



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, September 6, 2016, 4:30 p.m.**  
**Miller Building, 1st Floor Conference Room**  
**2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

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

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of August 2, 2016.

**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. **City Zone Change #948** – 1690 Rimrock Road – A zone change request from Public (P) to Residential Professional (RP) on Lots 1 & 2, Block 4, Rocky Village Subdivision, 2<sup>nd</sup> Filing, a 2 acre parcel of land. A pre-application neighborhood meeting was held at the subject property on July 25, 2016. Presented by Nicole Cromwell, Zoning Coordinator
  
- b. **City Special Review #947 - 1524 Main Street** - A special review request to locate an all beverage license with gaming in a remodeled and expanded building (6,150 square feet total) in a Highway Commercial (HC) zone, on Lot 1A, Block 1 of Arrowhead Sub Amended, a 38,928 square foot parcel of land. The property is requesting a waiver of the 600-foot separation distance from Arrowhead Park. Tax ID: A02526. Presented by Dave Green, Planner II.
  
- c. **City Special Review #948 - 4010 Montana Sapphire Drive** - A special review request to locate an all beverage license with gaming in a 3,534 square foot tenant space in a new multi-tenant building, with an outdoor patio in an Entryway Light Industrial (ELI) zone, on Lot 8C of Block 1, Montana Sapphire Subdivision, a 1.939-acre parcel of land. The property received a previous special review to locate a beer & wine license with gaming (SR 930). Tax ID: A34623. Presented by Dave Green, Planner II.

## Other Business/Announcements

## Adjournment

**The City Council** has designated **Monday, September 26, 2016**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change and special reviews. 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 (September 23, 2016) the first reading of the amendment by the City Council.

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve

the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special reviews. 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 Assistant, at 247-8676 or e-mail to [bartleyr@ci.billings.mt.us](mailto:bartleyr@ci.billings.mt.us)

**City Zoning Commission**

**Meeting Date:** 09/06/2016

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**Information**

**Subject**

The minutes of the Board meeting of August 2, 2016.

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**Attachments**

BZC\_2016\_08\_02

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**City of Billings Zoning Commission  
Meeting Minutes August 2, 2016**

The City of Billings Zoning Commission met on Tuesday, August 2, 2016 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana  
Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday August 22, 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.

<b>Commission and Staff</b>		<b>01/05/2016</b>	<b>02/02/2016</b>	<b>03/01/2016</b>	<b>04/05/2016</b>	<b>05/03/2016</b>	<b>06/07/2016</b>	<b>07/05/2016</b>	<b>08/02/2016</b>	<b>09/06/2016</b>	<b>10/04/2016</b>	<b>11/03/2016</b>	<b>12/06/2016</b>
Dan Wagner	Chairman	1	1	-	1	1	1	1	1				
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1				
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1				
Michael Larson	Commissioner	1	1	-	1	1	1	1	A				
James Mariska	Commissioner	1	1	-	1	1	1	1	1				
Candi Millar	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Wyeth Friday	Division Planning Manager	-	-	-	-	-	-	-	-				
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	1	1	1	1	1				
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-				
Dave Green	Planner II	1	-	-	-	-	-	-	1				
Karen Husman	Planner I	1	1	-	-	-	-	-	-				
Robbin Bartley	Administrative Support	1	1	-	1	1	1	1	1				

Total Number of 2016 Applications	01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0	1	0					3
Special Review	2	1	-	4	1	1	1	2					12

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II; Robbin Bartley, Administrative Support.

**In Attendance:** Drew Smith, Dave Pfohl, Dennis Badger, Nikki Angell, Aaron Angell, Joe Woslager, Greg Post, Jerry Jones, Joel Kittelson, Travis Dimond, Adam Dice, Pryor Jourdan, Gordon Vandiviere, Pete Barnard, Gregory Jacobs

**Public Comment**

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

**Approval of Minutes: July 5, 2016**

Chairman Wagner called for approval of the July 5, 2016 meeting minutes.

**Motion**

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve the July 5, 2016 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

**The motion for approval then carried with a unanimous voice vote 4-0.**

Chairman Wagner called for disclosures of conflict of interest. There were none.

**Disclosure of Conflict of Interest**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson				x
James Mariska		x		

**Disclosure of Outside Communication**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson				x
James Mariska		x		

Chairman Wagner called for disclosure of ex parte communications. There were none.

**Public Hearings:**

Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience that this would be heard by the City Council on August 22, 2016. He then asked Nicole Cromwell to review the first agenda item.

Dave Green presented:

**City Special Review 945 – 545 S 18<sup>th</sup> St West** – A special review request to locate an all beverage license with gaming in a new 3,500 square foot building in a Controlled Industrial (CI) zone, on Lot 3B, Block 2 of Trillium Sub Amended, a 1.431-acre parcel of land generally located at 545 S 18<sup>th</sup> St West. Tax ID: A28494

**RECOMMENDATION**

Planning staff recommends conditional approval based on the 3 criteria for review of **City Special Review 945**.

**Discussion**

Commissioner Boyett confirmed that the church has been 5 years and then asked if Staff has heard of any issues. Staff replied that there have been no issues and no interest was generated with the Surrounding Properties outreach. They currently have a full Liquor license.

Chairman Wagner asked for the applicant of **City Special Review 945**.

**Jerry Jones, 123 Regal Street, owner**

Mr. Jones has owned this property for 16 years. It will eventually be sold. The church is the landlord to the casino and has asked the casino to leave at the end of the lease because the church needs the space. The casino currently only has a beer and wine license. Mr. Jones took issue with the 600 foot rule stating that he did not believe that a church moving in to a casino area was required to have a Special Review but a casino does.

Commissioner Mariska asked who will own the back part of the lot. It is zoned Controlled Industrial suitable for offices and warehouses. The only access is thru the parking lot.

**Greg Post, Glendive, Mt**

Mr. Post is the owner of Little Big Man, Inc. He owns Copper Creek Casino and has a good relationship with the church. The church needs space and is not renewing the lease as of 2017. Commissioner Mariska asked if this space is bigger or smaller than the one occupied now. The space is a little larger with a beer and wine license and some food is served in order to be in compliance with the beer and wine license. A health department permit is needed for the food permit.

Commissioner Ulvestad asked if Mr. Post is seeking an all beverage license. The response was no.

**Opposed**

None

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Mariska seconded the motion to conditionally approve **City Special Review 945**.

**Discussion**

Commissioner Ulvestad stated that this is a good use of the space.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

**The motion carried with a unanimous verbal vote of 4-0.**

Nicole Cromwell read the legal description, Dave Green presented:

**City Special Review 946 – 1100 Block of 16<sup>th</sup> St West** – A special review request to construct a new 43-space parking lot with alley access and landscaping in a Residential 7,000 (R-70) zone, on the North 130 feet of Lot 8 and the North 140 feet of Lot 7, Block 3 of West View Subdivision, a 20,250 square foot parcel of land generally located on the east side of 16<sup>th</sup> St West just north of the intersection of Lewis Avenue. Tax ID: A18300

### **RECOMMENDATION**

Planning staff recommends conditional approval based on the 3 criteria for review of **City Special Review 946**.

