



## **CITY ZONING COMMISSION**

**AGENDA-Wednesday, November 8, 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 October 3, 2017.

**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 Special Review 958 – 54<sup>th</sup> St West and Grand Avenue** – A special review request to allow the location of an all-beverage liquor license with gaming in a Community Commercial (CC) zone in a 5,000 square foot portion of a proposed new multi-tenant building on Lot 2, Block 1, MK Subdivision, a 2.113 acre parcel of land. Presented by Nicole Cromwell, Zoning Coordinator
  
- b. **City Special Review 959 – 1025 N 27<sup>th</sup> St, 2601 10<sup>th</sup> Ave N & 1010 N 26<sup>th</sup> St** - A special review request to allow the location of two drive through services in a Community Commercial (CC) zone across an alley from a Residential zone and to allow the location of a new public parking lot in a Residential 7,000 (R-70) zone on Lot 3, Block 5, Sunnyside Subdivision, 1st Filing (CC zone - 40,732 square feet); South 100 feet of Lot 4, Block 5, Sunnyside Subdivision, 1st Filing (R-70 zone – 14,000 square feet); and the North 50 feet of the south half of Lot 4, Block 5 Sunnyside Subdivision, 1st Filing (R-70 zone – 7,000 square feet). Tax IDs: A16341; A16345 & A16346.

## **Other Business/Announcements**

### **Adjournment**

**The City Council** has designated **Monday, November 27, 2017**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the **special reviews**.

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed **special reviews**. Testimony regarding the above mentioned item 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 (Wednesday meeting)**

**Meeting Date:** 11/08/2017

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**Information**

**Subject**

The minutes of the Board meeting of October 3, 2017.

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**Attachments**

BZC\_2017\_10\_03.pdf

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# City of Billings Zoning Commission

## Meeting Minutes October 3, 2017

The City of Billings Zoning Commission met on Wednesday, October 3, 2017 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 October 23, 2017 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		01/03/2017	02/07/2017	03/07/2017	04/04/2017	05/02/2017	06/06/2017	07/05/2017	08/01/2017	09/05/2017	10/03/2017	11/07/2017	12/05/2017
Dan Wagner	Chairman	1	-	-	1	1	-	1	1	-	1		
Dennis Ulvestad	Commissioner	1	-	-	1	A	-	1	1	-	1		
Mike Boyett	Vice Chairman	1	-	-	1	1	-	1	1	-	1		
Michael Larson	Commissioner	1	-	-	1	1	-	E	1	-	1		
James Mariska	Commissioner	1	-	-	1	1	-	1	1	-	1		
Wyeth Friday	Director, Planning & Community Services	-	-	-	1	-	-	-	-	-	-		
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	1	-	1		
Nicole Cromwell	Planner Zoning Coordinator	1	-	-	E	1	-	1	1	-	-		
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-		
Dave Green	Planner II	-	-	-	1	-	-	1	-	-	-		
Karen Husman	Planner I	-	-	-	-	-	-	-	-	-	1		
Robbin Bartley	Administrative Support	1	-	-	1	1	-	1	1	-	1		

Total Number of 2017 Applications	01/03/2017	02/07/2017	03/07/2017	04/04/2017	05/02/2017	06/06/2017	07/05/2017	08/01/2017	09/05/2017	10/03/2017	11/07/2017	12/05/2017	TOTAL
Zone Change	2			2	1		1	3					9
Special Review	1			3			1			1			6

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Monica Plecker, Planning Division Manager, Karen Husman, Planner I; and Robbin Bartley, Administrative Support.

**In Attendance: Kevin Howell**

**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: August 1, 2017**

Chairman Wagner called for approval of the August 1, 2017 meeting minutes.

**Motion**

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the August 1, 2017 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 5-0.**

**Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits**

A new form has been implemented for any disclosures. If any Board member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

**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 October 23, 2017. He then asked Karen Husman to review the first agenda item.

Karen Husman presented:

**City Special Review 957 – 1235 West Wicks Lane** – A special review request as provided in Section 27-620(d)1.a. to install a roof-top concealed wireless facility 9 feet above the existing roof parapet in a Residential 9,600 (R-96) zoning district on Lot 1A, Block 4, High Sierra Subdivision, 2<sup>nd</sup> Filing, a 14.356 acre parcel of land. The proposed concealed wireless antennae installation will be on the north edge of the existing church roof with an equipment enclosure located on the ground to the north of the existing storage shed behind the church building. Tax ID: A30251

### **RECOMMENDATION**

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

1. The special review is limited to installation a roof-top concealed wireless facility 9 feet above the existing roof parapet in a Residential 9,600 (R-96) zoning district on Lot 1A, Block 4, High Sierra Subdivision, 2<sup>nd</sup> Filing, a 14.356-acre parcel of land. No other use is intended or implied.
2. Any back-up generator on site will use "whisper quiet" technology so adjacent land uses are not disturbed.
3. 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.
4. 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.

