



## CITY ZONING COMMISSION

**CORRECTED AGENDA-Tuesday, January 3, 2017, 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**

**Approval of Minutes:**

The minutes of the Board meeting of December 6, 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 952 – 1236 & 1240 Avenue D** – A zone change request from Residential 7,000 (R-70) to Residential 6,000 (R-60) on Lot 10A, Block 5 of Curtis Subdivision 3<sup>rd</sup> Filing, a 23,800 square foot parcel of land. A pre-application neighborhood meeting was held at Territorial Landworks, 3333 2<sup>nd</sup> Ave North on November 11, 2016. Presented by Nicole Cromwell, Zoning Coordinator
  
- b. **City Zone Change 953 – 940 and 950 Yellowstone River Road** – A zone change request from Residential 7,000 (R-70) to Community Commercial (CC) on Tract 14, C/S 4 (Brittain Acres), a 2.12 acre parcel of land. A pre-application neighborhood meeting was held at Country Inn and Suites, 231 Main Street on November 14, 2016. Presented by Nicole Cromwell, Zoning Coordinator
  
- c. **City Special Review 952 –54<sup>th</sup> St West & Grand Avenue** -A special review request to locate a drive through service for a pharmacy adjacent to a residential zone in a proposed 57,000 square foot building in a Community Commercial (CC) zone on Lot 1, Block 1, Bishop Fox Subdivision, an 8.197 acre parcel of land. Presented by Nicole Cromwell, Zoning Coordinator.

## **Other Business/Announcements**

## **Adjournment**

**The City Council** has designated **Monday, January 9, 2017**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change.

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 6, 2017) 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 zone change and 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:** 01/03/2017

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**Information**

**Subject**

The minutes of the Board meeting of December 6, 2016

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**Attachments**

BZC\_2016\_12\_06

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## City of Billings Zoning Commission Meeting Minutes December 6, 2016

The City of Billings Zoning Commission met on Tuesday, December 6, 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 January 9, 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		01/05/2016	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	11/01/2016	12/06/2016
Dan Wagner	Chairman	1	1	-	1	1	1	1	1	1	1	1	1
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1	1	1	1	1
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1	1	1	1	1
Michael Larson	Commissioner	1	1	-	1	1	1	1	A	1	A	1	1
James Mariska	Commissioner	1	1	-	1	1	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	1	1	1	1
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-	-	-
Dave Green	Planner II	1	-	-	-	-	-	-	1	1	1	-	1
Karen Husman	Planner I	1	1	-	-	-	-	-	-	-	-	-	-
Robbin Bartley	Administrative Support	1	1	-	1	1	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	11/01/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0	1	0	1	1	1	1	7
Special Review	2	1	-	4	1	1	1	2	2	1	0	2	17

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

**In Attendance:** James Ouren, Toni Donahue, James Healow, Corey Welter, Ed Jorden, Sabra Stene, Gerry Voto

**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: November 1, 2016**

Chairman Wagner called for approval of the November 1, 2016 meeting minutes.

**Motion**

Commissioner Boyett made a motion and Commissioner Mariska seconded the motion to approve the November 1, 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**

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

**Disclosure of Outside Communication** Staff introduced a letter regarding SR #951.

<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		

**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 January 9, 2017. He then asked Nicole Cromwell to review the first agenda item.

Nicole Cromwell presented:

**City Zone Change 951 – 533 S 24<sup>th</sup> St West** – A zone change request from Residential 7,000 (R-70) to Neighborhood Commercial (NC) on the east ½ of Lot 2 and Lot 3, Block 5 of Amended Block 2, Valley View Acres Subdivision, a 14,400 square foot parcel of land. A pre-application neighborhood meeting was held at the subject property on October 12, 2016. Tax ID: A28338M

Commissioner Larson arrived at 4:34pm, during this presentation.

**RECOMMENDATION**

Planning Staff recommends approval of the zone change to NC based on the 10 criteria for zone changes.

**Discussion**

Commissioner Boyett asked if split zoning is common. Staff explained it was common in the 80’s and early 90’s for the City Council to restrict the amount of a lot zoned for commercial usage where it was adjacent or nearly adjacent to residential properties on the same street. Code at the time, did not require much landscaping, screening or lighting restrictions. Therefore they would split the zoning.

Commissioner Boyett then asked about lighting. Staff explained about the “Neighborhood Manners” code. It has been in effect for the last 4 years. It says that whenever you have a Neighborhood Commercial adjacent to Residential your outdoor lighting is restricted to a 15 foot maximum height and must be shielded.

Chairman Wagner asked for the applicant of **City Zone Change 951**.

**Steve Kuehn, 4925 Chevelle Drive, Billings**

Mr. Kuehn and his wife own Caring Hands and wish to extend the off street parking in this area, thus the Zone Change request. Street parking is an issue now and they wish to accommodate the parking needs of their tenants.

Chairman Wagner asked what the results of your neighborhood meeting were. One neighbor had concerns about what was planned. His concerns were addressed. Chairman Wagner confirmed the meeting was informational rather than confrontational.

**Opposed**  
NONE

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Mariska seconded the motion to approve **City Zone Change 951**.

<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 5-0.**

Dave Green presenting:

**City Special Review 950 – 3122 Lynn Avenue** – A special review request to construct a public parking lot for employees and tenants of the Central Avenue Center in a Residential 9,600 (R-96) zone, on Lot 11, Block 5 of Central Acres Subdivision, 5<sup>th</sup> filing, a 10,418 square foot parcel of land. The property is proposing vehicle access only from the alley and not on Lynn Avenue. Tax ID: C01867A

**RECOMMENDATION**

The Planning Division recommends conditional approval based on the 3 criteria for special review.

**Discussion**

Commissioner Boyett mentioned that this issue is coming up regularly and asked if the Commission is failing on zoning, not requiring enough parking property. Staff replied there is no way to anticipate usage.

Commissioner Mariska asked, if the lot was not available, what would they do? Staff explained that future possible tenants would be limited due to parking limitations.

Commissioner Ulvestad asked for clarification regarding the northern part of the parking lot conditions. Staff explained it would be treated as if it is a residential area, the intent is to have a maximum 4 foot fence, picketed, open to view. This enclosure would hopefully restrict the area and activities to parking.

Commissioner Boyett asked if the alley is paved. Staff indicated the applicant will be required to pave it. He then asked what the store hours are now. This question was deferred to the applicant.

Commissioner Mariska asked if the zoning can revert back to residential if this is approved? Staff replied in the affirmative, if the property were sold. Commissioner Mariska asked it would have an effect on the current uses of the property. There is nothing to stop the zoning from being changed back.

Commissioner Ulvestad asked if that lot be open at night. Staff indicated there are no gate requirements to restrict entry 24 hours a day.

Chairman Wagner asked for the applicant of **City Special Review 950**.

**Ed Jorden, agent**

Commissioner Ulvestad stated, you approached the owner of the house to the east to buy it, have you approached them again with the idea to buy the home and put in a parking lot? Mr. Jorden replied that the owners do want them to buy the house however it is cost prohibitive to buy it, demolish the house and put a parking lot there versus buying a vacant lot. He further stated he has tried to contact the owner of a vacant lot next to that house but has had no response so he has decided to go with this plan. There currently is enough parking but as the businesses grow and expand there may not be.

Commissioner Boyett asked again what the general hours of business are. They are ranging from 7-9am to 7-8pm.

Commissioner Mariska asked what control do you have of someone parking for extended periods of time? Staff would suggest appropriate signage. Staff also advised the Commission of City Ordinances regarding extended parking.

**Gerry Voto, 3128 Lynn Ave, Bilings**

We have known the owners and are very pleased with the way they accommodate the neighbors requests. He is not in favor of the 4 foot fence condition on Lynn Ave because no other properties have a fence that close to the road but he is in favor of the alley access. He also has concerns about the fence that will be on the side of his house because it limits his access. Currently he is using a foot or more of this property to access the side of his house.

Commissioner Larson asked for clarification on his issue with the fence. Mr. Voto explained using the available photographs. The fence starts 30 feet from the property line and he does not want a fence out front.

Commissioner Mariska asked what would prevent someone from jumping the curb on Lynn Ave and accessing the parking lot. There is nothing, he would advocate for shrubbery.

Commissioner Ulvestad asked if a parking lot is installed, do you think it will bring the value of your house down? Mr. Voto said absolutely and that he intends to protest his next tax appraisal. He then asked what would you want there. Mr. Voto is in favor of the parking lot.

Commissioner Ulvestad expressed his after-hour concerns. Mr. Voto is very aware of what is going on in his neighborhood.

## **Opposed**

### **James Ouren, 590 Garden Ave, Billings**

Mr. Ouren is disappointed that Mr. Wagner has not recused himself and is happy that more than one person listened to the presentation this time. Mr. Ouren then read thru the application and disputed several points comparing this Special Review to his previous application for a zone change. He claims to have been in contact with a neighbor, Ms. Foos, that will not appreciate a parking lot. He also stated that zoning does not allow for commercial delivery and an opening has been cut in and deliveries are being made. He continued to speak about what he had proposed for the lot when he owned it. Chairman Wagner asked him to speak only in regards to his opposition of this Special Review. Mr. Ouren expressed that Ms. Foos wants all regulations to be strictly followed. At the end of Mr. Ouren's statement, Chairman Wagner advised him that his recusal was not necessary until the vote.

### **Toni Donahue, 24 31<sup>st</sup> Street W, Billings**

Ms. Donahue is against the parking lot. I would rather have a building than a parking lot. She currently has no front access to her house and allowing access thru the alley will be a problem for her access. Currently she pays for snow removal and alley maintenance. She asked why the only access is from the narrow alley and not from Lynn Ave. Staff replied that the applicants made the choice for alley access. There are restrictions for off alley parking which state that only employees and tenants, not customers may park there. Ms. Donahue then asked how will the parking lot be monitored. Where will snow be stored? What does a parking lot do to property values? She also advised the Commission the approach to alley is very steep and it must be accessed very slowly. She also expressed concerns about lighting and how it would affect her windows.

### **James Ouren**

Mr. Ouren also advised the Commission there is a 10 foot electrical easement in the alley.

## **REBUTTAL**

Mr. Jorden stated they are trying to keep everyone happy, the owners and existing residents. They have no preference to the access. He asked if shrubbery would be okay in place of the 4 foot fence condition. Staff explained the fence post placement must be considered because of the electrical easement. The fence on Lynn Ave is to prevent casual pedestrian traffic and access to parked vehicles and is thought to be more of a protection than landscaping and shrubbery. The Commission has the ability to alter that condition. Mr. Jorden advised everyone the snow storage will be in a couple of the parking spots. Drainage will be a boulder pit via a French drain.

### **Gerry Voto**

Mr. Voto stated he wants parking for neighborhood parties.

Commissioner Boyett advised him the Commission is not making a recommendation based on his need for party parking. Staff advised that a pedestrian gate could be included.

Commissioner Larson asked why he was opposed to Lynn Ave access? Mr. Voto replied he has no idea why there is so much traffic on Lynn Ave but does not want to add to it. He believes that the narrow width alone will slow traffic down and also suggested speed bumps.

Chairman Wagner asked for a motion and recused himself from the voting.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve **City Special Review 950 so the discussion could be started.**

**Discussion**

Commissioner Boyett stated there needs to be some amendments to this Special Review, one being necessary signage on the property indicating it is private property for employees and tenants only. Commissioner Ulvestad agrees there is a need for amendment and agrees with Commissioner Boyett.

Commissioner Larson asked if the only amendment is signage, what about the fence issues?

Commissioner Boyett asked Staff if there is any requirement to have fences. Staff answered, no.

Commissioner Ulvestad asked Chairman Wagner if speed bumps would be required. The Chairman anticipated speed bumps might be added at a later time, but asked Mr. Jorden to respond to this. Staff inserted they don't like to impose conditions of approval that involve the City's Public Right of Way. City engineering is not yet involved and might have other ideas.

Commissioner Larson recommended removal of the north fence condition, allowing landscaping on Lynn Ave.

Commissioner Boyett asked if there should be discussion regarding access on the alley and Lynn Ave.

Commissioner Larson stated that after review of the Staff report, there is nothing indicating the designation of entrance and exiting. Staff pointed to the Site plan for these designations. It will be the discretion of the applicant as to where the accesses are. This will also need to be addressed at the City Council meeting.

**In addition to the motion, two friendly modifications were suggested to accompany the motion to approve.**

- 1. The north fence on Lynn Ave and 20 feet on the East and West Side is not necessary.**
- 2. Proper signage in the parking lot would be posted indicating who should park there.**

<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.**

Dave Green Presenting:

**City Special Review 951 – 805 24<sup>th</sup> St West – Suite 1** – A special review request to locate a beer and wine license with gaming in a 1,563 square foot tenant space (Suite 1) in a multi-tenant building, in a Community Commercial (CC) zone, on the North 408.375 feet of the

South 544.5 feet of Lot 21, less the West 10 feet, Arnold Subdivision, 2<sup>nd</sup> filing, a 1.43 acre parcel of land. Tax ID: A02522.

**RECOMMENDATION**

The Planning Division recommends conditional approval based on the 3 criteria for special review.

**Discussion**

Commissioner Mariska asked how many square feet is this building. Staff replied 1,563.  
Chairman Wagner asked what is east of this building. Staff replied townhomes.  
Commissioner Ulvestad confirmed access is only from the rear and there are residences behind.

Chairman Wagner asked for the applicant of **City Special Review 951**.

**James Healow, 312 Clark, Billings**

Mr. Healow is the agent for Corey Welter. Mr. Welter intends to move the business license of the Alpine Casino here. This is a much better location in that 22,000 cars each day pass by. There will be no significant impact or increased burden on anything. This casino will be quiet and low profile.

Mr. Healow strongly disagrees with the letter of opposition. He submits this is a prime location for this business and requests the approval be granted.

Commissioner Ulvestad asked about food service at this location. There will be none.

Chairman Wagner asked what the operating hours will be. They anticipate 8am-Midnight.

**Opposed**

NONE

Chairman Wagner asked for a motion.

