



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, January 5, 2016, 4:30 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> 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: December 1, 2015**

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

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

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

## Public Hearings:

- a. **Item #1 - Special Review #935 - 450 Main Street:** This is a special review to allow the location of a beer & wine license with gaming at a proposed new Town Pump Casino (with gas station & convenience store) in a Highway Commercial (HC) zone on Lots 1, 2, 3A, 4A, 4B and the North 65 feet of Lot 5, Thomas Subdivision, a 2.11 acre parcel of land generally located at 450 Main Street. Presented by: Dave Green Planner II
  
- b. **Item #2 - City Special Review #937 - 2055 Woody Drive.** This is a special review request to allow a 9,172 square foot addition to an existing church in a Residential 9,600 (R-96) zone on Lot 1, Block 1, St. Thomas Subdivision, a 5.219 acre parcel of land generally located at 2055 Woody Drive. Tax ID: D04810. Presented by: Karen Husman, Planner I
  
- c. **Item #3 - City Zone Change #945 – 2512 Shiloh Road –** A zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 4A2 of Blue Meadow Acreage Tracts, a 1.06 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on November 16, 2015 at the King of Glory Church at 4125 Grand Avenue. Tax ID: C01757. Presented by: Nicole Cromwell, Zoning Coordinator

## Other Business/Announcements

### Election of 2016 Officers

### Adjournment

The City Council has designated January 25, 2016 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 (January 22, 2016) 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 use and zone changes. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> 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 Robbin Bartley, Administrative Support, at 247-8676 or e-mail at [bartleyr@ci.billings.mt.us](mailto:bartleyr@ci.billings.mt.us)

**City Zoning Commission**

**Meeting Date:** 01/05/2016

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**Information**

**Subject**

**Motion. Approval of Minutes: December 1, 2015**

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**Attachments**

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## City of Billings Zoning Commission Meeting Minutes-December 1, 2015

The City of Billings Zoning Commission met on Tuesday, December 1, 2015 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana  
Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday January 11, 2016** 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	11/03/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1		1	1	E	1	1	1	1	1
Barbara Hawkins	Commissioner	1	1	1		1	1	E	1	1	1	1	1
Dan Wagner	Vice Chairman	1	1	1		E	1	1	1	1	1	1	1
Dennis Ulvestad	Commissioner	1	E	1		1	1	1	1	1	1	1	1
Mike Boyett	Commissioner	1	1	1		1	E	1	1	1	1	1	1
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	--	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1	1	1	1	-	1	1
Tammy Deines	Planning Clerk	1	1	1		-	1			1	1	-	1
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	--	1	-	-
Dave Green	Planner II	-	-	-		-	-	-	-	-	1	1	-
Karen Husman	Planner I	-	-	-		-	-	1	-	-			
Robbin Bartley	Administrative Asst.					1			1	-		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	11/03/2015	12/01/2015	TOTAL
Zone Change	2	2	2	0	0	0	3	2	0	0	4	1	16
Special Review	1	1	3	0	3	2	1	1	1	2	1	0	16

Chairman Dailey introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Robbin Bartley, Administrative Assistant; Tammy Deines, Planning Clerk.

**In Attendance:**

Bill Stene, applicant’s agent for Zone Change #944.

**Public Comment**

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

**Approval of Minutes: November 3, 2015**

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

**Motion**

**Commissioner Dan Wagner made a motion and Commissioner Hawkins seconded the motion to approve the November 3, 2015 meeting minutes as submitted. Chairman Dailey stated that the meeting minutes of November 3, 2015 recorded a unanimous vote for Special Review #934, and should be amended to note that Commissioner Hawkins had recused herself and therefore the correct vote was 4-0-1. Mike Boyett recused himself from City Zone Change #942, due to conflict of interest and therefor the vote on record should also be amended to reflect 4-0-1.**

**The motion for approval then carried with a unanimous voice vote.**

**Disclosure of Conflict of Interest**

**Chairman Dailey called for disclosures of conflict of interest. There were none.**

**Disclosure of Outside Communication**

**Chairman Dailey called for disclosure of ex parte communication. There were none.**

**Public Hearings:**

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted, and asked Nicole Cromwell to review the first agenda item. Commissioner Boyett requested a written copy of Chairman Dailey’s rules and procedures of conduct. Nicole Cromwell stated they would be in the next agenda packet.

**Item #1. City Zone Change #944 – 323 S 32<sup>nd</sup> St West** - A zone change request from Residential 6,000 (R-60) to Public (P) on a 1.02 acre parcel of land within Lot 2, Block 1 of Westward Ho Subdivision. The applicant conducted a pre-application neighborhood meeting on October 6, 2015 at the West Side Baptist Church at 323 S 32<sup>nd</sup> Street West. Tax ID: A29192.

**RECOMMENDATION**

Planning staff is recommending approval and adoption of the findings of the 10 criteria for Zone Change #944.

**Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Commission Wagner asked for clarification regarding what property was in lot 2a and 2b. Nicole Cromwell explained in detail. Commissioner Ulvestad asked for clarification on the zoning. Commissioner Boyett asked about future allowances having to come before this board. Chairman Dailey asked about residential and public zoning in this case. Chairman Dailey inquired regarding preferences. Commissioner Ulvestad inquired about another church property, Commissioner Boyett inquired regarding future potential uses, what zoning goes forward if the church should move? Commissioner Ulvestad asked if neighborhood commercial zoning could apply here in the future. Chairman Dailey asked about the financing for the property owner when it is zoned public. Nicole Cromwell gave an answer or explanation as appropriate. Public zoning is a preference at this location as this church has been at this location for several years. Public zoning will provide predictability for the church and the neighborhood.

**Applicant/Agent**

Chairman Dailey asked for presentation by the applicant.

**Bill Stene, agent, 2355 Cline Rd Billings, Montana 59105**

Bill Stene represents property owner Westside Baptist Church. Mr. Stene explained the usage of this property and reasons for the new zoning. Originally the R-6000 zoning came up to the west line. This property went up for sale last year and was purchased by Dan Marsich. The buyer only needed enough land to build 18 units, and the church desires to “clean up” the zoning to make it consistent. Bill Stene said this made more sense for the church. All of Lot 2A will be zoned Public.

**Public Hearing:**

Chairman Dailey opened the public hearing and called for proponents or opponents of Zone Change #944.

Chairman Dailey asked if anyone else wanted to speak in opposition of Zone Change #944. There was none.

Chairman Dailey closed the public hearing at 4:50 p.m. and called for a motion.

**Motion**

**Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to forward a recommendation to City Council for approval and adoption of the findings of the 10 criteria for Zone Change #944.**

**Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Hawkins said this is a sensible request.

**The motion carried with a unanimous voice vote, 5-0.**

**Other Business:**

The Commission members had several questions about Lampman Park for Nicole Cromwell. The Parks Board is reconsidering the sale of the property for development, and may consider a neighborhood park there. This could be brought forward in 2017 at the City Council level for reconsideration. No special review would be required. No other business, with the exception of a thank you to Commissioners Barbara Hawkins, and Chairman Leonard Dailey's for their long term service on the commission. The commission discussed new appointments. Application deadline for new zoning applications is next Monday.

It is unknown if the January meeting will occur due to receipt of applications or having a quorum of commissioners. Commissioner Boyett stated that he will not be attending the January 5, 2016 meeting.

**The next meeting is scheduled for Tuesday, January 5, 2016.**

**Adjournment: The meeting adjourned at 4:54 p.m.**

**DRAFT: To be approved by a motion: January 5, 2016**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**



## City Zoning Commission

**Meeting Date:** 01/05/2016

**SUBJECT:** Special Review #935 – 450 Main Street Town Pump Casino – Beer and Wine License with Gaming

**THROUGH:** Candi Millar, Planning & Community Services Department Director

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**Item #1 - Special Review #935 - 450 Main Street:** This is a special review to allow the location of a beer & wine license with gaming at a proposed new Town Pump Casino (with gas station & convenience store) in a Highway Commercial (HC) zone on Lots 1, 2, 3A, 4A, 4B and the North 65 feet of Lot 5, Thomas Subdivision, a 2.11 acre parcel of land generally located at 450 Main Street. Presented by: Dave Green Planner II

#### RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 review criteria for Special Review 935.

#### APPLICATION DATA

OWNER: Reiter's Marina Inc.