### **Questions for Staff:**

NONE

**CHAIRMAN WAGNER asked for the applicant of City Special Review 957.**

### **Kevin Howell, agent for Verizon Wireless**

Verizon has issues meeting the bandwidth needs of the area. The new sites being proposed serve approximately a 1 mile radius. These towers are becoming necessary infrastructure. High school and college areas are large consumers of bandwidth. This area sits on a high point geographically. The enclosure is fiberglass and painted to match. The height is 9 feet above the building height. 2-3000 people can be served with each tower. A 25 year lease will be entered into between Verizon and the Harvest Church.

**OPPOSED**

**Annette Draper, 1702 High Sierra Blvd, Billings, MT**

She is concerned with the privilege given regarding zoning to allow this commercial Verizon antenna. Why is this needed? How much is Harvest church being paid?

Staff replies to the Special Review request.

**Rebuttal**

The Verizon engineers have an obligation to anticipate the needs of the area. When the speeds are slower and dropped calls are occurring, more antennas are necessary. This tower will cost about \$250,000.00. It is located on the edge of town. Kevin Howell/Verizon approached Harvest Church with interest in the location. A market rate will be negotiated between Verizon and Harvest Church for the lease agreement.

Board member James Mariska talked about an area where no data was available. It is no longer a matter of convenience. It is now necessary infrastructure going forward as well as safety for citizens trying to get emergency help.

On a national basis, 50 percent of homes do not have a land line.

Board member Ulvestad agrees with how it affects everyone when the coverage is overloaded.

**Chairman Wagner asked for a motion.**

COMMISSIONER Boyett made a motion and COMMISSIONER Larson seconded the motion to approve **City Special Review 957**.

**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 is approved with a verbal vote of 5-0.**

**Other Business: Invitation to Ethics Training.**

**Adjournment:** The meeting adjourned at **5:00 p.m.**

**DRAFT:** To be approved by a motion: **November 7, 2017, request to change to November 8, 2017.**

**ATTEST:**

**Robbin Bartley, Administrative Support I**



## **City Zoning Commission (Wednesday meeting)**

**Meeting Date:** 11/08/2017

**SUBJECT:** Special Review 958 - 54th St West & Grand Avenue

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### **Information**

#### **REQUEST**

**City Special Review 958 – 54th St West and Grand Avenue** – A special review request to allow the location of an all-beverage liquor license with gaming in a Community Commercial (CC) zone in a 5,000 square foot portion of a proposed new multi-tenant building on Lot 2, Block 1, MK Subdivision, a 2.113 acre parcel of land. Presented by Nicole Cromwell, Zoning Coordinator

#### **RECOMMENDATION**

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 958.

Special Review applications are reviewed using City Code criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval, are not zone changes on property; rather, are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

#### **APPLICATION DATA**

OWNER: Karls Property LLC

AGENT: Roger Beeter; Richard Wrobel; Terra Pierce

LEGAL DESCRIPTION: Lot 2, Block 1 MK Subdivision

ADDRESS: none assigned

CURRENT ZONING: Community Commercial (CC)

EXISTING LAND USE: Vacant commercial land

PROPOSED USE: Multi-tenant building with a maximum of 5,000 square feet for an all-beverage license with gaming (The Den)

SIZE OF PARCEL: 2.113 acres

#### **CONCURRENT APPLICATIONS**

None.

#### **APPLICABLE ZONING HISTORY**

##### **Subject Property**

In 2007, the subject property and all of the lots in MK Subdivision were submitted for annexation, a minor subdivision and a zone change from Agriculture Open-space (A-1) to CC and Neighborhood Commercial (NC) zoning. Originally, only Lot 1 (east of the subject property) was zoned CC. In 2014, the owners of Lot 2 submitted a request to re-zone from NC to CC so additional uses could be allowed such as on-premise alcohol service, personal storage warehousing, auto sales and similar more intense commercial uses.

##### **Surrounding Property**

In 2005, the Bishop Fox Subdivision east across 54th St West was annexed, subdivided and a zone change approved for CC zoning for an 8.2-acre parcel at the intersection. A recent Special Review was granted for a drive-through pharmacy service at the proposed Albertson's grocery store on this CC parcel. In addition, a 1-acre parcel was zoned Public (P) so Fire Station #7 could be developed. Property to the north, Cottonwood Grove Subdivision, was annexed, subdivided and zoning of R-70 was approved in 2004. Vintage Estates, directly south across Grand Avenue, was annexed in 2005 and assigned the "default" zoning of R-96. In 2014, Daybreak Subdivision, south and west across Grand Avenue was annexed and zoned R-60 in 2014.

## **SURROUNDING LAND USE & ZONING**

NORTH:	Zoning: NC Land Use: Vacant commercial land
SOUTH:	Zoning: A-1, R-96 & R-60 Land Use: Agricultural land, single family residences
EAST:	Zoning: CC Land Use: Vacant commercial land
WEST:	Zoning: NC Land Use: Vacant commercial land

## **BACKGROUND**

This is a special review request to locate an all-beverage liquor license in a proposed 5,000 square foot tenant space in a new multi-tenant building just west of the intersection of 54th St West and Grand Avenue on Lot 2, Block 1 of MK Subdivision. The property does not have an assigned address at this time, but will have its primary access off an internal street named Chy Way. This intersection was recently improved to include a traffic signal and safer pedestrian facilities. The project was completed this year in time for the opening of the new Ben Steele Middle School at 56th St West and Grand Avenue. While the school is close by, it is not within 600 feet of the subject property. The Vineyard Church, also located at the intersection 56th St West and Grand Avenue, is also more than 600 feet from the subject property.

