friday explained counts have been done within the last year. He noted the site plan and said the current parking area in the front will be eliminated. The bulb out will isolate the parking area and keep traffic on the drive lane to allow for student drop off. . Commisioner Wagner asked about school capacity and the applicant responded there will be an estimated enrollment of 560 students.

Public Hearing

Chairman Dailey opening the public hearing at 6:00 p.m. and asked if there is anyone wishing to speak in favor or against City Special Review #933.

Rick Heldt, A & E Architects, 814 N 29th Street, Billings, Montana

Mr. Heldt is the principle project manager. He said this plan is well thought out. The property was identified for this use due to the consolidation of the schools. He stated they have been in close contact with the City Engineering Department to discuss the bulb-out curb extensions, which are a good safety feature for traffic calming. The offset is to allow students to cross the intersection at 22nd Street West and the Woody Drive access point will alleviate congestion on the front end of the property. He said their students are dispersed through the City. The student count for this facility will be at 560 with a maximum building capacity at 720. Construction is projected for March 2016 with opening for the 2016-2017 school year. Commissioner Boyett voiced concern with student safety if parents drop off children on the wrong side of the street. Mr. Heldt suggested traffic guards may be necessary in this instance.

Cindy Krieger, 2105 Sunnyview Lane, Billings, Montana

Ms. Krieger said the north side of Colton Boulevard does not have sidewalks and she asked if this developer will they be mandated to have sidewalks. She asked if the speed limit will be reduced during school drop off times or there will be a flashing light in the school zone and if there will parking during the weekends on Colton Boulevard?

Shaun Harrington, 250 Wind Cave Circle, Billings, Montana

Mr. Harrington is the President of Billings Catholic Schools. He pointed out the safety features of having the bulb-outs and separate entrances for older students and K-4 students. He stated a lot of design consideration was made for on parking and exiting the property. He said their students are spread throughout the community with no specific area concentration. Janyce Haider, Executive Director, Billings Catholic Schools Foundation, said they started planning for this project in earnest about 10 years ago.

Rebuttal

Rick Heldt, A & E Architects, 814 N 29th Street, Billings, Montana

Mr. Heldt said he will confirm with the City Traffic Engineering Division but he thinks the speed limit in front of the school will be 15 mph during prime loading and drop off times. He said City Engineer Chris Hertz told him an SID would be needed to construct sidewalks on the north side of Colton. There will be a crosswalk at 22nd Street West along with the bulb-outs. He said the points are valid but this will be dictated by the City Engineering Division.

Chairman Dailey asked if there was anyone else wanting to speak in favor or against City Special Review #933. There was none. Chairman Dailey closed the public hearing at 6:19 p.m. and called for a motion.

Motion

Commissioner Hawkins made a motion and Commissioner Dailey seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #933 with the conditions recommended and presented by staff.

Discussion

Commissioner Boyett commented it is time for this project, and hopefully having a school will slow traffic down on Colton Boulevard. Commissioner Ulvestad stated he is in favor of this application. He said this is a good location for the school and it will improve the quality of life. Commissioner Wagner stated the school will be a wonderful improvement to this area.

Motion carried with a unanimous voice vote, 5-0.

Other Business:

Dave Green announced the next meeting is scheduled for November 3, 2015.

Adjournment: The meeting adjourned at 6:30 p.m.

DRAFT-To Be approved by a motion: November 3, 2015



City Zoning Commission

Meeting Date: 11/03/2015

SUBJECT: Special Review #934 - All Beverage License with Gaming - 4910 Southgate Drive

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

Item #1. Motion/Recommendation to City Council. Special Review #934, Dave Green, Planner II - This is a special review request to an all beverage liquor license with gaming for American Foods of Montana in a 12,000 square foot building currently developed as the Geysers Park amusement park in an Entryway General Commercial zoning district (EGC). The property is on Lot 1A, Block 1, Geysers Park Subdivision, a 3.215 acre parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 review criteria for Special Review 934.

APPLICATION DATA

OWNER: John and Rebecca Williamson

AGENT: Dave Hawkins

LEGAL DESCRIPTION: Lot 1A, Block 1, Geysers Park Subdivision

ADDRESS: 4910 Southgate Drive

CURRENT ZONING: Entryway General Commercial (EGC)

EXISTING LAND USE: Geysers Park Family Fun Center

PROPOSED USE: New Restaurant and Bar

SIZE OF PARCEL: 3.215 Acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property

City Special Review #557 – 4910 Southgate Drive – Go-cart track and bumper boats was conditionally granted on August 28, 1995.

Surrounding Property – The City has approved six special reviews in this neighborhood. Of those six, three have been for all beverage liquor licenses. The other three were for outdoor storage, storage of construction materials, and wood cabinet construction.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: EGC Land Use: Best Western Plus Kelly Inn Suites
SOUTH:	Zoning: EGC Land Use: Interstate Corridor
EAST:	Zoning: EGC Land Use: Sleep Inn Hotel
WEST:	Zoning: EGC and Highway Commercial Land Use: Extended Stay America

BACKGROUND

This is a special review to locate a new restaurant in an existing building, formerly Geyser Family Fun Center. The property is accessible from Southgate Drive which is just off of the South Billings Boulevard exist from Interstate 90. The City has approved three locations for alcoholic beverage sales on Southgate Drive, and one included gaming. This one is for an all beverage license with gaming and is to be in a restaurant setting. The applicants state in their letter that this will be a sports bar with a sit down restaurant that will be near hotels. They believe it will be a benefit to the area with all the hotels and also in an area of Billings that doesn't have many choices for a family sit down restaurant. Across the street from this location is a Won 800 Casino and El Corral restaurant. Fiddlers Green Sports Bar and Grill is farther to the west on the south side of the street. Other places to eat in the area are all fast food franchise restaurants.

This area of Billings has quite a few hotels and a destination store for outdoorsman. This restaurant use will give travelers and locals another option for a sit down restaurant and it within walking distance of the hotels nearby. There are no churches, parks with playing fields or playgrounds or schools within 600 feet of this proposed location.

Planning staff did received a phone call from an area Casino owner that was opposed to the new all beverage with gaming license because he felt that there were getting to be too many places that serve alcohol in a concentrated area. He also stated that it is a detriment to the area to have so many places for liquor sales not that far from Amend Park or Newman School.

The Planning Division has reviewed the application and the three criteria for special reviews 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, and conforms to all parts of the Unified Zoning Regulations. The location is in one of the zoning districts that allows an all beverage 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 minimal impact on the surrounding uses or neighbors. The application also conforms to the second and third criteria. There will be remodeling to the interior of the tenant spaces but no exterior expansion of the building at this time. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses.

PROPOSED CONDITIONS

1. The special review is limited to Lot 1A, Block 1 Geyser Park Subdivision generally located at 4910 Southgate Drive.
2. The special review approval is for the location of an all beverage license with gaming and no other use is intended or implied.
3. Any expansion of the interior space greater than 1,200 square feet will require an additional special review approval. The addition of an outdoor seating area 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. There shall be no outdoor public address system or outside announcement system, whether permanent or

temporary, of any kind.

6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. Any new parking lot constructed will meet the Entryway zoning requirements for landscaping. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, , lombardy poplar, silver leaf poplar or weeping willow, box elder or elms. 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 three sides and a closing gate or gates on the fourth side. 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. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

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

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 of Special Review #934.

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.

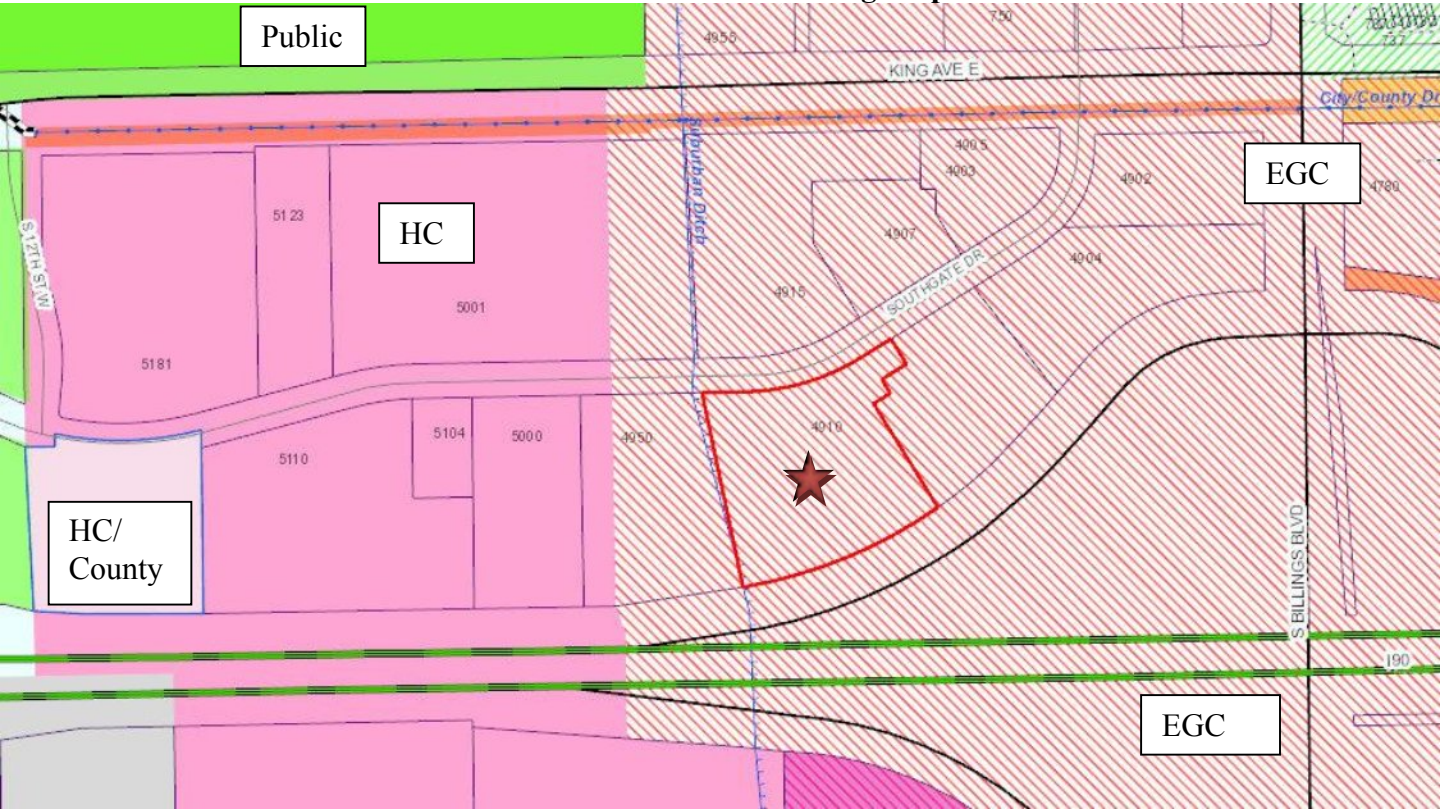
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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 Southgate Drive