AGENT: AT Architecture, Alex Tommerup

LEGAL DESCRIPTION: Lots 1, 2, 3A, 4A, 4B, and the north 65 feet of Lot 5, Thomas Subdivision

ADDRESS: 450 / 430 Main Street

CURRENT ZONING: Highway Commercial

EXISTING LAND USE: Commercial

PROPOSED USE: Commercial

SIZE OF PARCEL: 2.11 Acres

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

The City has approved 9 special reviews in this neighborhood. Five for All Beverage Licenses with Gaming and two Beer and Wine Licenses with Gaming. There were also two for drive-up service that were approved.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: Highway Commercial (HC)  
Land Use: Tractor Supply Company

SOUTH: Zoning: HC  
Land Use: Starbucks

EAST: Zoning: HC  
Land Use: CVS Pharmacy / Target

WEST: Zoning: HC / Community Commercial (CC)  
Land Use: Heights Eye Care

## **BACKGROUND**

This is a special review to locate a new Town Pump Casino with gas station & convenience store where the existing Reiter's Marina is located. The property is accessible from Main Street and Lake Elmo Drive. The city has approved 7 locations for alcoholic beverage sales with gaming in this neighborhood. The applicant states in a cover letter that this redevelopment project will be a welcome addition to the area because it will involve a new store and fuel canopy, and the project will include landscaping where there currently is none on site. They also state that they will be providing different kinds of jobs for with the new store and casino. Town Pump believes the new convenience store and casino will be a benefit to the area with the two nearby hotels and shopping on one of the busiest streets in Montana.

The subject property has a great deal of traffic going past it on both the east, Main Street, and west, Lake Elmo. Access points will be reviewed by City Engineering staff at the time of permits for the proposed project. This will give travelers, and locals, another option for a gas station & convenience store with casino along Main Street. There is currently new construction going on to the south of this property for a new Starbucks Coffee that also will add to the new development in this part of Billings.

There are no known churches in the area, no parks with playing fields or playgrounds, and no schools within 600 feet of this proposed location.

The Planning Division has reviewed the application and the 3 criteria for special review and is recommending conditional approval. Before a recommendation of approval or conditional approval 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 a wine and beer 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 liquor license in this area should have minimal impact on the surrounding uses or neighbors. However, the traffic impacts from this use will be significantly greater than the current traffic generated by the Reiter's Marine business.

The application also conforms to the second and third criteria. There will be demolition of the existing structures on site and then there will be all new construction with new circulation and access points and landscaping of the site. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses.

## **RECOMMENDATION**

The Planning Department recommends conditional approval.

## **PROPOSED CONDITIONS**

1. The special review is limited to Lots 1, 2, 3A, 4A, 4B and the North 65 feet of Lot 5, Thomas Subdivision generally located at 430 / 450 Main Street.
2. The special review approval is for the location of beer and wine license with gaming and no other use is intended or implied.
3. Any expansion of the interior space of the casino of more than 10% will require an additional special review approval.
4. All exterior lighting, including security lighting and fuel canopy 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. New parking lot construction will meet the Highway Commercial zoning requirements for landscaping. In

addition, there will be one street tree planted every 40 feet in the proposed landscape area along both frontages, Lake Elmo and Main Street. Street trees are trees that can have their lowest branches at 8 feet, without disfiguring the tree, within 4 years. New trees shall not be any tree with the genus scientific name of Populus or any of its subspecies including any variety of aspens. Also no Salix (willows), Acer negundo (Box Elder) or Ulmus (Elms). Small ornamental trees do not qualify as street trees. All installed landscape will be continuously maintained and replaced as necessary by the owner as outlined in Section 27-1110 BMCC, Installation and Maintenance.

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 new building 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 and adoption of the findings of the 3 criteria for Special Review 935.

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#### **Attachments**

Attachments

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**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.

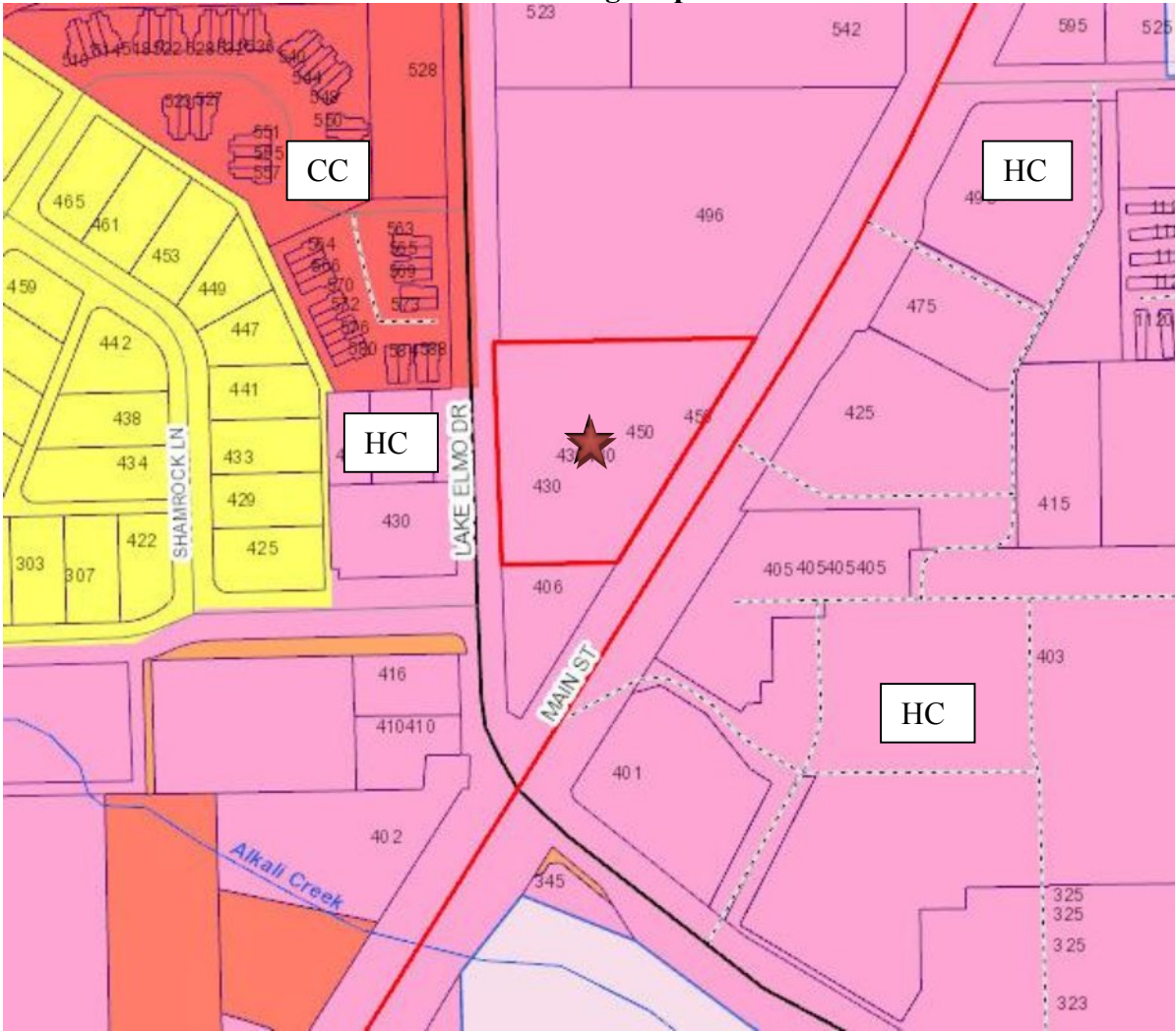
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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 looking north of subject property