Commissioner Larson made a motion and Commissioner Ulvestad seconded the motion to approve **City Special Review 951**.

**Discussion**

<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 5-0.**

**Other Business:**

**Next meeting will be January 3, 2017.**

**Adjournment:** The meeting adjourned at **6:04 p.m.**

**DRAFT:** To be approved by a motion: **January 3, 2017.**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**



## City Zoning Commission

**Meeting Date:** 01/03/2017

**SUBJECT:** Zone Change 952 - 1236 & 1240 Avenue D

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**City Zone Change 952 – 1236 & 1240 Avenue D** – A zone change request from Residential 7,000 (R-70) to Residential 6,000 (R-60) on Lot 10A, Block 5 of Curtis Subdivision 3rd Filing, a 23,800 square foot parcel of land. A pre-application neighborhood meeting was held at Territorial Landworks, 3333 2nd Ave North on November 11, 2016. Presented by Nicole Cromwell, Zoning Coordinator

#### RECOMMENDATION

The Planning staff recommends approval and adoption of the proposed findings of the 10 criteria for Zone Change 952.

#### APPLICATION DATA

OWNER: Shahan Enterprises, Shaun Shahan

AGENT: Territorial Landworks, Jordan Olmquist

LEGAL DESCRIPTION: Lot 10A, Block 5, Curtis Subdivision, 3rd Filing

ADDRESS: 1236 and 1240 Avenue D

CURRENT ZONING: R-70

EXISTING LAND USE: Two 4-plex multi-family dwellings, one multi-family garage/storage space

PROPOSED USE: Same with the ability to re-build and re-finance the property

SIZE OF PARCEL: 23,800 square feet

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property** - In 1983, the property proposed a zone change from R-70 to Residential Professional but the application was withdrawn by the applicant. The owner wanted to build a doctor's office on the corner where the current multi-family garage is located. The Planning staff and Zoning Commission did not support the zone change for this purpose.

**Surrounding Property** - The City has reviewed several zone changes in the area since the adoption of zoning in 1972. Eight of these zone changes were to change from a low density residential zoning to a higher density zone such as R-70, R-60 or RMF-R. Three of these 8 zone changes were recently approved for existing 2-family or multi-family properties to eliminate the non-conformity between the adopted zoning and the actual property development. These zone changes were approved. The remaining 5 zone changes date from the 1970s and 1980s. Three of these zone changes were approved, 1 was withdrawn and 1 was denied.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: RP & R-70  
Land Use: Dental Office, Single family and two-family residences

SOUTH: Zoning: R-70  
Land Use: Single family and two-family residences

EAST: Zoning: R-70  
Land Use: Single family and two-family residences

WEST: Zoning: Public, RP, R-60, CC  
Land Use: Evergreen Park, office building, single family and two-family residences, Evergreen IGA

## **BACKGROUND**

This is a zone change request to allow an existing multi-family development to be conforming with zoning for the purposes of future financing, re-construction or conversion to unit ownership. A unit ownership would allow each apartment to be individually owned and group ownership of the common elements. The current zoning, R-70, only allows single family and two-family dwellings. The proposed zoning, R-60, also allow multi-family dwellings. The property consists of two 4-plex multi-family buildings (1236 and 1240 Avenue D) and a garage storage building facing 13th Street West. The 4-plex apartments were constructed in 1950 and the 9-stall garage building was constructed in 1994. The garage units provide off-street parking and storage for the apartment residents.

The property is located on the southeast corner of the intersection off Avenue D and 13th Street West, a central and stable neighborhood in the City. There is a mix of zoning designations in the area including a Public zone for Evergreen Park - a wide boulevard style neighborhood park on Avenue D from 13th Street West to 15th Street West. There are 2 properties on 13th Street West zoned RP and developed for a dental office and general office space. North and east of the property is R-70 zoning and these lots are developed with single family and two-family dwellings. West across 13th Street West is R-60 zoning along Avenue C north of the Evergreen IGA. These lots are developed with single family and two-family homes. The zoning on the south side of Avenue C to Grand Avenue is CC. The intersection of 13th St West and Grand Avenue is a commercial node with a variety of businesses serving the adjacent neighborhoods including 2 grocery stores, pharmacies, gas stations as well as 3 bars and casinos.

13th Street West is a Collector Street that carries about 8,100 vehicle trips per day north of Grand Avenue. Avenue D is a local street so no traffic counts are taken on this street. The intersection is a 2 way stop controlled intersection.

The Planning staff has reviewed the request and is recommending approval based on the proposed findings of the 10 criteria for zone changes. The multi-family dwellings have existed within this neighborhood for over 60 years and are well maintained. The proposed zoning will stabilize the property value, allow for future investment in maintenance without risk to the property owners, provides a needed housing choice in this area of Billings, and is supported by the City's Infill Policy and 2016 Growth Policy. The guidelines for Strong Neighborhoods and Home Base in the 2016 Growth Policy include: "Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels, walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction, a mix of housing types that meet the needs of a diverse population is important, and homes that are safe and sound support a healthy community". The proposed zone change is supported by these guidelines. The proposed zoning would all the property to be converted to a unit-ownership in the future, allowing for more homeownership in the neighborhood.

## **RECOMMENDATION**

Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 952.

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### **Attachments**

Zoning Map and Site Photos  
Proposed Findings of the Criteria  
Pre application info and applicant letter

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**Surrounding Zoning**  
Zone Change #952 – 1236 & 1240 Avenue D

**ZC 952**



# ZC 952





Subject Property – view from Avenue D



View south and west from Avenue D



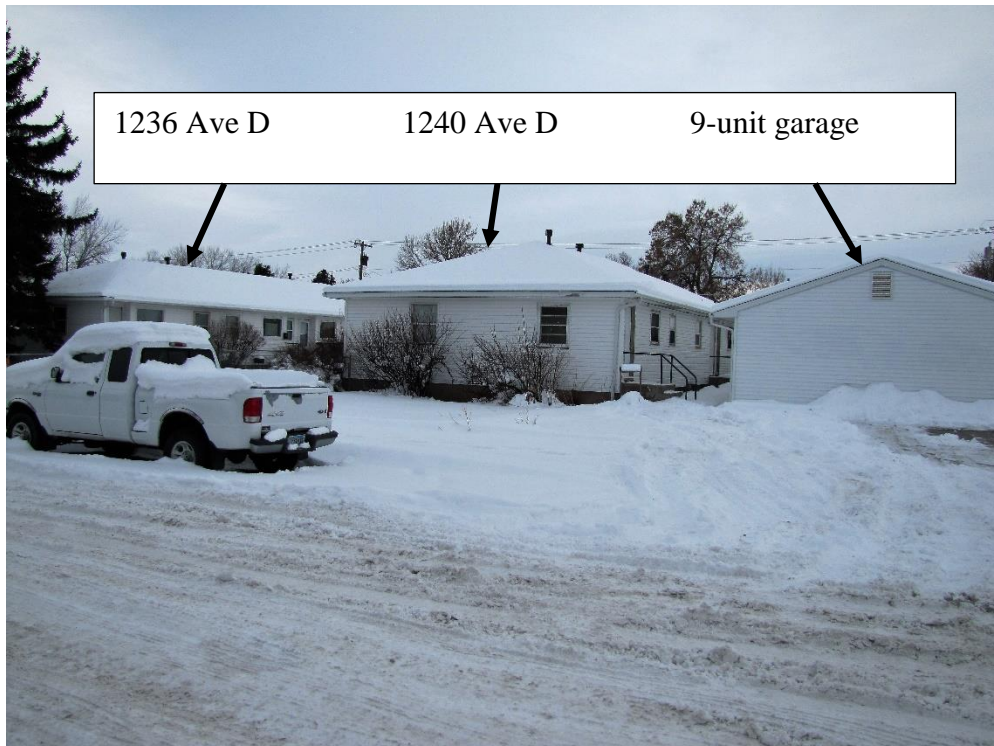
View west on Avenue D



View north across Avenue D



View east on Avenue D



View south from the north side of Avenue D

## Zone Change #952 – 1236 & 1240 Avenue D

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:

- Home Base: A mix of housing types that meet the needs of a diverse population is important; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe;

The proposed zoning would allow the existing 4-plex dwellings to be conforming to the zoning. The current zoning discourages investment in the property for regular maintenance or improvements since the structures could not be re-built. Financing improvements or sale of the property is unnecessarily complicated by the current zoning. The property provides a desirable and needed housing choice in the area dominated by single family and two-family dwellings. The neighborhood is stable, safe and conveniently located near services.

- Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction; Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the current 4-plexes to remain and the new owner to convert the apartments to a unit-ownership development. Each resident would own their dwelling and a part of the common area of the property. The property is within walking distance of services along Grand Avenue and 13<sup>th</sup> Street West. The apartments at this location have fit in well with the neighborhood for over 60 years.

### 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 current zoning of the parcel does not provide certainty for future re-construction of the two 4-plexes and encourages the property owner to not invest in regular maintenance or upgrades of the property. This tends to have a negative effect on the surrounding properties and neighborhood. Ensuring the zoning is conforming to the development will promote the public health, safety and general welfare of the area.

### 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 not have any effect on the existing transportation system.

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 not be affected by the proposed zoning.  
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 transportation systems.
7. *Will the new zoning will promote compatible urban growth?*  
The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.
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. The proposed zoning is identical to the zoning south and west of the subject property and is an appropriate zone with the adjacent residential neighborhood to the north and east.
9. *Will the new zoning conserve the value of buildings?*  
The property is currently developed with two 4-plex dwellings, a nonconforming use in the existing R-70 zone. Approval of the zone change will make the current development conforming to zoning and will conserve the value of the existing buildings. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*  
The proposed zoning will allow the existing development to continue and to be re-constructed if necessary in the future. This is the most appropriate use of the land at this location.

Application and pre-application meeting notes  
Zone Change #952 – 1236 & 1240 Avenue D

November 16, 2016



Planning & Community Services Department  
Planning Division  
2825 3<sup>rd</sup> Ave. North, 4<sup>th</sup> Floor  
Billings, MT 59101

RE: City Zone Change Application  
Curtis Subdivision 3rd Filing, S31, T01N, R26E, Block 5, Lot 10A, Yellowstone County, MT.

Dear Chairperson:

The owner of the above property, Shahan Enterprises, wishes to change the zoning from R-70 to R-60. This change would help bring the lot into conformance with current zoning regulations. The property is 0.546 acres in size and currently contains two (2) apartment buildings and one (1) garage building. Each apartment building has four (4) rental units. **There are no planned changes to the existing development.** The requested zone change would allow the owner to convert the existing rental units into townhomes increasing affordable housing. Having unit ownership will also likely improve property condition.

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

The requested zone change serves to encourage development within the City Limits and provide a choice of housing.

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

The requested zone change would help bring the lot into conformance with current zoning regulations. There are several other properties in the vicinity zoned R-60 therefore the new zoning would fit with the existing zoning and land uses. Re-zoning the property to R-60 would allow the owner to convert the existing rental units into townhomes. Townhomes would bring more direct ownership into the neighborhood and increase affordable housing in Billings. Home owners have a greater tendency to maintain their homes and neighborhood increasing values. A Home Owners Association would be formed to provide maintenance of the common area.

Thank you for consideration of our request.

Sincerely,  
Territorial-Landworks, Inc.



Jordan Ornquist, E.I.

Enclosures: Zone Change Application Packet  
Copy of the Plat  
Site Photos Exhibit

C. Shahan Enterprises  
File and Scan (w/ enclosures)

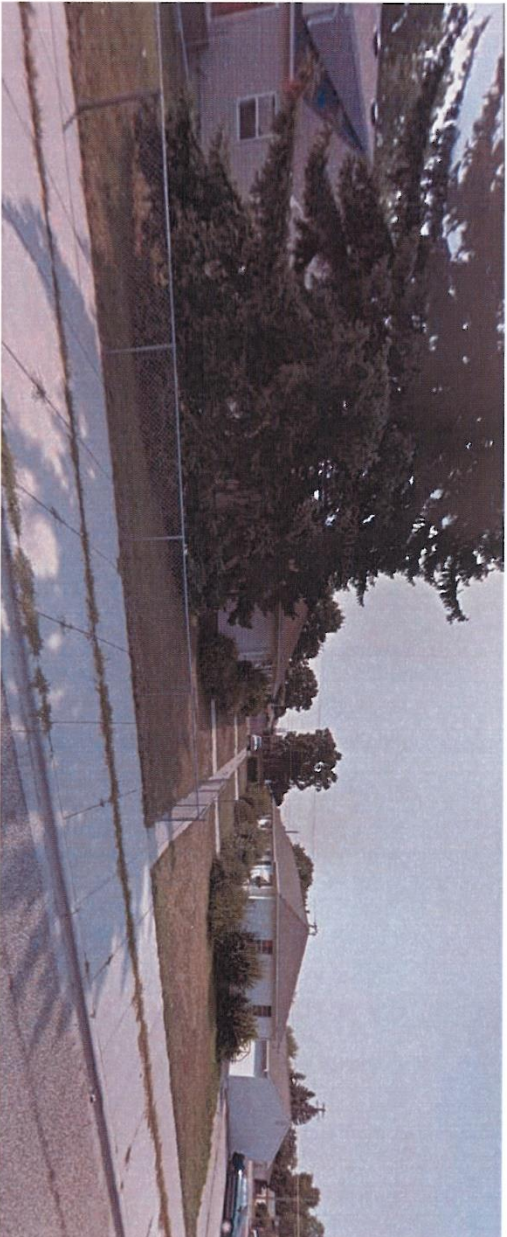
\\TII-MSL-FILE1\itli work\1\_ACTIVE FILES\2016 Projects\4353 - Shahan Enterprises Ave D Townhome\4\_PLANNING\4.5 Zone Change\ltr.2016-10-26.Zone Change Application Coverletter (DRAFT).doc Wednesday, November 16, 2016, 9:21 AM