### **Discussion**

Chairman Wagner asked if the alley will be paved. Usually Engineering will require paving for the length of their parcel.

Commissioner Ulvestad asked about the present parking of a trailer on the lot and will it remain.

Staff stated a change of ownership will address anything that is there and needs to be removed.

Commissioner Boyett asked if the new owner will be fencing between the residential area and proposed lot. Staff replied this is a requirement of 27-613. Generally wood or vinyl is used and it is coordinated amongst the property owners.

Chairman Wagner asked for the applicant of **City Special Review 946**.

### **Dave Pfohl, owner of 1601 Lewis Ave, applicant**

Mr. Pfohl is the owner of the commercial building across the street from this property. He explained the current lot owner of the property also owns the rental house next door and these vehicles parked on the lot belong to him. He then stated he needs more parking for the employees in his commercial buildings and therefore is hoping to buy this lot and put in a parking lot. The property was purchased 60 years ago and is non usable for residential development. It is not able to be developed for residential use because it is difficult to attach to the sewer line and there are drainage ditches beneath the lot. A parking lot would be a great asset to the businesses and a good use for the property.

Commissioner Mariska stated the land is downslope and are you going to raise it up. Mr. Pfohl replied the lot will be level with the landscaping when complete. The lot is bigger than the parking lot. Commissioner Mariska said it will be an incline to Lewis Ave and how will snow and ice be maintained for the safety of the user. The parking and sidewalks will be maintained.

There are curb cuts but the walk signs and controls are not installed at the intersection at the intersection.

**Drew Smith, 435 Clark Ave, leasing agent**

Mr. Smith stated parking is needed for the businesses in the area and agreed this is a good use of the land. He believes this is a positive addition for the neighborhood.

Commissioner Boyett inquired about the square footage of the lot. It is less than 20,000 sq. ft.

Chairman Wagner asked how many parking spaces there will be at completion. It is designed for 43 spaces.

Commissioner Mariska asked about drainage that will come off of this lot. Mr. Smith replied that the City will engineer that and issue permits.

**Adam Dice, 1601 Lewis Ave**

Mr. Dice works at 1601 Lewis Ave and has the largest firm in the building. They are looking at possible expansion and therefore realizes the need for more employee parking.

Commissioner Mariska again asked where snow would be piled. Snow would be piled in the 4 corners and hauled out if necessary.

**OPPOSED**

**Nikki Angell, 1543 Lewis Ave**

Ms. Angell is concerned for her children playing in the yard. She is worried about persons using the parking lot peering into her back yard at her children and private family functions. She reads in the conceptual site plan that screened fencing will be used and contends that type of fencing is not private. Additionally she does not want the parking lot lights interfering with the dark hours in their home. The storm water is an issue, it needs to be retained and then released. The engineering is based on a one hundred year storm. What happens if the plan does not work, how will the water affect her property and her basement. Melted snow pile up and run off will also affect her yard. Chairman Wagner confirmed which house she lives in and how the snow melt would not drain into her yard.

Commissioner Mariska asked what type of fence is there now. It is a chain link fence.

**Joe Woslager, 1525 Lewis Ave**

Mr. Woslager explained his concerns with the run off and erosion as well as trash piling up. He lives where Spring Creek appears out of the ground. He has been in a dispute with the City of Billings for many years over the erosion from drainage and Spring Creek. It is eroding the alley away. Each time it storms he gets piles of leaves in the creek. The City will not do anything about it. If more water comes off this lot it also will drain into Spring Creek. All the trash blows into his yard. There is currently excessive traffic up and down the alley at speeds of 35-40 mph creating dust and rocks flying everywhere. Mr. Woslager requests that the commissioners view the site. No City officials seem to have an answer regarding who is responsible for Spring Creek.

Commissioner Ulvestad asked if he has talked to the developer and shared his concerns. Mr. Woslager has not yet had the opportunity to speak with the developer.

**Gregory Jacobs, 1520 Burlington Ave**

Mr. Jacobs also shared his concerns about Spring Creek is getting wider and wider with erosion. He agreed that the alley traffic is excessive and it is not local residents using the alley. He does not know why there is so much alley traffic and the concern about increase due to the alley access of the proposed parking lot was expressed.

Commissioner Ulvestad supposed the alley is being used to go from 15<sup>th</sup> to 16<sup>th</sup>.

The alley is not maintained and he feels the issues need to be addressed before approval.

**Gordon Vandiviere, owner of adjacent property**

Mr. Vandiviere shared his concerns about traffic and a bottleneck. He would prefer the access be moved. He, also, is concerned about the water drainage as the lot is sloped right toward his property. He is not convinced these issues have been addressed. He does not want the water or trash in his yard or garages.

**Pete Barnard, 1526 Burlington Ave**

Mr. Barnard agrees the drainage is already a problem. There will be a J-walking problem to the business across the street. A boulder pit may alleviate the problem with run off. He does not understand the traffic issue in the alley, there is no rhyme or reason for the amount of traffic that uses this alley.

**Rebuttal**

Mr. Pfohl believes all the issues have been taken into account except the traffic stating they really have no control over it. The drainage is being addressed with city and private engineering and should actually improve the present situation. A boulder pit may be necessary. A privacy fence can be installed. Traffic concerns have not been addressed. He feels access thru the alley is safer however this can be researched and discussed. The property will be kept up and the snow plowed and removed as necessary.

Chairman Noennig reiterated the need for a “good neighbor policy” and said he would take Mr. Pfohl at his word that these concerns would be addressed with the neighbors.

The alley access is a downhill slope and any ice there is going to be a slippery problem.

Commissioner Mariska advised all to go look at Ave E and Ave F off 17<sup>th</sup>. Look at what was done there, behind West Park Plaza to alleviate similar concerns.

Who is responsible for Spring Creek, the City is claiming it is a storm drain not a creek.

Commissioner Ulvestad asked Dave Green how many SPO letters went out. 37 letters went out and 4 property owners responded.

Mr. Pfohl also stated that the parking lot is an 8-5pm lot.

**Discussion**

Chairman Wagner asked for a motion.