**Attachment C, continued**  
**Site photos**



View west across subject property




View east across Main Street from subject property

**Attachment C, continued**  
**Site photos**



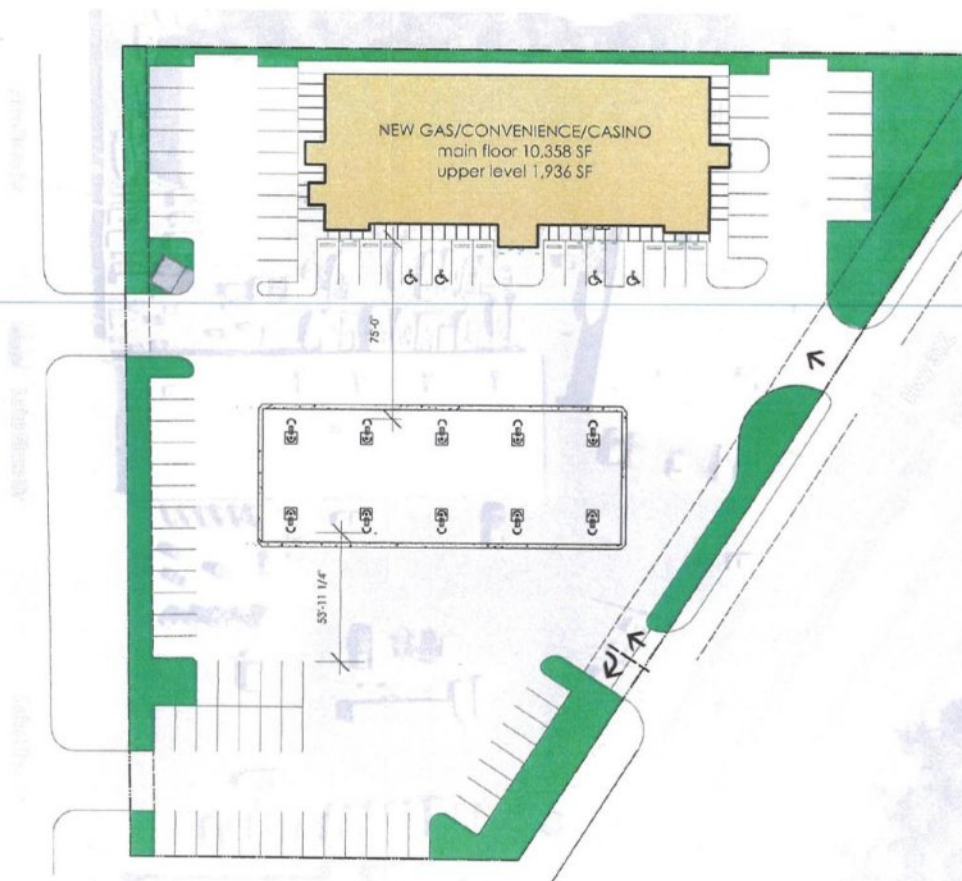
View south along Main Street



Subject Property 

## Attachment D Site Plan

<b>Building Area</b> 10,358 SF - Main Floor Area
<b>Parking Requirements</b> Casino = 2,222 SF x 1 space/100 SF = 23 spaces Gas Station = 4,663 SF x 1 space/90 SF = 52 spaces Storage/Restrooms = 5,407 SF = 10 spaces Offices = 254 SF x 1space/300 SF = 1 space  88 spaces + 4 accessible spaces required = 93 total required & provided
<b>Bicycle Racks</b> Provide 2 racks per City Recommendations
<b>Zoning</b> Highway Commercial Lot Coverage 75% Max - Actual = 21.36% Landscape requirements 10% - Actual = 15% landscaping 2.11 Total Acres
<b>Legal Description</b> Thomas Subd. S27, T01 N, R26 E, Lot 1-2, & N65° LT 5 & LT 3A, 4A, 4B Thomas Sub Amd
<b>Address</b> 450 Main Street
<b>Proposed Use</b> A-2 Casino & Bar M Gas Station & Convenience Store S-1 Storage



### TOWN PUMP GAS STATION & CASINO at REITERS

450 Main Street, Billings, MT  
CONCEPTUAL SITE DESIGN  
11/19/15



**Attachment E**  
**Applicant Letter**



November 24, 2015

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

RE: Request for Special Review For  
Town Pump Gas, Convenience Store & Casino  
450 Main Street  
Billings, MT 59105

Planning Staff:

The Town Pump is looking to build a new building to house a gas station, convenience store & casino where Reiters Marina Inc is located on 430/450 Main Street. This project will include demolition of the existing buildings and redesigning and landscaping the site. See attached Site Plan – Exhibit I. The following outlines the data requested by your application instructions.

A. Forward:

This land consists of lots 1 & 2 which has a total of 2.11 acres and is zoned Highway Commercial. The existing buildings which will be demolished and replaced were originally built in 1962, 1978 and 1984. The proposed building will include a convenience store/gas station and casino floor with 'cage' area, offices, restrooms, storage rooms & partial basement to meet the requirements of the Building Code.

1. Questions:

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

1. Economic Development - This new building will increase the economy of the area by demolishing the old structures and replacing with an attractive structure with vibrant business potential. Town Pump gas station/convenience store & casino will also employ additional full time people at this location to manage the businesses. This new facility will help strengthen the area economy through the creation of a viable business which has attracted a steady clientele in the region. This will help support the Billings job markets and the economy of area businesses.

2. Aesthetics - The site will be redesigned, landscaped and constructed on as a new and attractive building and grounds as well landscaped and traditionally maintained in great condition. A new and attractive sign will be updated which will be a nice addition for the facility identification for potential clients and the neighboring businesses. The new building will improve the appearance of the area.
3. Natural Resources – Town Pump keeps their site area free of weeds, well landscaped, etc. which helps with fire management.
4. Public Services –This new station, store & casino will provide an the increasing population that uses these facilities to purchase convenience store supplies, gas & gamble if they so choose.
5. Land Use Element – This building will carry a compatible land use to the neighbors such as the businesses, motels & restaurants nearby and makes sense on the busiest street in Montana.

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

Town Pump has operated gas/convenience with casinos in the City and State and has seen an increase in loyal patrons. This one would provide a facility in this area where there currently is not a Town Pump. It is a great location for their existing customer base as well as first time customers to experience the Town Pump family & quality.

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

This project will address many issues of public interest including improvement of the site conditions, a convenience/gas & casino option in the area. It will provide for maintenance of the grounds including parking lot & landscaping. Also the service that it provides meets the needs of the area as well as it is located in a neighborhood of businesses that it is very compatible with. The deacceleration lane will also be an improvement to the Main Street traffic safety.

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

The proposed use is a gas station, convenience store & casino which will include removal of the existing buildings and replacing the site with a the newly designed structures and gas pumps with canopy and landscaping. The landscaping will be increase from the current since very little exists now. The exterior will be an attractive & inviting structure and the signage will be new displaying the Town Pump brand per the City sign requirements.

The current facility is zoned Highway Commercial. A casino is allowed under a special review approval.



## City Zoning Commission

**Meeting Date:** 01/05/2016

**SUBJECT:** City Special Review #937- 2055 Woody Drive - Addition to St. Thomas Church

**THROUGH:** Candi Millar, Planning & Community Services Department Director

**PRESENTED BY:** Karen Husman

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### Information

#### REQUEST

**Item #2 - City Special Review #937 - 2055 Woody Drive.** This is a special review request to allow a 9,172 square foot addition to an existing church in a Residential 9,600 (R-96) zone on Lot 1, Block 1, St. Thomas Subdivision, a 5.219 acre parcel of land generally located at 2055 Woody Drive. Tax ID: D04810. Presented by: Karen Husman, Planner I

#### RECOMMENDATION

The Planning Division is recommending conditional approval.

#### APPLICATION DATA

OWNER:	St. Thomas the Apostle Church
AGENT:	CTA, Inc.
PURPOSE:	To allow 9,172 square foot Church addition
LEGAL DESCRIPTION:	Lot 1, Block 1 of St Thomas Subdivision
ADDRESS:	2055 Woody Drive
SIZE OF PARCEL:	5.219 acres
EXISTING LAND USE:	Church
PROPOSED LAND USE:	Church
EXISTING ZONING:	R-96

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

**Subject Property** – Special Review 356 was Conditionally approved in 1988 to allow expansion of the existing church.

#### Similar Applications –

**Special Review #858 – 4125 Grand Avenue – King of Glory Lutheran Church** – Conditionally approved on April 28, 2008 – A special review to allow the expansion of an existing church.

