



CITY ZONING COMMISSION
AGENDA-Tuesday, December 5, 2017, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

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

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of November 8, 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. **Special Review #960 - 1150 Wicks Lane** - A special review request to allow the location of a 60-foot wireless communications facility with microwave dishes and a future 16-foot Omni antennae in a Public (P) zone on C/S 1904, a 5.74-acre parcel of land. This 60-foot wireless facility is within 1 mile of 4 other wireless facilities over 50 feet in height. A waiver is required from the 1-mile separation requirement. Tax ID: D13138G. Presented by Karen Husman, Planner I

- b. **City Zone Change 961 – Rimrock Road and 62nd St West C** – A zone change request from Residential Professional (RP) to Community Commercial (CC) on a 1.42-acre portion of C/S 2465, Parcel 6A, a 39.38-acre parcel of land. A pre-application neighborhood meeting was held on October 25, 2017 at Yellowstone Country Club at 3200 Paul Allen Way. Presented by Monica Plecker, Planning Division Manager.

- c. **City Zone Change 962 – 4046 Avenue C** – A zone change request from Residential Professional (RP) to Community Commercial (CC) on Lot 4A, Block 2, Goodman Subdivision, 4th Filing Amended a 1.54-acre parcel of land. A pre-application neighborhood meeting was held on October 30, 2017, at TenderNest Offices at 4040 Parkhill Drive. Presented by Monica Plecker, Planning Division Manager.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, January 8, 2018**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the **special review and zone changes**.

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

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

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

of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding (January 5, 2018) the first reading of the amendment by the City Council.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed **special review and zone changes**. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us

City Zoning Commission

Meeting Date: 12/05/2017

Information

Subject

The minutes of the Board meeting of November 8, 2017.

Attachments

BZC_2017_11_08.pdf

City of Billings Zoning Commission Meeting Minutes November 8, 2017

The City of Billings Zoning Commission met on Wednesday, November 8, 2017 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. 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 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	11/08/2017	12/05/2017
Dan Wagner	Chairman	1	-	-	1	1	-	1	1	-	1	1	
Dennis Ulvestad	Commissioner	1	-	-	1	A	-	1	1	-	1	1	
Mike Boyett	Vice Chairman	1	-	-	1	1	-	1	1	-	1	1	
Michael Larson	Commissioner	1	-	-	1	1	-	E	1	-	1	1	
James Mariska	Commissioner	1	-	-	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	-	-	1	
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-	1	
Dave Green	Planner II	-	-	-	1	-	-	1	-	-	-	-	
Karen Husman	Planner I	-	-	-	-	-	-	-	-	-	1	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	11/08/2017	12/05/2017	TOTAL
Zone Change	2			2	1		1	3					9
Special Review	1			3			1			1	2		8

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; and Tammy Deines, Planning Clerk.

In Attendance: Rich Wrobel; Terra Pierce; Christy Fenno; Patricia Kramer; Pete Johnson, Darryl Rensmon; Michael S Phillips; Tam Savas; Dennis Randall, Sanderson Stewart; Larry Karl's; Brandon Zielinski; Mary Karl's; Patrick Klugman David Mitchell; Mike Ferguson, Billings Gazette

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: October 3, 2017

Chairman Wagner called for approval of the October 3, 2017 meeting minutes.

Motion

Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to approve the October 3, 2017 meeting minutes as submitted.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad	1			
Mike Larson	1			
James Mariska	1			

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. There were no disclosures of conflict of interest or exparte communications.

Public Hearings:

Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience this item would be heard by the City Council on November 27, 2017. He then asked Nicole Cromwell to review the first agenda item.

Item #1: Zoning Coordinator Nicole Cromwell presented:

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. Tax ID: A31805A

RECOMMENDATION

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

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.

Discussion

Chairman Wagner called for discussion and questions from the members of the Commission. Commissioner Boyett asked if there is need for sidewalks as a transition from N 27th Street to the proposed building. Ms. Cromwell explained the City Engineering Division oversees sidewalk

requirements along with MDT for this particular project. In response to question by the Commissioners, Ms. Cromwell stated this subdivision was platted in 2007 and there was a zone change approved to go from Community Commercial zoning to Neighborhood Commercial zoning in 2014. Chairman Wagner noted the considerable traffic on Grand Avenue and asked if an access/turn lane is available for this business. Ms. Cromwell said there will be no direct driveway from Grand Avenue. She pointed out the potential access points including a driveway off of Hawk Creek Road.