Earlier this year the City approved the location of a new drive-through pharmacy for the proposed Albertson's grocery store on the east side of the intersection of 54th St W and Grand Avenue. In 2016, the City approved the location of a new LDS church and stake house on the west side of 54th St West north of this intersection. Mont Vista, a new residential subdivision is building out on the east side of 54th St West near the LDS stake house. Grand Peaks neighborhood east of 54th St West and Daybreak neighborhood south of Grand Avenue are also building out. Vintage Estates, is about one-half complete. The demand for everyday neighborhood services such as coffee shops, small restaurants, day care, convenience shopping, pharmacies and similar services is growing. The West Billings Neighborhood Plan anticipated the need for these services and mapped where these should be located - primarily at the intersections of arterial streets. The zone changes and special review uses approved in this area were all completed in conformance with the adopted West Billings Plan.

Grand Avenue and 54th St West are both arterial streets and carry many traffic trips every day. Grand Avenue will see significant increases in future traffic counts due to the opening of the new middle school. Existing traffic on Grand is about 11,000 vehicle trips per day. The latest traffic count number available for 54th St W is in 2013 when about 2,300 vehicle trips were counted. It is likely a much higher trip count now due to the addition of new homes in Mont Vista, the completion of new phases in the Grand Peaks neighborhood and the opening of the new LDS stake house.

The applicants are proposing to move their existing all beverage license and business from its current location at 1595 Grand Avenue. The Den has existed at the West Park Plaza for 5 decades. In 1986, the Den received its first special review approval at this location because remodeling work required the business to move to a new location in the plaza. Prior to 1986, the Den was in operation at this location, but no special review approval was required. The City requires a special review any time an existing or new on-premise liquor license is re-located within the city limits. The City does not control the number of on-premise liquor license that may be issued by the state. The City can specify appropriate zoning districts, separation requirements and provide for conditions of approval to mitigate any potential negative effects of the location on an on-premise liquor license.

The Planning staff is recommending conditional approval of this request. 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 that any on-premise liquor license in a CC zone may apply for a special review. The proposed site plan meets all the requirements of the zoning regulations for setbacks, building height, clear vision areas and lot coverage. The landscaping plan is not yet complete and compliance with the landscaping requirements will be assured at the time of the building permit review. At least 10 canopy or evergreen trees will be required for the proposed number of parking spaces and landscape islands may be required to break up the long rows of parking spaces shown on the site plan. The proposed location of the solid waste enclosure may also need to be adjusted based on the Solid Waste Division's maneuvering requirements. Any solid waste collection area will be fully screened from public view including closing gates.

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 development of a vacant parcel in this growing neighborhood in Billings West End will be a cost effective project where City infrastructure and some services already exist.

**Strong Neighborhoods:**

- 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.

This development will be the first neighborhood services within walking distance (1/2 mile) for 6 established residential neighborhoods and within short driving distance (3 miles) of many more West End neighborhoods. The proposed Den location will be only 1 of the tenants in this new building. Complimentary businesses include a small restaurant with a potential drive through service window, small retailers and service providers.

**Prosperity:**

- Successful businesses that provide local jobs benefit the community. Retaining and supporting existing businesses helps sustain a healthy economy.

This development will allow an existing Billings business to continue to grow and provide local jobs. This development will help support and sustain the tax base for Billings.

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 good access to transportation choices, schools and open space. The area is currently lacking any essential everyday services for residents such as restaurants, coffee shops, retail shopping, groceries, convenience shopping and services. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

**PROPOSED CONDITIONS:**

1. The special review approval is limited to 1 tenant space not to exceed 5,000 square feet in a proposed new multi-tenant building on Lot 2, Block 1, of MK Subdivision. The special review approval is for an all beverage license with gaming within the 5,000 square foot tenant space. No other use is intended or implied by this approval.
2. The development and placement of the building, paved parking lot, landscaping, access and general site

layout will be in general conformance with the submitted plans dated September 29, 2017. Compliance with Engineering Division requirements for off-street parking lots and solid waste storage will be required. Compliance with other commercial site development standards such as landscaping, storm water management, and building codes will be reviewed at the time of building permit submittal.

3. There will be no construction activity before 7 am or after 8 pm daily.
4. The parking lot and any outdoor seating space will not be used for live, amplified entertainment or music at any time whether on a permanent or temporary basis.
5. Parking lot lighting shall consist of fully-shielded lights so no part of the lens or light projects below the shielding. The maximum height of any pole standard is 20 feet.
6. No fascia of the building may have internal illumination.
7. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
8. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

**\*\*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 recommending approval of 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 958.