**Special Review #902 – 1108 24<sup>th</sup> St. West -- Lutheran Church of the Good Shepherd**—Conditionally approved to allow the demolition of a portion of an existing church, the construction of a new church building and a 47-space parking lot.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-9600 (R-96)  
Land Use: Residential  
SOUTH: Zoning: R-96  
Land Use: Residential  
EAST: Zoning: R-96  
Land Use: Residential  
WEST: Zoning: R-70, Residential Multi-family Restricted  
Land Use: Residential

## **BACKGROUND**

This is a request to allow additions and renovations to existing uses and functions at the Church Facility. An additional 9,170 square feet of floor area is proposed to improve access, circulation, and services for the existing spaces. The additions will include larger public entrances and lobbies along with new larger restrooms. An updated kitchen is also proposed as an addition to the south side of the gymnasium. There is also a basement classroom proposed under the new main sanctuary entrance. Site improvements include some expansion of the parking and a new main landscaped entrance plaza to provide more accessibility to all the main entrances.

The surrounding zoning is primarily residential. Churches have traditionally been built in neighborhoods to serve the surrounding area. The potential impacts may be mitigated through application of conditions of approval and adherence to an approved site plan through the special review process. The Planning staff is recommending several conditions related to noise, lighting, solid waste management, traffic and site control.

Colton Boulevard is a collector street that carries up to 5,000 vehicle trips per day with a posted speed limit of 35 mph. With a proposed school on the adjacent parcel, there will be a school zone created which will slow traffic down during drop off and pickup times for the school. There are curb-walk sidewalks on both sides of Colton Boulevard. The existing Colton Blvd. street frontage is proposed to be modified to reduce the number of approaches from 5 to 1 plus a shared access for the proposed school improvements (on the adjacent property). There is also a proposal as part of the school and church modifications to extend the drop-off on Colton in the front of the Church. These proposed improvements to the street frontage and sidewalks will make vehicle, pedestrian, and other traffic circulation near the entryway area safer.

The Planning Division has reviewed this application and is recommending conditional approval. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria, in so far, that it is in a district that allows churches by special review. The proposed building meets all required setbacks and lot coverage limitations. The application is conforming to the purposes of the regulations and the 2008 Growth Policy.

Conditions of approval are recommended to mitigate any potential impacts to surrounding property. The proposed building addition does not exceed lot coverage and meets the required front, side, and rear setbacks. It appears the church will meet the required off-street parking requirements and access. The proposal is consistent with goals of the 2008 Growth Policy, specifically the recommendation to encourage non-commercial uses of land along arterial streets between major intersections. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses.

## **RECOMMENDATION**

The Planning Division recommends conditional approval.

## **PROPOSED CONDITIONS**

1. The special review is limited to Lot 1, Block 1 of St Thomas Subdivision generally located on the corner of Colton Boulevard and Woody Drive.
2. The special review approval is for the addition of 9,172 square feet to an existing church in a Residential

9,600 zone, on Lot 1, Block 1, St. Thomas Subdivision, a 5.219 acre parcel of land generally located at 2055 Woody Drive. No other use 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 the City Traffic Engineering for final approval and location.
6. No construction activity will occur before 7 am or after 8 pm daily.
7. 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.
8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
9. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

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

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### **Attachments**

Zoning Commission Review Criteria  
Zoning Map  
Photos  
Site Plans  
Applicant Letter

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**Attachment A**  
**Zoning Commission Action**

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

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

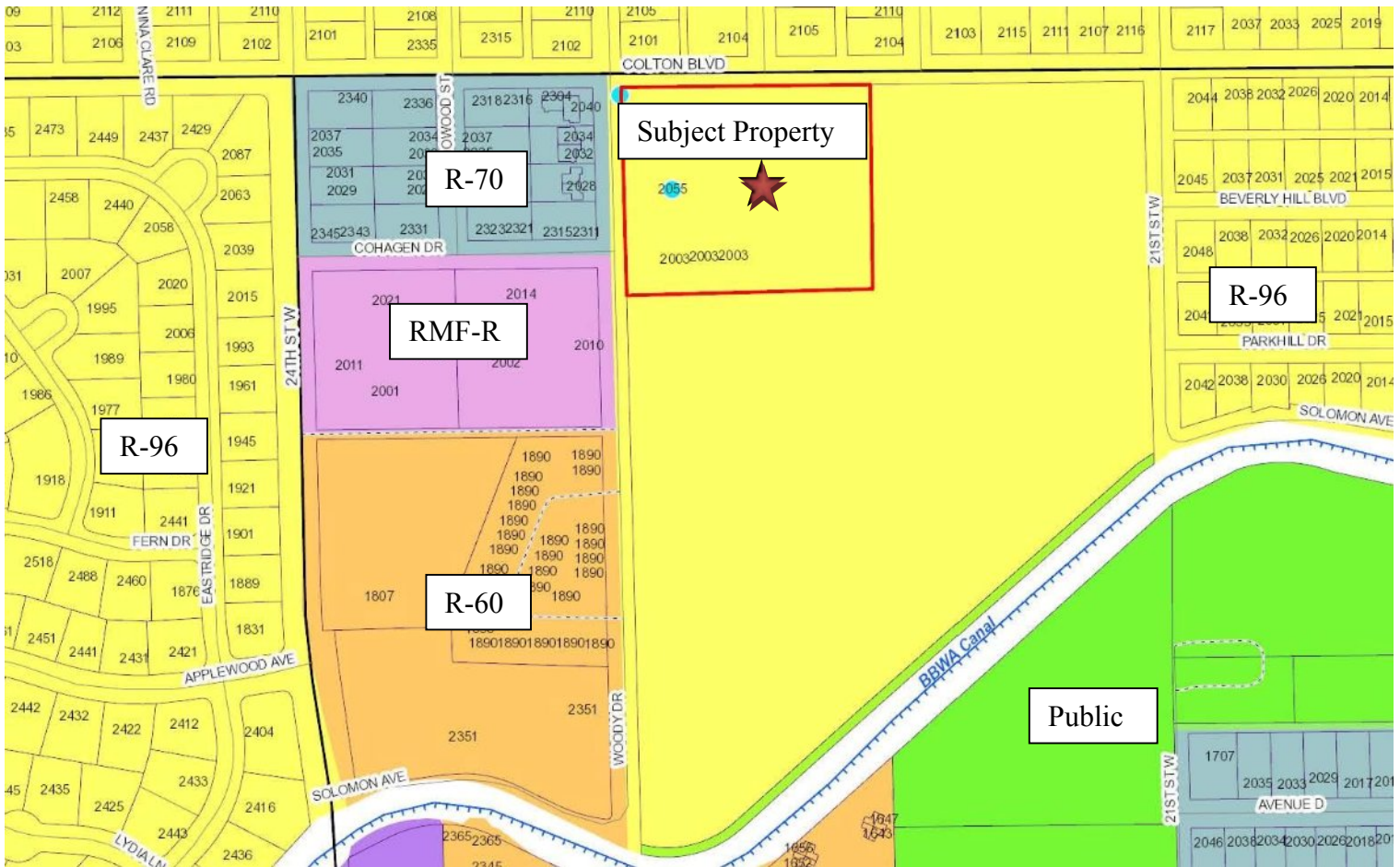
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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