Commissioner DU made a motion to delay the action for not more than 30 days, stating that more communication is needed between the property owners, developer and City engineers. There was no second and the Motion failed. Commissioner Boyett made a motion and Commissioner Mariska seconded the motion to conditionally approve **City Special Review 946**.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad		x		
Mike Larson				x
James Mariska	x			

**The motion carried with a verbal vote of 3-0.**

**Other Business:**

**Next meeting will be September 6, 2016.**

**Adjournment:** The meeting adjourned at **6:05 p.m.**

**DRAFT:** To be approved by a motion: **September 6, 2016.**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**



## City Zoning Commission

**Meeting Date:** 09/06/2016

**SUBJECT:** Zone Change 948 - 1690 Rimrock Road

**THROUGH:** Wyeth Friday

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**City Zone Change #948** – 1690 Rimrock Road – A zone change request from Public (P) to Residential Professional (RP) on Lots 1 & 2, Block 4, Rocky Village Subdivision, 2nd Filing, a 2 acre parcel of land. A pre-application neighborhood meeting was held at the subject property on July 25, 2016. Presented by Nicole Cromwell, Zoning Coordinator

#### RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria.

#### APPLICATION DATA

OWNER: Matt Larsen - for Rockrim Professional Center

AGENT: David Mitchell

LEGAL DESCRIPTION: Lots 1 & 2, Block 4 of Rocky Village Subdivision, 2nd Filing

ADDRESS: 1690 Rimrock Road

CURRENT ZONING: Public (P)

EXISTING LAND USE: Professional Offices

PROPOSED USE: Same

SIZE OF PARCEL: 2 acres

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property:** The property received a special review approval in 1986, to build a dental office building in the Public zone. Previous zoning regulations allowed some use by special review approval in the Public zone. Since 1997, the zoning regulations have allowed medically related professional offices in the Public zone, but other professions such as real estate, insurance, law offices, and financial offices are not allowed. Since the original approval to allow a dental office in 1986, the property owners attempted 3 additional special reviews to allow other professional offices and expand the buildings. Two of the 3 requests were denied (1988 & 1989) and the 3rd request was approved in 1992 for expansion to include medical offices.

**Surrounding Property:** The Rocky Mountain College campus and school buildings are in the Public zone and have been since 1972. Rocky Mountain College in partnership with CTA developed the property south of Poly Drive from 13th St West to 17th St West in a Planned Development zone that includes single-family, multi-family, townhomes, recreational uses, commercial business and professional offices. Several changes to the underlying zoning, special reviews for some uses and variances have been granted in this Planned Development zone.

#### SURROUNDING LAND USE & ZONING

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

SOUTH: Zoning: Public  
Land Use: RMC Campus

EAST: Zoning: Public  
Land Use: RMC Campus (Vacant Lot 3, Block 4)

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

## **BACKGROUND**

This is an application to change the zoning of a developed parcel of land at the intersection of 17th St West and Rimrock Road from Public to Residential Professional (RP). The property was developed approximately 30 years ago with an office building for dentists. Subsequently, the City approved an expansion to include additional offices for medical practices. The current Public zone does not allow other professional offices such as law practices, real estate, financial services, or other typical 9 to 5 businesses. The proposed RP zoning will expand the current number of allowed uses to secure the financial viability of the existing office buildings. The proposed RP zoning does not allow any retail establishments.

The surrounding zoning is either Residential 9,600 (R-96) for single family homes or Public for the RMC Campus. At the intersection of Poly Drive and 17th St West to the south of the subject property, the City has approved zone changes from R-96 to RP and NC to accommodate new development of professional offices including the Morledge Eye Center, a plastic surgeon practice, and law offices. The Poly Conoco on the southwest corner of this intersection is still in an R-96 zone and is considered a legal non-conforming use.

Rimrock Road and 17th St West are both classified as arterial streets and serve as connectors between residential areas and other parts of the City and County. Rimrock Road carries about 12,000 vehicle trips per day and 17th St West carries about 7,000 vehicles per day. These approximate numbers are based on a 3-year rolling average. Vehicle trips represent 1 vehicle in either direction of travel during a 24-hour period. Increases in travel on both streets have been steady throughout the last 10 years, increasing about 2% every year. Improvements to Rimrock Road have been made as well as minor improvements to the intersection of 17th St West.

The property is developed as a unit ownership building and until recently all units have been occupied with medical or dental offices. Two units are currently not occupied. The property owners conducted a pre-application neighborhood meeting on July 25, 2016, at the subject property. No objections to the proposed zone change were raised by the surrounding owners. The Planning staff did not receive any comments from the surrounding property owners in response to the mailed notice of the public hearings.

Planning staff is recommending approval and adoption of the proposed findings of the 10 criteria for this zone change. The proposed zoning is in conformance with the recently adopted 2016 Growth Policy for Billings by encouraging and sustaining development within the City limits, providing essential services within neighborhoods, and promoting prosperity through the retention and expansion of a diversity of careers and jobs in the local economy. The proposed zoning will promote the health and general welfare by sustaining an existing professional office building in its current location and gives consideration to the character of the area and the suitability of the property for the existing and proposed uses.

## **RECOMMENDATION**

The Planning Division recommends approval and adoption of the proposed findings of the 10 criteria for Zone Change 948.

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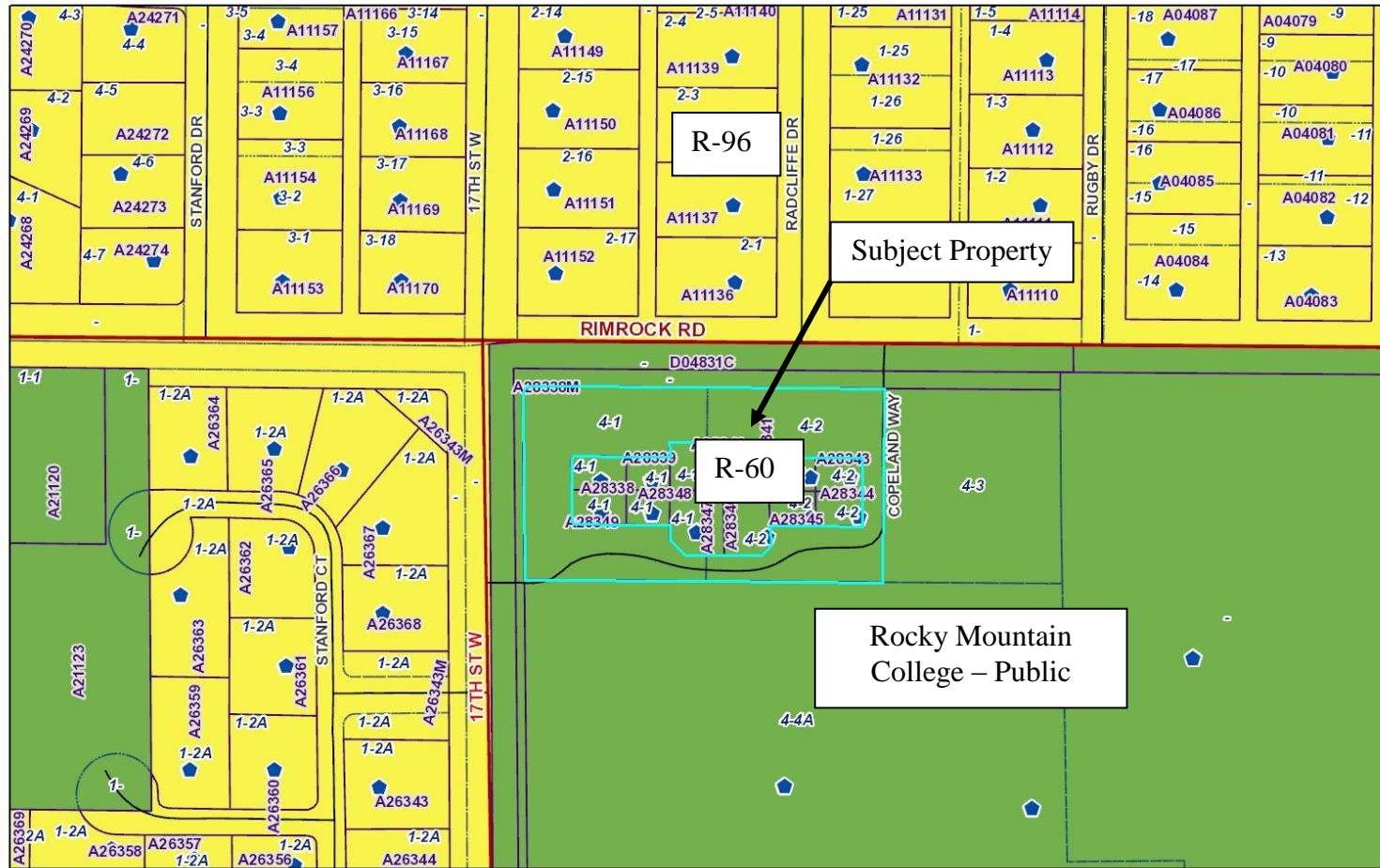
### **Attachments**