Applicant

Chairman Wagner called for presentation by the applicant for City Special Review #958.

Terra Pierce, 3623 Quimet Circle, Billings, Montana

Ms. Pierce explained the proposed project includes construction of a 18,000 square foot building to house “The Den”. The complex will also house community friendly services needed around the residential development west of Shiloh Road, such as a coffee shop, yogurt shop, or dentist office. In response to question by Commissioner Larson, Ms. Pierce stated the plan is to close the business at West Park Plaza, and she the new facility will serve food along with serving liquor.

Public Hearing

At 4:48 p.m., Chairman Wagner opened the Public Hearing and asked if anyone would like to speak in favor or against City Special Review #958. There was none. Chairman Wagner closed the Public Hearing and called for a motion.

Motion

Commissioner Larson made a motion and Commissioner Ulvestad seconded the motion to conditionally approve City Special Review #958 as presented by Staff and the adoption of the findings of the 3 criteria.

Discussion: There was no discussion on the Motion.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad	1			
Mike Larson	1			
James Mariska	1			

The motion is approved with a verbal vote of 5-0.

Item #2 Planner Karen Husman presented:

City Special Review 959 – 1025 N 27th St, 2601 10th Ave N & 1010 N 26th Street – 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

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 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. 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 and existing and proposed drive approaches from N 27th Street and the alley shall be reviewed and approved by the City Public Works 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.

Ms. Husman noted Conditions #6 and #7 above were amended and agreed upon by the applicant to read:

Condition #6 The sidewalk improvements along N. 27th Street shall comply with requirements of Montana Department of Transportation.

Condition #7 For safety purposes, lighting shall be placed along the pedestrian sidewalk in the landscaped perimeter buffer yard along 10th Avenue North and North 26th Street.

Discussion

Commissioner Larson asked for clarification on the illumination requirements and it was given by Ms. Husman. Commissioner Mariska asked if the intersection is controlled by a stop light. Ms. Husman said the intersection has a stop sign and not a stop light. It was noted that there are no painted or designated crosswalks on 10th Avenue North. Commissioners voiced concern as this project is adjacent to the ballpark, and the baseball games generate a large number of pedestrians who park in the hospital parking lot. Ms. Husman stated MDT plans in 2018 to update the lighting and sidewalks to meet ADA compliance. Discussion followed on the existing buildings which will be removed for a parking area. Ms. Husman stated the proposal is for the lighting on the newly developed property to light the sidewalk. Commissioner Mariska asked regarding pavement in the alley and who is responsible for maintenance. Ms. Cromwell stated the City does not plow alleyways and it is the adjacent property owners' responsibility to maintain the alley. Commissioner Larson concurred with this statement due his personal experience with a similar matter.

Applicant

Chairman Wagner called for presentation by the applicant for City Special Review #959.

Dennis Randall, Sanderson Stewart, 1300 N Transtech Way, Billings Montana

Mr. Randall is the engineer/agent for the applicant, Opportunity Bank. He concurred with staff's recommendation for conditional approval and agreed to the changes in the conditions presented by Ms. Husman. Sanderson Stewart has completed a traffic study for this property and will share it with MDT for permitting of a new approach. As Mr. Randall recalls, there are no specific requirements for the crosswalks. Commissioner Mariska asked about the lot designation as a public parking lot. Nicole Cromwell explained said this lot could be private parking as well as it is in a residential zone and requires special review approval. Mr. Randall testified the application was fairly straightforward and the designers were sensitive to the adjacent residences by providing the required screening wide buffer yards with trees, shrubs and grass.

David Mitchell, 1034 Moon Valley Road, Billings, Montana

Mr. Mitchell is the Coldwell Banker broker representing Opportunity Bank. He said the proposal is to house parking for Opportunity Bank and its employees. Commissioners questioned if they had considered the after-hours use would likely be parking for the stadium. He commented there has been discussion for others potentially using the lot. He clarified the sale of

the property was contingent on this special review approval. Mr. Mitchell also clarified for the Commission they had not yet confirmed the restaurant that would come in, however they had three different restaurants that were interested.