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

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

# Attachment B Zoning Map



**Attachment C**  
**Site photos**



Subject Property – View south from Colton Boulevard



View west along Colton Boulevard

**Attachment C, continued**

**Site photos**



View north of the subject property



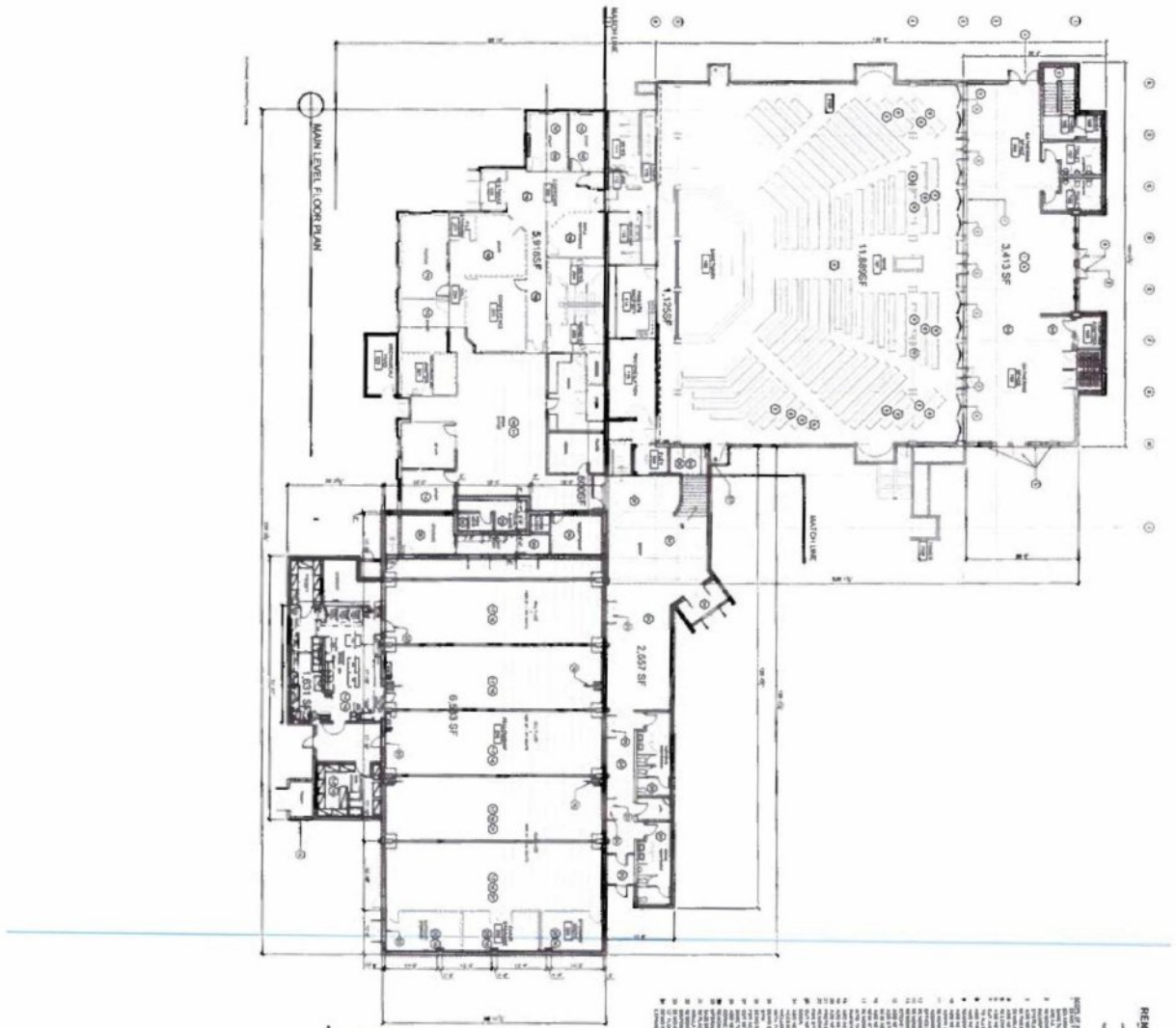
View west along Colton Boulevard

**Attachment C, continued**  
**Site photos**



Subject Property ★





**RENOVATION LEGEND**

- 1. EXISTING CONSTRUCTION
- 2. NEW CONSTRUCTION
- 3. DEMOLITION
- 4. EXISTING MECHANICAL
- 5. NEW MECHANICAL
- 6. EXISTING ELECTRICAL
- 7. NEW ELECTRICAL
- 8. EXISTING PLUMBING
- 9. NEW PLUMBING
- 10. EXISTING STRUCTURE
- 11. NEW STRUCTURE
- 12. EXISTING INTERIORS
- 13. NEW INTERIORS
- 14. EXISTING EXTERIORS
- 15. NEW EXTERIORS
- 16. EXISTING LANDSCAPE
- 17. NEW LANDSCAPE
- 18. EXISTING UTILITIES
- 19. NEW UTILITIES
- 20. EXISTING SITEWORK
- 21. NEW SITEWORK
- 22. EXISTING PAVING
- 23. NEW PAVING
- 24. EXISTING FENCING
- 25. NEW FENCING
- 26. EXISTING SIGNAGE
- 27. NEW SIGNAGE
- 28. EXISTING LIGHTING
- 29. NEW LIGHTING
- 30. EXISTING SECURITY
- 31. NEW SECURITY
- 32. EXISTING ACCESSIBILITY
- 33. NEW ACCESSIBILITY
- 34. EXISTING HISTORIC PRESERVATION
- 35. NEW HISTORIC PRESERVATION

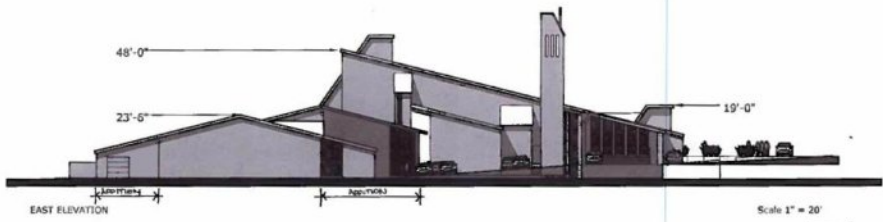
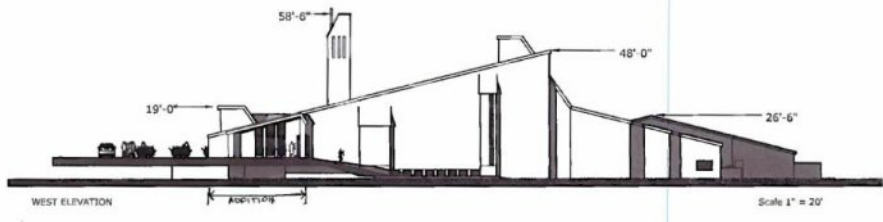


NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

MAIN FLOOR  
 MECHANICAL  
 A100.A

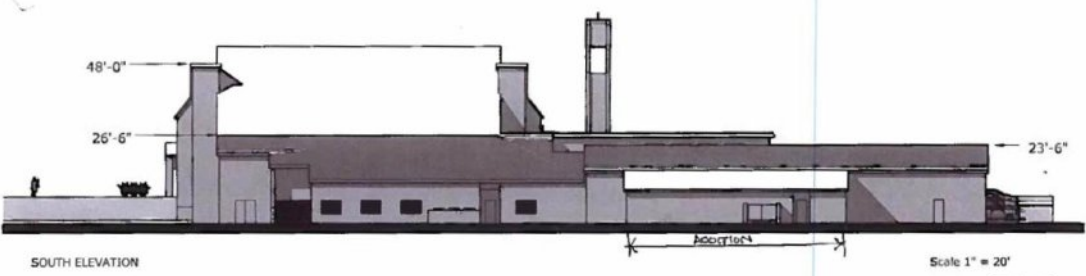
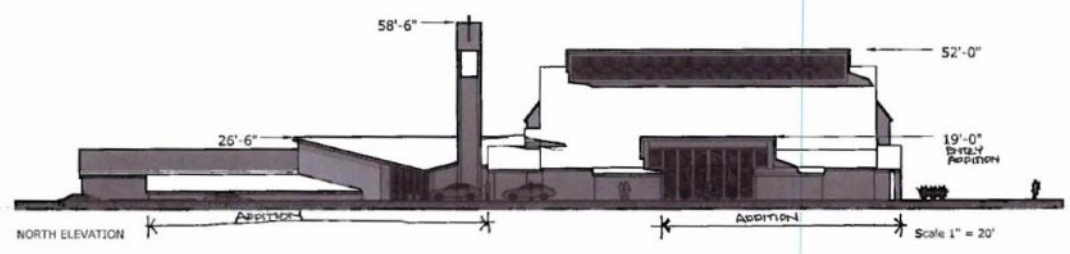
3018 WOODY DRIVE  
 CHURCH RENOVATION  
**ST THOMAS THE APOSTLE CHURCH**