### Site Photo Exhibit

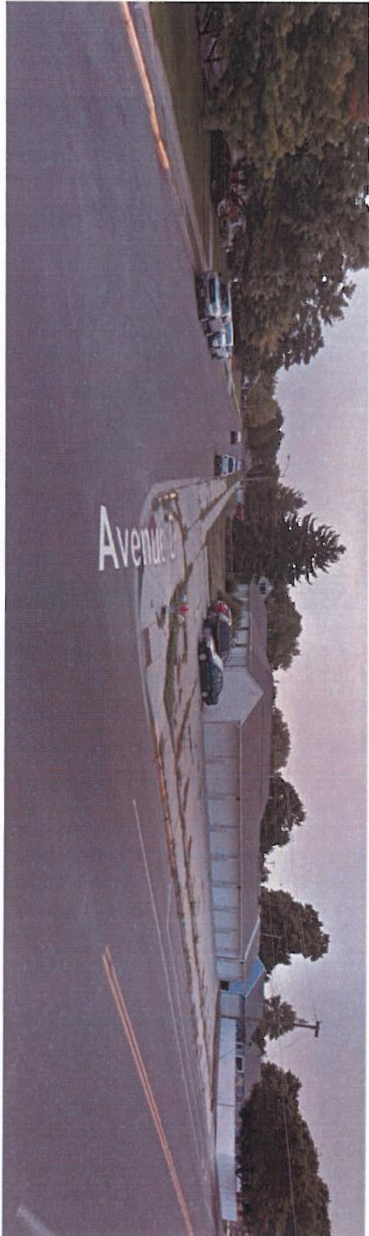
Aerial map of subject property at 1236 Avenue D



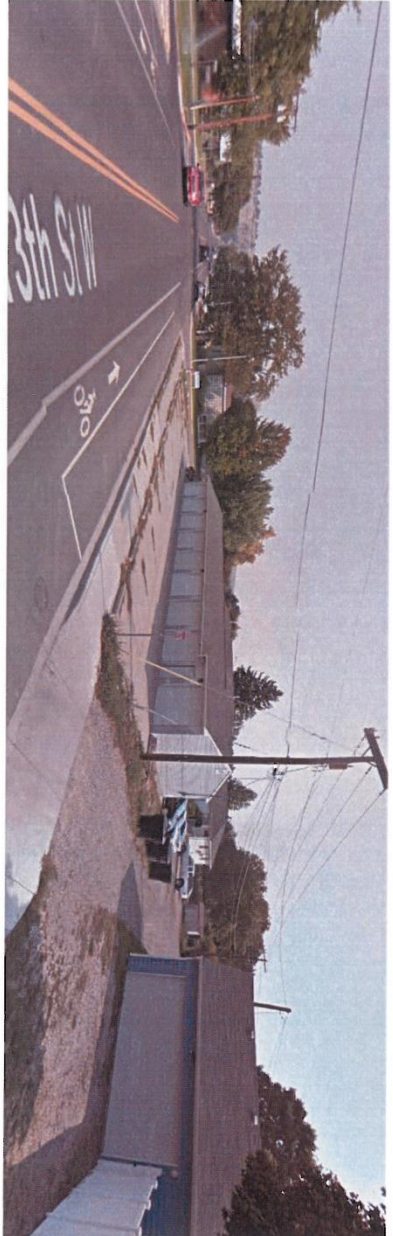
Looking south from Avenue D



Looking southeast from the intersection of 13<sup>th</sup> Street W and Avenue D



Looking northeast from 13<sup>th</sup> Street W.



NAME	ADDRESS	COMMENTS
Richard Decker	1219 AILE D.	CONCEIVED ABOUT PARKING, MAKE SOME ACCESSORY SPACE
Dean Kyle	1209 AILE C	IMPROVE EFF ALLY PARKING & SNOW REMOVAL FOR GARAGE PARKING?

11/11/16

To whom it may concern,

I am a homeowner at 1224 Ave D Billings Mt.

I strongly support the change in zoning.

Please call me with any questions

Sincerely,

Barb Wilkins

## NEIGHBORHOOD MEETING

PREPARED IN ACCORDANCE WITH CITY OF BILLINGS ZONING REGULATIONS

for

### Curtis Subdivision 3rd Filing, Block 5, Lot 10A

Located in  
Section 31, T01N, R26E,  
Billings, Yellowstone County, Montana

November 11, 2016

**Prepared For:**  
Shahan Enterprises  
8105 Alamosa Lane  
Bozeman, MT 59718

**Prepared By:**  
Territorial-Landworks, Inc.  
3333 2<sup>nd</sup> Ave. Suite 100  
Billings, MT 59101

A neighborhood meeting was conducted at Territorial Landworks on Friday November 11, 2016 from 12-1PM for a zone change pre-application. Below is a synopsis of the meeting events and discussion.

- Project introduction: Applicant explained the purpose for the rezone and intent to convert the existing rental units into townhome units. No new buildings or major modifications are planned.
- Attendee was concerned over increasing density. It was clarified that the intended project would not increase density as no additional living units are proposed.
- Attendee was concerned about parking. It was clarified that the proposed project would likely decrease on street parking because the existing garage units would belong to the unit owners as opposed to the current situation where the garage units are not available to renters.
- Applicant explained the benefit of townhomes over the current conditions and how it could benefit the neighborhood.
- Attendee asked why this was not possible under the existing zoning classification of R7. Applicant clarified that the existing building is nonconforming and therefore could not be changed from rental units to townhome units.
- Attendee was interested about how the zone change would impact taxes to the subject property and the surrounding properties.
- Attendee asked if there would be a home owners association and how snow removal would be provided. It was explained that there would be an association to provide maintenance and oversight of the common areas on the property including snow removal.
- Attendee recommended that the alley be paved and dumpster area be improved.

- Attendee supported the zone change and ability to purchase the units as opposed to continuing renting.
- Attendee had continued concern about a need for alley improvements and requested that there be conditions that doors, windows, trim, concrete, and alley paving be improved.
- End of meeting.

Prepared by:  
**TERRITORIAL-LANDWORKS, INC.**



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Jordan Ornquist, E.I.

11/14/2016

Date

\\TLI-MSL-FILE1\Tli work\1\_ACTIVE FILES\2016 Projects\4353 - Shahan Enterprises Ave D Townhome\4\_PLANNING\4.5 Zone Change\2016-11-11.Neighborhood Meeting Minutes.doc



## City Zoning Commission

**Meeting Date:** 01/03/2017

**SUBJECT:** Zone Change 953 - 940 & 950 Yellowstone River Road

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**City Zone Change 953 – 940 and 950 Yellowstone River Road** – A zone change request from Residential 7,000 (R-70) to Community Commercial (CC) on Tract 14, C/S 4 (Brittain Acres), a 2.12 acre parcel of land. A pre-application neighborhood meeting was held at Country Inn and Suites, 231 Main Street on November 14, 2016. Presented by Nicole Cromwell, Zoning Coordinator

#### RECOMMENDATION

The Planning staff recommends denial and adoption of the findings of the 10 criteria.

#### APPLICATION DATA

OWNER: River Park Retirement Court, LLC dba River Park Storage - Gerald Klein

AGENT: Crist, Krogh & Nord, PLLC, Eric Nord

LEGAL DESCRIPTION: Tract 14, C/S 4 aka Brittain Acres

ADDRESS: 940 & 950 Yellowstone River Road

CURRENT ZONING: R-70

EXISTING LAND USE: Garage and storage units for River Park Retirement Court - a manufactured home park at 922 Yellowstone River Road; 1 two-family dwelling

PROPOSED USE: Independent mini-warehouse storage facility - not affiliated with manufactured home park; 1 two-family dwelling

SIZE OF PARCEL: 2.12 acres

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property:** The subject property was owned by the same party who owned the River Road Manufactured Home Park. This owner, Clarence Klein, held both properties until he passed away in late 2013. Subsequently, the manufactured home park was sold to another party, an LLC named River Road Mobile Home Court (Richard Dorn) and the subject property was inherited by the surviving owner, Sandra Nelson. Ms. Nelson, sold the subject property to River Park Retirement Community, LLC, Gerald Klein. The existing zoning, R-70, applies to both the manufactured home park and the subject property. The zoning is the original zoning adopted by the County and remained the same after annexation to the City in 1984. R-70 zoning does not allow manufactured home parks, but the existing manufactured home park containing 65 units is allowed to continue so long as the use does not cease to exist for more than 1 year. A special exception (now called a special review) was granted by the County in 1984 to allow the construction of an over-sized accessory building on the south end of the manufactured home park. In 2012, Mr. Clarence Klein applied for building permits to construct additional storage units for the manufactured home park on the subject property. The building permit was approved as submitted since the proposed use was in conjunction with - and not separate from - the manufactured home park. It was not an expansion of the manufactured home park use per se, but was to provide accessory storage for the park's residents.

**Surrounding Property:** Several zone changes have been approved in the area from residential zoning to commercial zoning in the last 10 years. Two zone changes for 807, 821 and 823 Bench Boulevard were approved since 2007, the last one to change to CC zoning. These lots are at the intersection of Bench Boulevard and Hilltop Road, two principal arterial streets. Another corner property on the southeast leg of this intersection was approved for NC zoning by the County in 2006. A subsequent zone change for CC zoning on this parcel was denied by the City Council in 2013. A zone change to CC for a parcel on the west side of Bench Boulevard (1026 Bench) was approved by the City in 2012.

## **SURROUNDING LAND USE & ZONING**

NORTH:	Zoning: Planned Development - South Heights Lane - RMH & multi-family Land Use: Manufactured homes and multi-family dwellings
SOUTH:	Zoning: R-70 Land Use: 65-unit River Road Mobile Home Court
EAST:	Zoning: R-70 and Public Land Use: Billings Bench Bikeway and Two Moon Park
WEST:	Zoning: R-60 Land Use: Two-family and multi-family dwellings

## **BACKGROUND**

This is a zone change request to allow the separation of the storage units and accessory garages from the River Road Mobile Home Court to an independent facility capable of renting these units to the general public. These storage units and garages were originally constructed in 2012 for the purpose of serving the tenants of the mobile home park. The property was under common ownership with the mobile home court at the time. Subsequently, the principal owner, Mr. Clarence Klein, passed away in late 2013. The remaining owners of each property sold to separate subsequent owners. Sandra Nelson was the co-owner of the subject property. She sold her interest in the property to Mr. Gerald Stein. Mr. Gerald Stein was the co-owner of the mobile home park. Mr. Gerald Stein sold the mobile home court to Mr. Richard Dorn in April 2014, but kept his ownership of the subject property. The properties, the mobile home court and the subject property, are now severed from common ownership. Mr. Klein now desires to sell the subject property. Potential buyers are notified of the original intent of the storage units and garages, the current zoning, and the facts of how the properties came to be in separate ownership. The storage units and garages are not legal to be rented to the general public although it appears this has already happened. A banner sign is posted inside the chain link fence announcing River Park Storage. Banner signs are not allowed in the current zoning. Banner signs on fences are not allowed in the proposed zoning of CC.

The surrounding zoning is primarily residential and developed for these purposes. The access to the subject property crosses the Billings Kiwanis Trail bike path, the oldest and most heavily used paved bike trail in the city. This bike path was created when the railroad abandoned an un-used rail line. The rail line was deeded to the city Park's Department for development of the bike path. Prior to construction of the storage units and garages, the access across the bike path was for the residential 2-family dwelling on the property. Commercial access across this heavily used bike path is a concern for both for drivers and pedestrians and cyclists. The access from Yellowstone River Road is not a paved access at this time and the internal access to the units is also un--paved.

The residential developments to the north and west of the subject property have occurred in the last 10 to 15 years on property zoned for this purpose. The subject property is also directly adjacent to the mobile home court to the south. There are some uses in the proposed CC zone that would be detrimental to these adjacent residential neighborhoods including intense commercial uses such as gas stations, bars, casinos, auto repair and services, lumber yards, chain restaurants and drive through service businesses. Although the intent is to legalize an established use on the property, the proposed zoning does not and cannot restrict future uses on the property that are compliant with the proposed CC zoning.

Yellowstone River Road is a principal arterial street that carries about 7,900 vehicle trips per day. Most of the zoning along this road is residential both in the city and county. The proposed zoning would allow regular commercial access across the Kiwanis Trail to Yellowstone River Road. The access point at this location is shared by a residential property to the north. The point of access appears to be informal, and uncontrolled by curbing. It appears drivers on Yellowstone River Road use this PRPL managed property as a turn out to either reverse direction

or to take in the view over the river valley. The access point is located on a point of curvature of the street alignment and visibility of entering traffic is obscured by the ditch bank on the west side of the street. The access point is likely adequate for its current use to enter the subject property. Storage units typically have low daily traffic. Other uses allowed in the proposed CC zoning district would have a much greater impact on the bike path and on traffic on Yellowstone River Road.

The Planning staff has evaluated the proposed zoning based on the 10 criteria for zone changes and is recommending denial. The owner and co-owners of the property had knowledge of the requirement to keep these properties under single ownership and the circumstances of the issuance of the building permit for the storage units in 2012. The large storage building on the south end of the mobile home court received a county issued special exception in 1984. Planning staff recommended denial of this special exception for the following reasons: *"1) The mobile home court is all zoned R-70. For a court of this size, RMH zoning is more appropriate. Staff feels that before the court is expanded, a zone change and all other requirements should be met for a mobile home court. 2) This is a comparatively minor expansion, but it will be on a separate tract. These large accessory buildings become problems in time when the original use ceases. At that point, the argument is made that the only feasible use is commercial and we're faced with an isolated commercial use in an otherwise residential area."* The comments and concerns of staff 32 years ago when the 3,500 square foot storage building was constructed on Tract A of Amended Lot 15 now apply to Lot 14 north of the mobile home park. The storage units and garages should only be available for rent to the mobile home park residents. The property is not suitable for all the potential use allowed in a CC zone due to the location of its only access to a public road, and the Kiwanis Trail bike path crossing, as well as the property's isolation from other commercially zoned property and the residential uses all around it. It is likely the current use is not a large traffic conflict, but future uses could have a significant impact on the bike path and traffic patterns on Yellowstone River Road.