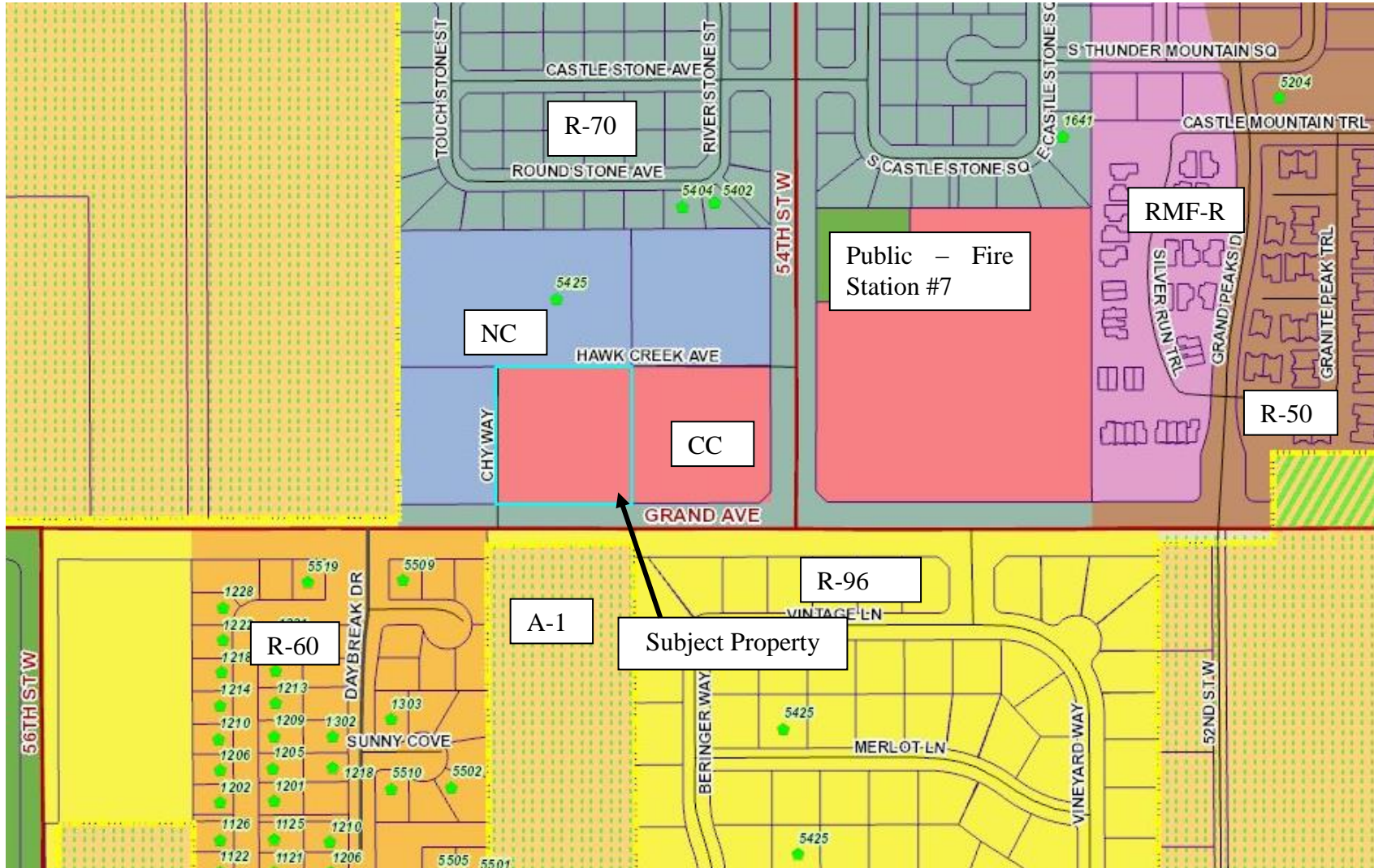
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### **Attachments**

Zoning Map and Site Photos



**Surrounding Zoning**  
Special Review #958 – 54<sup>th</sup> St W and Grand Avenue







Subject property from Grand Avenue – view north and east



View east along Grand – new traffic signal



View south across Grand Avenue



View west along Grand Avenue

Application and Site Plans  
Special Review #958 – 54<sup>th</sup> St W and Grand Avenue

This proposal is consistent with the adopted growth policy in that it will provide services to several thousand house holds on the west end of Billings. The west end, specifically west of Shilo, has grown considerably the last several years. Residential has been the primary growth. However, with the increase in residential homes there have been no retail or commercial services included to support the needs of the households.

There is need for several services in the area, including but not limited to gas, convenience store, salon, health and fitness, and food and beverage. The average distance to the nearest service is 3.5 miles. With the increase of households, the middle school and churches in the area all services will be a great addition to the area.

The public interest will be served in that we are giving them necessary services closer to home. In today's busy lifestyle, the public demands services and products close to home. We are located inside the Billings city limits and have every right to provide commercial services to the homes in the surrounding areas.