View west of subject property

Attachment C, continued
Site photos



View west across Southgate Drive



View north across Southgate Drive from subject property

Attachment C, continued
Site photos

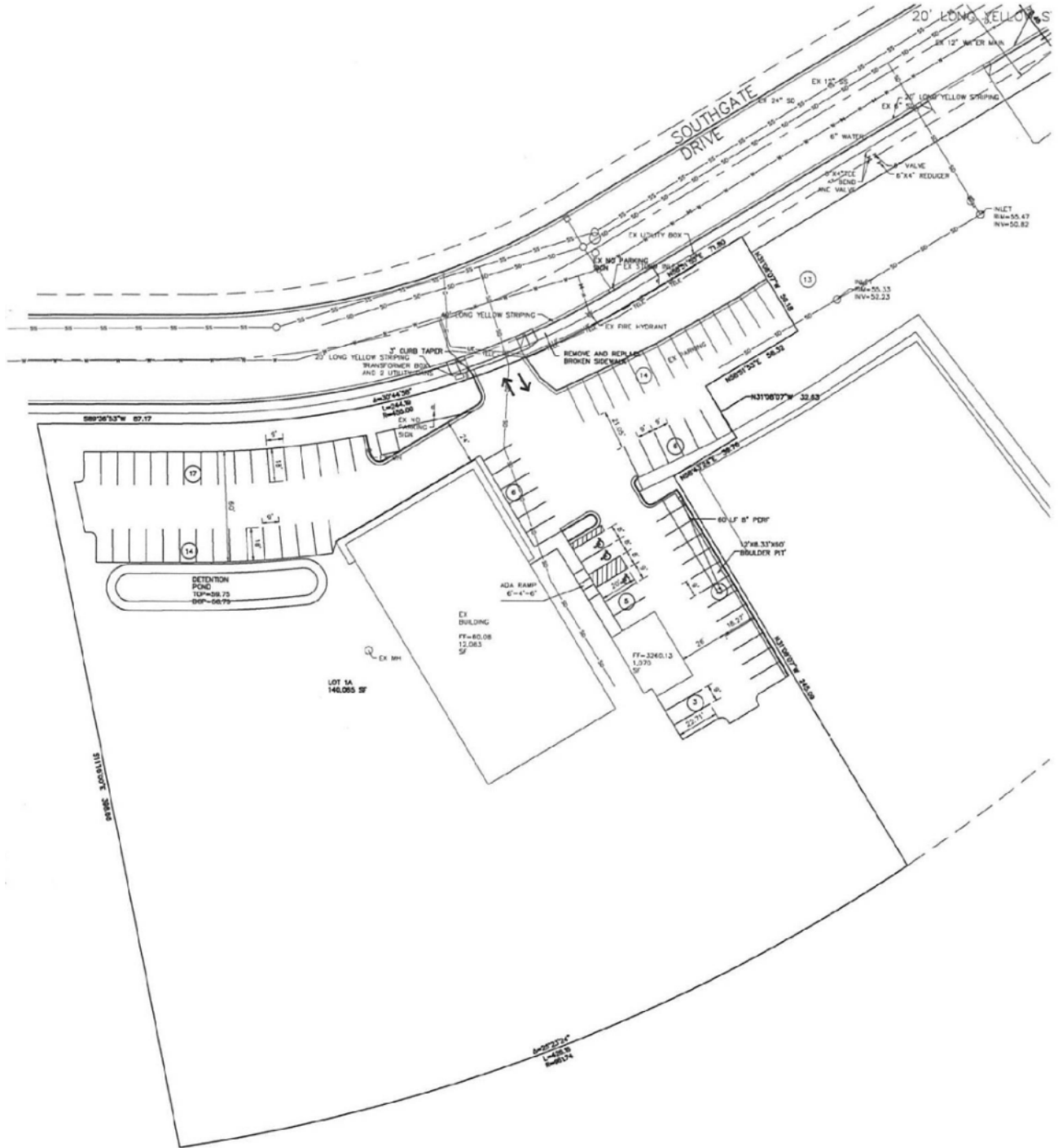


View east along Southgate Drive



Subject Property ★

Attachment D
Site Plan



Attachment E
Applicant Letter

Special Review Application

4910 Southgate Drive
Lot 1A, Block 1
Geyser Park Subdivision

INTRODUCTION

The attached Special Review Application is being submitted on behalf of America Foods of Montana, Inc. to allow for an all beverage liquor license with gaming. An existing site plan is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Special Review Application.

A. In what way is the proposal consistent with the goals and places of the adopted growth policy?

The proposed special review is consistent with the land use element goals and objectives as it is consistent with the nature of the existing neighborhood and the type of uses allowed under the proposed zoning are compatible with adjacent uses. The business will provide needed services to the community.

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

The property is located at one of the entrances to our city from the interstate, surrounded by many hotels and motels with new ones to be added soon. There are a very limited number of sit-down restaurants and entertainment businesses in the area. This business will help meet the demand for these services in the neighborhood.

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

The approval of this application will serve the public interest by providing a locally owned quality restaurant and sports bar facility that will serve a growing market demand. Providing services convenient to businesses will benefit the neighborhood.

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 this special review is being sought.

The existing building was originally used for a family entertainment venue. The owner recently sold 2 acres on the east side of the property and had to remove the water feature. Rather than investing more money into changing the property he decided to sell. The business has been operated from 4:00pm - 9:00pm during the week and longer days on the weekend, thus making

it less profitable to maintain. The buyer intends to open a family restaurant where traveling families and locals can come for a nice relaxing meal without the fast food atmosphere. The plans are being formulated to remodel the existing building and build a parking lot to the north and west side of the building with minor expansion in the future to the east for a small convenience store with alcohol sales. The business is expected to create 70+ new jobs with a minimum of 10 of those jobs being in management positions.



City Zoning Commission

Meeting Date: 11/03/2015

SUBJECT: Zone Change 940 - Silver Creek Estates

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #2 - Motion/Recommendation to City Council. City Zone Change #940 – Silver Creek Estates, Nicole Cromwell. – A zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on Lots 1 & 2, Block 3 and Lot 8, Block 5, Silver Creek Estates Subdivision, a 7.99 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at 2211 West Hollow Brook Drive.

RECOMMENDATION

The Planning Division is recommending approval and adoption of the findings of the 10 criteria for Zone Change 940.

APPLICATION DATA

OWNER: Boyer Land LLC

AGENT: Laura Boyer

LEGAL DESCRIPTION: Lots 1 & 2, Block 3 and Lot 8, Block 5 of Silver Creek Estates Subdivision

ADDRESS: Generally located south of Rimrock Road and west of 46th St West

CURRENT ZONING: R-96

EXISTING LAND USE: Vacant land in approved subdivision

PROPOSED USE: Patio homes

SIZE OF PARCEL: 7.99 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property - The property was annexed into the city as a certificate of survey (C/S 3273) in 2006 and since no specific zoning district was requested, the default zoning of R-96 was applied to the property.

Surrounding Property - There have been 6 similar zone change requests in the area since 1998, all for property subject to development through subdivisions within the city limits. Two parcels in the Grand Peaks Subdivision to the south and west were approved for a zone change from R-96 to R-70 in September 2015. Cottonwood Grove, a subdivision north of Grand Avenue along the west side of 54th St West, was developed with the R-70 zoning requested at annexation in 2004. Mont Vista Subdivision directly west of the subject property was approved for a Planned Development zone that included a mixture of residential zones and densities in 2009.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96
Land Use: Single family dwellings (City and County)

SOUTH: Zoning: R-96
Land Use: Single family dwellings to be constructed in Silver Creek Estates

EAST: Zoning: R-96
Land Use: Single family dwellings to be constructed in Silver Creek Estates

WEST: Zoning: R-96
Land Use: Single family dwellings to be constructed in Silver Creek Estates

BACKGROUND

This is a zone change request to allow slightly higher density on three large lots within the recently approved Silver Creek Estates Subdivision west of 46th St West and south of Rimrock Road. The current zoning, R-96, allows single family dwellings on lots of at least 9,600 square feet. The proposed zoning, R-70, would allow single family dwellings on lots of at least 7,000 square feet and two-family dwellings (either attached or detached) on lots of at least 9,600 square feet. The proposed zoning could allow a more efficient use of the large lots in a unit ownership development, such as townhomes or condo units, than the existing zoning of R-96.

Silver Creek Estates was subdivided with 7 larger lots to accommodate unit ownership development or possibly future subdivision of the larger lots. Three of these larger lots are the subject of the proposed zone change. The owner does not intend to develop attached two-family dwellings but may do so under the proposed zoning. The proposed zoning also allows groupings of single family detached dwellings so the lot area requirement for each unit is reduced. For example, a single lot of 20,000 square feet in the proposed R-70 zoning could allow a grouping of 4 single family dwellings either as 4 detached buildings or 2 duplex buildings. Silver Creek Estates consists of another 116 lots for one single family dwelling on each lot. The developer intends to gain 14 additional dwelling units on the lots subject to the zone change.

The applicant conducted a pre-application neighborhood meeting. None of the surrounding property owners attended the meeting. The Planning Division did not receive any comments, letters or emails from surrounding owners or city staff. The proposed zoning is similar to all the surrounding property and is compatible with the existing zoning and surrounding neighborhood.

The Planning Division is recommending approval based on the findings of the 10 criteria for zone changes. The proposed zoning is compatible with the existing zoning and is sensitive to the surrounding neighborhood. The proposed zoning will allow additional density in an area of Billings that has existing city infrastructure and can be easily served by city services. The maximum density allowed under the proposed zoning is 8 dwelling units per gross acre, a density similar to surrounding neighborhoods in Cottonwood Grove, Grand Peaks, and Mont Vista.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 940.

Attachments

Proposed Findings of the 10 Criteria
Zoning Map
Site Photos
Applicant Letter

Zoning Commission Determinations
Zone Change #940 – Silver Creek Subdivision

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would allow undeveloped property within the Silver Creek Subdivision to develop in a similar pattern and density consistent with the surrounding property. The zoning district is compatible with the neighborhood character and land use patterns.

- The Infill Policy encourages development of vacant property within the city limits with emphasis on housing choice and efficient use of existing city infrastructure and services. The proposed zoning will allow a wider variety of housing choice, lot size and will make more efficient use of city infrastructure.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. Development of the vacant land in the city will promote the public health and safety of the adjacent residential neighborhood by providing full development of streets.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning and subsequent development may have an impact on the surrounding transportation systems. The original subdivision provided a traffic study based on the existing zoning of the property. The City Engineering Division will work closely with the owner to ensure the existing analysis is still applicable given the new zoning on the 7.99 acres.

Water and Sewer: The City will provide water and sewer to the property. There should be no additional impact to the system from the proposed zoning.