The proposed zoning of CC is also not supported by either the Billings Heights Neighborhood Plan (2006) or the 2016 Growth Policy. The 2006 Heights Neighborhood Plan designated areas where mixed uses or commercial uses should be allowed or considered. This location was not in one of those areas. The subject property is in an area designated for medium to low density residential uses. The Heights Neighborhood Plan Land Use goals and objectives stated the need to *"prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods."* The proposed zoning of CC is an intense commercial zone and it will be surrounded by developed residential neighborhoods and not at an arterial intersection. The 2016 Growth Policy guidelines for Essential Investments states: The safety of all users and the connectivity of the transportation system are important; Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings. The proposed zoning is in direct contravention of these guidelines.

## **RECOMMENDATION**

Staff recommends denial and adoption of the findings of the 10 criteria for Zone Change 953.

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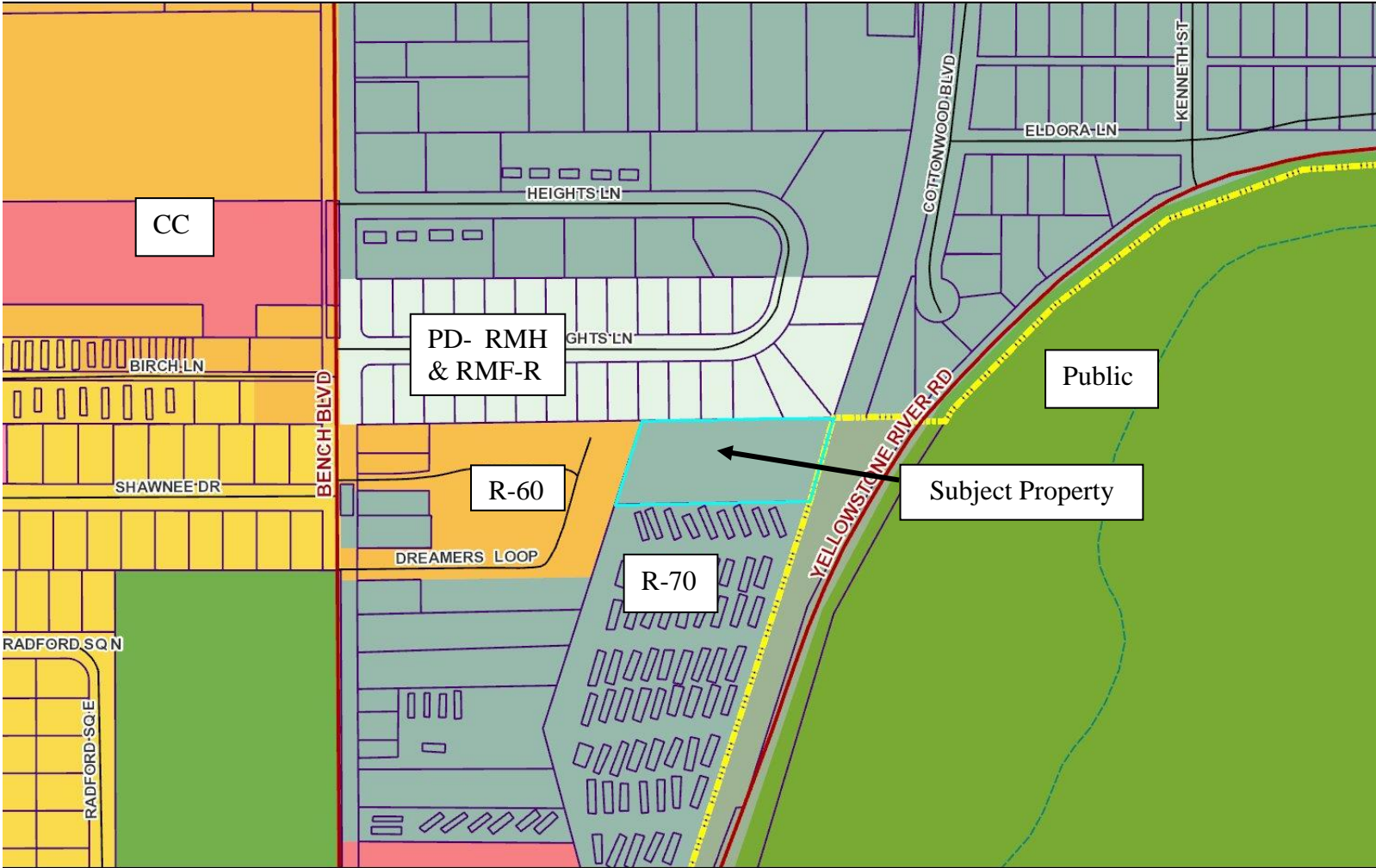
### **Attachments**

Zoning Map and Site Photos  
Proposed Findings of the Review Criteria  
Application and Pre-application info

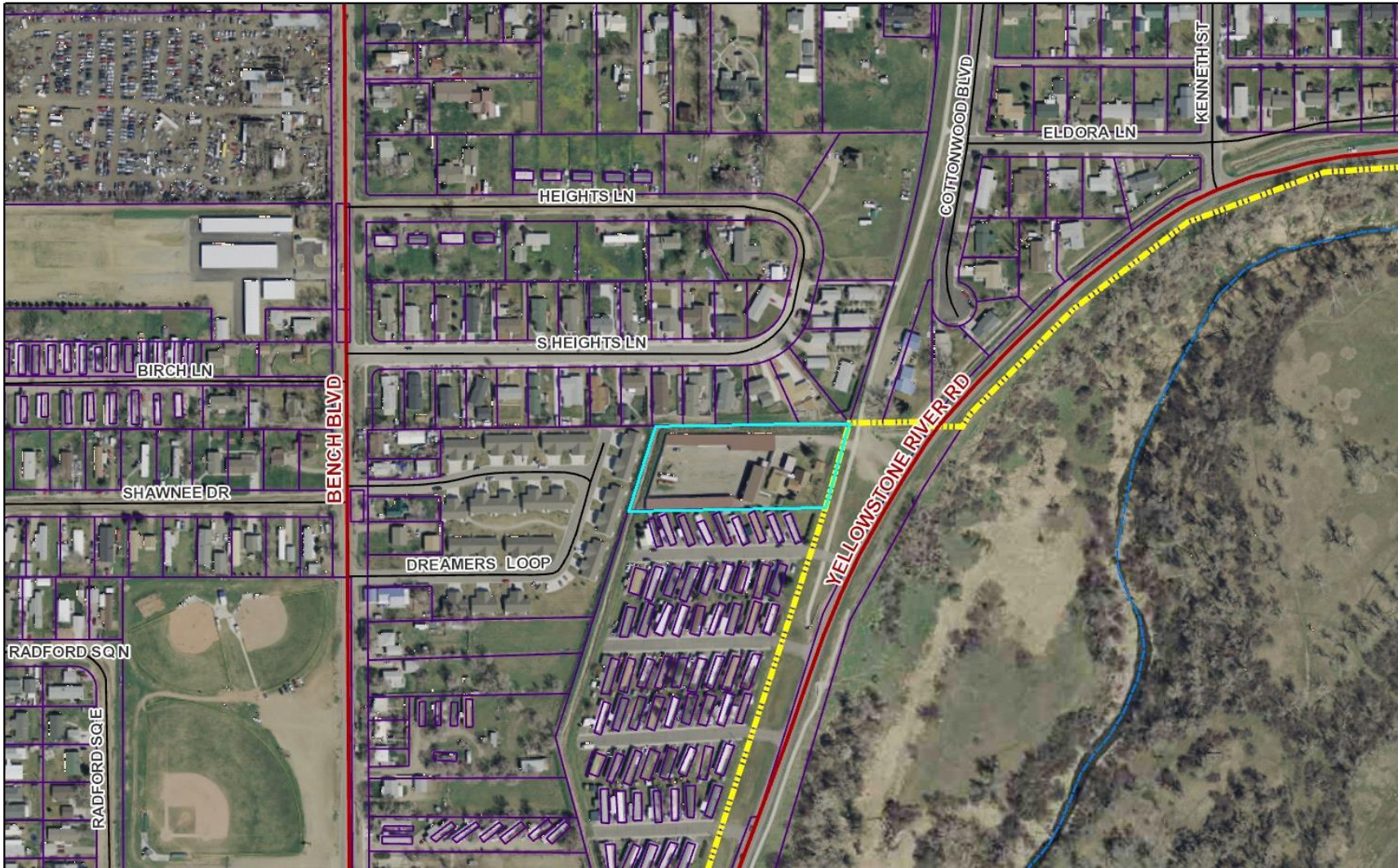
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**Surrounding Zoning**  
Zone Change #953 – 940 & 950 Yellowstone River Road

ZC 953



ZC 953





Subject Property – view from access drive off Yellowstone River Road



View west into subject property



View north and west to South Heights Lane neighborhood



View north along Kiwanis Trail bike path



View east to Yellowstone River Road



View south and west – RV camper on PRPL property – Kiwanis Trail

## Zone Change #953 – 940 & 950 Yellowstone River 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 not consistent with the following guidelines of the 2016 Growth Policy and the Heights Neighborhood Plan (2006):

- The 2006 Heights Neighborhood Plan designated areas where mixed uses or commercial uses should be allowed or considered.

This location was not in one of those areas. The subject property is in an area designated for medium to low density residential uses.

- The Heights Neighborhood Plan Land Use goals and objectives stated the need to *"prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods."*

The proposed zoning of CC is an intense commercial zone and it will be surrounded by developed residential neighborhoods and not at an arterial intersection.

- Essential Investments: The safety of all users and the connectivity of the transportation system are important; Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

The proposed zoning would allow a variety of intense commercial uses to cross over the Kiwanis Trail bike path on a daily basis. The current use probably does not create an inherent safety risk for drivers or pedestrians and bicyclists. Future uses could include gas stations, bars, casinos, and auto repair and service garages. This type of commercial traffic would not be safe 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 may not be promoted by the proposed zoning. The current zoning of the parcel – R-70 – allows the use of the storage units and garage spaces for the adjacent mobile home park residents. The proposed zoning would allow these units to be rented to the general public. Additional traffic may make the Kiwanis Trail bike path crossing unnecessarily hazardous for pedestrians and bicyclists. In addition, the drive approach at Yellowstone River Road is on the point of curvature and traffic visibility to the north is obscured by the ditch bank. Low volumes of traffic for the existing use may not cause traffic conflicts but additional uses allowed in the CC zone could cause significant issues.

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

Transportation: The proposed zoning will have an unpredictable effect on the transportation system.

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 at this time.

Schools and Parks: Schools should not be affected by the proposed zoning. The Kiwanis Trail bike path crosses the access to this property. Some uses allowed in the proposed zoning will conflict with the bike path.

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. In 2012, the building permit approved for the storage units and garages allowed the buildings to be placed on the south property line – the line adjoining the mobile home court. Some of the manufactured homes are also placed very close to this property line.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The new zoning will have an unknown but potentially detrimental effect on both motorized and non-motorized transportation systems. The existing drive approach on Yellowstone River Road is not properly constructed for commercial traffic and commercial traffic crossing the bike path could be a significant hazard.

7. *Will the new zoning will promote compatible urban growth?*

The new zoning does not promote compatibility with urban growth. The proposed zoning will allow the existing storage units and garages to be rented to the general public and not just the mobile home park residents. The existing use may not have a significant effect on the neighborhoods surrounding the property but the universe of uses allowed in the CC zone would not be entirely compatible with these residential areas.

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 not consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is significantly different from the surrounding residential neighborhoods. The proposed zoning could be considered an illegal spot zoning of property. The proposed zoning effects only a small parcel of land and is to the benefit of one owner at the expense of the surrounding owners.

9. *Will the new zoning conserve the value of buildings?*

The property is currently developed with a 2-family dwelling, 5 accessory buildings and 2 storage unit buildings along the north and south property lines. Approval of the zone change would allow the rental of the accessory buildings and storage units to the general public. The value of existing buildings and the parcel may be conserved by the proposed zoning. Denial of the zone change would not alter the taxable value of the property and buildings.

10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*

The proposed zoning would not encourage the most appropriate use of this land in Billings. No other property on Yellowstone River Road is used for general commercial purposes.

Application and pre-application meeting notes  
Zone Change #953 – 940 & 950 Yellowstone River Road

**OWNER/APPLICANT STATEMENT**  
**IN SUPPORT OF ZONE CHANGE REQUEST**  
**FROM R-7000 TO COMMUNITY COMMERCIAL**

**Preliminary Information**

The Owner/Applicant, River Park Retirement Court, is a Montana LLC, d/b/a River Park Storage (“River Park Storage”). River Park Storage is located at 940-950 Yellowstone River Road, Billings MT. The Owner makes this application by and thru its duly authorized manager, Gerald J. Klein.

The subject property’s legal description is SW ¼ of Section 23, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Tract 14 of Certificate of Survey 4 (Brittain Acres), Recorded April 11, 1945, under document No. 399701, Records of Yellowstone County, Montana, (“Tract 14”). Tract size 2.12 acres.

**Introduction**

940-950 Yellowstone River Road was the address for the duplex that was the original structure on Tract 14. The rear portion of the lot remained vacant until the storage facility started to take shape.<sup>1</sup> River Park Storage has been operating under a City of Billings business license since 2012. The license is current to 2017 and may be found under OL-17-10288. The River Park Storage facility offers bays and enclosed units to qualifying members of the general public.

**Answers to Questions Propounded by the Commission**

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

The proposed zone change from R-7000 to Community Commercial aligns with the vision and policies that govern future growth in Billings for the following reasons;

**Infill:** The zone change is within the city limits and is an example of how an existing developed commercial property infills the existing neighborhood. In addition, the future development of additional bays and units will not impact bordering properties since the property infill will occur in the center of the property.

**Tax Revenue and Community Benefit:** Increased revenue and local tax benefits from the River Park Storage operation are being realized. The property taxes are based on a property type

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<sup>1</sup> The building permit file and building plans are on file with City of Billings Building Department re:BP-12-2881

classified as “Commercial Urban” and this rate is consistent with the land use and is much higher than a residential use assessment.