**ST. THOMAS BUILDING HEIGHT ELEVATION**  
Billings, MT

12-7-15 **CTA**



**ST. THOMAS BUILDING HEIGHT ELEVATION**  
Billings, MT

12-7-15 **CTA**

## Attachment E Applicant Letter



PIONEERING ENVIRONMENTS

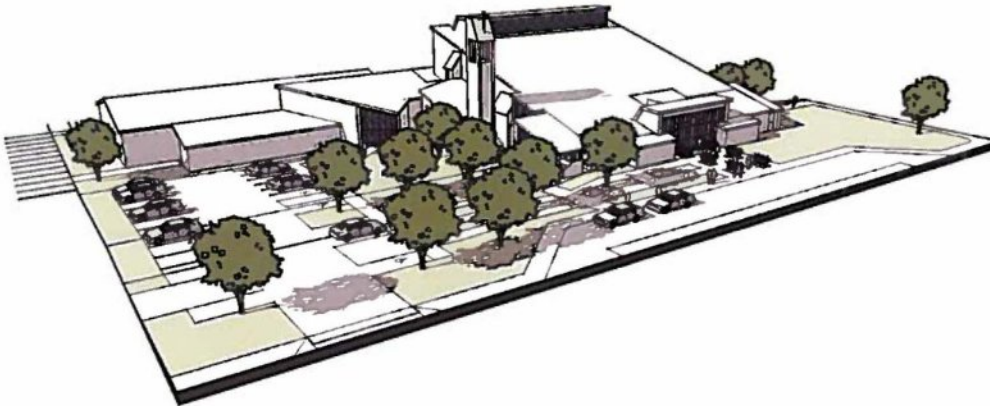
December 7, 2015

Planning and Community Services Department  
2825 3rd Ave. North, 4th Floor  
Billings, Montana 59101

RE: St. Thomas Apostle Church Renovation  
2055 Woody Drive  
Special Review Application

Zoning Coordinator:

**Project Scope:** The project is proposing additions and renovations to existing uses and functions at the Church Facility. There is 9,170 SF of additional floor area being constructed to improve access, circulation and services for the existing spaces. These include larger and more accessible Public Entrance Lobbies and circulation spaces and new larger restrooms. A replacement Kitchen is also being added to the south side of the gym to better serve Fellowship events in the Gym space. A Basement Classroom is also proposed under the new Main Sanctuary Entrance. The renovation impacts 12,450 SF of existing space and addresses needed functional improvements. The spaces impacted are the Administrative offices expanding into the existing fellowship space and the Gymnasium being converted into a larger and multiuse Fellowship space. Some spaces are also being converted for needed storage and other related support functions. Site improvements include some expansion of the Parking and a new main landscaped entrance plaza to provide better and more accessible access to all the Main entrances.



*Caption: Proposed improvements as seen from Colton Ave.*

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<http://www.ctagroup.com> E-mail: [info@ctagroup.com](mailto:info@ctagroup.com)

A special review is required because of the Zoning being R-9600 where Churches and Other Places of Worship, including Sunday School Buildings are allowed but require Special Review. With the proposed additions to the existing facility the project is being submitted for consideration and approval under this process. The following is intended to address the "Primary Goals and Objectives of the 2008 Growth Policy".

**Growth Policy:** *(In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?)*

*Land Use Element;* as an expansion of an existing use on an already developed property the proposal matches the current and predictable use for the property and addresses growth by not impacting or spreading to other sites with the potential for needed housing.

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*Economic Development;* the renovation would provide short term construction jobs for existing Billings businesses and provides more opportunities for the church to host more and larger social and celebration events that also will have a small long term impact. Improvements to the main entrance to the building and the landscape plaza also bring an up-dated and improved appearance to an existing facility. The growth of the community has triggered the need for the proposed renovation and expansion. A strong and growing faith community attracts the families and exhibits the quality and strength of a healthy community that is attractive to visitors and existing residents.

*Aesthetics Element,* the development does not have an impact on the Downtown or the interstate corridor. It does include new and more visible main entrances that maintain the architectural style and materials of the existing building and should improve the access and function of the facility. Therefore improve the community's first impressions and way finding.

*Natural Resources Element,* the proposed project improvements are part of an existing fully developed site that does not impact the Yellowstone River or associated waterway and riparian or wildlife habitat. All improvements will include water saving plumbing fixtures and landscape elements that enhance the existing features at the site.

*Open Space and Recreation Element;* the project is not proposing any impacts to Parks, or recreation facilities and would not be impacting access to public lands, trails or the Yellowstone River or Rimrocks.

*Transportation Element,* the existing Colton street frontage is proposed to be modified to reduce the number of approaches from (5) to (1) plus a shared access for the proposed school improvements (a different project). Also proposed is a corner bulb, at Woody and Colton, to help clarify the street side parking/loading in front of the Church Building. Also the existing curb drop-off element is being removed and sidewalk straitened. With these improvements the street frontage and sidewalks will make vehicle, pedestrian and other traffic circulation past the site safer. Repair of public sidewalks would be included with the proposed improvements. Nothing in the proposed project should impact the City's public transportation elements.

*Public Facilities and Services Element,* with this project being subject to the special review process it becomes more visible to the Public at large and provided for the local and impacted neighbors information on the potential impacts. The proposed improvements to the existing private Church should not impact the neighboring resale value or the level of public services or distribution of public funding in the community.

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*Cultural and Historic Resources Element*, the proposed expansion and renovation does not impact any Historical or Culturally significant landmarks or archeological resources. The enhancement to the Catholic Churches facilities does continue to promote the long established cultural Community of the Catholic Church in the Billings area. Considering Artwork there is an existing large piece of art, the existing tall Stained Glass windows, that are being refurbished and made more visible as part of the new Main Sanctuary Entrance.

*Community Health Element*, the proposed project should not impact emergency preparedness or access to nutritious foods, or affordable housing. But it does offer a safe place for residence to meet and recover from negative social and or impacts of local or national emergencies. Improvements to street frontage promote safety and maintain existing public sidewalks where exercise can be promoted. The continued presence and the renovation of the Church supports the objective and perception of a "Safe Place to live and raise children."

**Need:** *(Why is there a need for the intended use of the property at this location?)*

The existing use of this Church facility has grown since its original completion in 1970. The current size and needs of the congregation as well as accessibility requirements have triggered the need for the proposed improvements. These include the larger gathering and fellowship spaces to allow for better socialization and a better community connections. Entrances and circulation pathways that are accessible to the disabled are now a requirement and the proposed projects improves this at entrances and with additional restrooms in spaces that had awkward access solutions.

**Public Interest:** *(How will the public interest be served if this application is approved?)*

St. Thomas Church has provided spiritual, fellowship and community services from this site for 50 years as the community has grown up around it, and has always endeavored to be a good neighbor and productive member of the community. The Church membership has grown dramatically over the past 6- 8 years, and even more accelerated growth is anticipated with the construction of the new Billings Catholic Schools Colton K-8 School on adjacent property since St. Thomas Church will play an active role in supporting the mission of the school.

The proposed additions and renovations will improve handicapped accessibility, expand seating for church services and fellowship activities, expand community support efforts such as holiday food baskets and children's Christmas gifts for the needy, expand parking, and provide a higher degree of safety and security for parishioners, staff and public visitors. The project will further enhance the site with increased and improved landscaping, outdoor plazas, and expanded drop off area. Energy efficiency will be improved with upgraded or new mechanical and electrical systems, upgraded building shell, and better temperature control systems.

Coupled with the new Colton School, the St. Thomas improvements will add to the development of currently undeveloped land into first class facilities serving the community and neighborhood.