Our project specifically, will provide a 17-18,0000 sq. ft. building that would be the home of the The Den, a family owned existing business for over 50 years in Billings. The Den would occupy about 4-5000 sq. ft and remainder would be leased out to other potential businesses. We will target businesses that are needed in the area. Food, pet grooming, hair and nail salon ect. The reason we are requesting special review is that The Den, currently has an all beverage liquor license with gaming. In order to relocate The Den the property would have to be approved for consumption of alcohol and gaming. We would also be serving food in The Den which has never been the case before. We would cater to families that want to come in a have a meal, and also become a neighborhood lounge where people could gather together for an adult beverage and watch all different sporting events.

If approved, Rich Wrobel and Terra Pierce will be the owners and developers of the property. The Den would be the only full beverage license with gaming allowed on the property. No other tenants will be allowed to sell, consume or distribute alcohol, beer or wine on the property.

*Richard P Wrobel* 9-28-2017  
*Terra Pierce* 9/28/2017

# MK SUB BLOCK 1 LOT 2

**A-LINE**  
 DRAFTING AND DESIGN  
 JEFF WOLLSCHLAGER  
 (406) 321-2280  
 725 GRAND AVE.  
 BILLINGS MT, 59101

GRAND AVE

BILLINGS

MONTANA

**OWNER**

TBD

**INDEX OF DRAWINGS**

T1.0 TITLE/ SITE PLAN

**ADOPTED CODES**

INTERNATIONAL BUILDING CODE, 2012 EDITION  
 INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION  
 INTERNATIONAL FUEL GAS CODE, 2012 EDITION  
 INTERNATIONAL MECHANICAL CODE, 2012 EDITION  
 INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION  
 NATIONAL ELECTRICAL CODE, 2014 EDITION  
 UNIFORM PLUMBING CODE, 2012 EDITION

**SITE INFO**

PROPERTY ADDRESS: GRAND AVE  
 TOWNSHIP: 01 N RANGE: 25 E SECTION: 31  
 SUBDIVISION: MK SUB BLOCK 1 LOT: 2  
 FULL LEGAL: MK SUB, S31, T01 N, R25 E, BLOCK 1, LOT 2, (08) ANNEX - 07-18533 (08)  
 Lot Size: 2.113 Acres  
 ZONING: COMMUNITY COMMERCIAL  
 SETBACKS: 20' FRONT, 10' STREET ADJACENT  
 50% ALLOWED LOT COVERAGE