**Aesthetics:** Neighborhood aesthetics are improved with the utilization of the storage facility for RV’s, extra autos, appliances, and other property that would otherwise have to be left out in the “open”. Seasonal furniture, playground equipment, maintenance equipment, tools, trailers can be stowed in the facility leaving yards, alleyways, and lawns clutter free.

**Safety:** Storing extra vehicles away from the curbside improves traffic safety and pedestrians can be observed more readily. During the winter months, snow removal will be enhanced if non-essential vehicles are off the street and stored in a secure facility.

**Crime Prevention:** The storage facility is secure and access is restricted. Removal of property from neighborhood streets, yards and driveways will deter prowling and crimes against property.

**Code Compliance:** The storage facility offers a reasonable solution to the ordinance that requires that RV’s, trailers and boats are stored off the street. Per the ordinance River Park Storage offers a solution to this prohibition.

**Existing Services:** The property will require the same services that are currently delivered to the tract. The change to a zoning designation of Community Commercial will not increase or over burden the current infrastructure. The utilities that are in place, fire and police services are more than adequate

**Traffic Flow:** River Park Storage is accessible from Yellowstone River Road. Due to the infrequent and restricted access there is little to no traffic going into and going out of the facility on a daily basis.

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

**Deficiencies in the Existing Zoning:** The existing R-7000 zoning is incompatible with the property use and future economic development of this tract. With the current zoning the property is not marketable or economically sustainable. There are a limited number of units that currently exist on the property and the profit margin is not in line with the annual increases in the commercial urban property tax rate. Any additional units developed would be non-conforming in this R-7000 classification. A zone change to Community Commercial will put the property’s current use in balance with the need for increased revenue to meet increasing commercial tax rates and commercial risk coverages premiums.

**The New Zoning Will Fit in with Neighboring Zoning and Land use:** The new zoning will fit in with the neighborhood zoning landscape because it has been a tried and proven low impact

River Park Retirement Court LLC  
d/b/a River Park Storage  
Zone Change Application Statement

commercial activity. The storage facility has been in operation for almost five years. It has a track record of being a “good neighbor”. The Owner has gone to great lengths to ensure that this commercial activity is strictly regulated by a lease agreement that takes into consideration the impact of the activity on the environment, prohibiting side business activity in the storage facility, prohibiting disturbances, and encouraging respect for our neighbors’ peaceful enjoyment of their property. A zone change to Community Commercial will not open the door to disruptive high impact commercial activity. There is pride and a legacy contingent with the Owners’ operation of a storage facility that is and will remain compatible with its Billings Heights neighbors’ expectation of a low impact commercial activity.

**Conclusion**

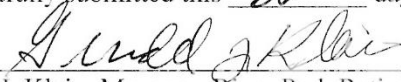
The Owner/Applicant respectfully requests that the Zoning Commission and City Council consider and approve a zone change of the above described Tract 14 from R-7000 to Community Commercial.

**Table of Contents**

The following documents have been attached to this application for your consideration:

- Excerpted portions of the Lease Agreement for River Park Storage;
- Photographs of River Park Storage facility;
- Orion Yellowstone County property tax detail report; and
- Certificate of Survey 4 Brittain Acres Record No. 399701.

Respectfully submitted this 20<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Gerald J. Klein, Manager, River Park Retirement Court, LLC  
River Park Storage  
Mail to: P.O. Box 731  
Sedro Woolley WA 98284

## River Park Storage Pre- Application Neighborhood Meeting Summary

Date of Pre-Application Meeting: November 14, 2016 @ 10:30 a.m. to 12:00 p.m.

Meeting Location: County Inn Suites, Meeting Room, 231 Main Street, Billings MT

The Notice that was mailed to property owners within 300 feet of the proposed zone change was posted in the corridor outside the meeting room together with a map of the property.

Materials were distributed to the attendees and reviewed with the small group. The owner pointed out that the storage facility in this heights neighborhood should be considered a low impact commercial activity.

Also it was noted that the storage facility has very strict rules and regulations for its use and the types of property that can be stored inside. Access is also strictly limited during business hours. The dates for public hearing, January 3, 2017, was discussed, as well as, the next steps after the zoning commission examines the application.

All participants agreed that it made sense that since the property was an existing storage/rental operation it should be zoned community commercial. There were no concerns or objections voiced during the meeting.

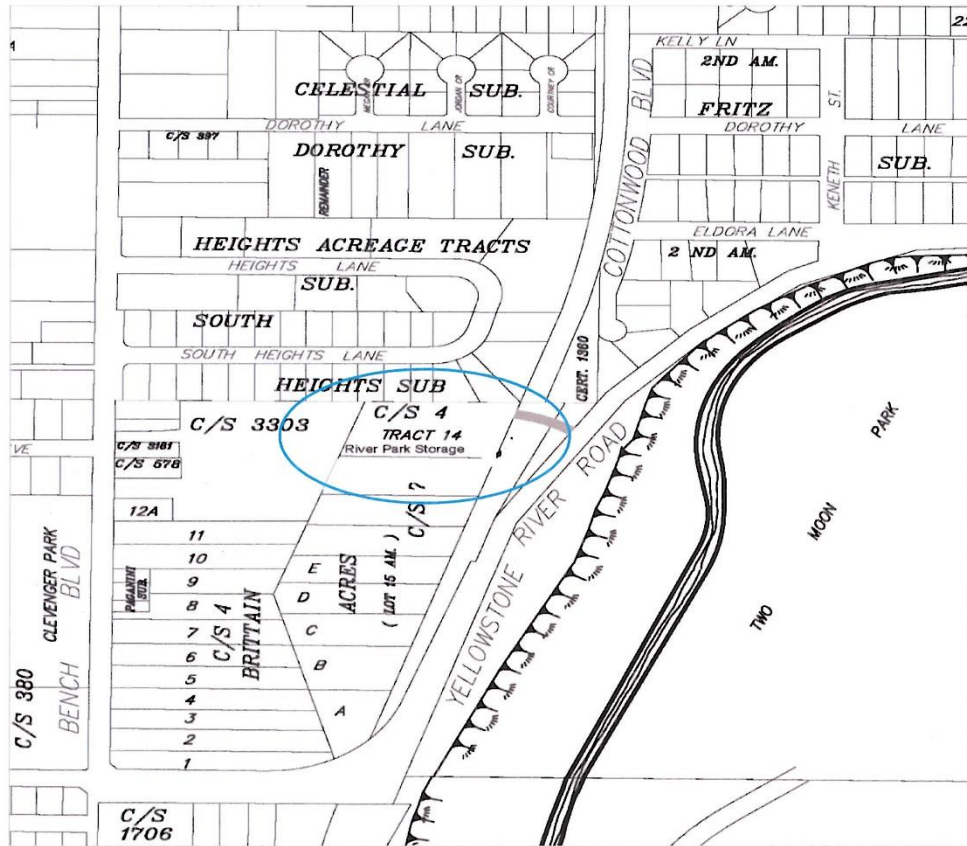
I hereby certify that the above summary is an accurate record of the pre-application meeting.

Dated this 28<sup>th</sup> day of November, 2016.

  
Gerald J. Klein, Manager  
Owner River Park Retirement Park, LLC  
d/b/a River Park Storage



### ILLUSTRATIVE MAP OF ROADS AND DEVELOPMENTS IN THE HEIGHTS





### Structures located on Tract 14 – 940-950 Yellowstone River Road

- Residence(s) car port(s) and garage
- Storage unit inventory consists of 23 enclosed units and 22 open bays

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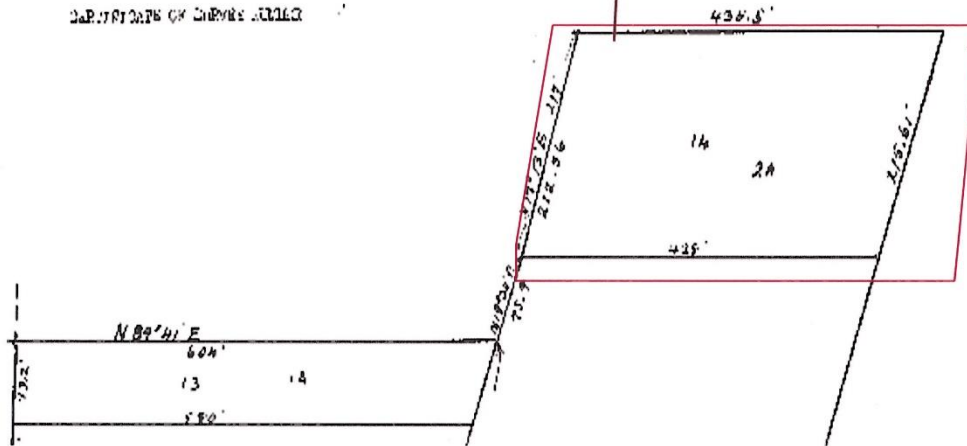
## Zone Change to Community Commercial is Compatible with the Billings Heights Neighborhood Plan

- The River Park Storage operation has been offering storage under a City of Billings business license for several years and is a proven low impact commercial activity
- The rules and regulations strictly limit access to the storage facility to day-time business hours and no commercial activity is allowed in the facility
- Storage of chemicals or other solvents is strictly prohibited so there are no noxious odors or hazards contingent with this commercial activity
- River Park Storage offers an affordable alternative to storing boats and RV's in the "open" on residential property-this improves the aesthetics of the neighborhood
- Owners of RV's and boats that live in surrounding high density developments with limited off-street parking or covenants against RV's are able to take advantage of storage in their locale
- The storage area is set back from the property's frontage and not visually obtrusive
- The neutral colored steel security fencing serves as a screen for adjacent property owners
- Getting RV's, boats and vehicles off the street and behind the walls of the storage facility is a deterrent to prowling and other crimes against property
- Any future development and addition of more bays and units will "infill" the lot since the existing structures' footprints are located along the perimeter and boundaries of the property

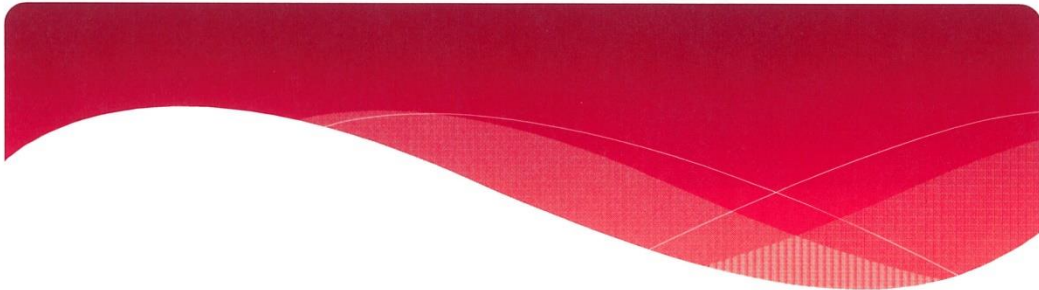


PLAT  
OF  
BRITAIN ACRES  
IN SW<sup>1</sup> SEC 23 T1N R26E  
1946 SCALE 1"=100' J. SIMASON

DEPARTMENT OF INTERIOR

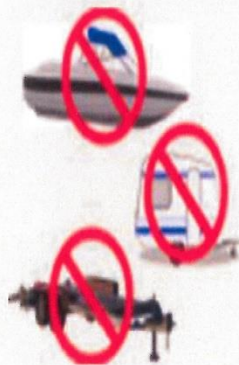


Excerpted from 25<sup>th</sup> day of April, 1945 Certificate of Survey



## PROPER STORAGE OF CAMPERS, BOATS AND TRAILERS

(Section 24-406)



**Do:** Store your camper, trailer or boat in the back yard or properly store on the driveway; in the garage or at a storage facility.

**Do Not:** Use the City's on-street parking for storage of campers, trailers or boats in residential areas.

**Excerpted from Storage Facility Lease Agreement:**

River Park Storage  
940-950 Yellowstone River Road  
Billings MT, 59105

.....

5. USE OF PREMISES AND PROPERTY AND COMPLIANCE WITH LAW. Occupant shall store only personal property that belongs to Occupant. Because the value of the personal property may be difficult or impossible to ascertain, Occupant agrees that under no circumstances will the aggregate value of all personal property stored in the Premises exceed, or be deemed to exceed, \$5,000 and may be worth substantially less than \$5,000. Occupant shall not permit any Hazardous Materials (as defined below) to be stored in the Premises or the Property or store any improperly packaged food or perishable goods, construction debris, asbestos or asbestos containing products, tires, batteries, propane, liquid natural gas tanks, fertilizers, pesticides, flammable materials, explosives, ammunition, corrosives, petroleum products and other inherently dangerous material in the Premises or the Property and shall not store any personal property on the Premises which would result in the violation of any law or regulation of any governmental authority, including without limitation, all laws and regulations relating to Hazardous Materials, waste disposal and other environmental matters, and Occupant shall comply with all laws, rules, regulations and ordinances of any and all governmental authorities concerning the Premises and its use. For purposes of this Agreement, "Hazardous Materials" shall include but not be limited to any hazardous or toxic chemical, gas, liquid, substance, material or waste that is or becomes regulated under any applicable local, state or federal law or regulation. Occupant acknowledges and agrees that the Premises and the Property are not suitable for the storage of heirlooms or precious, invaluable or irreplaceable property. Occupant acknowledges that the Premises may be used for storage only, and that use of the Premises for the conduct of a business or for human or animal habitation is specifically prohibited. No business, commercial, hobby, or any other activities inconsistent with the storage of goods may be conducted in the facility including but not limited to: manufacturing, fabrication, construction, mechanical servicing, welding, or power tool operation. Upon termination of this Agreement, Occupant shall remove all Occupant's personal property from the Premises unless there are unpaid charges secured by Owner's lien rights as referenced herein and under Montana law.

Occupant shall not smoke, drink or use drugs on the premises. No occupant shall disturb the peace on the premises. Any person found by the management, or reported to be in any area of the premises that is not that of the Occupant's unit or bay, will be considered to be trespassing and subject to immediate eviction without recourse. Occupants are only permitted to be on the premises for the time it takes to add or remove stored items.