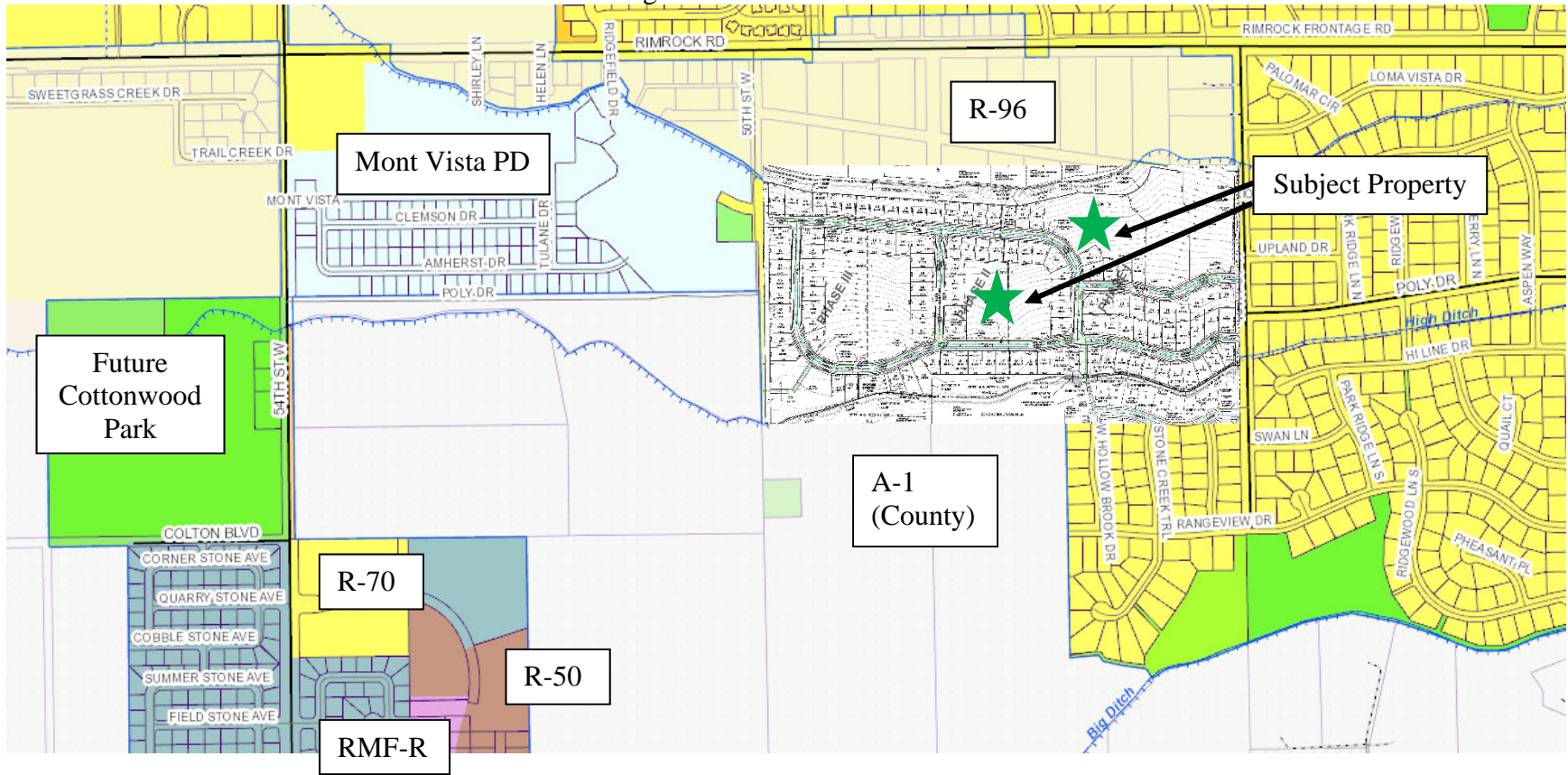
Schools and Parks: There may be a limited impact to schools from the proposed zone change. Residential development is an allowed use in both the current zoning and the proposed zoning. The development plan is for primarily single family dwellings as either townhomes or individual lots.

Fire and Police: The subject property will be served by city public safety services. The Police Department had no concerns with the zone change

and the Fire Department will be involved in the future development whether as a subdivision or a Master Site Plan for a unit ownership. Access for emergency services will assured through this process. Fire Station #7 is about 2 driving miles to the south and west.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The new zoning may have a minor effect on vehicle and pedestrian traffic. Silver Creek Estates first phase has been completed and includes sidewalks and roads. The original subdivision approval included a traffic study to determine the appropriate level of traffic management and control. The proposed zoning will allow a slight increase in housing density and the traffic study may need to be updated to include the potential for additional dwelling units.
7. *Will the new zoning will promote compatible urban growth?*
The new zoning does promote compatibility with urban growth. The proposed zoning will allow residential uses with an efficient density.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
The proposed zoning does consider the character of the district and the suitability of the property for a mix of housing types in the neighborhood.
9. *Will the new zoning conserve the value of buildings?*
The property is currently vacant. The value of existing buildings should increase when the property is developed.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning will permit residential dwellings of similar type and density as the surrounding neighborhood and is the most appropriate use of land at this location.

Surrounding Zoning
Zone Change #940 – Grand Peaks Subdivision



Site Photographs
Zone Change #940 – Silver Creek Subdivision



Subject Property



View north east

Site Photographs
Zone Change #940 – Silver Creek Subdivision



View north and west

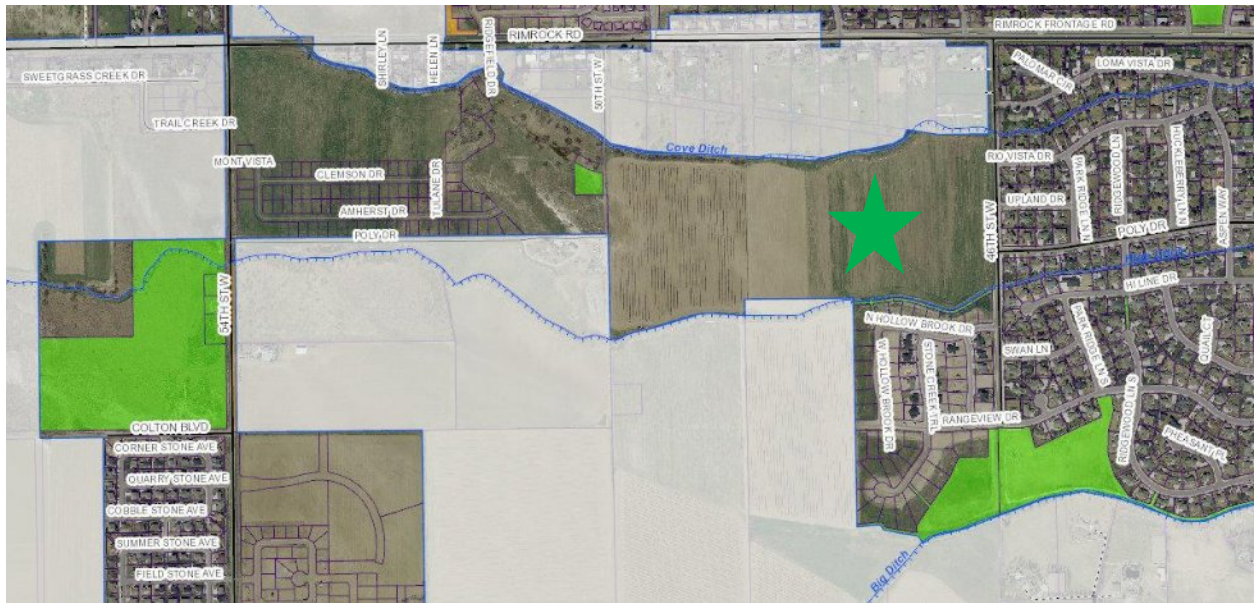


View south and east

Site Photographs
Zone Change #940 – Silver Creek Subdivision



View south



Aerial View



Lots subject to Zone Change

Applicant letter
Zone Change #940 – Silver Creek Subdivision

SILVER CREEK ESTATES
ZONE CHANGE REQUEST
SUPPLEMENTAL INFORMATION
September 29, 2015

- Growth Policy Discussion:
 - The Growth Policy identifies the issue of non-compatible development in neighborhoods. This issue is addressed in detail in the following analysis of the differences between the R-9600 and R-7000 zoning districts.
 - The Growth Policy identifies the issue of urban sprawl. Encouraging a compatible mixture of uses in a compact urban design is the most obvious method of managing urban sprawl.
 - The Growth Policy addresses the issue of Affordable Housing. The developer submits that the creation of new homes and patio homes at urban densities increase the supply of homes. If supply increases and demand remains constant the price of existing homes will fall making the acquisition of homes by moderate to low income persons possible.
 - The Growth Policy has an objective to utilize City and County infrastructure and services in a manner that is efficient and cost effective. The developer submits that by creating additional density in areas that are already served by public infrastructure and services, as this development is, is the most efficient use of the public infrastructure and resources.
 - The Growth Policy has stated goals and objectives to provide adequate open space and recreational opportunities to residential neighborhoods. The Developer, with Silver Creek Estates, provided the land area or cash dedication required by the City of Billings and Montana Law for the parent subdivision.
 - The Growth Policy has stated goals and objectives to enhance multi-modal transportation systems. The developer with Silver Creek Estates has contributed to enhancing the traffic control systems impacted by their subdivision and has installed sidewalks adjacent to 46th Street as part of the subdivision.

- Proposed Zoning Discussion:
 - With the exception of Lot-8 Block 5 which abuts the High Ditch Company easement for the Cove Ditch, the applicant is the owner of all adjacent parcels of property. As such, any adverse effects of the zone change, if any, would first be upon their own development. That said, the developer does not believe that there are any adverse impacts of the proposed zone change. In fact, the developer sees the R-7000 development potential as advantageous to the R-9600 neighborhood by providing a mixture of merchantable dwelling types.
 - R-9600 v. R-7000. The only differences between these two zoning districts beyond the minimum lot size requirement is that the R-7000 allows for the creation of two-family homes provided that the minimum lot size is increased to 9600 square feet as an allowed use.

- Resulting Difference in Development Discussion
 - In a subdivision with 123 platted developable lots, many with patio type home components at R-9600 density, the net increase in residential units involved in this proposed amendment is fourteen (14) single family dwelling units.

- Response to Items Identified at the Neighborhood Meeting:

- Where the meeting was not attended by neighbors or interested parties, there are not issues that need to be addressed. The developer will respond to any issues or concerns that may arise during the public review/hearing process as prescribed in the zoning regulations.
- Resulting Land Use benefits:
 - Provides a mixture of housing types.
 - Encourages development that is completely compatible with the surrounding development and existing zoning in the neighborhood.
 - Allows developer to target more segments of the residential real estate market.
 - Accomplishes many of the goals, objectives and policy statements of the Growth Policy.
 - As of the date of the filing of the application for public review, the developer has not received any objections to the proposed amendment. This is evidenced by the lack of attendance at our required neighborhood meeting conducted on September 28, 2015.

ZONE CHANGE MEETING
ATTENDANCE SIGN-IN SHEET

Date: June 24, 2015

Time

Project: Grand Peaks Zone Change

Project No

Meeting Location: King of Glory Lutheran Church

Name:
(Please Print)

Property Address:

Phone Number

Email

Edna Jensen

5407 Corner Stone Ave.

534-8895

Mary Ann + Jerry Senger

5305 Sundance Mtn Circle

248-2270

Maryann.s@

Toni Haun

5321 Sundance Mtn Cir

406-461-8830

clairmont.

+

JEFF JUNKERT

Applicant

Dennis Randall

Agent



City Zoning Commission

Meeting Date: 11/03/2015

SUBJECT: Zone Change 941 - 2724 Shiloh Road

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #3 -Motion/Recommendation to City Council. City Zone Change #941 – 2724 Shiloh Road, Nicole Cromwell, Zoning Coordinator – A zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 2A1 of Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land. The applicant conducted a pre-application neighborhood meeting on July 27, 2015 at 2429 Mission Way. Tax ID: C01755

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 941.

APPLICATION DATA

OWNER: Patrick, Sarah, and Bruce Parker

AGENT: Patrick Parker

LEGAL DESCRIPTION: Lot 2A1, Blue Meadow Acreage Tracts

ADDRESS: 2724 Shiloh Road

CURRENT ZONING: R-96

EXISTING LAND USE: Single family dwelling

PROPOSED USE: Same with Professional Office for Beartooth Design

SIZE OF PARCEL: 16,517 square feet

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property: The property requested a zone change along with lots 3, 4, and 5 in 1988 from R-96 to Neighborhood Commercial (NC). The requested was denied.

Surrounding Property: The City and County have considered 19 zone change applications to change zoning from residential to commercial in this area since 1988 and have approved 15 of those requests. Two requests were denied and 2 were withdrawn. The city recently re-zoned Billings Urban Fire Service property on Shiloh Road south of Parkhill Drive from R-70 to RP (2011) and property at 2526 Shiloh Road from R-96 to RP (2014).

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96
Land Use: City owned vacant land

SOUTH: Zoning: R-96
Land Use: Single family homes

EAST: Zoning: R-96
Land Use: St John's Lutheran Retirement Community

WEST: Zoning: R-96
Land Use: Single family dwellings

BACKGROUND

The applicant is requesting a zone change on this property to facilitate the remodeling of the existing home to include a professional office space on the ground floor. The agent and one of the owners, Patrick Parker, owns Beartooth Design, and wants to convert the single family dwelling to a live/work building. Mr. Parker could operate his business as a home occupation in the existing structure, but the limitations for home occupations would not accommodate the amount of space he needs for the business.