**GENERAL NOTES**

-PROPOSED STRUCTURE TO MEET ALL ZONING AND CODE REQUIREMENTS



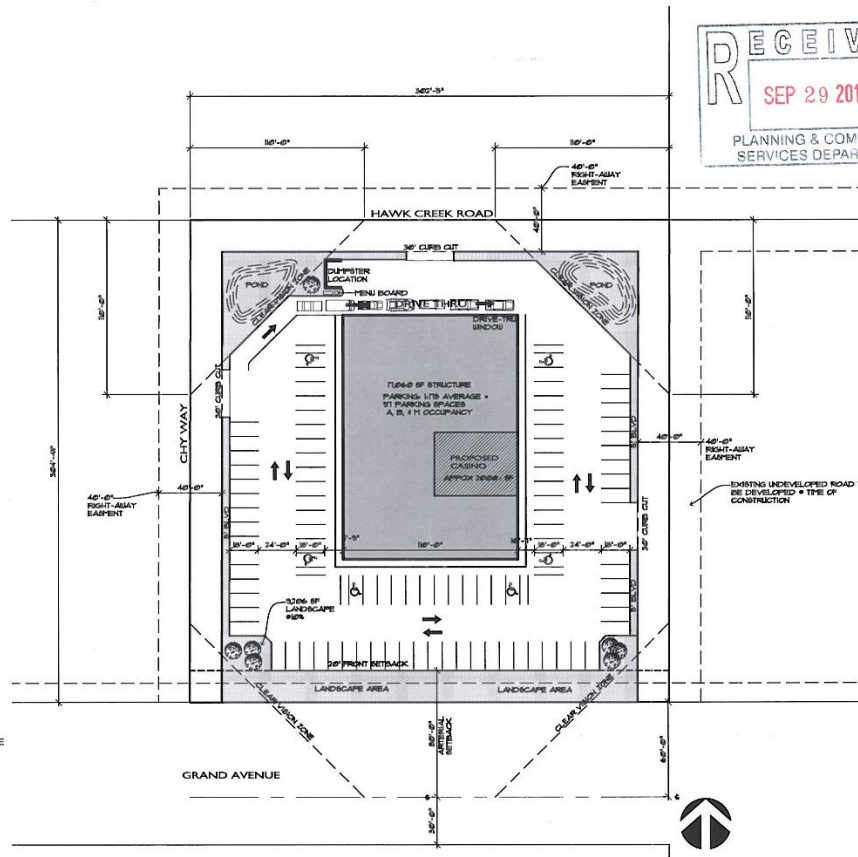
INSPIRATION IMAGE

NTS



VICINITY MAP

600 FEET PERIMETER FROM SUBJECT PROPERTY (no schools/ church's)  
 NTS



**1 SITE PLAN**  
 T1.0 SCALE: 1/32"=1'-0"

S.I.O SITE PLAN	
SHEET	
1	X



**City Zoning Commission (Wednesday meeting)**

**Meeting Date:** 11/08/2017

**SUBJECT:** Special Review #959

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

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**Information**

**REQUEST**

**City Special Review 959 – 1025 N 27<sup>th</sup> St, 2601 10<sup>th</sup> Ave N & 1010 N 26<sup>th</sup> St** - A special review request to allow the location of two drive through services in a Community Commercial (CC) zone across an alley from a Residential zone and to allow the location of a new public parking lot in a Residential 7,000 (R-70) zone on Lot 3, Block 5, Sunnyside Subdivision, 1st Filing (CC zone - 40,732 square feet); South 100 feet of Lot 4, Block 5, Sunnyside Subdivision, 1st Filing (R-70 zone – 14,000 square feet); and the North 50 feet of the south half of Lot 4, Block 5 Sunnyside Subdivision, 1st Filing (R-70 zone – 7,000 square feet). Tax IDs: A16341; A16345 & A16346.

**RECOMMENDATION**

Conditional approval.

**APPLICATION DATA**

OWNER: Hillcrest, Inc.

AGENT: Dennis Randall, Sanderson Stewart

LEGAL DESCRIPTION: Lot 3, block 5, Sunnyside Sub. 1st . S 100' of L 4, Blk 5, Sunnyside Sub, 1st , N 50' of s 1/2 Lt 4, Blk 5 Sunnyside Sub 1st

ADDRESS: 1025 N 27th, 2601 10th Ave. N, 1010 N 26th St.

CURRENT ZONING: CC, R-70

EXISTING LAND USE: Hotel, Residential multi family

PROPOSED USE: Bank, Restaurant, Parking Lot

SIZE OF PARCEL: 40,732; 14,000;7,000

**CONCURRENT APPLICATIONS**

None.

**APPLICABLE ZONING HISTORY**

**Subject Property** –None

**Surrounding Property** – Records show there have been two special reviews approved in this subdivision, one for a drive through restaurant and one for an all beverage liquor license, both conditionally approved.

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: CC

Land Use: Medical office facility

SOUTH: Zoning: Public

Land Use: Park/Ball field

EAST: Zoning: R-70

Land Use: Residential single family/Residential multi-family

WEST: Zoning: Medical Corridor

Land Use: Hospital and medical facility

## BACKGROUND

This is a special review request to allow the location of two drive through services in a Community Commercial (CC) zone across an alley from a Residential zone and to allow the location of a new public parking lot in a Residential 7,000 (R-70) zone on Lot 3, Block 5, Sunnyside Subdivision, 1st Filing (CC zone - 40,732 square feet); South 100 feet of Lot 4, Block 5, Sunnyside Subdivision, 1st Filing (R-70 zone – 14,000 square feet); and the North 50 feet of the south half of Lot 4, Block 5 Sunnyside Subdivision, 1st Filing (R-70 zone – 7,000 square feet). Tax IDs: A16341; A16345 & A16346.

Planning Staff has reviewed this application and found two other special reviews approved in this subdivision; one for a drive through restaurant and one for an all beverage liquor license. The Planning Staff also received comments from the Montana Department of Transportation (MDT) as follows: 1) An approach permit from the State will be necessary for the northern approach, 2) An approach permit will be needed for the existing south approach only if it is to be relocated or rebuilt to a new configuration. 3) The existing north approach can be removed, and curbing restored without a permit. 4) Boulevard sidewalk is preferred over existing curb sidewalk. 5) The sidewalk at 10th and 27th is not ADA compliant. It will need to be upgraded if the sidewalk adjacent is to be replaced. MDT would require a meeting with the contractor to discuss these changes and would be inspecting the work within our ROW. 6) If the luminaire is to be moved, MDT must be contacted to coordinate.

The Planning staff reviewed the proposed location of two drive through services across an alley from a residential zone and to allow the location of a new public parking lot 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 Zoning Regulations, 2) The application is consistent with the objectives and purposes of the 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 and R-70 zoning districts can be used for public parking as long as they go through the special review process. There are requirements for landscaping and screening from the 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:** Neighborhoods that are safe and attractive and provide essential services are much desired. Redevelopment of existing property will provide additional services to the residents as well as provide services to adjacent medical corridor. The proposed special review will provide services to benefit the residents of the neighborhood and serve the adjacent hospital patients, visitors and staff. **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 two 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 an area of Billings, with residential zoning and commercial zoning as well as the medical corridor to the west of the subject property. The uses to the north and south are commercial and properties to the east are residential. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

## RECOMMENDATION

**Planning Staff has reviewed the application and is forwarding a recommendation of conditional approval and adoption of the findings of the three criteria.**