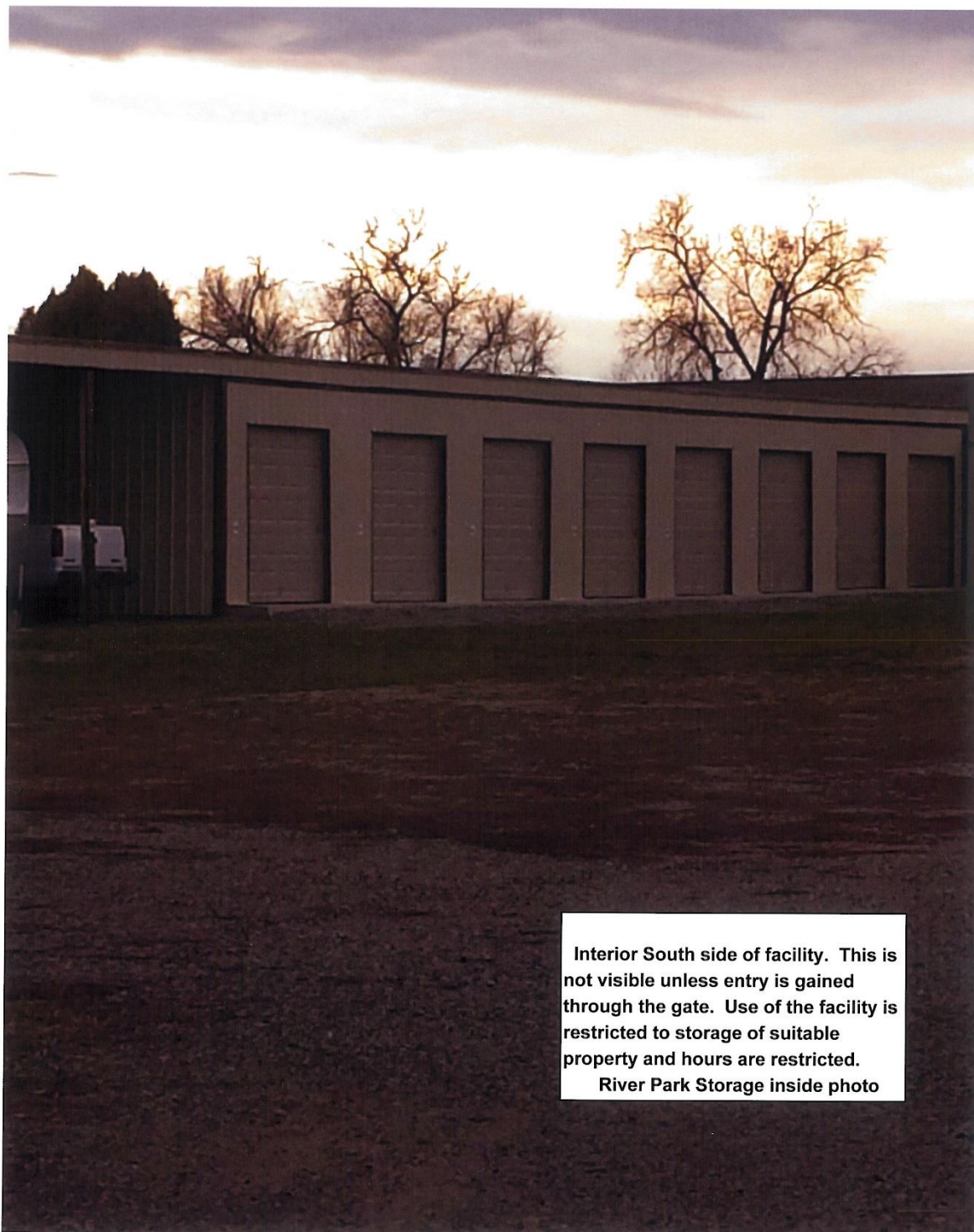
Vehicles that are not registered with the Occupant's unit or bay may not enter the facility or be left unattended on the Premises. Vehicles left at the facility will be subject to towing at the owner's expense.

Items placed in the Premises must belong to the Occupant. This also pertains to any vehicle storage.

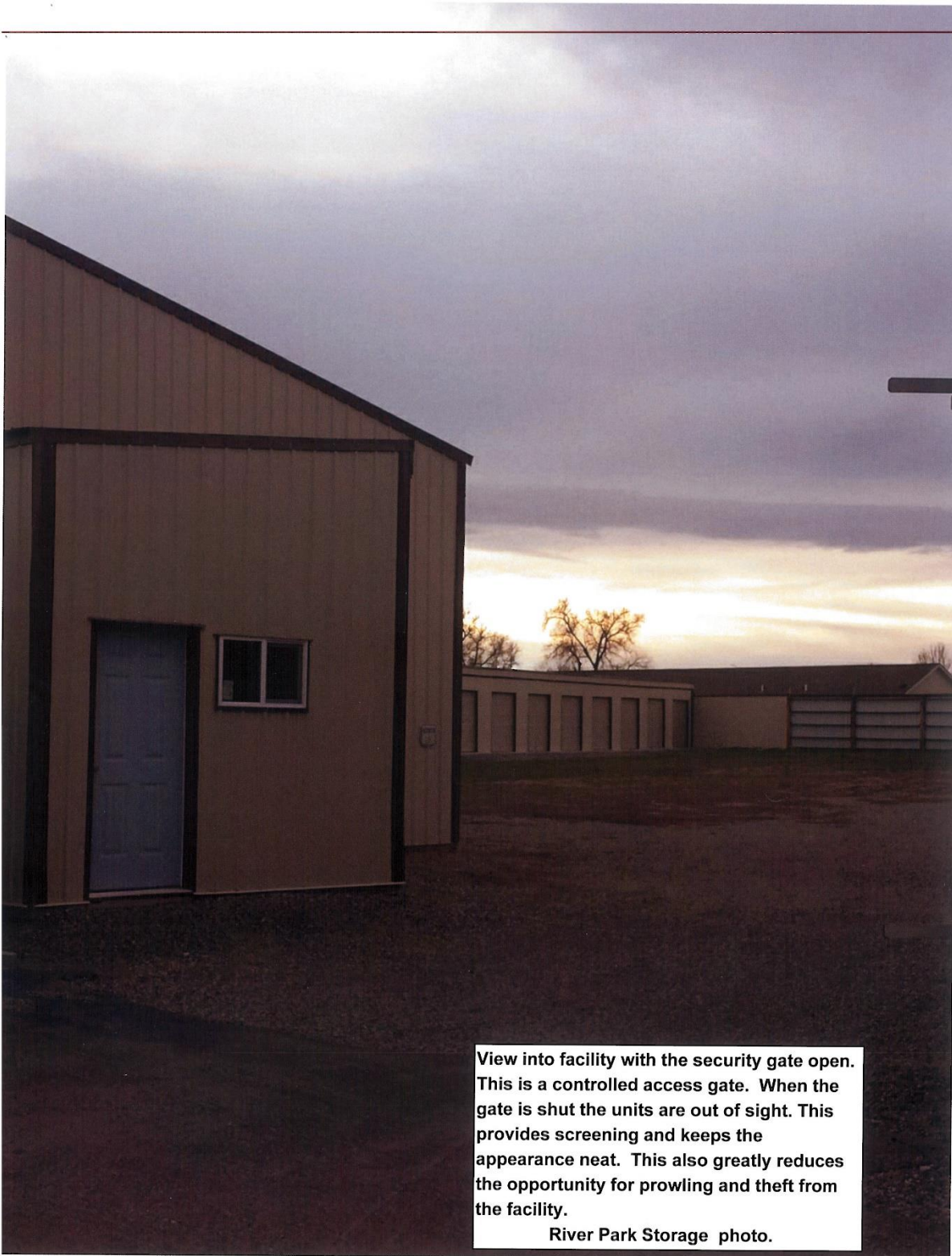
At the expiration of the lease term, Occupant shall surrender the Premises in as good condition as it was in the beginning of the term, reasonable use and wear from the normal business uses excepted.

6. ENTRY TO THE PREMISES. The entry code is to be used by the Occupant. The Occupant is not to give the entry code to any other person. If the Occupant has a household member who needs the code, they must obtain it from the River Park Storage management and provide sufficient identification to obtain it for use in conjunction with the assigned unit or bay. Access to the River Park Storage facility is strictly limited from 7:00am-8:00pm seven days a week. The 5 miles per hour speed limit will be strictly enforced.

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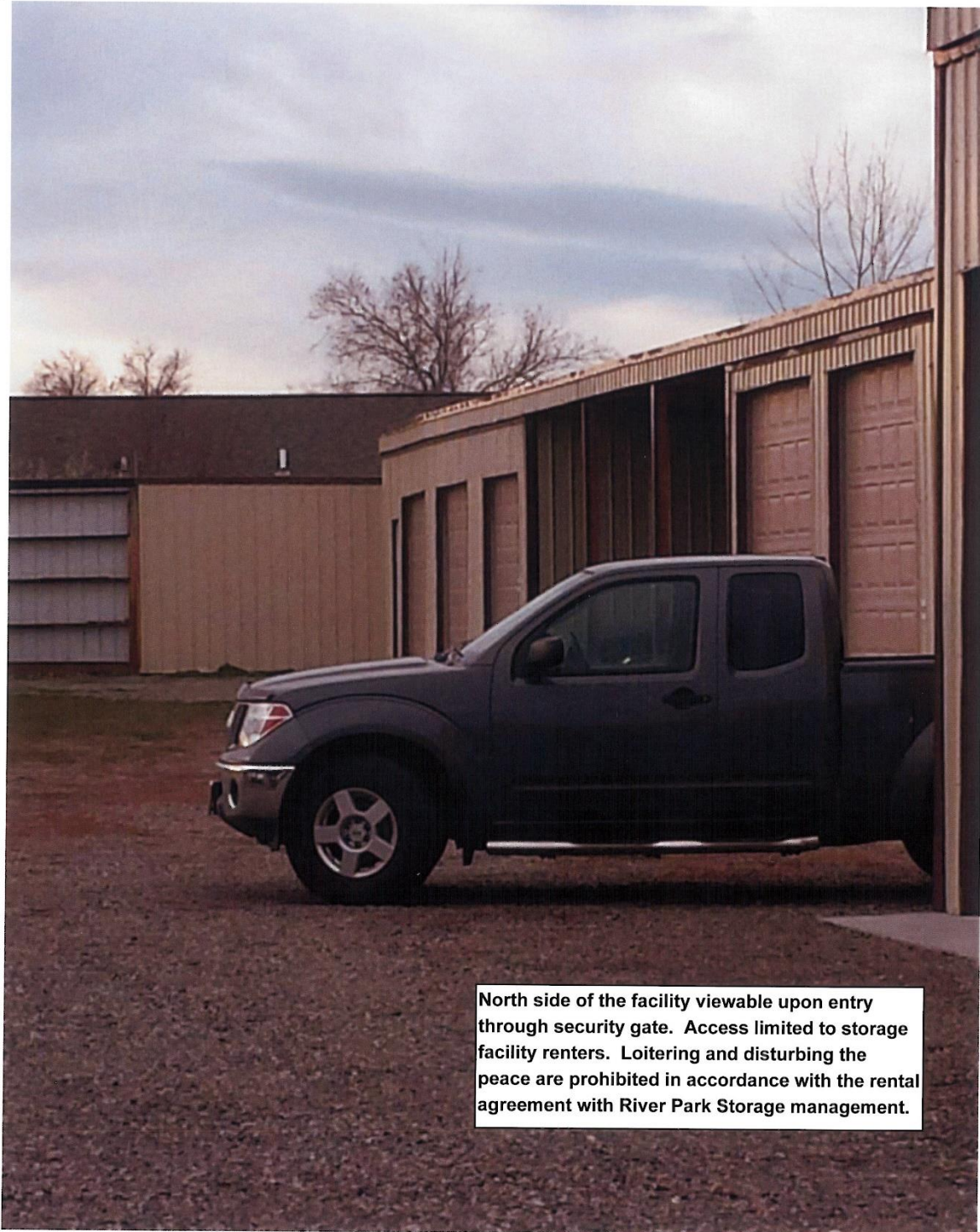


**Interior South side of facility. This is not visible unless entry is gained through the gate. Use of the facility is restricted to storage of suitable property and hours are restricted.  
River Park Storage inside photo**



**View into facility with the security gate open. This is a controlled access gate. When the gate is shut the units are out of sight. This provides screening and keeps the appearance neat. This also greatly reduces the opportunity for prowling and theft from the facility.**

**River Park Storage photo.**



**North side of the facility viewable upon entry through security gate. Access limited to storage facility renters. Loitering and disturbing the peace are prohibited in accordance with the rental agreement with River Park Storage management.**



Storage facility located in the rear of the property. Beyond the screening fence and gate.

Rental house/  
duplex in front  
portion of  
property.

View of property from the walking trail and Yellowstone River Road. The location of storage facility is "off the beaten path" and creates a "uniquely Billings" rural feel. The facility has a low visual profile consistent with its proven low impact commercial activity that has been ongoing in this Billings Heights location.  
River Park Storage - photo



## City Zoning Commission

**Meeting Date:** 01/03/2017

**SUBJECT:** Special Review 952 - 54th St West and Grand Avenue

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**City Special Review 952 –54th St West & Grand Avenue** -A special review request to locate a drive through service for a pharmacy adjacent to a residential zone in a proposed 57,000 square foot building in a Community Commercial (CC) zone on Lot 1, Block 1, Bishop Fox Subdivision, an 8.197 acre parcel of land. Presented by Nicole Cromwell, Zoning Coordinator.

#### RECOMMENDATION

Planning staff recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 952.

#### APPLICATION DATA

OWNER: Bishop Fox Company, Ted Lovec

AGENT: CTA Architects & Engineers, Ron Isackson

LEGAL DESCRIPTION: Lot 1, Block 1, Bishop Fox Subdivision

ADDRESS: None assigned

CURRENT ZONING: CC

EXISTING LAND USE: Vacant - agricultural land

PROPOSED USE: Anchor grocery store with drive-thru pharmacy window, with multiple small lot commercial businesses

SIZE OF PARCEL: 8.195 acres

#### CONCURRENT APPLICATIONS

Preliminary Subdivision application to subdivide Lot 1, Block 1 of Bishop Fox Subdivision. PZ-16-00201.