Mark Westwood, 2606 Whittier Place, Billings, Montana

Mr. Westwood stated he is also owner of several lots on the block of North 26th Street and said he is speaking in support of this application.

Public Hearing

At 4:48 p.m., Chairman Wagner opened the Public Hearing and asked if anyone would like to speak in favor or against City Special Review #959. There was none. Chairman Wagner closed the Public Hearing and called for a motion.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to recommend conditional approval to include the amended language in Condition #6 and Condition #7 presented by Ms. Husman; and adoption of the findings of the 3 criteria for Special Review #959.

Discussion: Commissioners expressed concern with pedestrian safety and supported the staff recommended conditions for lighting and safety. Commissioners encouraged the applicants to work with the staff at the ballpark with regard to use of the proposed parking lot.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad		1		
Mike Larson	1			
James Mariska	1			

The motion is approved with a verbal vote of 4-1, with Commissioner Ulvestad voting against the motion.

Other Business:

The next Zoning Commission meeting will be held on Tuesday, December 5, 2017. Commissioner Mariska will not be able to attend.

Adjournment: The meeting adjourned at 5:20 p.m.

DRAFT: To be approved by a motion: December 5, 2017.

ATTEST: Tammy Deines, Planning Clerk



City Zoning Commission

Meeting Date: 12/05/2017

SUBJECT: Special Review #960-1150 Wicks Lane

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review #960 - 1150 Wicks Lane - A special review request to allow the location of a 60-foot wireless communications facility with microwave dishes and a future 16-foot Omni antennae in a Public (P) zone on C/S 1904, a 5.74-acre parcel of land. This 60-foot wireless facility is within 1 mile of 4 other wireless facilities over 50 feet in height. A waiver is required from the 1-mile separation requirement. Tax ID: D13138G. Presented by Karen Husman, Planner I

RECOMMENDATION

Conditional approval.

APPLICATION DATA

OWNERS: North Western Energy
AGENT: John J. Enright
PURPOSE: Addition of a 60-foot communications facility with microwave dishes & future 16' Omni antennae
LEGAL DESCRIPTION: C/S 1904
ADDRESS: 1150 West Wicks Lane
EXISTING LAND USE: Power Substation
PROPOSED LAND USE: Same with added communications facility
EXISTING ZONING: Public

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property- None

Surrounding Property- Special Review #211 to allow an electrical substation site on C/S 1463, C/S 1462 & C/S 13 was approved by the City Council in 1984. This substation has not been constructed - but would be located at 1011 and 1017 Wicks Lane (east of Main Street). Special Review #243 was conditionally approved by the County Commissioners to allow a 100-foot monopole wireless communication tower directly west of the subject property. This was constructed and is visible in the attached photos. The County Commissioners also approved Special Review #270 to allow a 250-foot high wireless communications tower and creation of a tower farm also directly west of the subject property in 2001.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96 & Public
Land Use: Vacant & Skyview High School Track and Tennis Courts
SOUTH: Zoning: RMF-R & Public
Land Use: Vacant - Agricultural leased State Land
EAST: Zoning: RMF- R
Land Use: Vacant - Agricultural leased State Land
WEST: Zoning: RMF-R & Public
Land Use: Vacant - Agricultural leased State Land

BACKGROUND

This is a special review request for the Northwestern Energy substation at 1150 West Wicks Lane to allow the location of a 60-foot wireless communications facility with microwave dishes and a future 16-foot Omni antennae in a Public (P) zoning district. The subject property is about 5.74 acres. This 60-foot wireless facility is within 1 mile of 4 other wireless facilities over 50 feet in height. A waiver is required from the 1-mile separation requirement (Sec. 27-620.g.11). In an effort to provide the best utility services to the City of Billings, Northwestern Energy needs this facility to operate protective relay circuits to deal with various line faults, should they occur. The new tower is for exclusive use by NWE and is not for outside companies to use for cellular antennas. The new facility will be within existing substation property, on Wicks Lane near the cross street of High Sierra Blvd. The new wireless communication facility (tower and equipment shelter) will be contained entirely in the existing substation fenced area.