Sincerely,

CTA ARCHITECTS ENGINEERS

Robert E. LaPerle

cc: CTA File

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<http://www.ctagroup.com> E-mail: [info@ctagroup.com](mailto:info@ctagroup.com)



## City Zoning Commission

**Meeting Date:** 01/05/2016

**SUBJECT:** Zone Change 945 - 2512 Shiloh Road

**THROUGH:** Candi Millar, Planning & Community Services Department Director

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**Item #3 - City Zone Change #945 – 2512 Shiloh Road** – A zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 4A2 of Blue Meadow Acreage Tracts, a 1.06 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on November 16, 2015 at the King of Glory Church at 4125 Grand Avenue. Tax ID: C01757. Presented by: Nicole Cromwell, Zoning Coordinator

#### RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 945.

#### APPLICATION DATA

OWNER: Kincaid Land, LLC (Gene Culver)  
AGENT: Pat Davies, P.E., Sanderson Stewart  
LEGAL DESCRIPTION: Lot 4A2, Blue Meadow Acreage Tracts  
ADDRESS: 2512 Shiloh Road  
CURRENT ZONING: R-96  
EXISTING LAND USE: Single family dwelling  
PROPOSED USE: Same with Professional Office space  
SIZE OF PARCEL: 1.06 acres

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property:** The property was developed in the County with a single family home in 1960. The property was subsequently annexed to the city for public services in 1985. There have been no requests for zone changes or variances on the subject property.

**Surrounding Property:** The City and County have considered 21 zone change applications to change zoning from residential to commercial in this area since 1988 and have approved 17 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), property at 2526 Shiloh Road from R-96 to RP (2014), and property at 2724 Shiloh Road to RP in November, 2015. The property at 2526 Shiloh Road is directly adjacent to the north of the subject property.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: RP  
Land Use: 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: The Woodlands Townhomes (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 for the owner, Kincaid Land, LLC. The owner wishes to convert a portion of the existing split level home for use as office space. Mr. Gene Culver, principle owner of Kincaid Land, LLC, could operate his business as a home occupation in the existing structure, but the limitations for home occupations would require Mr. Culver to reside at this location as well as restrictions on employees and signage that make a home occupation impractical for the owner.

The surrounding zoning is R-96 to the south, east and west. The property to the north is zoned RP and is currently vacant. The owner to the north intends to develop a new 2-unit professional office space. The zone change to RP for this northern lot was approved by the City Council in 2014. Lots east across Shiloh Road are developed for the St. John's Lutheran Retirement Community and include care cottages, a chapel, a hospice unit as well as a nursing home. Property to the south across the High Ditch is developed for single family homes. These lots were created and developed in the 1970s outside the city limits. These parcels were annexed in 1985 for access to city services. West of the subject property is a newly developing townhome project with single family dwellings.

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 10,000 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 November 16, 2015, at the King of Glory

Church at 4125 Grand Avenue. Six surrounding property owners attended the meeting and asked questions regarding other properties that might be zoned RP in the future on Shiloh Road, height restrictions, use limitations and spot zoning. 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. 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 945.

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### **Attachments**

Zoning Map

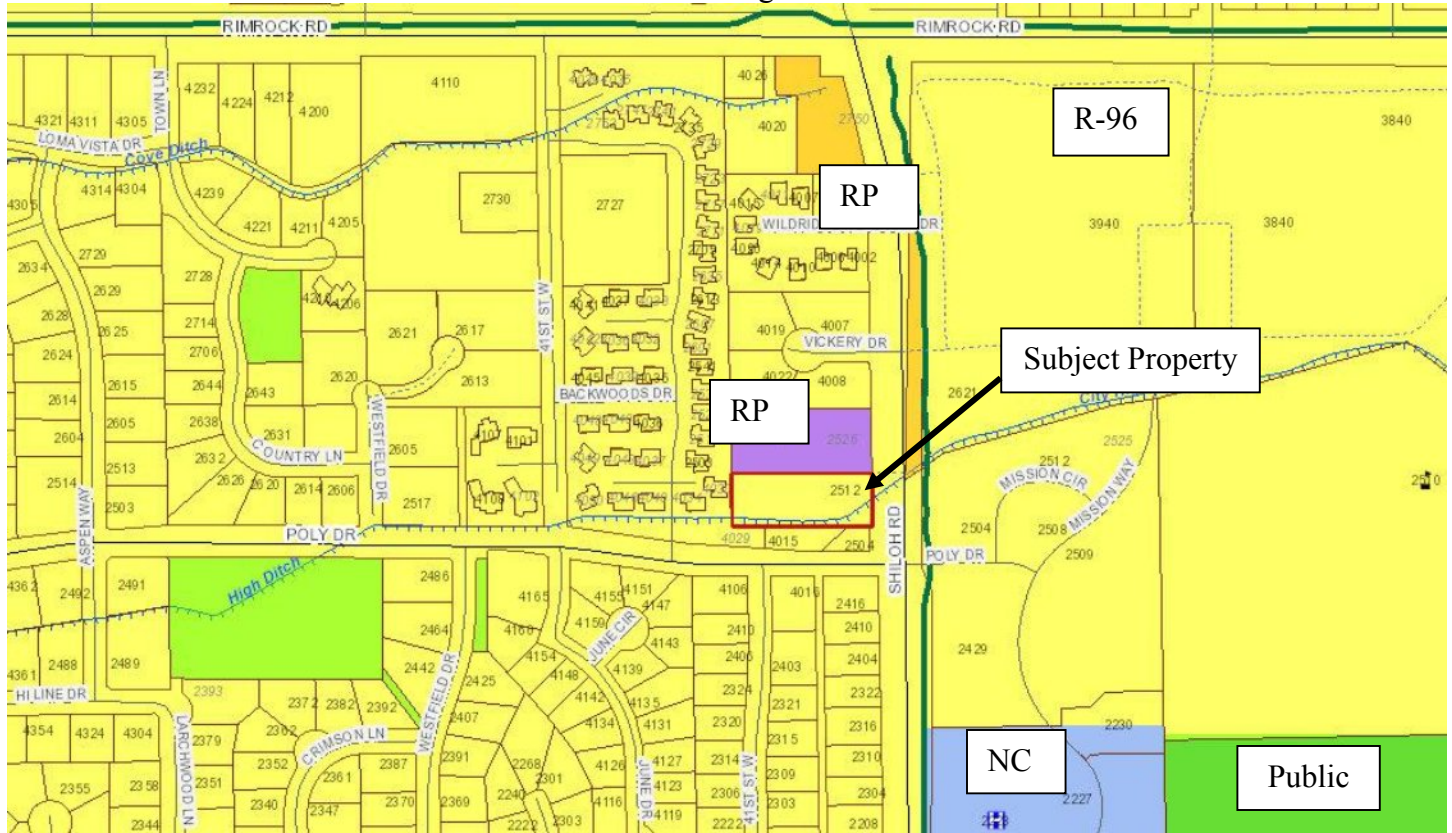
Proposed Findings of the Review Criteria