#### APPLICABLE ZONING HISTORY

**Subject Property** - The City Council approved a zone change from A-1 (County) to CC zoning on the subject property in May 2005. The property was annexed and subdivided in the same year. Lot 2, north of the subject property, was zoned Public, and sold to the City for the construction of a new Fire Station and Police Department satellite office.

**Surrounding Property** - Property to the east was re-zoned to multiple residential zones and annexed to the city for new development in 2006. Property to the west across 54th St West was re-zoned for commercial development and annexed to the city in 2007. Subsequent zone changes on these lots changed additional area from NC to CC. Property south across Grand Avenue was annexed and the zoning change to R-96 in 2005.

#### SURROUNDING LAND USE & ZONING

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

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

EAST: Zoning: RMF-R  
Land Use: Townhomes  
WEST: Zoning: Public, CC & NC  
Land Use: Fire Station #7, Vacant land

## BACKGROUND

This is a special review request to allow a drive through window service on the southeast corner of a new retail grocery store and pharmacy in the north half of Lot 1, Block 1 of Bishop Fox Subdivision. The site is located on the northeast corner of the intersection of 54th St West and Grand Avenue. The property was re-zoned and annexed 10 years ago and is not yet developed. The special review is required whenever a drive through service is located adjacent to a residential zone. There is residential zoning to the north and east of the subject property. The overall site plan shows multiple commercial buildings on the property, but the special review application is only required for the drive through associated with the anchor building.

The surrounding neighborhoods to the north and east are recently developed but there are subdivision fences in place already along the north property line. Fences along the east property line are not yet in place. During the subdivision of these neighborhoods, pedestrian access points were designated so there will be walking access for these neighbors to the new commercial businesses and services. In addition, the new Fire Station to the west of the development will share a drive approach off 54th St West. The drive approach accommodates visitors to the Fire Station - fire apparatus has a separate dedicated drive approach.

Grand Avenue and 54th St West are both principal arterial streets. This section of Grand Avenue is scheduled for arterial street improvements in the next 2 years. As part of this project, a signal will be installed at the intersection of 54th St West. There will be 3 access points for this property - 1 off Grand Avenue with a deceleration lane for west bound traffic and 2 off 54th St West. Grand Avenue carries about 10,000 vehicle trips per day just west of Shiloh Road. Between Shiloh Road and 66th St West, the traffic volume drops off significantly. This will likely change when the Ben Steele Middle School at 56th St West and Grand Avenue opens in the fall of 2017. There are no traffic counts available for 54th St West north of Grand Avenue up to Rimrock Road. Traffic counts on Rimrock Road near the intersection with 54th St Street West traffic volume is about 5,100 vehicles per day.

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) the application 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 the zoning regulations adopted by the City Council have designated all CC zoning districts can have a drive through service adjacent to a residential zone as long as they go through the special review process. There are requirements for landscaping and screening from residential uses next to commercial uses within the zoning regulations.

The application meets criteria from the second requirement as it is consistent with some of the objectives 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 promote development of a commercial service area where none currently exists on land that has been zoned appropriately for this commercial use and has easy access to City services and infrastructure. This will provide an additional services to residents within the neighborhood and throughout West Billings.

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

The proposed development of this vacant land will provide walkable services to the immediately adjacent

neighbors. Conditions of approval will be proposed to ensure this development does not impact these same neighbors with excessive noise, light and other intrusions.

- **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 businesses, provide employment opportunities at this location, and benefit the community with needed local services.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in a developing area of Billings, with mainly residential development occurring at this time. Everyday services are not yet available and the proposed development will bring these services closer to this residential population. The overall development will include a grocery store, a pharmacy, a gasoline service station as well as several other service businesses to the 8+ acre site. The proposed drive through service window for the pharmacy within the grocery store is the reason a special review is required. It is anticipated there will be minimal impacts from the proposed location of the drive through service window that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

## **RECOMMENDATION**

The Planning Division recommends conditional approval.

## **PROPOSED CONDITIONS**

1. The special review approval is limited to Lot 1, Block 1, Bishop Fox Subdivision generally located north of Grand Avenue, on the east side of 54th St West.
2. The special review is for the construction and operation of a drive through service window on the southeast corner of the proposed grocery store on the north end of the site. No other use is intended or implied.
3. The drive through service window will not be open 24-hours a day. Hours of operation will be submitted for approval at the time of building permit application. Hours of operation should not occur before 6 am or after 10 pm on a daily basis.
4. Any outdoor announcement system associated with the drive through service window shall not be audible at any property line.
5. The landscaping along the north property line and the northerly 360 feet of the east property line shall consist of the trees, shrubs and pedestrian sidewalk as shown on the submitted site (L101).
6. For safety purposes, bollard style lighting shall be placed intermittently along the pedestrian sidewalk in the landscaped perimeter buffer yard.
7. Accessibility ramps and appropriate signage shall be placed wherever necessary for safe pedestrian crossing of internal driveways.
8. No internally illuminated signage will be placed on any wall parallel to the north or east property lines.
9. Short term bicycle parking shall be installed along the south elevation of the proposed store at a location determined appropriate by the architect and developer. The short term bicycle parking shall provide space for up to 8 bicycles. This parking will encourage cyclists to access the store itself rather than use the drive through window as well as support neighborhood access to the store using multiple transportation options. The architect and developer will follow the City of Billings Off-Street Bicycle Parking Guidelines for selection of hardware and placement of the parking racks.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
11. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

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

## **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.

## **RECOMMENDATION**

Staff recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 952.

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## **Attachments**

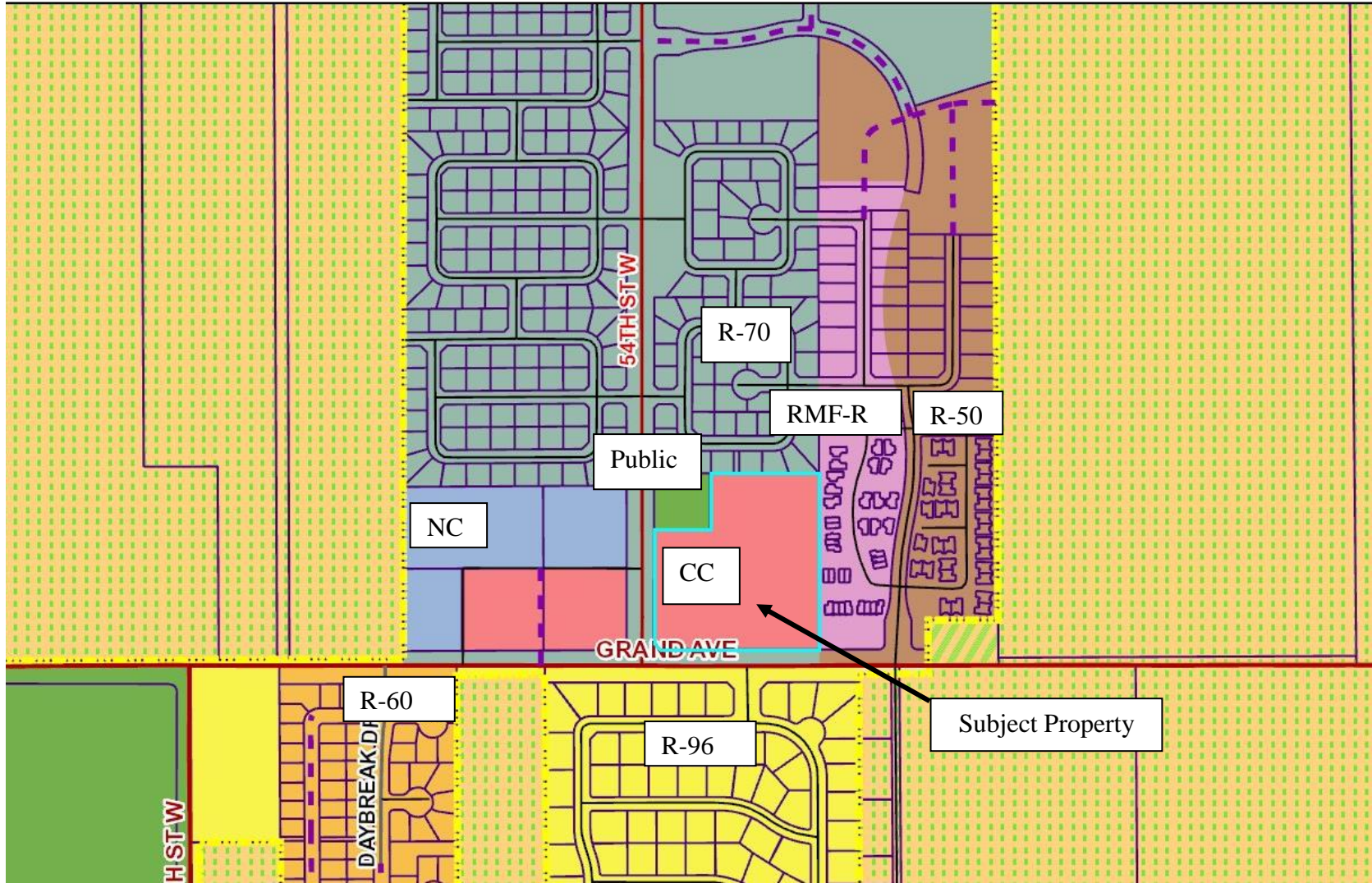
Zoning Map and Site Photos  
Applicant Letter and Site Plans

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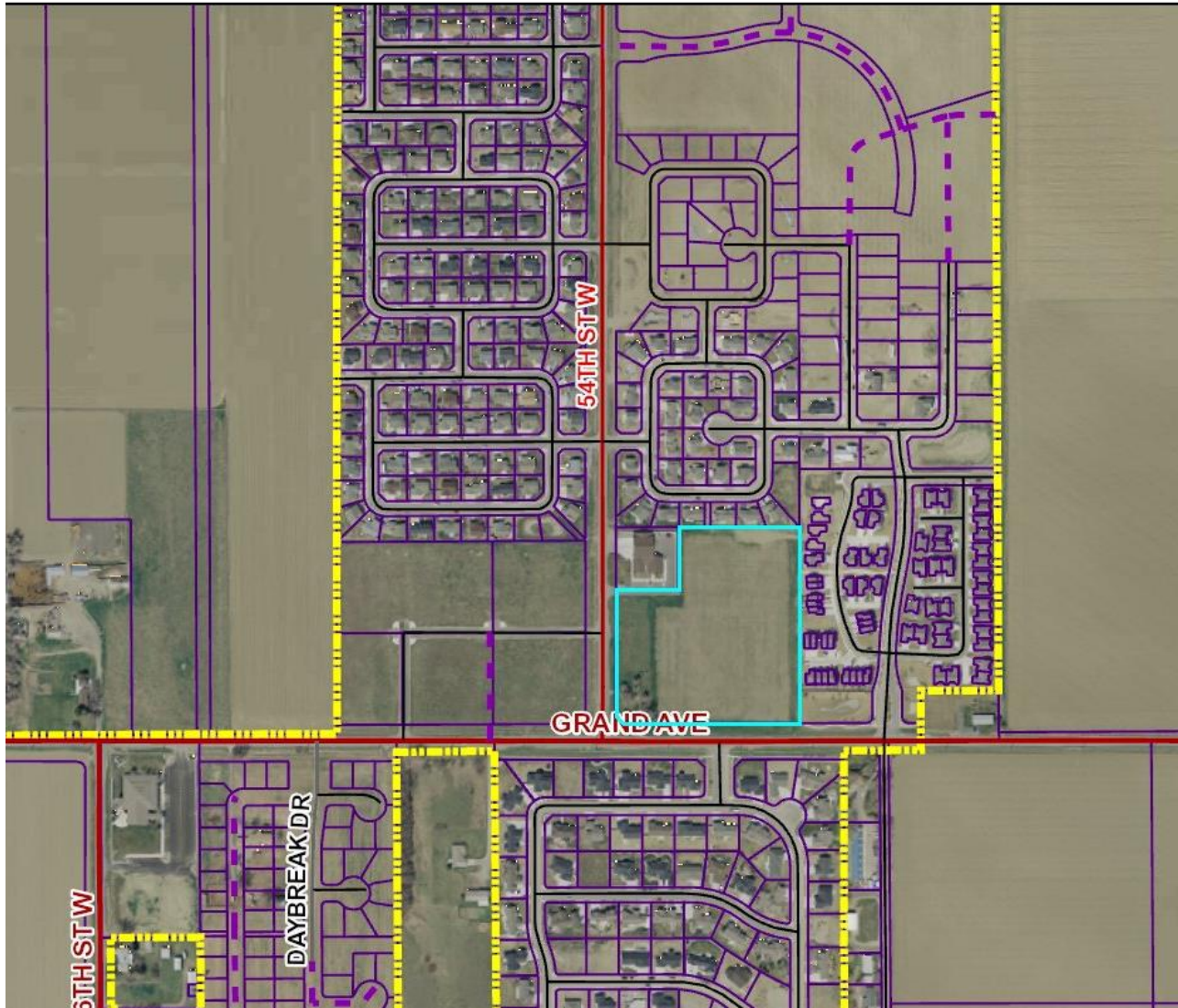
**Surrounding Zoning**