Zoning Map and Site Photos  
Review Criteria Findings  
Applicant Letter and pre-app information

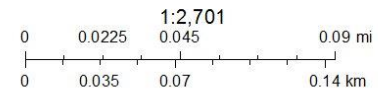
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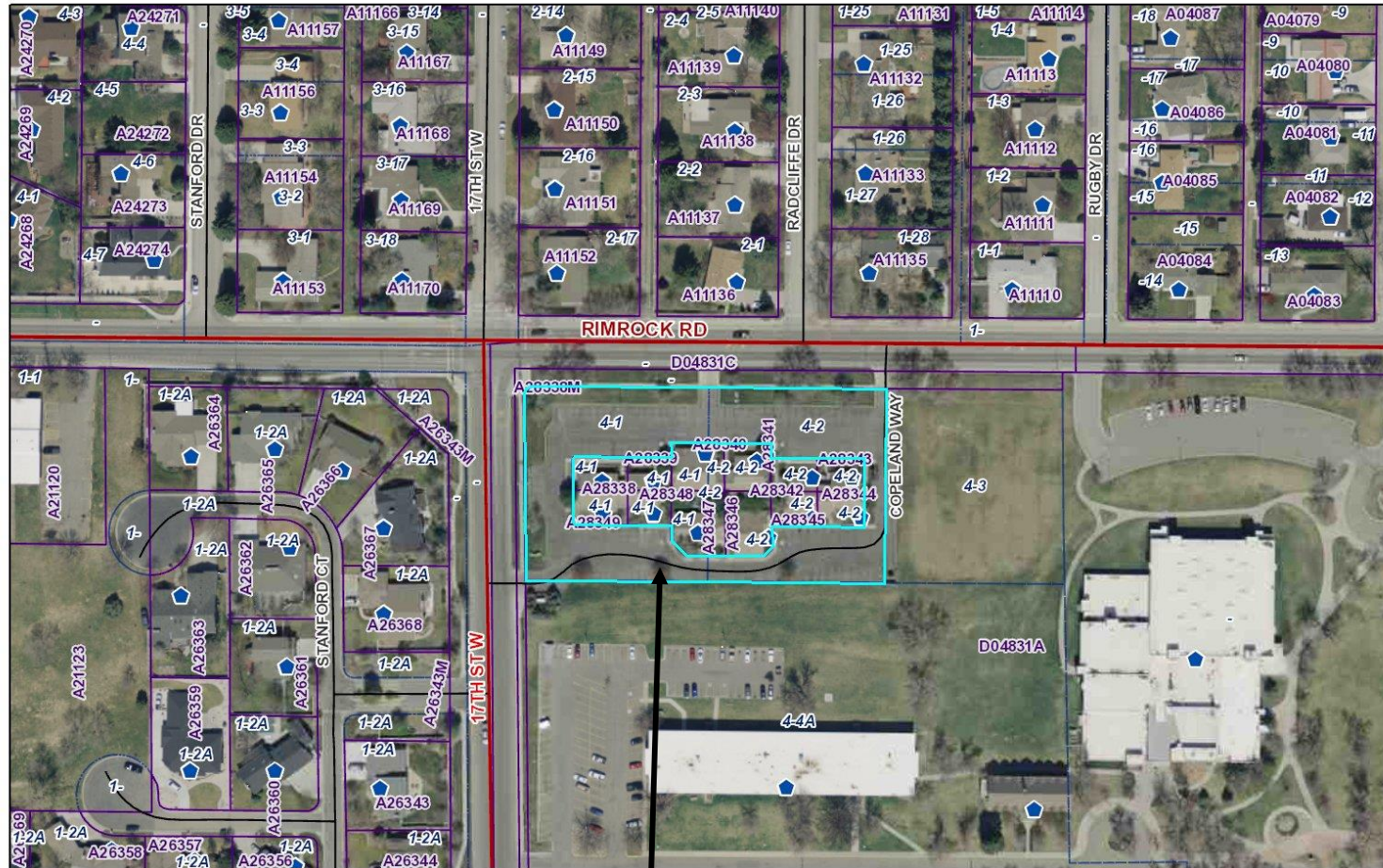
**Surrounding Zoning**  
 Zone Change #948 – 1690 Rimrock Road  
 1690 Rimrock RD ZC 948



August 22, 2016



1690 Rimrock Rd ZC 948



Subject Property



Subject Property from Rimrock Road



View west along Rimrock Road



View north east across Rimrock Road



View north across Rimrock Road



View east along Rimrock Road



View south and west across subject property

## Zone Change #948 – 1690 Rimrock 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 guidelines of the 2016 Growth Policy:

- **Essential Investments:** Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning would allow the existing development to include other professional offices in addition to the current medical and dental offices. This will ensure the building remains occupied and continues to provide essential services to the surrounding neighborhood.

- **Strong Neighborhoods:** Implementation of the Infill Policy to encourage development of underutilized properties.

The proposed zoning will allow the building owners to fill un-used tenant space by expanding the opportunity for similar and complimentary professional offices.

- **Prosperity:** Retaining a strong, skilled and diverse workforce and supporting existing business sustains a healthy economy.

The proposed zoning will support existing businesses and retain and diversify career opportunities at this location.

### 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.

### 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 existing building has 2 vacant units and recruitment of additional medically related office space users is difficult. The proposed zoning would allow the unit owners to broaden the market to other professions including financial advisors, real estate brokers, engineers, designers and lawyers. Vacant tenant space can depreciate property values and can lead to dis-investment by property owners. A well maintained business property benefits the surrounding property owners.