SUMMARY

The Planning staff has reviewed the proposed location for the wireless facility 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 the zoning regulations adopted by the City Council have designated any wireless facility that does not conform to certain provisions of Section 27-620 may apply for a special review. The tower height exceeds 50 feet so it requires a special review approval. The proposed facility appears to meet all the requirements of 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.

- The proposed special review will provide reliability to an essential service in Billings Heights neighborhoods. The public will be better served because this improved capability will allow North Western Energy better control of their facilities, improved routing of electrical power, and more reliability to provide power.

Strong Neighborhoods: Neighborhoods that are safe and attractive and provide essential services are much desired.

- The proposed special review will allow the applicant to remain outside of the denser residential areas to the south and east while still providing an essential service to those areas.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site in Billings Heights has surrounding un-developed residential zoning with residential neighborhoods further east and north. There are minimal potential impacts from the proposed use given its location in proximity with the electrical substation and other wireless towers. The conditions recommended should help to mitigate impacts on the site and the surrounding properties.

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 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

The Planning staff has reviewed the proposed location for the wireless facility and is recommending conditional approval and granting the waiver of the 1-mile separation from other wireless facilities that greater than 50-feet in height.

PROPOSED CONDITIONS

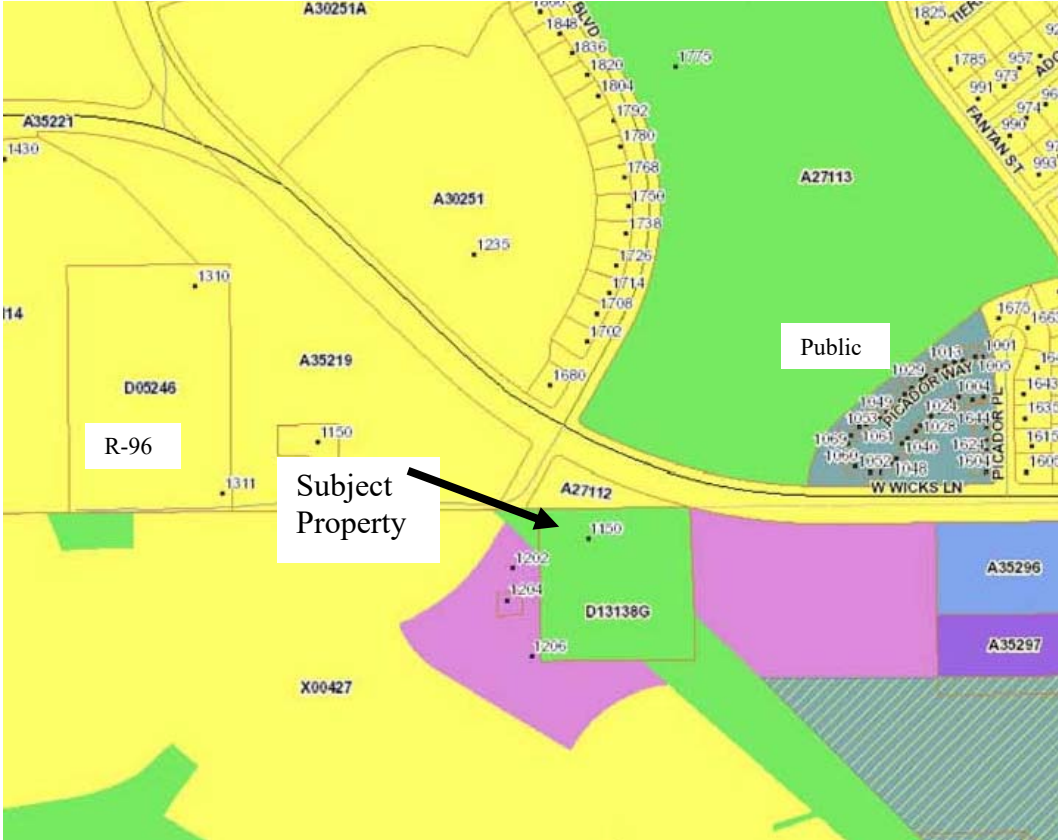
1. The special review is limited to the installation a 60-foot wireless communications facility with microwave dishes and a future 16-foot Omni antennae in a Public (P) zone on C/S 1904, a 5.74-acre parcel of land. No other use is intended or implied.
2. Any back-up generator on site will use "whisper 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.