Special Review #952 – Grand Avenue & 54<sup>th</sup> St West

**SR 952**



SR 952



Subject Property – view from access drive off Yellowstone River Road



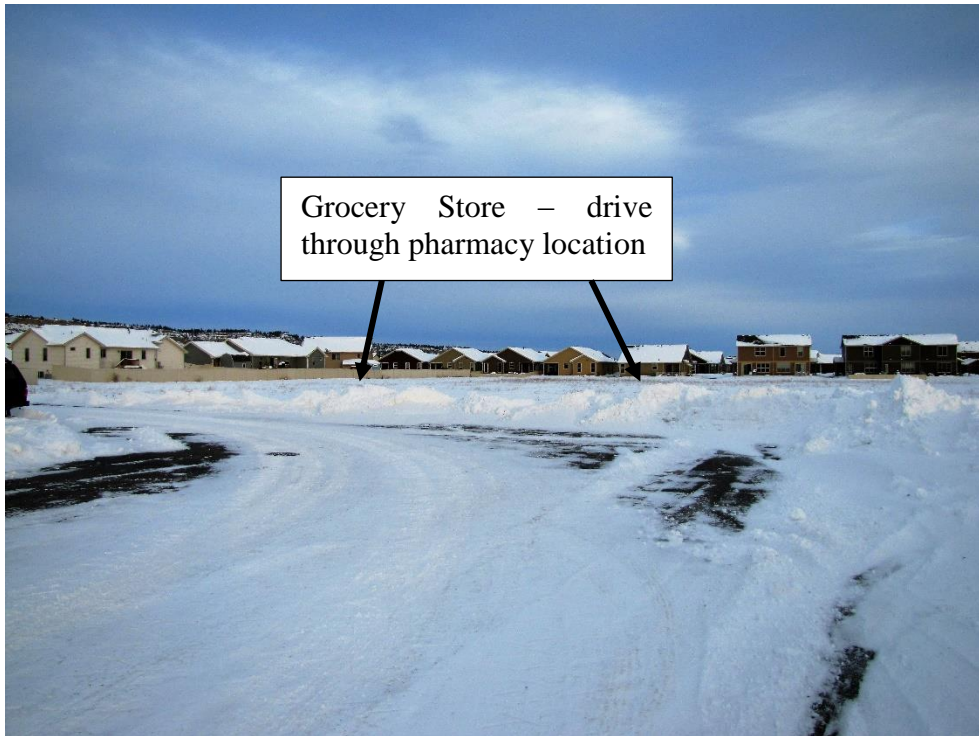
View east of 54<sup>th</sup> St West



View south along 54<sup>th</sup> St West



Fire Station #7 on 54<sup>th</sup> St West



View east to proposed grocery store location

Application and Site Plans  
Special Review #952 – Grand Avenue and 54<sup>th</sup> St West



P-2-16-00224

PIONEERING ENVIRONMENTS

December 5, 2016

City of Billings  
Planning and Community Services Department  
2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor  
Billings, MT 59101

**RE: Special Review Application – NE Corner of 54<sup>th</sup> Street and Grand Avenue**

To whom this may concern,

Per Sec 27- 612 (b) of the City code, a special review is required for the 53,000± square foot building proposed to be located on Lot 1, Block 1 of the Bishop Fox Subdivision. More specifically, the special review is required due to a drive-thru being proposed on the east side of the building. Please note, there is a preliminary plat application being submitted concurrently with this application, which proposes a minor subsequent subdivision of Lot 1, Block 1 into four lots.

Special Review Application Questions:

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

This project is consistent with the goals of Essential Investments, Community Fabric, Strong Neighborhoods, Mobility and Access, and Prosperity as outlined in the Growth Policy. The retail grocery market is an essential service for the existing neighborhood within the city limits. The site layout integrates trails and green space landscaping, contributing to connectivity for mobility and access and improving the community character. The project increases prosperity by creating economic opportunities and local jobs.

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

The land proposed to be developed is currently open pasture and zoned community commercial. The zoning type is fulfilled by the project development.

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

Public interest is served by the proposed site having safe bike and pedestrian connectivity to the existing sidewalk/trail facilities adjacent to the development. In addition, screening according to the City's current landscape guidelines will be provided

g:\absbmt\completeness and sufficiency review\submittal\1\_20161128\_submittal\_cover letter\_.docx

to "break-up" views from existing residential properties from both the east and north property lines.

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

It is the intention of the Owner to build a building for retail use. As discussed above, the proposed building will have a drive-thru window for retail services on the east wall. Per Sec 27-612 (b) of the City code a special review is required due the building having a drive-thru. Screening will be provided in the 30-foot setback, along the east property line, to break-up the views of vehicles of passing through the drive-thru window.

Included with this letter are the required attachments for the subdivision completeness review. The following is a description of what has been included:

- Review Fee Check for \$1,215.00 – Included with this letter
- Check for \$45.00 as a deposit for posting of zoning request signs
- Site Plan
- Landscape Plan and Sections
- Building Elevations
- 300' Radius Map
- Address Labels

Please let us know, if you require any additional information.

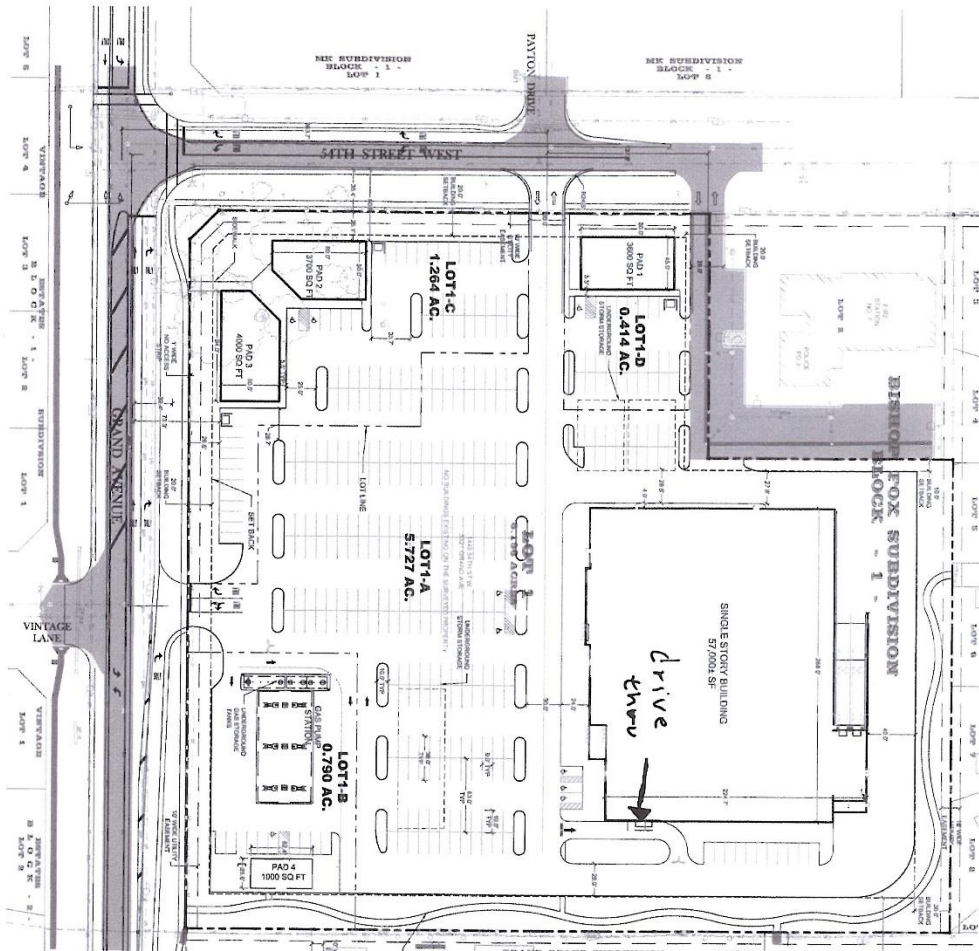
Sincerely,

CTA ARCHITECTS ENGINEERS



Ron Isackson, PE

cc: CTA File -



**APPLICATION DATA:**

OWNER: BISHOP FOX COMPANY  
 124 CRAWFORD DR.  
 BILLINGS, MT 59102  
**P 2-16-00224**  
 LEGAL: SOUTHWEST ONE QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 25 EAST, P.M.M., CITY OF BILLINGS, COUNTY OF YELLOWSTONE, STATE OF MONTANA.  
 LOCATION: LOT 1, BLOCK 1, BISHOP FOX SUBDIVISION

ZONING: CC (COMMUNITY COMMERCIAL)  
 CURRENT LAND USE: UNDEVELOPED/AGRICULTURAL  
 PROPOSED LAND USE: RETAIL GROCERY

LAND PARCEL SIZE: 8.197 AC  
 GROSS ACRE SUBJECT SITE: 267,661 SQ. FT.  
 GROSS SQ. FOOTAGE

**SUBDIVISION DATA:**

LOT 1-A & 27 AC  
 LOT 1-B: 0.730 AC  
 LOT 1-C: 1.264 AC  
 LOT 1-D: 0.414 AC  
 TOTAL: 8.195 AC

**BUILDING DATA:**

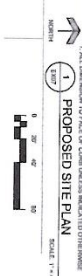
SINGLE STORY BUILDING - 57,024 SF  
 PAD 1: 3,600 SF  
 PAD 2: 3,700 SF  
 PAD 3: 4,000 SF  
 PAD 4: 1,000 SF  
 TOTAL = 69,324 SF

**PARKING REQUIREMENTS:**

FOR RETAIL: 1 SPACE PER EVERY 200 SF FOR THE FIRST 10,000 SF OF GROSS FLOOR AREA, AND 1 SPACE PER EVERY 80 SF GROSS FLOOR AREA, WITH A 10 SPACE MINIMUM.

**PARKING DATA:**

BUILDING	GROSS AREA (SF)	REQUIRED STALLS	PROVIDED STALLS
SINGLE STORY	57,024	199	253
PAD 1	3,600	18	27
PAD 2 & PAD 3	7,700	39	65
PAD 4	1,000	13	10
<b>TOTAL</b>	<b>69,324</b>	<b>269</b>	<b>355</b>



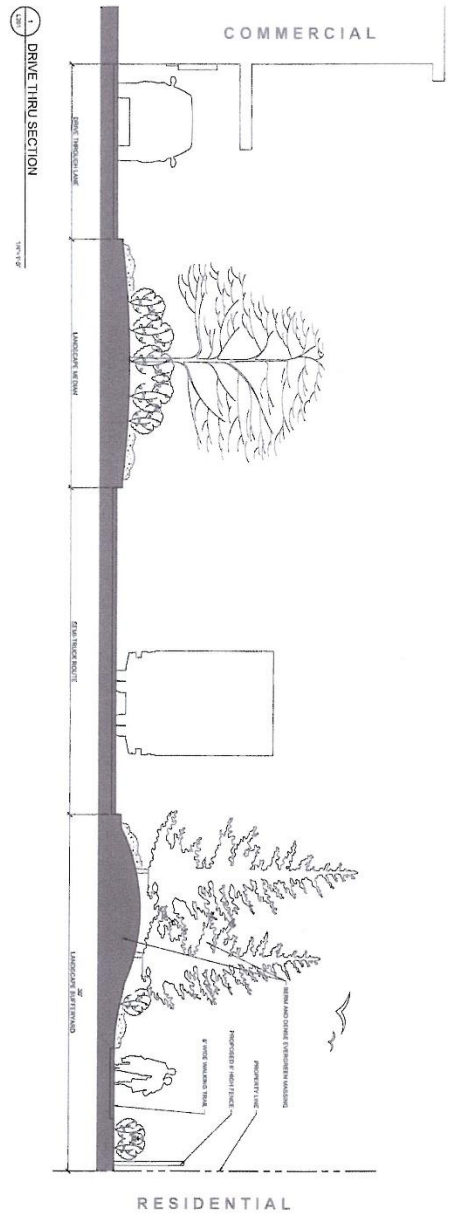
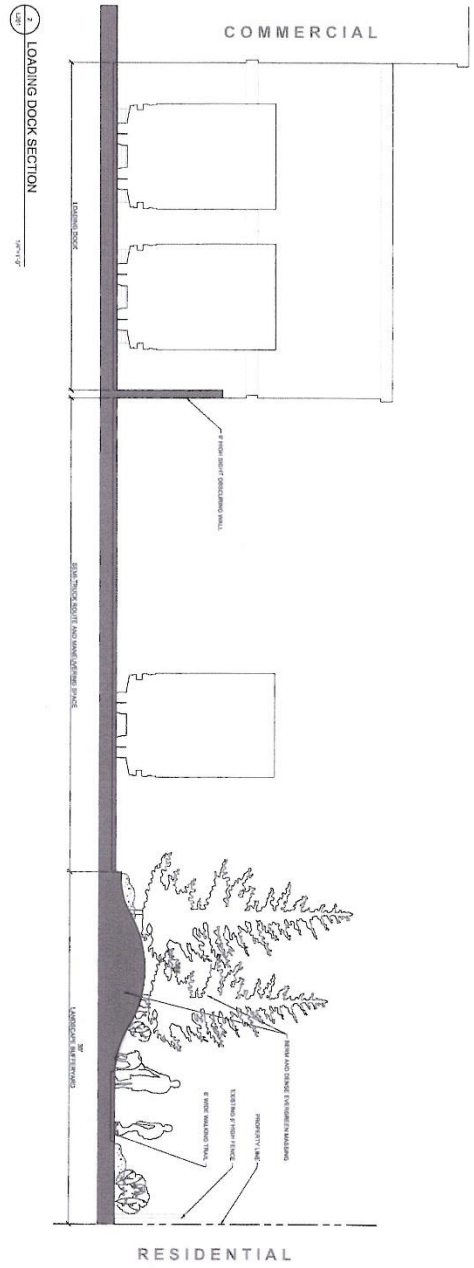
NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

SITE PLAN  
**EX07**

BILLINGS, MONTANA  
 GRAND AVE. & 54TH ST.  
**SPECIAL REVIEW SP SUBMITTAL**







NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

SITE  
SCHEMATIC  
L201

DATE: 11/15/2016  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 SPECIAL REVIEW SP SUBMITTAL

BILLINGS, MONTANA  
 GRAND AVE. & 54TH ST.  
**SPECIAL REVIEW SP SUBMITTAL**

P-7-16-00224



# City of Billings

## Off-Street Bicycle Parking Guidelines

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

### Customers and Clients

#### Bicycle Parking

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

#### Bicycle Rack Site Location

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

#### Bicycle Racks\*

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



\*examples only. not an all inclusive set.

### Employees and Residents

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

#### **For Questions Contact:**

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