### 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 little impact on the surrounding transportation systems. Businesses allowed in this zoning district typically operate between 8 am and 5 pm daily and do not generate more traffic than is usual for the existing development.
Water and Sewer:	The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks:	Schools and parks should be unaffected by the proposed zone change.
Fire and Police:	The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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 will have no effect on vehicle and pedestrian traffic. The property is fully developed with adjacent sidewalks and drive approaches. These will not change.
7. *Will the new zoning will promote compatible urban growth?*  
The new zoning does promote compatibility with urban growth. The proposed zoning will allow a greater variety of professional office spaces and is compatible with the existing urban growth pattern.
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 the proposed use.
9. *Will the new zoning conserve the value of buildings?*  
The property is currently developed with a multi-unit office building. The value of this building will be preserved by the proposed zoning of Residential Professional (RP).
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*  
The proposed zoning will permit professional office spaces in an existing building already used for medical office space. The existing and proposed uses in this building at the intersection of 2 arterial streets is the most appropriate use of land.

Applicant letter and pre-application meeting notes  
Zone Change #948 – 1690 Rimrock Road

Zone Change Application

A.) Per the concerns voiced by residents previously, our proposed zone change does not allow commercial businesses to fill the vacant suites in our building. The proposed zone change would actually allow traffic to decrease to the area if the building is owned by businesses with less need for daily office visits. Because of this, the zone change not only supports the adopted growth policy but it actually inhibits future business growth.

B.) Currently, two suites in our building are sitting vacant and another will be vacated within the next year. By our current zoning laws, only medical facilities may purchase these spaces and this stipulation is creating a problem for our neighborhood.

According to the Center for Disease Control, Americans made over 928 million visits to physicians' offices last year alone. As access to healthcare and insurance coverage has become more available, medical facilities have seen a surge in patients. This evolution in healthcare has rendered our suites and surrounding parking areas unfit for many medical practices and their burgeoning patient base.

Since expansion of the parking areas and work space is impossible, the best solution to decrease visits to the area and keep traffic flowing smoothly would be to allow businesses outside the medical field to fill suites in our building. In order for this to happen, we recommend the zoning for the two acre area surrounding our building be changed from Medical to Residential Professional.

This change would allow businesses like lawyers, stock brokers, financial consultants and architect firms to operate in our building. By the nature of their business, these offices maintain a much smaller client base that requires fewer visits to the office as well as fewer staff members.

Pre-Application Neighborhood Meeting for Zone Change

July 25, 2016

The Pre-Application Neighborhood Meeting was held at 1690 Rimrock Road, Suite E, at 6:00 pm, on July 25, 2016. There were six people that attended the meeting, including one neighbor and two doctors that are tenants in the same complex. Marty Connall is the neighbor that attended and he is 100% in favor of the zone change. The process of rezoning was reviewed in the meeting and why we are trying to rezone the complex. Time was given for a question and answer period.





## City Zoning Commission

**Meeting Date:** 09/06/2016

**SUBJECT:** Special Review #947 - 1524 Main Street

**THROUGH:** Wyeth Friday

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**City Special Review #947 - 1524 Main Street** - A special review request to locate an all beverage license with gaming in a remodeled and expanded building (6,150 square feet total) in a Highway Commercial (HC) zone, on Lot 1A, Block 1 of Arrowhead Sub Amended, a 38,928 square foot parcel of land. The property is requesting a waiver of the 600-foot separation distance from Arrowhead Park. Tax ID: A02526.

Presented by Dave Green, Planner II.

#### RECOMMENDATION

The Planning Division is recommending conditional approval.

#### APPLICATION DATA

OWNER: The Pauline Staley Trust

AGENT: AT Architecture

LEGAL DESCRIPTION: Lot 1A, Block 1, Arrowhead Subdivision Amended

ADDRESS: 1524 Main Street

CURRENT ZONING: Highway Commercial

EXISTING LAND USE: Former KFC Location

PROPOSED USE: Casino, Bar and Liquor Store

SIZE OF PARCEL: 38,928 square feet

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

The City Council has conditionally approved 7 locations for on premise service of alcohol in this area of the Billings Heights since 1984. Most of these locations were for casinos with bars. There was one in the area for drive up service of a fast food restaurant. The other 6 were for either an all beverage license with gaming or a beer and wine license with gaming. One special review application for beer and wine was denied in 1985.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC  
Land Use: Commercial / Western Security Bank

SOUTH: Zoning: HC  
Land Use: Commercial / Valet Today Cleaners

EAST: Zoning: HC  
Land Use: Commercial / Ace Hardware

WEST: Zoning: Residential 7000 (R-70)  
Land Use: Parking Lot

## **BACKGROUND**

This is a request to allow the remodeling and addition to an existing building for a casino with an all beverage license. The property is approximately 0.89 acres and is located south of the intersection of Main Street and Wicks Lane. The subject property is surrounded mostly by commercial uses with residential uses to the east, and southeast. Directly surrounding the property is Western Security Bank to the north, Valet Today Cleaners to the south, Ace Hardware across Main Street to the east, and a parking lot to the west. Farther west of the parking lot are residential uses. On the northwest corner of the intersection of Sioux Lane and Main Street is Play Inn Steakhouse and Casino. Play Inn Steakhouse and Casino is closer than the 600-foot separation from a playground in a park similar to the situation of the subject property. The Play Inn has been in use as a casino since 1963, which was before the current zoning requirements.

This application does not meet one of the requirements of Section 27-612 (a)(1) BMC which is the required separation of 600 feet between property lines from an eating and drinking establishment with on premise consumption of alcohol from any building that is predominantly used as a church or school, or from a public park that contains a children's play area. The 600-foot separation is between property lines. Measuring from the southwest corner of the subject property to the northeast corner of the public park is approximately 314 feet.

In Section 27-612 (a) (1) BMC there are some exceptions that may be considered to allow the City Council to waive the separation requirement. The exceptions include: An Arterial Street separates the properties; A building or buildings obstruct the view between the separate uses; and there is no direct physical access that exists between the two uses. One criterion that may be applied in this case by the City Council in consideration of waiving the 600-foot separation is, "A building or buildings obstruct the view between the separate uses." The existing structure is not visible from the playground area in Arrowhead Park. There is a restroom building in the park that obstructs views in the direction of the proposed casino and several houses beyond the restroom building also obstruct direct view. It is not possible to see the subject property of this special review where the new casino would be located from the playground area in Arrowhead Park.

A second criterion for consideration of a waiver of the 600-foot distance is "No direct physical access that exists between the two uses." There are no sidewalks between the two uses. Crow Lane is paved but has no curbs, gutters or sidewalks. Flathead Street is a gravel street with no pedestrian facilities. Therefore, this application meets two of the three exceptions for the waiver of the 600-foot separation requirement, and the Council may consider waiving the separation requirement.

Section 27-612 of the Billings, Montana City Code (BMCC) requires a 600-foot separation of an eating or drinking establishment that has on premise consumption of alcohol from any building that is predominantly used as a church or school, or from a public park that contains a children's play area. The BMCC is more restrictive than the State Law (MCA 16-3-306) requiring a similar separation distance. The City requirement measures the distance from property line to property line and the state requirement measures from entrance door to entrance door, provided both locations are on the same street.