The surrounding zoning is R-96 and is developed for large lot, single family homes to the south and west. To the north is a property owned by the City Public Works Department acquired for the Shiloh Road and Rimrock Road reconstruction projects. To the east is St John's Lutheran Retirement Community. Shiloh Road was reconstructed to include a 4 to 5 lane arterial street with limited access to adjacent properties. At this location, there is no access to travel north on Shiloh Road. To access the north bound lanes of Shiloh Road, drivers must go south to one of the intersections that allow access to the north or to the roundabout at Grand Avenue. In addition, only south bound traffic may access the subject property. The Shiloh Road and Rimrock Road intersection is a traffic signal controlled intersection. Traffic volume on this section of Shiloh Road is about 12,000 vehicle trips per day and the intersections of Grand and Shiloh, and Rimrock and Shiloh range from 14,000 to 15,000 vehicle trips per day. This volume of traffic in some situations may make maintaining or sustaining a single-family residential use more challenging.

The proposed zoning and use is not expected to have any impact on the traffic volume on Shiloh Road. The West Billings Neighborhood Plan adopted a goal of retaining retail and commercial centers at the intersections of arterial streets and encouraging non-retail, office and multi-family uses along arterial streets between those intersections. The proposed zoning of RP is intended to accommodate limited commercial and professional offices as would be compatible with adjoining residential districts. The 2008 Growth Policy encourages more housing and business choices within each neighborhood while ensuring those land uses are compatible with existing neighborhoods. The property is located within an existing and developing residential area but has access to a busy arterial street. The property, if zoned RP, would have to comply with the development standards for the North Shiloh Corridor Overlay zone and Section 27-612(e) – the “Neighborhood Manners” section of the zoning regulations that addresses potential conflicts between residential uses and commercial uses. The most restrictive requirement would govern the site development for specific characteristics such as noise generation, solid waste storage, building design, landscaping and screening.

The RP zone requires a maximum building height of 34 feet and a front property line minimum setback of 20 feet. The current structure meets these required minimum regulations for the RP zoning. The RP zoning also requires a maximum lot coverage of 50% (foot print of any roofed structures). Single family dwellings are allowed in the RP zone, but not two-family or multi-family dwellings. Each dwelling unit must have at least 6,000 square feet of lot area. The property is large enough to meet these standards. When part of the dwelling is remodeled for the professional office space, off street parking requirements will need to be met including a paved and properly drained parking lot for the use of the customers and the residents in the living space of the dwelling.

The applicant conducted a pre-application neighborhood meeting on July 27, 2015 at the Lillis Chapel at 2429 Mission Way on the east side of Shiloh Road. Four surrounding property owners attended the meeting and asked Mr. Parker about his plans for upgrading the building and the lot. Mr. Parker explained the planned upgrades to the building and the landscaping as well as any future possibilities for additional businesses. The meeting notes and attendance list are included as an attachment. The Planning Division did not receive any comments or concerns from surrounding property owners or city staff.

The West Billings Neighborhood Plan adopted by the City in 2001 states the purpose of the plan is to guide the long-term growth of West Billings to ensure land is conserved and to avoid leapfrog development. A preferred land use map was developed locating and encouraging the development of neighborhood and community commercial

centers at selected arterial street intersections. To support this “node” of commercial activity, non-retail businesses and higher density housing would be encouraged along these arterial streets between the commercial nodes. The proposed zoning meets these objectives of the West Billings Neighborhood Plan. The 2008 Growth Policy encourages the compatibility of adjacent zoning to new zoning especially in established neighborhoods. The proposed zoning is compatible with the adjacent zoning and existing land uses. In addition, the North Shiloh Corridor Overlay District and Section 27-612(e) of the zoning code requires additional screening and buffering of any new commercial uses from the directly adjacent residential neighborhoods.

The Planning Division has reviewed this application and is recommending approval based on the attached ten (10) criteria for zone changes. The subject property is not located at the intersection of arterial streets but is proposed for a mixed use of the existing building for a professional office with living space in the basement area. The street carries a modicum of average daily traffic and the proposed use should not have an impact on the street carrying capacity. There are single family uses to the south and west. The retirement community across Shiloh Road is more than 150 feet separated from this property and there should be no impact from the proposed RP zone. The uses allowed within the RP zoning are compatible with the surrounding zoning and neighborhood character. Any new development on the property requires compliance with the new zoning and the ability to meet site development requirements and traffic safety standards. The 2008 Growth Policy and the West Billings Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 941.

Attachments

Proposed Findings of the Review Criteria
Zoning Map
Site Photos
Applicant Letter and Pre-application meeting notes

Zoning Commission Determinations
Zone Change #941 – 2724 Shiloh Road

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit small office uses on the property adjacent to existing and developing residential areas. The arterial street, Shiloh Road, would allow any traffic to be accommodated. Section 27-612(e) of the zoning code requires special treatment of site development so conflicts are reduced or eliminated between businesses and residences. The proposed zoning is compatible with the existing uses.

- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)*

The existing zoning is restricted to residential uses. The proposed zoning will allow office uses and limited service businesses. No retail businesses would be allowed.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The North Shiloh Overlay District requires compatibility between structures and abundant landscaping. This will improve public health and safety and the general welfare of the adjacent neighbors.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning should have a minimal impact on the surrounding streets.

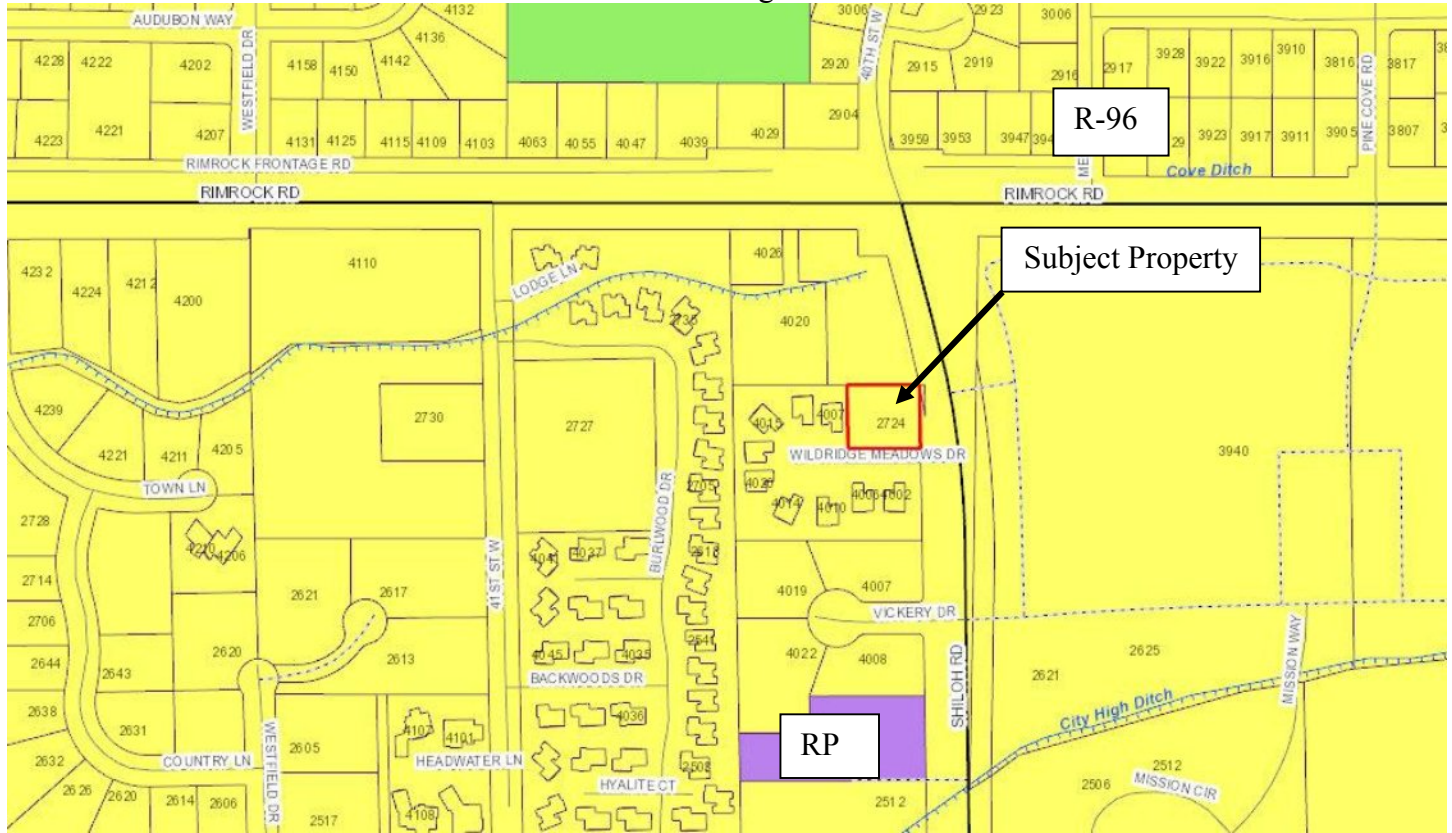
Water and Sewer: The City provides sewer and water service to the property by extension of those utilities from Shiloh Road.

Schools and Parks: There should not be any impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the city Public Safety Services. Commercial development of the site should not increase calls for service or change the nature of those calls for service.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.
6. *Will the new zoning effect motorized and non-motorized transportation?*
Traffic generation from a commercial property is dependent on the specific uses within the development. In general, the proposed development of an office generates little additional daily traffic. The re-construction of Shiloh Road included a 10-foot wide multi-use path on the east side of the street and curb walk on the west side. There are currently 2 drive approaches installed to the property.
7. *Will the new zoning will promote compatible urban growth?*
The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate offices and small service businesses in an area where none currently exist.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
The proposed zoning does consider the character of the district and the suitability of the property for office and limited commercial uses. The level of existing traffic along with the number of existing and planned residential developments in the area makes the current zoning of R-96 not sustainable for this property.
9. *Will the new zoning conserve the value of buildings?*
The lot is currently developed with a single family dwelling. Remodeling of the structure for a small professional office and maintaining living space in the basement level will conserve and increase the value of this building and the surrounding home.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning will permit a greater variety of uses on the property and is the most appropriate use of the property.

Surrounding Zoning
Zone Change #941 – 2724 Shiloh Road



Site Photographs
Zone Change #941 – 2724 Shiloh Road



Subject Property



View north

Site Photographs
Zone Change #941 – 2724 Shiloh Road



View north



View east

Site Photographs
Zone Change #941 – 2724 Shiloh Road



View south



Aerial View

Applicant letter and pre-application meeting notes Zone Change #941 – 2724 Shiloh Road

The subject property at 2724 Shiloh Road is in very close proximity (~312 feet) to the Southwest corner of the Shiloh Road and Rimrock Road intersection. Shiloh Road and Rimrock Road are two arterials that the City of Billings has invested in heavily to accommodate the increasing traffic demands of the expanding west end. The subject property is currently home to a single family residence (R96) on approximately 0.38 acres. It is bordered on the north by a non-descript City park and on the west and south by Wildridge Meadows Subdivision (9 patio homes accessible off of Wildridge Meadows Drive). The subject property is only accessible off of Shiloh Road (2 curb cuts) and is directly across Shiloh Road from the St. John's Lutheran Ministries Retirement Home campus's main building. Additionally, the subject property is located within the Shiloh Corridor Overlay District which has been identified to promote an aesthetically pleasing entryway corridor on commercial lots (it is currently exempt from the Shiloh Corridor Overlay District requirements as a single family lot).