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

Attachments

Zoning Map & Site Photos
Applicant Letter & Site Plan

ATTACHMENT
Surrounding Zoning & Site Location



Surrounding Zoning



ATTACHMENT
Site Photographs



Subject Property.



Looking east across Wicks Lane



East View



Facing west

ATTACHMENT
Applicant Letter & Site Plan

November 6, 2017

Statement to answer questions in instructions

NorthWestern Energy strives to provide the best possible electric utility service to the City, and to the people of Billings and the surrounding area. The addition of this microwave facility is within the City limits in Ward 2, on Wicks Lane near the cross street of High Sierra Blvd. Wicks Lane is an improved street with utilities.

NorthWestern Energy needs this microwave facility to operate protective relay circuits to deal with various line faults should they occur. This new facility is on our existing electrical substation, and contained entirely in the existing fenced area. The substation was originally approved at this location on December 3, 1984.

The public will be better served because this improved capability will allow NorthWestern Energy better control of their facilities, improved routing of electrical power, and more reliably provide electrical power to the City and the area residents.

This location is an existing electrical substation. We are adding a new 60' lattice com tower to accommodate microwave dishes, and, in the future, will add one 16' omni antenna for our internal communication. The Special Review is necessary because of the height of the new com tower; 50' is a use by right and we are exceeding that by up to 26' including the lattice tower and future omni antenna. The height of the structure is necessary to obtain a clear microwave path for the control of our electrical equipment. The microwave dishes will be at the top of the tower.



Existing



Proposed (rendering)



City Zoning Commission

Meeting Date: 12/05/2017

SUBJECT: City Zone Change 961 - Rimrock and 62nd St West

THROUGH: Monica Plecker

PRESENTED BY: Monica Plecker

Information

REQUEST

City Zone Change 961 – Rimrock Road and 62nd St West C – A zone change request from Residential Professional (RP) to Community Commercial (CC) on a 1.42-acre portion of C/S 2465, Parcel 6A, a 39.38-acre parcel of land. A pre-application neighborhood meeting was held on October 25, 2017 at Yellowstone Country Club at 3200 Paul Allen Way. Presented by Monica Plecker, Planning Division Manager.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 961.

APPLICATION DATA

OWNER: Magnus Land Development

AGENT: Performance Engineering

LEGAL DESCRIPTION: Section 25, T01N, R24E, COS 2465, Parcel 6A

ADDRESS: Located northwest of the intersection of Rimrock Road and 62nd Street West

CURRENT ZONING: Residential Professional (RP)

EXISTING LAND USE: Undeveloped with Multi-Family project currently being constructed

PROPOSED USE: Commercial business office space and residential multi-family housing.

SIZE OF PARCEL: 39.38 acres (Area of change 1.42 acres)

CONCURRENT APPLICATIONS

Final Plat application, Coal Creek Subdivision, being a major subdivision consisting of 17 lots.

APPLICABLE ZONING HISTORY

Subject Property: The City Council approved a zone change from R-96 to RMF, RP, and CC for this property in 2005.

Surrounding Property: In September of 2017 and zone change occurred on Tract 2A of the C/S 2465. This zone change was not commercial in nature, but rather from a request from unzoned to R-70 and R-50.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-70
Land Use: Falcon Ridge Subdivision

SOUTH: Zoning: R-150
Land Use: low density residential and agricultural land

EAST: Zoning: R-96 and Public
Land Use: Low density residential and vacant land

WEST: Zoning: RMF, R7000
Land Use: Multifamily housing, single family dwellings

BACKGROUND

This is an application to change to change a portion of Residential Professional zoned land to Community Commercial. The proposal shifts the CC boundary line north approximately 98' creating an additional 1.42 acres of land zoned CC. The RP zone will decrease from 5.13 acres to 3.71 acres and the CC zone will increase from 12.59 acres to 14.01 acres. The previous owner determined where the boundaries of the zoning districts would be on the undivided land. The new owner is wishing to amend the boundaries to match up with the property line boundaries for the conditionally approved Coal Creek Subdivision.