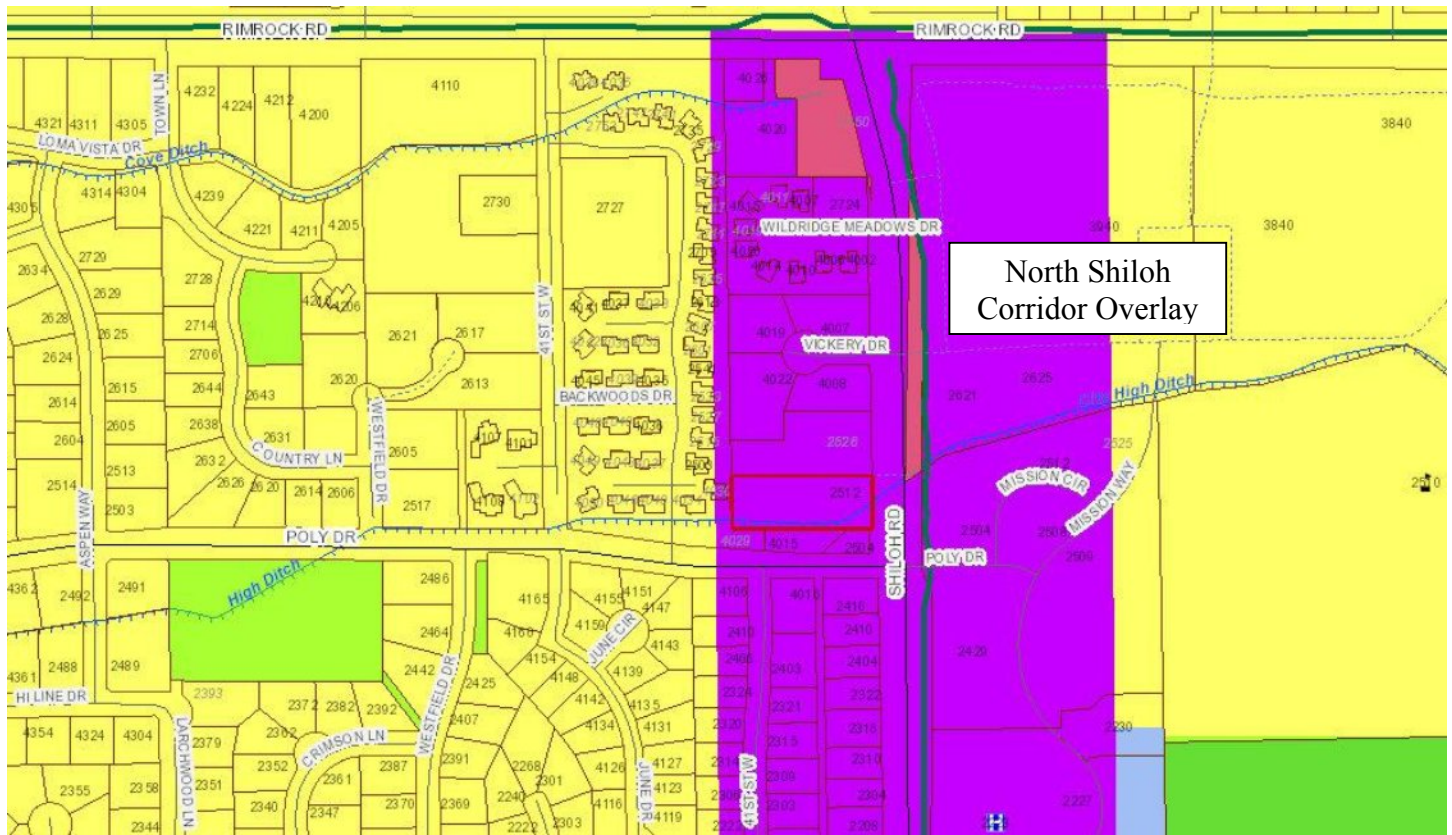
Site Photos

Applicant Letter and Pre-app meeting materials

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**Surrounding Zoning**  
Zone Change #945 – 2512 Shiloh Road





North Shiloh  
Corridor Overlay

Zoning Commission Determinations  
Zone Change #945 – 2512 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 North Shiloh Corridor Overlay District requirements would also apply to any new or significant changes to the property. 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 any new structures.

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. Section 27-612(e) of the zoning regulations requires mitigation of any potential incompatible activities between commercial uses and residential uses. 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 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.

Site Photographs  
Zone Change #945 – 2512 Shiloh Road



Subject Property



View north

Site Photographs  
Zone Change #945 – 2512 Shiloh Road



View south



View north and east across Shiloh Road

Site Photographs  
Zone Change #945 – 2512 Shiloh Road



View south and east across Shiloh Road



Aerial View

Applicant letter and pre-application meeting notes  
Zone Change #945 – 2512 Shiloh Road

Nov 23, 2015  
Project No. 11049.06

**TRACT 4A2, BLUE MEADOW ACREAGE TRACTS  
ZONE CHANGE APPLICATION**

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**INTRODUCTION**

The attached Zone Change Application is being submitted on behalf of Gene Culvert/Kincaid Land LLC for a proposed zone change from Residential to Residential Professional at 2512 Shiloh Road, 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 would provide the opportunity for a local business to operate harmoniously alongside a busy principal arterial and residential neighborhood. Rather than find a new site for the business, the zone change would allow a business to develop in an existing neighborhood and moreover, an existing building. This zone change would be one that is consistent with the character of Shiloh Road and increase the opportunity for more mixed use businesses within the adjacent neighborhoods.

*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.*

Under the current zoning, residential, the client is unable to operate his business office from the single family home. With changing the zoning to residential professional, the client will be able to operate his business from the existing home. The client foresees no additional traffic coming to and from the home and does not intend to sell the property in the foreseeable future. Residential Professional zoning would fit in well in the area as it is intended to complement surrounding residential districts and is consistent with the objectives of the comprehensive plan. Residential Professional zoning is also ideal along Shiloh Road as it is a principal arterial and mixed use would provide an ideal transition between the busy road and residential neighborhoods.

**Blue Meadows Acreage Tract 4A2 – Zone Change Neighborhood Meeting**

**November 16, 2015**

**5:30 PM**

**King of Glory Church, 4125 Grand Avenue, Billings, MT**

**Introductions:**

Pat Davies – Sanderson Stewart, Megan Terry – Sanderson Stewart

**Overview by Pat Davies:**

The purpose of the meeting is to present information to the public in order to change the zoning of the property owned by Kincaid Land LLC from Residential to Residential Professional. The client wishes to use the existing single family home located on the property for his business.

The property located just north of Tract 4A2 has recently been accepted for rezoning and has changed from Residential to Residential Professional. There is also another property further north that is currently undergoing review for the same zone change request.

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.

**Exhibits at Meeting:** Aerial of the property; Section 27-306 District Regulations: Commercial and Industrial Uses; amended plat; colored zoning map

**Questions:**

- Do you see all the properties [along Shiloh] becoming Residential Professional?
  - (Pat) No, because Residential Professional is meant to fit into a residential neighborhood. It should be considered on a case by case basis and complement the neighborhoods with mixed uses. There are also some newly constructed homes in this area so it is unlikely we would see entire stretches of Shiloh applying for a zone change.
- What happens if the client sells his land – can someone build anything within RP zoning?
  - (Pat) If the zone change is accepted and Kincaid Land sells their property in the future, the Residential Professional zoning stays with the property. At this time, the client doesn't intend to sell the property in the foreseeable future. (A list of potential RP approved uses is passed around the table to show potentially approved and special review uses).
- What are the height restrictions on the property?

(Pat) With RP zoning, the height restriction is 34 feet, maximum lot coverage is 50%, and setbacks are 20 feet in the front, 10 feet on the sides, and 0 feet in the rear. (In follow up to the meeting it was determined that a building that is over 30 feet in height must also be setback from any residential property line a minimum of 30 feet (Section 27-612.e). It should also be noted that if RP uses are adjacent to residential uses, there will be bufferyard requirements for developments with less than 130,000 sq ft that require 10% minimum lot area landscaping, and a site obscuring fence or hedge where RP is adjacent to residential uses (Sec 27-1105)).
- Isn't this considered spot zoning? Can this occur in any neighborhood?

(Pat) RP uses are meant to complement a residential neighborhood and accommodate limited commercial and professional offices. These uses are compatible with adjoining residential and consistent with the objective of the comprehensive plan. (In follow up to the meeting it was determined that the West Billings Neighborhood Plan encourages non-retail, office, and multi-family uses at intersections of arterial streets, such as Poly and Shiloh. If zoned RP, the property would comply with the developments standards for North Shiloh Corridor Overlay District and Section 27-612 (e) of the zoning regulations that addresses conflicts between residential and commercial uses. Because of the location of this property, it meets the criteria for consideration for RP zoning and would be a compatible and predictable growth as outlined in the 2008 Growth Policy and west billings Neighborhood Plan.)

- Contact information was exchanged and neighbors were encouraged to contact Sanderson Stewart with any questions regarding the property. Adjourned at 5:55 pm.

TRACT 4A2, BLUE MEADOW ACREAGE TRACTS  
 NEIGHBORHOOD ZONE CHANGE MEETING  
 NOVEMBER 16, 2015  
 5:30 P.M. - KING OF GLORY CHURCH  
 4125 GRAND AVE, BILLINGS

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