The Owners interest in the subject property is to re-zone the land/structure to Residential Professional (RP) and utilize the existing structure as office/flex space. If approved, the main level of the structure will be home to Beartooth Design Co., a design services company that specializes in landscape architecture and graphic design. The basement of the structure will continue to be used for residential purposes. The Owners anticipate meeting or exceeding the aesthetic expectation of the property per the Shiloh Corridor Overlay District requirements by investing in the landscape, signage and other miscellaneous site improvements. As a landscape architecture firm, that is top priority to attract new clientele and establish a presence on Shiloh Road. The Owners have no immediate plans to update/change the building other than to accommodate the City of Billings Building Dept. requirements to convert the residence into a mixed use/commercial building.

Application Questions/Clarification Statements

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

The Yellowstone County – City of Billings Growth Policy includes a number of goals and objectives that are relevant with this proposal. The following bulleted list of categorized objectives are accompanied with our summary of how this proposal remedies the potential growing pains:

Land Use Element – The subject property is a classic example of a Neighborhood Node based on the proximity to the intersection of Shiloh Road and Rimrock Road. While the node will never become a commercial center (with ample foot traffic), it is certainly considered a questionable location for a private residence now based on the relatively heavy traffic number of Shiloh Road and the exposure (lack of privacy) of the property based on its orientation to Shiloh Road and only accessibility from Shiloh Road. Based on those factors, the Owners felt it was almost set up perfect for an office in a Residential Professional capacity. The walk-out basement is oriented to the west (removed from Shiloh Road for optimal privacy as a residence) and the main level and parking area is very accommodating and welcoming for light traffic/visitors. Additionally, the zone change will require an elevated landscape aesthetic to replace the current undeveloped landscape and weeds. The implementation and maintenance of that landscape will virtually eliminate the adjacent neighbor concerns.

- ✓ Preserve Neighborhood Integrity
- ✓ Reduce Conflicts Between Neighbors
- ✓ Create Attractive Communities
- ✓ Provide Rental & Ownership Housing Options for the Diverse Workforce
- ✓ Encourage More Live-Work Environments
- ✓ Reduce Commuting and Subsequent Drain on Natural Resources and Traffic Congestion

Economic Development Element – The subject property will be home to a relatively new and expanding small business in the Billings area (Beartooth Design Co.) that is intent on providing an attractive landscape presentation to showcase their expertise and creativity in landscape architecture. The business has growth expectations in the Billings market and hopes to be hiring a small workforce in the foreseeable future. Shiloh Road, between Grand Avenue and Rimrock Road, is starting to become an office corridor (medical, real estate, banking, etc.) and this proposal will add diversity to the workforce in the immediate area.

- ✓ Strengthen Area Economy
- ✓ Create Living-Wage Jobs
- ✓ Encourage New Businesses to Locate in Billings and Gateway Areas
- ✓ Convey a Business-Friendly Attitude
- ✓ Increase the Visual Appeal of our Corridors
- ✓ Create More Jobs Near Where People Live to Reduce Commuter Traffic

Aesthetics Element – As a landscape architecture firm, aesthetics are a specialty of the proposed business that is looking to make the subject property their home. The Owner of the property and of Beartooth Design Co., Patrick Parker, has been on the Billings scene for over a decade improving the image of Billings. The subject property has 120 feet of Shiloh Road frontage so relatively speaking it is a small portion of visibility but very important for the property owners to enhance as a marketing tool that compliments the adjacent properties.

- ✓ Improve the Image of the Community
- ✓ Improve the Visual Image of Billings

Transportation Element – The Owners of the subject property live in the immediate area so the reduction in travel time mainly applies to them. Visitors to the proposed business won't make a measurable impact to increase traffic flows on Shiloh Road. The Owners expect less than 5 visitors/vehicles per day. Attractive signage and a memorable landscape design along Shiloh Road (120' of frontage) are top priorities for the Owners.

- ✓ Reduce Travel Times
- ✓ Incorporate Attractive Visual Elements into Rights-of-Way Design

To summarize the earlier statements, the subject property proposal provides a live-work/mixed-use building on an isolated lot that lacks single family privacy. It provides an office location that will house a design firm, Beartooth Design Co. That design firm will provide workplace diversity in the immediate area. Additionally, this proposal aligns with the strategies, goals, and objectives identified in the West Billings Master Plan, the Yellowstone County – City of Billings Growth Policy, and the Shiloh Corridor Overlay District in terms of growth, aesthetics, community character, economic impact and the Billings business climate.

B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The subject property Owners want to establish their design firm, Beartooth Design Co., at this location. Part of their plan is to invest in site improvements at the front of the building, develop the parking area, and place a sign along Shiloh Road. This is a long-term investment that was chosen because of the traffic exposure, the proximity to the intersection of Shiloh Road and Rimrock Road, the proximity to the Owners' primary residence, and the income potential from the basement apartment.

This proposal is consistent with the Zone Change #924 – 2526 Shiloh Road that was approved in September 2014.

Photographs

Photographs of the property are included in this application, along with an aerial image retrieved from the internet. The photographs show the property from the north and south perspective along Shiloh Road.



VICINITY MAP

■ LOOKING SOUTH ON SHILOH ROAD



MILDRIDGE
MEADOWS
DRIVE

EDGE OF PROPERTY

CURB CUT #2

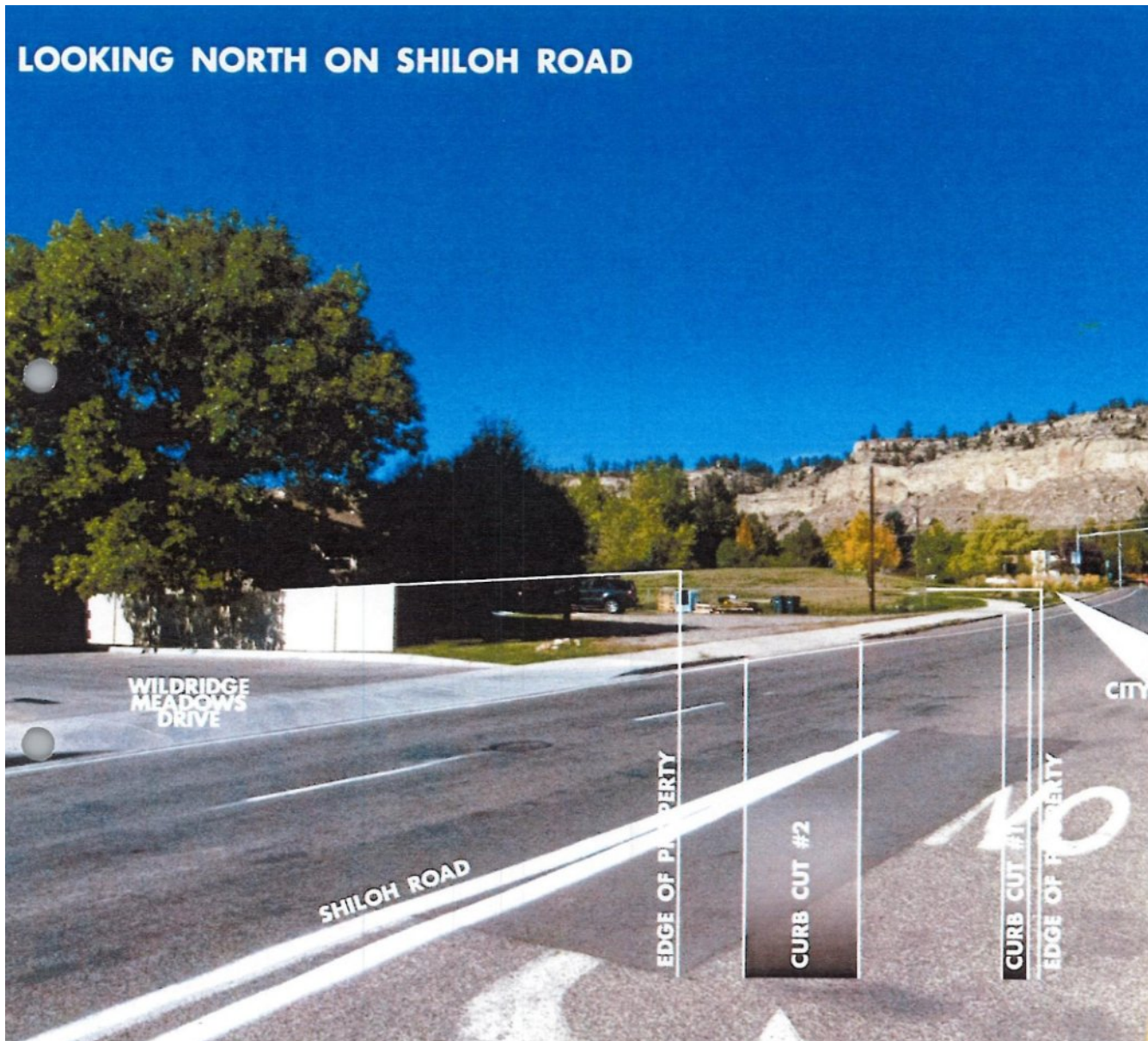
CURB CUT #1

EDGE OF PROPERTY

CITY OF P...

SHILOH

LOOKING NORTH ON SHILOH ROAD



2724 SHILOH ROAD

ZONE CHANGE REQUEST PRE-APPLICATION NEIGHBORHOOD MEETING

JULY 27, 2015 - 2PM

KATHY LILLIS CHAPEL ON THE SJLM CAMPUS

LENHART CONFERENCE ROOM

ATTENDEE	PHONE	ADDRESS	EMAIL
Janine Hudiburgh	672-5454	2515 Burlwood	jhudiburgh@hotmail.com
David Hilde	534-3035	4020 Wildridge Meadows Dr.	dhilde@presman.net
Paula Griffin	647-2850	4015 Wildridge Meadows	
Dan Griffin	"	"	

~~The~~ MEETING CONCLUDED AT 2:25 PM

RP - RESIDENTIAL PROFESSIONAL

A ZONE INTENDED TO ACCOMMODATE LIMITED COMMERCIAL AND PROFESSIONAL OFFICES AS WOULD BE COMPATIBLE WITH ADJOINING RESIDENTIAL DISTRICTS AND CONSISTENT WITH THE OBJECTIVES OF THE COMPREHENSIVE PLAN.

2724 SHILOH ROAD

ZONE CHANGE REQUEST PRE-APPLICATION NEIGHBORHOOD MEETING

JULY 27, 2015 – 2PM

KATHY LILLIS CHAPEL ON THE SJLM CAMPUS
LENHART CONFERENCE ROOM

Meeting Summary:

The meeting promptly started at 2pm with five people in attendance, including the applicant, Patrick Parker, and four others that received the notice. Patrick introduced himself and summarized the letter and the zone change process. He mentioned the timeline and the pertinent dates of the timeline as discussed with Nicole Cromwell, the Zoning Coordinator with the City of Billings. Those dates included August 3 (zone change application due date), September 1 (Zoning Commission Public Hearing), and September 21 (City Council Public Hearing).

He then discussed the history of the property as a rental and his initial interest in the property as an income property. He started looking at zoning of the property when he heard about Century 21 going through the same process last year on a lot in close proximity on Shiloh Road. Patrick explained his business and his plans for the home. He also explained his intended use of keeping the main level as an office/ workplace and renting the basement apartment. His hope is to keep the building updates to a minimum and focus on the landscape and presentation of the business's exterior. As a landscape architect, he feels it is very important to have a dynamic landscape that showcases his profession. With the exterior, he mentioned complying with City of Billings requirements for the Shiloh Overlay District and stipulations on future signage on the property. He also mentioned defining parking areas and using berms to define the vehicular circulation between the two access points off of Shiloh.