## **PROPOSED CONDITIONS**

1. The special review is limited Lot 3, Block 5, Sunnyside Subdivision, 1st Filing, South 100 feet of Lot 4, Block 5, Sunnyside Subdivision, 1st Filing and the North 50 feet of the south half of Lot 4, Block 5 Sunnyside Subdivision, 1st Filing.
2. This special review to allow the location of two drive through services across an alley from a residential zone and to allow the location of a new public parking lot in a Residential 7,000 zone. No other use is intended or implied.
3. The drive through service windows 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 shall not occur before 6 am or after 10 pm on a daily basis.
4. In addition to required landscaping, the landscaping along the east property line shall consist of the trees and shrubs as shown on the submitted site plan in addition to any required sight obscuring fencing.
5. Parking and drive through isles along with the existing and proposed drive approaches from N 27th Street and the alley shall be reviewed and approved by the City Engineering Division and Montana Department of Transportation.
6. The sidewalk improvements along N. 27th Street shall comply with requirements of Montana Department of Transportation. In addition to MDT review, the required boulevard walk landscaping planting shall be reviewed and approved during building permit review by the City Planning Division.
7. For safety purposes, bollard style lighting shall be placed intermittently along the pedestrian sidewalk in the landscaped perimeter buffer yard.
8. Accessibility ramps and appropriate signage shall be placed wherever necessary for safe pedestrian crossing of internal driveways.
9. All sidewalk improvements on the corners of N. 27th Street and 10th Avenue N. and 10th Avenue N. and N 26th Street shall be reviewed and approved by the City Engineering Division and MDT to comply with accessibility requirements.
10. No internally illuminated signage will be placed on any wall parallel to the east property lines.
11. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

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

## **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 recommending approval of 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.

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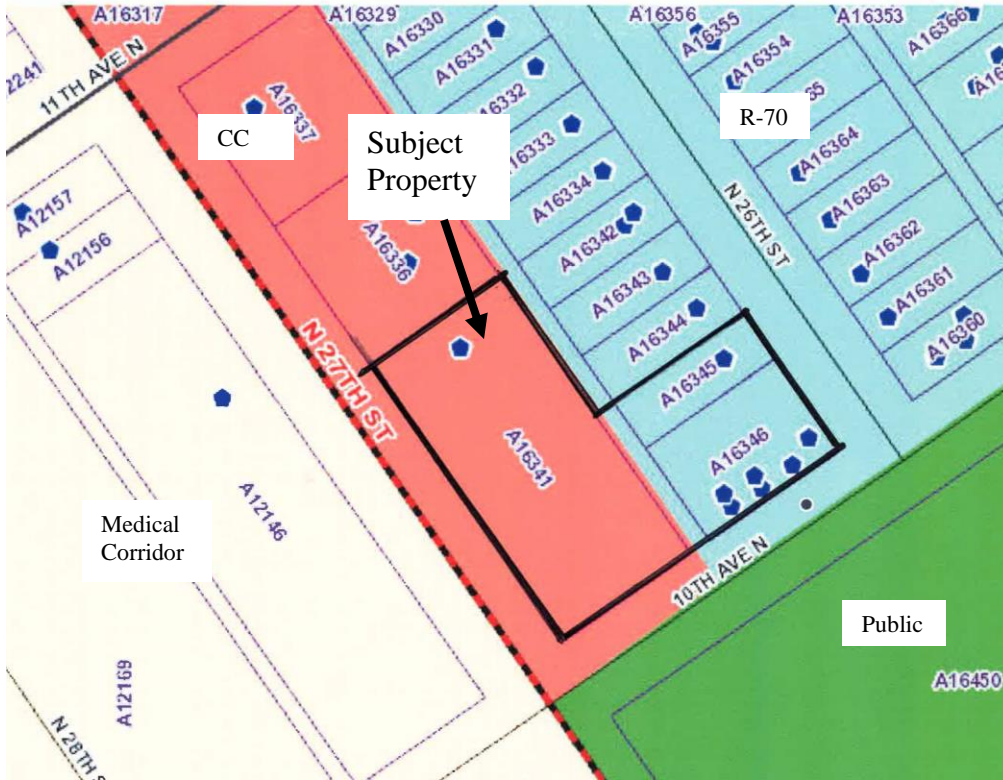
### **Attachments**

Zoning Map & Site Photos  
Applicant Letter & Site Plan

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**ATTACHMENT**  
Surrounding Zoning & Site Location



Surrounding Zoning



**ATTACHMENT**  
Site Photographs



Subject Property.





Looking North on 27<sup>th</sup>



Looking South



West



East

ATTACHMENT  
Applicant Letter & Site Plan

**Opportunity Bank**  
SPECIAL REVIEW APPLICATION  
Lots 3 and 4, Block 5, Sunnyside Subdivision

**SECTION 1 – SPECIAL REVIEW RESPONSES**

***1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?***

The redevelopment of Lot 3, Block 5 of Sunnyside Subdivision from a hotel to a bank and restaurant with parking in portions of the adjacent Lot 4 provides essential services to the community and neighboring businesses. This infill development will occur on a lot with existing infrastructure in place, reducing costs of development and increasing the utilization of the property. The proposed development will meet all City of Billings landscape requirements, ensuring the property is visually appealing.