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 2016 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria, in so far, that it is in a district that allows a casino with an all beverage license. The proposed building, landscape requirements, and solid waste storage requirements will meet the code requirements for this zone. New landscaping will be installed around the building and along the street frontage and in the parking lot. The property will have access off of Main Street as well as Crow Lane. The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 growth policy as outlined below. It also meets the third criteria in that it is compatible with surrounding land uses in the area. It is a business proposal on a very busy road and will provide some screening from Main Street for the residential

properties that are west of the subject property. It currently has mature trees to the west that will continue to screen it from the existing residential property and the front of the building faces east away from the residential properties to the west.

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

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

The proposed special review is consistent with the following guidelines of the 2016 Growth Policy:

- Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective.

The proposed special review will provide infill development in an existing empty building with updated parking lot and landscaping. The reuse will retain existing infrastructure and not add new burden to the system.

- Strong Neighborhoods: Implementation of the Infill Policy is important to encourage development of underutilized properties.

The proposed special review will allow the applicant to reuse an existing empty structure by remodeling and expanding the building and putting a new business in a currently unused building.

- Prosperity: A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community.

The proposed special review will support a new business in an existing location and retain and diversify career opportunities at this location.

Planning staff is recommending conditions for this special review based on the approval criteria for special review uses. The existing building will be remodeled including an addition to the north, and there is not visibility from the public park play area and entry to the proposed casino.

## **RECOMMENDATION**

The Planning Department recommends conditional approval.

## **PROPOSED CONDITIONS**

1. The special review is limited to Lot 1A, Block 1 of Arrowhead Sub Amended, generally located at 1524 Main Street.
2. The special review approval is for the remodeling and construction of a 6,150 square foot building for a casino with and all beverage license with gaming no other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed building or parking lot 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.
5. No construction or demolition activity will occur before 7 am or after 8 pm daily.
6. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, elms, lombardy poplar, silver leaf poplar, weeping willow, or box elder. All installed trees will be continuously maintained and replaced as necessary by the owner.
7. Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
8. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations and also includes the blocking off of the existing drive up service lane.
9. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

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

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### **Attachments**

Zoning Map and Site Photos  
Site Plan and Applicant Letter

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# Surrounding Zoning



Subject Property



**Site photos**



Subject Property – Viewed from Main Street



View north from subject property



View south from subject property



View west across Main Street from subject property



View from south west corner of subject property to Arrowhead Park



View of Arrowhead park from the intersection of Flathead Street and Crow Lane



Picture of play structure on the south end of Arrowhead Park



View north from play structure in Arrowhead park in the direction of proposed casino.



LOOK WEST FROM EAST



LOOK NORTHWEST FROM SE



LOOKING FROM SOUTH



LOOKING NORTH FROM SW



LOOKING SOUTH FROM NW



LOOKING SW FROM NE

Pictures provided by applicant.




**PHYSICAL BARRIER DOCUMENTATION**  
requesting a waiver based on Section 27-612 (a)(1)b.2 & 3. of the Unified Zoning Regulations.

Picture provided by applicant



Subject Property 

Existing Casino 

# Site Plan



## Applicant Letter



July 6, 2016

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

RE: Request for Special Review For  
Casino, Bar & Liquor Store  
1524 Main Street  
Billings, MT 59105

### Planning Staff:

Town Pump, Inc, which is an operating company for casinos is looking to remodel the existing building and adding onto it to house a liquor store, bar & casino where Kentucky Fried Chicken used to be on Main Street in the Heights. This project will include remodel of the existing building, an addition and redesigning and landscaping the develop-able site. See attached Site Plan – Exhibit I. The following outlines the data requested by your application instructions.

### A. Forward:

This land consists of the Lot 1A of the Arrowhead Subdivision which has a total of 38,928 SF and is zoned Highway Commercial. The vacant building, which will be remodeled with an addition was originally built in 1980. The proposed building will include a casino floor with bar, 'cage' area, liquor store, offices, restrooms & storage room to meet the requirements of the Building Code.

The lot's location for the casino/bar/liquor store SW property corner is a little over 300' from the NE property corner of Arrowhead Park (the parking area). The Park has a children's Play area which is about 380' south of that NE corner and a baseball field about 160' from that NE corner. Since the defined separation is 600' from property line to property line, the view is entirely obstructed by buildings and trees and there is no direct physical access, we are requesting a waiver based on Section 27-612 (a)(1)b.2 & 3. of the Unified Zoning Regulations.

### 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 remodeling and adding to the old structure and making it a more attractive structure with vibrant business potential. The casino and the Liquor Store 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 – Their casinos keep their site area free of weeds, well landscaped, etc. which helps with fire management.
  4. Public Services –This new casino will provide an the increasing population that uses these facilities to not only gamble, buy their beverage of choice and also to spend time with their adult family & friends in the bar & casino.
  5. Land Use Element – This building will carry a compatible land use to the neighbors such as the motels & restaurants nearby.
- 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 casinos in the City and has seen an increase at all of it's locations. This one would provide a facility in this area where the demand for this type of business has increased. This facility will also include a liquor store and bar which there has not been a new one completed for quite some time in this local area. It is a great location for existing customers as well as first time customers to discover the Town Pump family of businesses.

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

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

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

The proposed use is a casino, bar & liquor store which will include a casino floor, a cage, a bar & the store for services to the clientele, expanded restrooms, an office, a

Request for Special Review  
Casino, Liquor Store & Bar  
1524 Main Street, Billings, MT  
7/6/16

cooler and back room for supplies, storage and utilities. The exterior will be an attractive & inviting structure and the signage will be new displaying the Town Pump brand of casinos per the City sign requirements.

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

Sincerely,



Alex Tommerup, AIA

AT Architecture  
848 Main Street Suite 7  
Billings, Montana 59105  
406-245-2724

cc: Planning and Community Services Department w/ enclosures (1)  
Dan Sampson, Town Pump, Construction and Development Manager (1)



## City Zoning Commission

**Meeting Date:** 09/06/2016

**SUBJECT:** Special Review #948 - 4010 Montana Sapphire Drive

**THROUGH:** Wyeth Friday

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**City Special Review #948 - 4010 Montana Sapphire Drive** - A special review request to locate an all beverage license with gaming in a 3,534 square foot tenant space in a new multi-tenant building, with an outdoor patio in an Entryway Light Industrial (ELI) zone, on Lot 8C of Block 1, Montana Sapphire Subdivision, a 1.939-acre parcel of land. The property received a previous special review to locate a beer & wine license with gaming (SR 930). Tax ID: A34623. Presented by Dave Green, Planner II.

#### RECOMMENDATION

The Planning Division is recommending conditional approval.