Patrick then asked the attendees if they had any specific questions about the property or about his business. The discussion was open and summarized as follows:

- Patrick was asked about his long term plans for his business. He stated his intention was to stay relatively small with slow growth as he didn't want to follow the corporate model.
- Patrick was asked about the upgrades he would be required to do and the timeline he would have to follow to complete those upgrades. Patrick stated that his intention is to keep the house looking like a residence with no major changes to the structure. He mentioned he just upgraded the electrical service from 100 amp service to 200 amp service in anticipation of the dual use (office and apartment). He wasn't sure what other updates would be required for the zone change but reiterated he would like to focus his money on the landscape. He wasn't sure of the timeline either but mentioned he would like the landscape to be complete as soon as possible in 2016.
- Patrick was asked about the parking area. He stated his intention was to define the parking area with a concrete band but to keep the surface permeable with gravel at this time. He conceded he was a newcomer to the zone change process so he wasn't sure what the requirements would be yet.
- Patrick was asked about the pole light and if he intended to remove it. He explained the pole and light were the property of Northwestern Energy and their service tech that came out when the electrical service was upgraded said the light would remain on the pole.
- Patrick was asked if his business would be the only one in the building. He explained his intention to use all of the space for his business but did mention the possibility of another compatible business potentially using one of the bedrooms as an office. He also mentioned potentially expanding his business model so he might operate under a couple of different names in the future but the people involved would still be limited to Patrick and a few employees.

- Patrick was asked about business traffic. He stated his visitors vary but he sees an average of a couple cars per day. Patrick mentioned he lives very close to the property so one of the intriguing things about working there was he could commute by bike or by walking almost every day.
- Patrick was asked more about the landscape (specifically dead trees, dead grass, and weeds). He explained the property did not have an irrigation system and the previous owner hadn't had a tenant since last fall and didn't water the property. Patrick acknowledged the dead tree to the west of the home (in the backyard) and the surface (grass and weeds) being a problem. His intention is to complete a design that complies with the City requirements and implement it by next fall at the latest. He mentioned next spring would be ideal.
- Patrick was asked who he was using for the landscape installation. He didn't have anybody selected at this time as he hasn't completed the design yet. One of the attendees mentioned her son was in business and might be interested in the work.

Overall, the vibe in the room started with some mixed emotions and a lot of curiosity but ended with more positivity about the potential of the property. The main point of emphasis was on the landscape and making the property look good to enhance the feel of the area. Patrick mentioned the St. John's campus and some of his work on the campus and how he wanted to bring that look and feel across the road. Patrick ended the meeting by inviting the attendees to stop by the property or to call if they were more interested in his business and his plans for the property. He reiterated his intention to be a "good neighbor" and follow the necessary steps to complete the zone change so everyone involved was happy with the result. The meeting ended at 2:25pm.



City Zoning Commission

Meeting Date: 11/03/2015

SUBJECT: Zone Change 942 - 5640 Grand Avenue - SD #2 New Middle School

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #4 - Motion/Recommendation to City Council. City Zone Change #942 – 5640 Grand Avenue, Nicole Cromwell, Zoning Coordinator – A zone change request from Agriculture Open (A-1) to Public, on S5, T1 S, R25 E, E2 Government Lot 1, a 38.83 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at the City of Billings Fire Station No. 7, 1501 54th Street West. Tax ID: D12579. There is a concurrent application for annexation of this property that will be heard by the City Council on November 9.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 942.

APPLICATION DATA

OWNER: School District #2

AGENTS: Terry Bouck, Superintendent and Pat Davies, P.E. Sanderson Stewart

LEGAL DESCRIPTION: E 1/2 of Government Lot 1, in Section 5, Township 1 South, Range 25 East

ADDRESS: 5640 Grand Avenue

CURRENT ZONING: Agriculture Open-Space (A-1) a County zoning

EXISTING LAND USE: Vacant

PROPOSED USE: New Middle School with Public zoning

SIZE OF PARCEL: 38.83 acres

CONCURRENT APPLICATIONS

A concurrent annexation petition has been submitted. A City of Billings Building permit application is pending reviews approvals of the annexation and zone change.

APPLICABLE ZONING HISTORY

Subject Property - None.

Surrounding Property - The city has annexed property and approved a variety of zone changes in this area of West Billings since 2005. In 2007, the city annexed and re-zoned property on 54th Street West for the new Cottonwood Park from A-1 to Public zoning. All other zone changes are for residential developments or commercial nodes, like the property at 54th St West and Grand Avenue.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1 (County) and R-70 (City)
Land Use: Foxtail Village Subdivision and Agricultural land

SOUTH: Zoning: R-60-R (City)
Land Use: Trails West Subdivision
EAST: Zoning: R-96 and A-1 (City)
Land Use: Church and single family homes
WEST: Zoning: R-60-R (City)
Land Use: Trails West Subdivision

BACKGROUND

Scholl District #2 is in the process of constructing two new middle schools. This property is currently outside the city limits and has A-1 zoning. In order to proceed with the planned construction, the school site must be annexed and the correct zoning district applied to the property. The School District working with its consultant, Sanderson Stewart, has submitted this zone change from A-1 to Public zoning. Public zoning is an appropriate zoning for all types of public agency developments and land uses. It permits civic uses such as schools, government administration and public recreational facilities. The School District has worked with adjacent land owners during the development of the middle school building and site plans. The School District has a pending Building Permit application submitted to the city Building Division.

The property consists of a 38.83 acre parcel of land generally located on the south west corner of Grand Avenue and 56th St West. The School District purchased the property in 2000 from the Frank family. The school district completed a future facility and space needs analysis several years and ago and submitted a bond issue for voter approval to construct the new middle schools. The bond issue was approved and do to crowding concerns in Billings Heights, the new middle school on Bench and Barrett Road in the Heights was slated for construction first. This location on 56th St West and Grand Ave is being prepared for construction starting this fall and running through 2016. The site is large enough to accommodate another school, possibly an elementary school, at some time in the future.

Grand Avenue and 56th St West are both principal arterial streets as designated by the City and County. The current construction of both streets is a 2-lane paved County road section with gravel shoulders or no shoulders and ditches in some areas. The posted speed limit at this intersection is 50 mph for both streets. The existing level of average daily daily traffic is low, ranging from 3,000 to 5,000 vehicle trips per day. As part of the school site design process, Sanderson Stewart is working with the City Traffic Engineer to ensure that access into and out of the school site is safe and reasonable. School buses will enter the school site from 56th St West. The intersection at Grand Avenue is a stop-controlled intersection for 56th St West. It is anticipated there will be modifications to the intersection to accommodate the additional traffic load for the new middle school and for pedestrian crossing and access. Specific improvements will be determined by the City Traffic Engineer but may include a school zone, traffic signal, left turn lanes, deceleration or acceleration lanes on Grand Avenue, a pedestrian crossing, and appropriate signage on both Grand and 56th Street West.

The proposed zoning is the preferred zoning for all civic uses including government agencies, schools, and public recreational facilities. The zoning is compatible with adjacent zoning in the city and the county. The public zoning district is specifically designed to be compatible with adjacent residential uses especially when the intended uses are schools or parks. The Public zoning district is intended to reserve land exclusively for public or semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. Middle schools draw students from a larger district than neighborhood elementary schools and are appropriated located near or close to arterial streets where traffic can be better managed and controlled.

This area of West Billings will continue to grow with additional residential neighborhoods, services and facilities. The placement of a new school facility in a Public zoning district is compatible and expected with this additional growth.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 942.

Attachments

Proposed Findings of the Review Criteria

Zoning Map

Site Photos

Applicant Letter and pre-application materials

Zoning Commission Determinations
Zone Change #942 – 5640 Grand Avenue

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal)*

The proposed zoning would permit the School District to proceed with plans to develop a new middle school on the property. The School District has owned this property since 2000 and the voters approved the bond issue for its construction. Public zoning is consistent with the intended uses of the School District and is consistent with the continued residential development in the area.

- *Promote excellence in education and safe and healthy school facilities. (Economic Development Element Goal)*

The existing zoning is restricted to agricultural uses in the County. The default zoning for annexation is Residential 9,600 (R-96). Public schools are not allowed uses with the standard residential zones. The proposed zoning will allow the School District to use the land in conformance with the zoning.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The new middle school will provide the required landscaping and attention to the outdoor recreation facilities for the students and will be an amenity for the adjacent neighborhood. This will improve public health and safety and the general welfare of the adjacent neighbors.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning will have an impact on the surrounding streets. The applicant is working with the City Traffic Engineer to ensure safe access to and exiting from the new school. Improvements to the adjacent streets and intersections will be required to ensure this traffic safety. Specific improvements will be determined by the City Traffic Engineer.

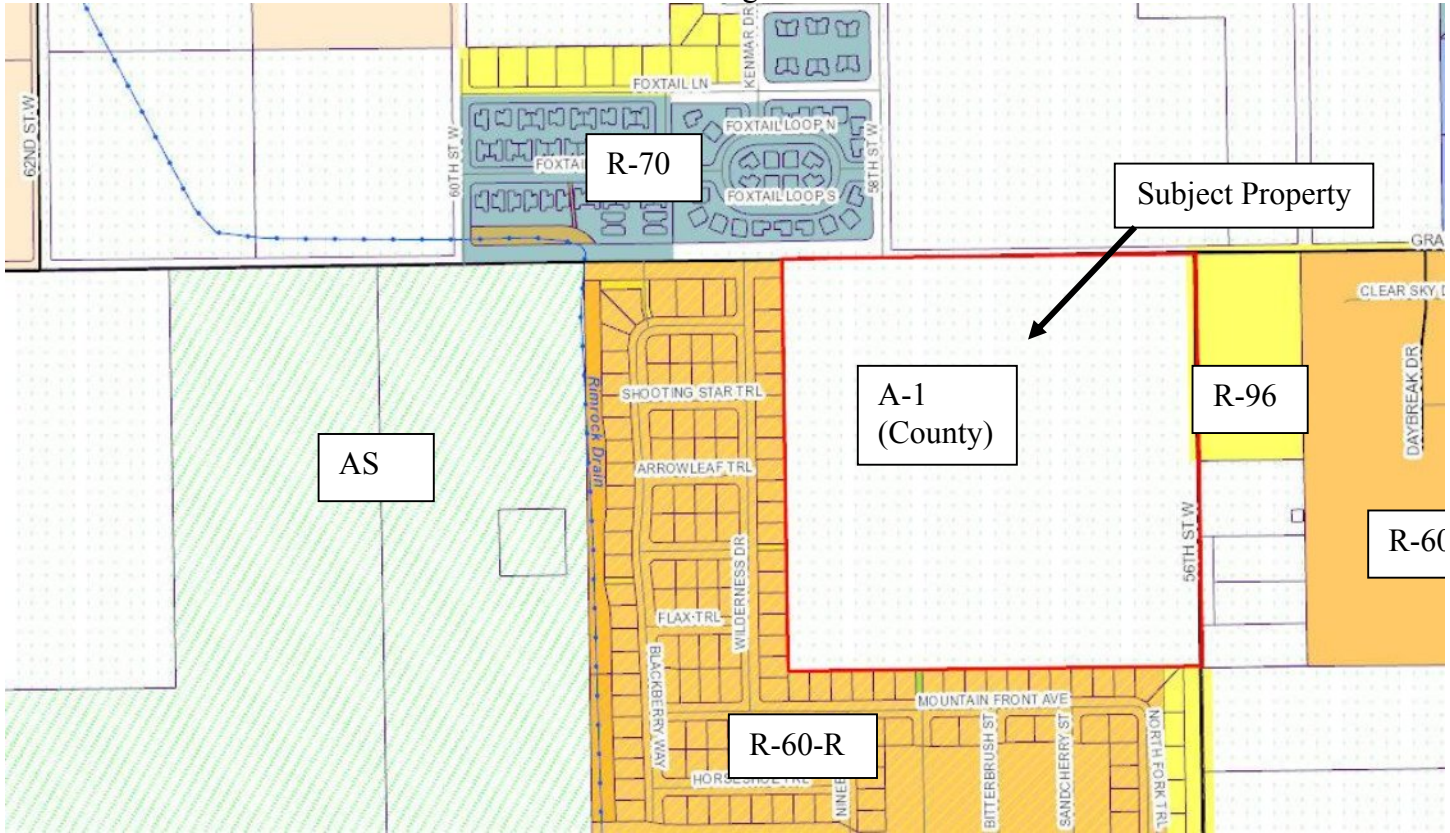
Water and Sewer: The City will provide sewer and water service to the property by extension of those utilities from Grand Avenue and 56th Street West.