***1B. Why is there a need for the intended use of the property at this location?***

The proposed development will serve Opportunity Bank's clientele with a new bank space with a drive through window. The proposed restaurant will serve customers downtown and residential neighborhoods with building space and a drive through window. The bank and restaurant will be located on Lot 3, Block 5 of Sunnyside Subdivision, which is zoned Community Commercial. The proposed parking lot, which would be located within a portion of Lot 4, Block 5 of Sunnyside Subdivision, zoned Residential-7000, will serve the bank and restaurant customers and employees.

***1C. How will the public interest be served if this application is approved?***

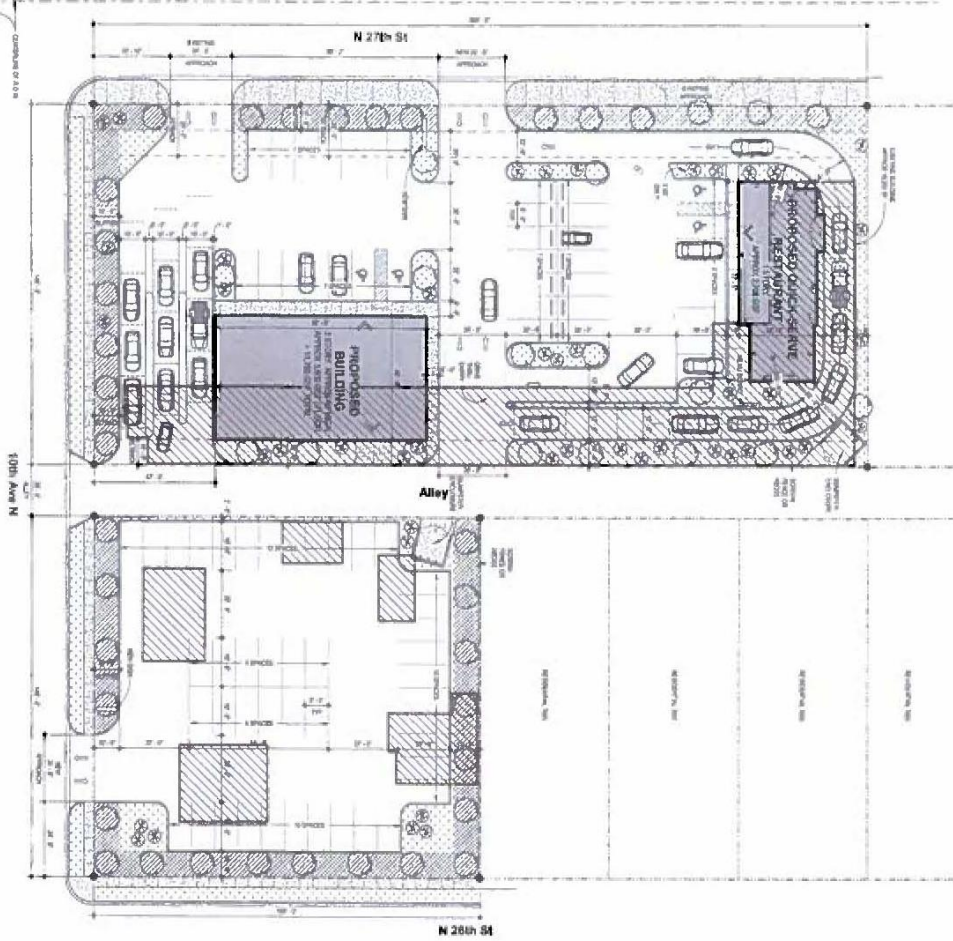
The redevelopment of the property to the bank, restaurant, and parking lot will bring the property up to the current City of Billings code requirements, which will positively impact the property, surrounding properties, and North 27th Street frontage.

***1D. 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.***

The proposed development would construct a new bank and restaurant with drive through windows within Lot 3, Block 5 of Sunnyside Subdivision. The lot is zoned community commercial, which allows the development of both the bank and the restaurant. The adjacent lots are zoned Residential-7000. Due to the proposed drive through window on the bank and restaurant adjacent to the residential use, the special review is required. The lot currently contains a hotel.

Additional parking for the proposed bank and restaurant will be on the adjacent portions of Lot 3, Block 5 of Sunnyside Subdivision. The proposed parking lot will encompass the south 100-feet and north 50-feet of the south half of Lot 4, Block 5, which is zoned Residential-7000. The proposed parking lot falls within the use for the zoning with special review. The portion of Lot 3 to be developed into the parking lot is currently residential property. Access to the parking lot would be via the adjacent alley west of the lot.

**SITE PLAN**



PROJECT: OPPORTUNITY BANK  
 ADDRESS: 1025 & 1045 N 27th St, Billings, MT 59101  
 DATE: 08/15/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 SCALE: AS SHOWN  
 SHEET: A0.1 OF 1



**A0.1**

**OPPORTUNITY BANK**  
**BILLINGS**  
 1025 & 1045 N 27th St, Billings, MT 59101  
**SITE PLAN**



**CROSSMAN WHITNEY GRIFFIN P.C.**  
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