#### APPLICATION DATA

OWNER: Sapphire Plaza LLC

AGENT: James Healow

LEGAL DESCRIPTION: Lot 8C, Block 1, Montana Sapphire Subdivision

ADDRESS: 4010 Montana Sapphire Drive Suites 4 and 5

CURRENT ZONING: ELI

EXISTING LAND USE: Newly Constructed vacant strip mall

PROPOSED USE: Casino, Bar and Liquor Store

SIZE OF PARCEL: 1.9 acres

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

The City Council has conditionally approved 24 locations for on premise service of alcohol in this area of West Billings since 1985. Most of these locations were for restaurants with just a few for bars with casinos, such as Montana Lil's at 2850 King Ave West approved in 2008. There are three bars and casinos in Montana Sapphire Subdivision at this time - Manny's (2008), Tinseltown Casino (2007) and Dotty's Casino (2015). The City Council approved a location for an all beverage license without gaming for the Divide Restaurant and Bar (2015). The subject property also received a previous special review to locate a beer & wine license with gaming (SR 930).

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: ELI  
Land Use: Commercial

SOUTH: Zoning: Public  
Land Use: Wetland conservation area

EAST: Zoning: Controlled Industrial  
Land Use: Commercial  
WEST: Zoning: ELI  
Land Use: Vacant Land

## BACKGROUND

This is a special review request to allow a beer and wine license with gaming for a proposed new Casino, Sapphire Lounge and Casino, at 4020 Montana Sapphire Drive. The property has frontage along Shiloh Road and is directly south of the former Steak & Shake Restaurant at 4002 Montana Sapphire Drive. The property is within the South Shiloh Corridor Overlay District so additional landscaping, building design and signage standards apply to the development. The 10,502 square foot building will have multiple tenants. Dotty's Casino occupies 4,000 square feet of the north end of the building. Sapphire Lounge and Casino will occupy 3,534 square feet on the south end of the building. They are also proposing an outdoor patio on south end of the building between the building and parking lot. There are no churches, parks with playing fields or playgrounds, or schools within 600 feet of this proposed location.

Shiloh Road carries about 10,000 vehicles per day on this section of the roadway. This volume of traffic is similar to Rimrock Road, Poly Drive and S 32nd Street West. The traffic volume on Shiloh Road has been steadily increasing since its reconstruction was completed in 2010. As additional dwellings and businesses are developed along the corridor, the traffic volume should increase. Access to the property is from the Montana Sapphire Drive that connects to Shiloh Road to the northeast. The intersection at Shiloh Road is a stop controlled intersection access. Exiting traffic must travel south bound on Shiloh Road and continue to the roundabout at Shiloh Crossing Boulevard to travel north bound on Shiloh Road. North bound traffic on Shiloh Road has a left turn west onto Montana Sapphire Drive and south bound traffic has a right turn west. There are no left turns to exit Montana Sapphire Drive and go directly north on Shiloh Road. A center raised median prevents any U-turns or illegal left turns onto Shiloh Road.

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 2016 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria, in so far, that it is in a district that allows a casino with an all beverage license. The proposed building, landscape requirements, solid waste storage will meet the code requirements for this zone. The property will have access off of Montana Sapphire from Shiloh Road. The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 growth policy as outlined below. It also meets the third criteria in that it is compatible with surrounding land uses in the area. It is a business proposal on a very busy road and is in a newly developing part of town with a lot of commercial uses surrounding it. There is dense multi-family development further west. It currently has mature trees to the west that will continue to screen it from the existing residential property and the front of the building faces east away from the residential properties to the west. The Montana Sapphire Subdivision is not yet fully developed so additional businesses and residents will help to improve the area. The new Shiloh Conservation Area is an amenity for this subdivision.

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

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

The proposed special review is consistent with the following guidelines of the 2016 Growth Policy:

- Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective

The proposed special review will provide development in an existing new building in a development that is still building out with other businesses and high density residential in area that already has City services

and infrastructure. This will provide an additional service to those residents within the neighborhood.

- Prosperity: A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community.

The proposed special review will support a new business and provide employment opportunities at this location.

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 approval is for the location of an all beverage license with gaming on Lot 8C of Block 1, Montana Sapphire Subdivision and no other use is intended or implied.
2. Any expansion of the casino or patio greater than 10% will require an additional special review approval.
3. The outdoor patio shall have a continuous 4-foot fence around the perimeter with "exit only" gates as required for public safety. There will be no direct entrance from the parking area to the fenced patio area except through the restaurant.
4. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
5. The patio is allowed to have background music or un-amplified live music. Background music is defined as amplified music that is not audible beyond the patio perimeter.
6. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
7. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

**\*\*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 Maps and Site Photos  
Site Plan and Applicant Letter

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# Surrounding Zoning



Subject Property



**Site photos**



Subject Property – Viewed from Shiloh Road side.