Schools and Parks: There should be a positive impact to the School District. The district will be able to accommodate additional students and relieve over-crowding at other schools.

Fire and Police: The subject property will be served by the city Public Safety Services. The School District will work with the Fire Department through the Building Permit process to ensure building safety and safe access for responders.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.
6. *Will the new zoning effect motorized and non-motorized transportation?*
Traffic generation from a new middle school will affect the surrounding street network. The City Traffic Engineer and the Transportation Planners are working with the School District to ensure safe access for vehicles, pedestrians and bicyclists.
7. *Will the new zoning will promote compatible urban growth?*
The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate new school facilities and outdoor recreation facilities in an area where none currently exist.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
The proposed zoning does consider the character of the district and the suitability of the property for school facilities. There are existing and planned developments in the area that will continue to increase students in the district.
9. *Will the new zoning conserve the value of buildings?*
The lot is currently vacant land near developing city subdivisions and adjacent to other property still outside the city limits. Development of a new school facility should conserve the value of adjacent homes and increase property value in the area.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning will encourage additional urban development in the area that already has some City services and will fill the need of the School District to provide expanded middle school facilities.

Surrounding Zoning
Zone Change #942 – 5640 Grand Avenue



Site Photographs
Zone Change #942 – 5640 Grand Avenue



Subject Property



View south along 56th St West

Site Photographs
Zone Change #942 – 5640 Grand Avenue



View east across 56th St West



View west along Grand Avenue

Site Photographs
Zone Change #942 – 5640 Grand Avenue



View north and west across Grand Avenue



Aerial View



A & E Architects - Rendering

Applicant letter and pre-application meeting notes
Zone Change #942 – 5640 Grand Avenue

Oct 2, 2015
Project No. 14063.02

**S05, T01S, R25E, E2 GOVERNMENT LT1 38.83 AC
BEN STEELE MIDDLE SCHOOL
ZONE CHANGE APPLICATION**

INTRODUCTION

The attached Zone Change Application is being submitted on behalf of School District #2 for a proposed zone change from Ag/Open to Public for 5640 Grand Ave in Billings, Montana. An exhibit identifying the subject parcels is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Zone Change Application.

In what way is the proposal consistent with the goals and policies of the adopted growth policy?

The proposed zone change request is consistent with the land use element goals and objectives of the current city growth goals. The proposed zone change will also encourage strong neighborhoods to develop within the proximity of the school and allow a near-by area for children to partake in outdoor activities and recreation.

Explain the need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The need for the zone change is to allow for a new middle school for the residents and citizens of Billings, Montana. The current zoning of the area is Ag/Open. With the proposed change, the new middle school will service residents in the adjacent neighborhoods and beyond and the zoning will allow for this new education facility. This is congruent with current long term growth planning goals for the City.

ZONE CHANGE NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET

Date: September 28, 2015

Time: 5:30 PM

Project: Ben Steel Middle School

Project No.: 14063.03

Meeting Location: Billings Fire Station #7 - 1501 54th Street West, Billings, MT 59106

Name: (Please Print)	Address:	Phone Number:		Email Address:
		Home	Mobile	
Bryan Alexander	1308 N. Treva Tech Ln	657-5255		balexander@stevenskenneth.com
Mac Fogelberg	" "	" "	" "	mfogelberg@stevenskenneth.com
Dick Sires	1131 Wilderness	702-1470		rsires@brennan.net
Tom Sire	" "	" "		" "
Dennis Frank	708 56th St West	208-7419		
Bong Frank	" "	" "		
Camie Flatsy	5822 Forktail Loop S	489-0508		
Stork Simonson	5837 Fatah Loop N	827-2410		SSimonson@stevenskenneth.com
Doug Keener	5423 Grand Ave.			
Paul Goldammer	608 N. 29th St	248-2273		
Jason Hubbard	2270 Grant Rd	657-0224		
Ben Flanagan	2270 Grant Rd	656-0624		
Leu Anderson	101 10th St. W.	281-5782		648-0041

Ben Steele Middle School – Zone Change Neighborhood Meeting

September 28, 2015

5:30 PM

Billings Fire Station #7 – 1501 54th Street West, Billings, MT 59106

Introductions:

Mac Fogelsong – Sanderson Stewart

Paul Goldammer – A&E Architects

Lew Anderson – SD2

Jason Hubbard – Langlas

Ben Flanagan – Langlas

Overview by Mac Fogelsong:

Purpose of meeting is to present information to the public in order to change the zoning of the property for the proposed middle school from Agricultural Open to Public as it is the best zoning for the proposed use. Annexation into the City of Billings is also in process.

The zone change is a 3-step process, which includes submittal of an application, a neighborhood meeting (this meeting), and then review by the zoning commission [November 3rd].

Questions:

- What if zone change does not pass?
 - (Mac) Preferred to have zoning consistent with use for the school. Because the school is a public entity, the school can be allowed in other zones via a “land use contrary to zoning”. Preference is to follow the process and have zoning consistent for public use.
 - (Paul) Land use contrary to zoning would require a special review/hearing to have the school located in a zone other than public. Also beneficial for subsequent school if built in the future as zoning will be compatible.
- Why is the zone change occurring after school site is selected? Why not prior to site selection?
 - (Mac) Zoning is a planning item and it is typical to occur after site selection for similar projects.
- Why wasn't the annexation and zone change done years ago?
 - (Dick Sire) The original plan was to annex the school property alongside Trails West Subdivision in which the zoning would be amended concurrent with the annexation. The annexation of Trails West was “complicated” and took 3 tries. They decided at that time to separate the school property so Trails West Subdivision annexation could proceed and the school would move forward with annexation and zone change at a future date.
- What is the location of the west property line? Is it the fence line? The developer mows out 3-4 feet beyond the fence line.
 - (Dick Sire) The property line is at the fence line. Maintenance of irrigation ditch right-of-way is the reason for mowing beyond the fence line.
- What is landscaping of southwest corner? Labeled as dryland grass.

- (Paul) Would be native-type dry land grasses; won't be irrigated turf and helps reduce cost of irrigation.
 - Maintenance mowing and weed control will be provided.
 - Area kept available for future use as park, playground, etc.
- Weed control a concern for dryland grass area.
 - (Lew) We will mow and provide weed control. Will still be some weeds, but will control them.
 - Hired out weed control for current site; have not done late-season weed control this year as a bid package is proposed which will install 400 rammed aggregate piers and substantial excavation. Not the best use of taxpayer dollars for weed control this fall.
 - Working with City Parks (Mike Whitaker) to develop park area for soccer fields. Current plan is for 2 soccer fields and a future elementary school.
 - (Paul) Plan for 2 soccer fields and possibly a 3rd in the future in dryland grass area.
- Is there going to be a park or open space as originally planned? Many children in Trails West playing in the street and don't have somewhere to play.
 - (Lew) Long term, there will be a playground when the elementary school site is developed, but not in the middle school project as funding not available.
- Sidewalk setback from street on 56th Street?
 - (Paul) Yes, sidewalk will be setback from street.
- Curb & gutter on 56th Street & Grand?
 - (Bryan) Still in discussions with the City on what improvements will ultimately be. Grand Avenue may include curb & gutter, but 56th Street will likely remain a county-type road with turn bays at the school.
 - City pursuing funding for improving widening Grand Avenue from 48th Street West to 58th Street West.
- Any consideration to farm machinery in improvement design?
 - (Bryan) No design work has completed for Grand Avenue. This will be a separate project.
 - (Mac) Working with City Traffic Engineering to develop a plan for improvements.
- Concern with safety at Montessori on Grand Ave. & 48th Street.
 - (Lew) Montessori is a private school and not SD2. Aware of the issues there and concern with traffic on Grand Avenue.
 - Busses will enter from 56th Street in a separate bus parking lot. Will require some added discussion how Grand Avenue parent drop off parking lot will function. Possibly right turn only.
- Does the football field have to be built? Seems like others, specifically Lewis & Clark do not get much use.
 - (Lew) It is a school sport and can be used for multiple uses...football, soccer, etc. Lewis & Clark actually gets a lot of use. Pretty standard for middle schools to provide a football field.
 - (Lew) Also mentioned parking lots provide significantly more parking than in Heights due to narrow county roads to preventing parking on the streets.
- Are you accounting for groundwater or holding ponds?
 - (Lew) We are anticipating to utilize ditch water from a holding pond for irrigation using pumps. Do same thing at Sandstone and Castle Rock.
- Clarification on traffic / off-site improvement design?
 - (Paul) City was to determine mid-September if they could secure funding for Grand Avenue improvements. City is having difficulty securing the funding and has pushed back the schedule to try to secure the necessary funds, so the level of improvements has not yet been

fully developed at this time. A number of items have been discussed including traffic calming, crosswalks, HAWK signal, crossing guards, etc.

- Will there be a deceleration lane on Grand Avenue?
 - (Paul) Not yet confirmed, but on the table. Depends on what City wants to do as well.
 - (Bryan) City is looking to do a project for improving Grand Avenue. The project will likely go out for an RFP to a number of design firms. Safety at the school will be a design consideration for the Grand Avenue improvements.
- Are you planning on any special things for the school?
 - (Paul) Currently in construction documents, which should be complete in the middle of December.
 - Special design elements include: commons/multi-functional open space, collaborative learning spaces, after hours entrance to gymnasium (option to have afterhours access to library)...security for closing off remainder of school, future greenhouse, fab lab spaces, nice courtyard, etc.
- What about parking for baseball / softball fields?
 - (Paul) Parking is available in lot along Grand Avenue; parking is also available along drop off loop. These spots will likely be utilized first; other parking to the southeast would then be utilized.
- Handicap parking?
 - (Paul) Handicap parking is to be located near building entrances per code requirements. We can look at the possibility of an accessible parking area near the baseball/softball fields.
- Will parking lots be lit?
 - (Lew) Yes, there will be LED lights on a timer to allow plowing. Lights are directed down; Will James recently re-done and would be a similar lighting example. Not going to light football field.
- Traffic study, is it public information? Can I (Steve Simonson) get a copy?
 - (Mac) I believe just wrapping it up and in discussions with City.
 - (Lew) I can get you a copy or update you where it is in process. Send me an email anderson1@billingschools.org
- Concern is west bound traffic from 62nd Street West and anticipating school will add to traffic.
 - (Lew) Traffic study does evaluate this concern and projects out future growth. City actively reviewing these items.
- (Lew) Offered contact information and asked group to call or email with any questions. Want to be a good neighbor. Langlas will be the contractor and Ben will be onsite every day. Thank you for coming out.



City Zoning Commission

Meeting Date: 11/03/2015

SUBJECT: Zone Change 943 - Bench Boulevard - SD #2 New Middle School

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #5 - Motion/Recommendation to City Council. City Zone Change #943 – Southeast intersection of Bench Boulevard and Barrett Road, Nicole Cromwell – A zone change request from Residential 7000 (R-70) to Public, on S14, T1 N, R26 E, E2 NWSW Less COS 931, a 16.2 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at Bitterroot Elementary School, 1801 Bench Boulevard. Tax ID: C05144A and C05144B. There is a concurrent application for annexation of this property that is to be heard by the City Council on November 9.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 943.