View north from subject property



View east from subject property



View east across parking lot to subject building on subject property

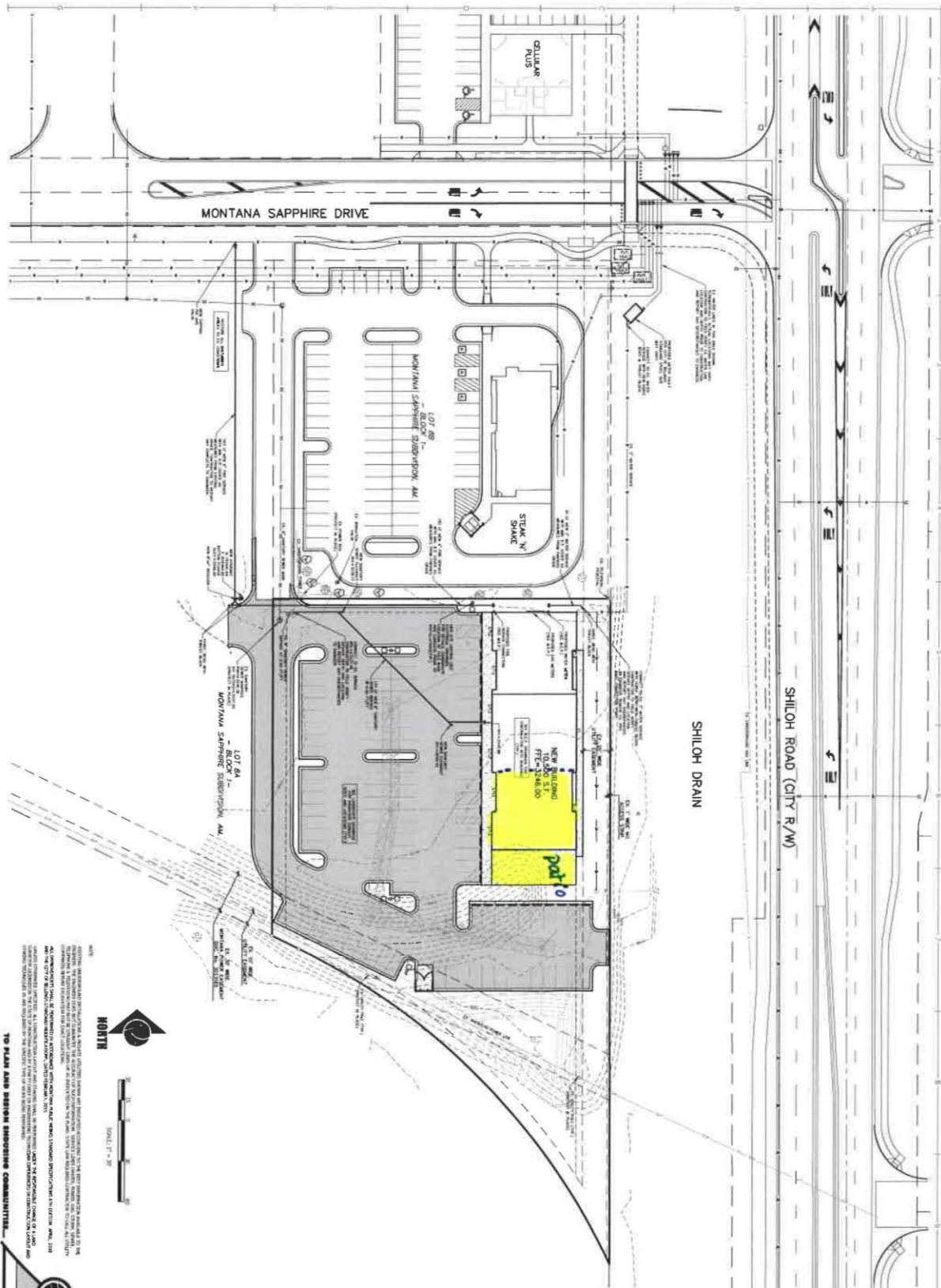


View west across vacant lot to surrounding businesses



View north across parking lot to businesses to the north

# Site Plan



**NOTES:**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. THE PROPOSED BUILDING FOOTPRINT IS SHOWN IN YELLOW. THE EXISTING BUILDING FOOTPRINT IS SHOWN IN GREY.
3. THE PROPOSED PARKING SPACES ARE SHOWN IN WHITE. THE EXISTING PARKING SPACES ARE SHOWN IN LIGHT GREY.
4. THE PROPOSED DRIVEWAYS ARE SHOWN IN DASHED LINES. THE EXISTING DRIVEWAYS ARE SHOWN IN SOLID LINES.
5. THE PROPOSED SIDEWALKS ARE SHOWN IN DASHED LINES. THE EXISTING SIDEWALKS ARE SHOWN IN SOLID LINES.
6. THE PROPOSED LANDSCAPING IS SHOWN IN HATCHED AREAS. THE EXISTING LANDSCAPING IS SHOWN IN SOLID AREAS.
7. THE PROPOSED SIGNAGE IS SHOWN IN DASHED LINES. THE EXISTING SIGNAGE IS SHOWN IN SOLID LINES.
8. THE PROPOSED LIGHTING IS SHOWN IN DASHED LINES. THE EXISTING LIGHTING IS SHOWN IN SOLID LINES.
9. THE PROPOSED FENCE IS SHOWN IN DASHED LINES. THE EXISTING FENCE IS SHOWN IN SOLID LINES.
10. THE PROPOSED UTILITY LINES ARE SHOWN IN DASHED LINES. THE EXISTING UTILITY LINES ARE SHOWN IN SOLID LINES.

**TO PLAN AND DESIGN ENJOYING COMMUNITIES.**

**SCALE: 1" = 20'**

**NOTES:**

**1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.**

**2. THE PROPOSED BUILDING FOOTPRINT IS SHOWN IN YELLOW. THE EXISTING BUILDING FOOTPRINT IS SHOWN IN GREY.**

**3. THE PROPOSED PARKING SPACES ARE SHOWN IN WHITE. THE EXISTING PARKING SPACES ARE SHOWN IN LIGHT GREY.**

**4. THE PROPOSED DRIVEWAYS ARE SHOWN IN DASHED LINES. THE EXISTING DRIVEWAYS ARE SHOWN IN SOLID LINES.**

**5. THE PROPOSED SIDEWALKS ARE SHOWN IN DASHED LINES. THE EXISTING SIDEWALKS ARE SHOWN IN SOLID LINES.**

**6. THE PROPOSED LANDSCAPING IS SHOWN IN HATCHED AREAS. THE EXISTING LANDSCAPING IS SHOWN IN SOLID AREAS.**

**7. THE PROPOSED SIGNAGE IS SHOWN IN DASHED LINES. THE EXISTING SIGNAGE IS SHOWN IN SOLID LINES.**

**8. THE PROPOSED LIGHTING IS SHOWN IN DASHED LINES. THE EXISTING LIGHTING IS SHOWN IN SOLID LINES.**

**9. THE PROPOSED FENCE IS SHOWN IN DASHED LINES. THE EXISTING FENCE IS SHOWN IN SOLID LINES.**

**10. THE PROPOSED UTILITY LINES ARE SHOWN IN DASHED LINES. THE EXISTING UTILITY LINES ARE SHOWN IN SOLID LINES.**

**Applicant Letter**  
**SAPPHIRE LOUNGE**

- A. Special Review as requested by Sapphire Lounge and Casino is consistent with the Primary Goals and Objectives of the Growth Policy in the following respects:
- The land use is consistent with the neighborhood character. This facility will occupy a portion of a now vacant newly-built strip mall facing Shiloh Road. This stretch of Shiloh is essentially all retail oriented. There are no residences in the immediate vicinity. The closest housing is a large rental complex, and there are already several licensed establishments situated closer to that complex than this facility will be.
  - New businesses are encouraged to locate in gateway areas. This facility will be a new business, and will sit in an emerging retail area on a gateway into the west end of town.
  - Visual appeal is a goal of the growth plan. Photos submitted with the application demonstrate that the structure is visually appealing.
  - This low-roofed facility is consistent with the goal of maintaining unobstructed views of the rimrocks.
  - Green spaces on the facility grounds will be fully landscaped, consistent with the goal of controlling weed populations.
  - There is no direct access from the facility to Shiloh Road, entry to the facility is only a short distance from Shiloh road, and traffic to and from the Sapphire will be a miniscule fraction of the heavy traffic flow on Shiloh—all conditions of which are consistent with the goal of maintaining safe traffic speeds constituent with surrounding uses.
  - The same conditions promote the goal of a safe and efficient transportation system.
  - There is no pedestrian traffic on the west side of Shiloh road, but rather only on the east side, consistent with the goal of maintaining safe sidewalks.
- B. There is a need for the intended use as a casino and liquor store at this location because the area is a busy and thriving retail area and the many people using the area for their retail needs have a demand for the entertainment goods and services that the Sapphire Casino and Liquor Store will make available.
- C. The public interest will be served if this application is granted in that persons utilizing the retail establishments at this developing area will have more readily available entertainment opportunities, and will not have to travel further distances to satisfy their entertainment desires.
- D. The Sapphire Casino and Liquor Store will occupy 2 suites of a now vacant newly-constructed strip mall in the Shiloh corridor. The casino will include a lounge. The liquor store will make package sales more convenient to many people who have to travel considerable distances from the Shiloh corridor in order to make package purchases of alcoholic beverages.