APPLICATION DATA

OWNER: School District #2

AGENTS: Terry Bouck, Superintendent, and Pat Davies, P.E., Sanderson Stewart

LEGAL DESCRIPTION: E 1/2 NWSW of Section 14, Township 1 North, Range 26 East

ADDRESS: 900 Barrett Road

CURRENT ZONING: R-70

EXISTING LAND USE: Under construction for new Middle School and recreational facilities

PROPOSED USE: New Middle School and recreational facilities with Public zoning

SIZE OF PARCEL: 16.2 acres

CONCURRENT APPLICATIONS

Concurrent application of annexation.

APPLICABLE ZONING HISTORY

Subject Property - None.

Surrounding Property - The City and County have adopted several zone changes in the area since 1985, including a Planned Development zone for Walmart, and several other commercial zoning changes for property near Wicks Lane and Bench Boulevard. The R-70 zoning in the area has remained stable in the immediate neighborhood and this was ratified by the 2006 Heights Neighborhood Plan adopted by the City and County.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-70
Land Use: Single family homes

SOUTH: Zoning: R-70
Land Use: Single family homes
EAST: Zoning: R-70
Land Use: Kiwanis Trail, Holling Drain
WEST: Zoning: R-70
Land Use: New Middle School

BACKGROUND

The applicant has submitted this zone change and concurrent annexation for the east half of the property where the new Medicine Crow Middle School is under construction. The athletic fields, some mechanical equipment, parking, and recreational area for the school will be located on the subject property. The property where the middle school is under construction is already annexed and zoned Public. The annexation and zone change will complete the project so the entire property is within the city limits and has consistent zoning. The proposed Public zone is compatible and appropriate for existing and proposed uses of the land and is compatible with the surrounding neighborhood.

Bench Boulevard is a principal arterial street and Barrett Road is a collector street. The Montana Department of Transportation (MDT) and the City of Billings will be re-constructing the section of Bench Boulevard north of Hilltop Road in the next 2 years. The design phase is nearing completion. Average daily traffic on this section of Bench is about 5,500 vehicle trips per day. In comparison, Barrett Road only carries about 600 vehicles per day. Barrett Road is partly in the County and partly in the City for most of its extent from Bench Boulevard east to Walter Road. The portion in front of the subject property is under re-construction to bring it to city standards for pavement, curbs, gutters and sidewalks. It is expected additional traffic will use this portion of the street once the school is completed.

The subject property is located in a well-established area of Billings Heights with adjacent stable neighborhoods. Additional residential subdivisions are building to the east and north that will add student population to the new middle school. The proposed zoning is identical to the current zoning of the school property already annexed to the city. The proposed zoning is compatible with the adjacent neighborhood and is expected to be fully developed during the next 12 months.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 943.

Attachments

Proposed Findings of the Review Criteria
Zoning Map
Site Photos
Applicant Letter and pre application materials

Zoning Commission Determinations

Zone Change #943 – Medicine Crow Middle School Barrett Road

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal)*

The proposed zoning would permit the School District to complete plans to construct an athletic field and facilities and annex this parcel into to the city. The voters approved the bond issue for its construction. Public zoning is consistent with the intended uses of the School District and is consistent with the continued residential development in the area.

- *Promote excellence in education and safe and healthy school facilities. (Economic Development Element Goal)*

The existing zoning is restricted to residential use in the County. The default zoning for annexation is Residential 9,600 (R-96). Public schools are not allowed uses with the standard residential zones. The proposed zoning will allow the School District to use the land in conformance with the zoning.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The new middle school will provide the required landscaping and attention to the outdoor recreation facilities for the students and will be an amenity for the adjacent neighborhoods. This will improve public health and safety and the general welfare of the adjacent neighbors.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning will have an impact on the surrounding streets. The applicant is working with the City Traffic Engineer to ensure safe access to and exiting from the new school. Improvements to the adjacent streets and intersections will be required to ensure this traffic safety. Specific improvements will be determined by the City Traffic Engineer.

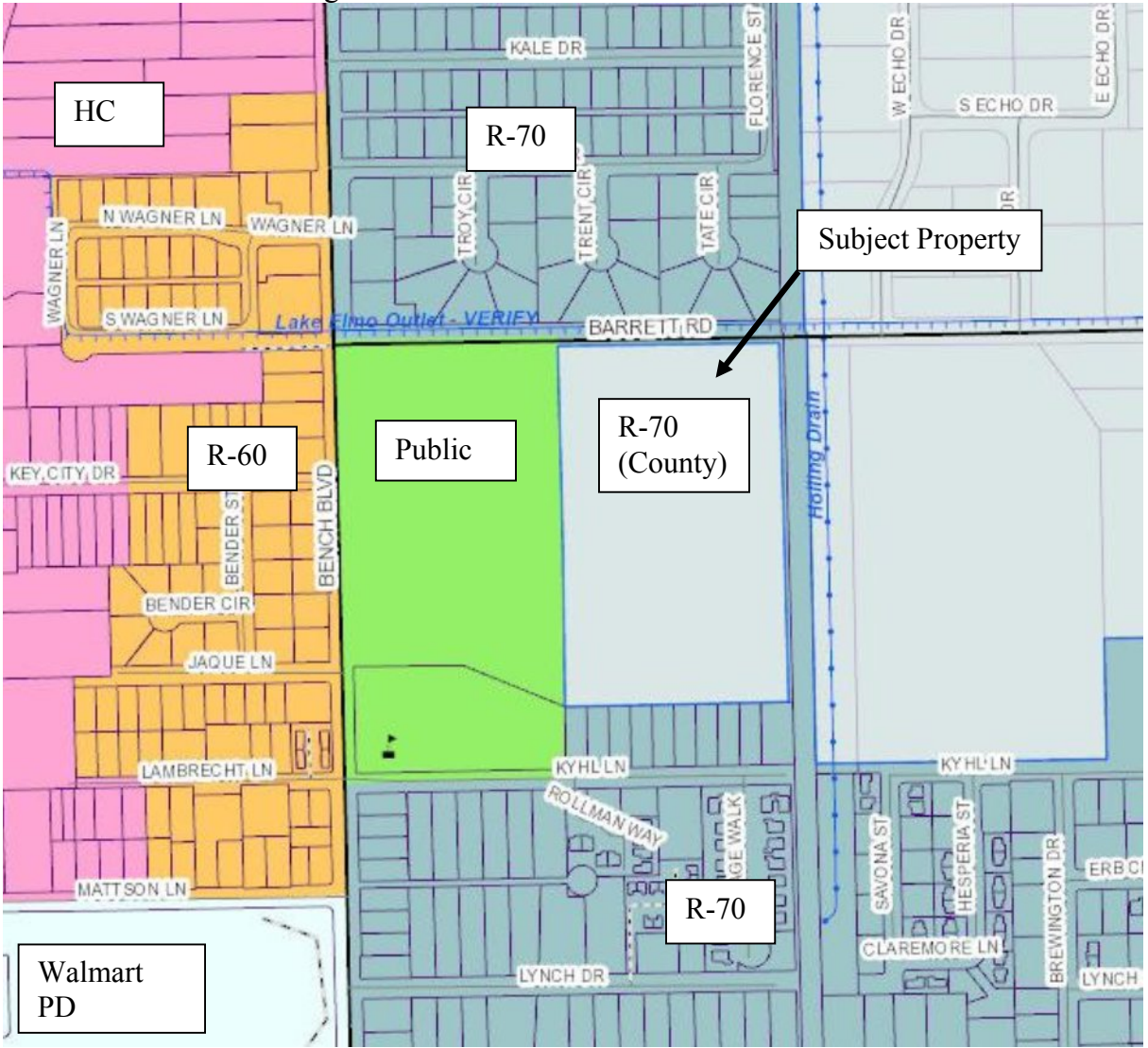
Water and Sewer: The City will provide sewer and water service to the property by extension of those utilities from Bench Boulevard.

Schools and Parks: There should be a positive impact to the School District. The district will be able to accommodate additional students and relieve over-crowding at other schools.

Fire and Police: The subject property will be served by the city Public Safety Services. The School District has worked with the Fire Department through the Building Permit process to ensure building safety and safe access for responders.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.
6. *Will the new zoning effect motorized and non-motorized transportation?*
Traffic generation from a new middle school will affect the surrounding street network. The City Traffic Engineer and the Transportation Planners are working with the School District to ensure safe access for vehicles, pedestrians and bicyclists.
7. *Will the new zoning will promote compatible urban growth?*
The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate new school facilities and outdoor recreation facilities.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
The proposed zoning does consider the character of the district and the suitability of the property for school facilities. There are existing and planned developments in the area that will continue to increase students in the district.
9. *Will the new zoning conserve the value of buildings?*
The lot is currently vacant land near developing city subdivisions and adjacent to other property still outside the city limits. Development of a new school facility should conserve the value of adjacent homes and increase property value in the area.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning will encourage additional city infill development in the area and will fill the need of the School District to provide expanded middle school facilities.

Surrounding Zoning
Zone Change #943 – Medicine Crow Middle School - Barrett Road



Site Photographs
Zone Change #943 –Medicine Crow Middle School – Barrett Road



Subject Property



View south from Barrett Road

Site Photographs
Zone Change #943 –Medicine Crow Middle School – Barrett Road



View west along Barrett Road



View east along Barrett Road

Site Photographs
Zone Change #943 –Medicine Crow Middle School – Barrett Road



View north across Barrett Road



Aerial View

A & E Architects – Aerial Photos



September 2015



September 2015

Applicant letter and pre-application meeting notes
Zone Change #943 – Medicine Crow Middle School – Barrett Road

Oct 2, 2015
Project No. 14008.02

**S14, T01N, R26 E, E2 NWSW LESS COS 931
MEDICINE CROW MIDDLE SCHOOL
ZONE CHANGE APPLICATION**

INTRODUCTION

The attached Zone Change Application is being submitted on behalf of School District #2 for a proposed zone change from R7000 to Public for Medicine Crow Middle School at the intersection of Bench Blvd and Barrett Road in Billings Montana. An exhibit identifying the subject parcels is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Zone Change Application.

In what way is the proposal consistent with the goals and policies of the adopted growth policy?

The proposed zone change request is consistent with the land use element goals and objectives of the current city growth goals. The proposed zone change will also encourage strong neighborhoods to develop within the proximity of the school and allow a near-by area for children to partake in outdoor activities and recreation.

Explain the need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The need for the zone change is to allow for a new middle school for the residents and citizens of Billings Montana. The current zoning of the area is R7000. With the proposed change, the new middle school will service residents in the adjacent neighborhoods and beyond and the zoning will allow for this new education facility. This is congruent with current long term growth planning goals for the City.

Medicine Crow Middle School – Zone Change Neighborhood Meeting

September 28, 2015

5:30 PM

Bitterroot Elementary School – 1801 Bench Boulevard, Billings, MT 59105

Introductions:

Pat Davies – Sanderson Stewart

Scott Reiter – SD2

Overview by Pat Davies:

Purpose of meeting is to present information to the public in order to change the zoning of the east side of the school district property from R7000 to Public to make it consistent with the Public zoning for the remainder of the school district property. Annexation into the City of Billings is also in process.

The zone change is a 4-step process; a neighborhood meeting (this meeting), submittal of a zone change application, review by the Zoning Commission (November 3rd) and review by the City Council (November 23rd).

Questions:

- What is the purpose of the zone change?

To make the zoning of the east portion of the school district property consistent with the west half of the school district property which is already zoned Public. Public zoning is typical zoning for a public entity like the school district.

- Are there any negative impacts of the proposed zone change?

There are no anticipated negative impacts of the zoning change and the project should provide amenities to the neighborhood such as sports fields, trails and open space.

- When will Bench Boulevard be completed?

It is our understanding that the portion of Bench Boulevard along the school district property will be completed the summer of 2016.

- What is the next step?

The school district plans to submit a zone change application on October 5th and then it will go to the Zoning Commission on November 3rd and City Council on November 23rd.