The property to the north and west is R-70 and has developed as single-family homes. The property to the south is zoned R-15 and is low density residential and agricultural land. Uses to the east include low density residential, an automotive shop and vacant land that is zoned public. Uses allowed within the CC zone includes multi-family residences, large and small retail, business services, bars & casinos (special review required), restaurants, auto sales and service, as well as many other intense commercial uses.

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria. The proposed zoning and use of the property is compatible with the adjacent and surrounding land uses. The 2016 Growth Policy support the proposed zoning and use in this area of mixed uses and zoning.

RECOMMENDATION

Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 961

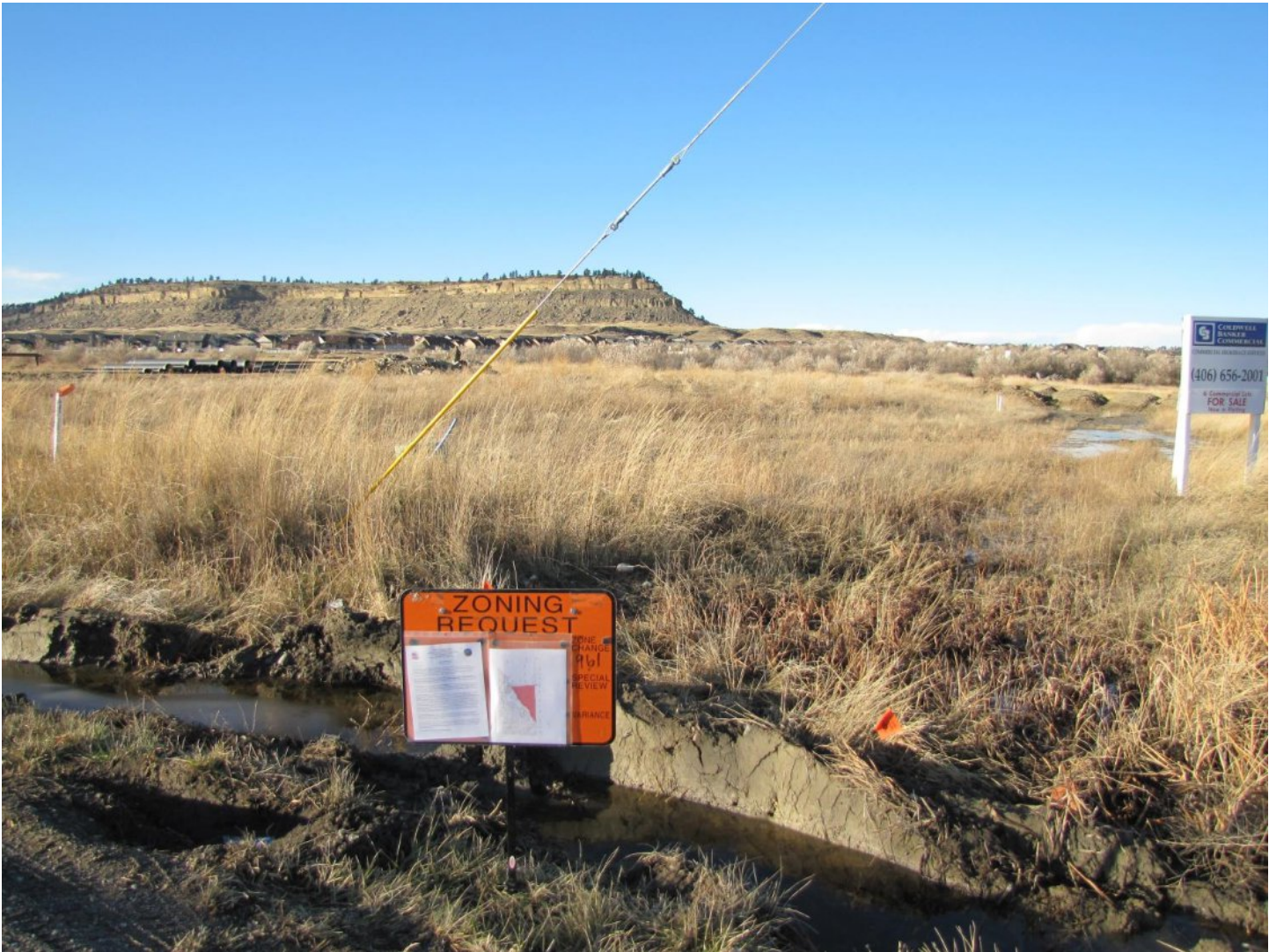
Attachments

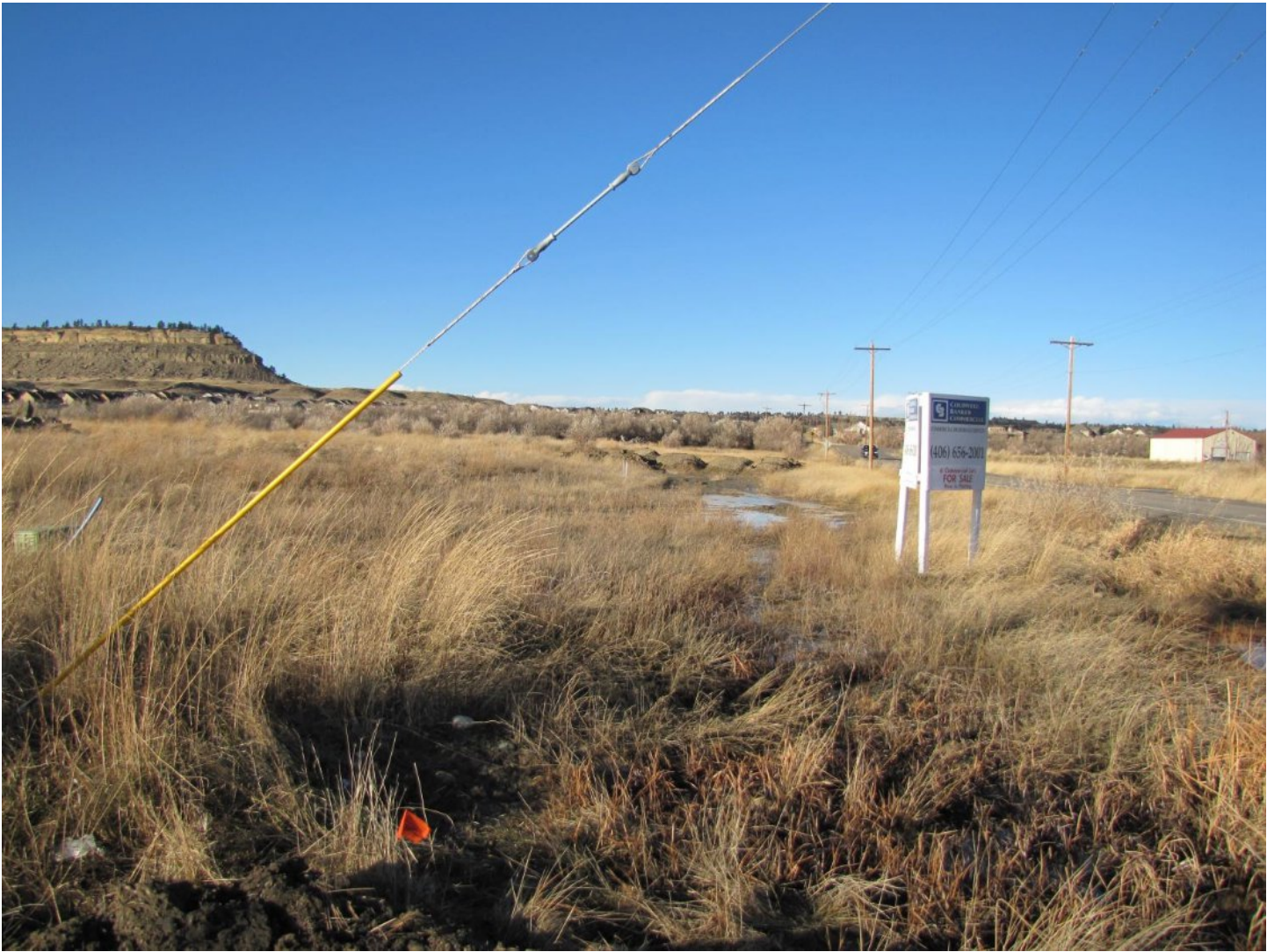
Site Photos & Zoning Map
Application and Preapplication Notes
Proposed Findings of Review Criteria

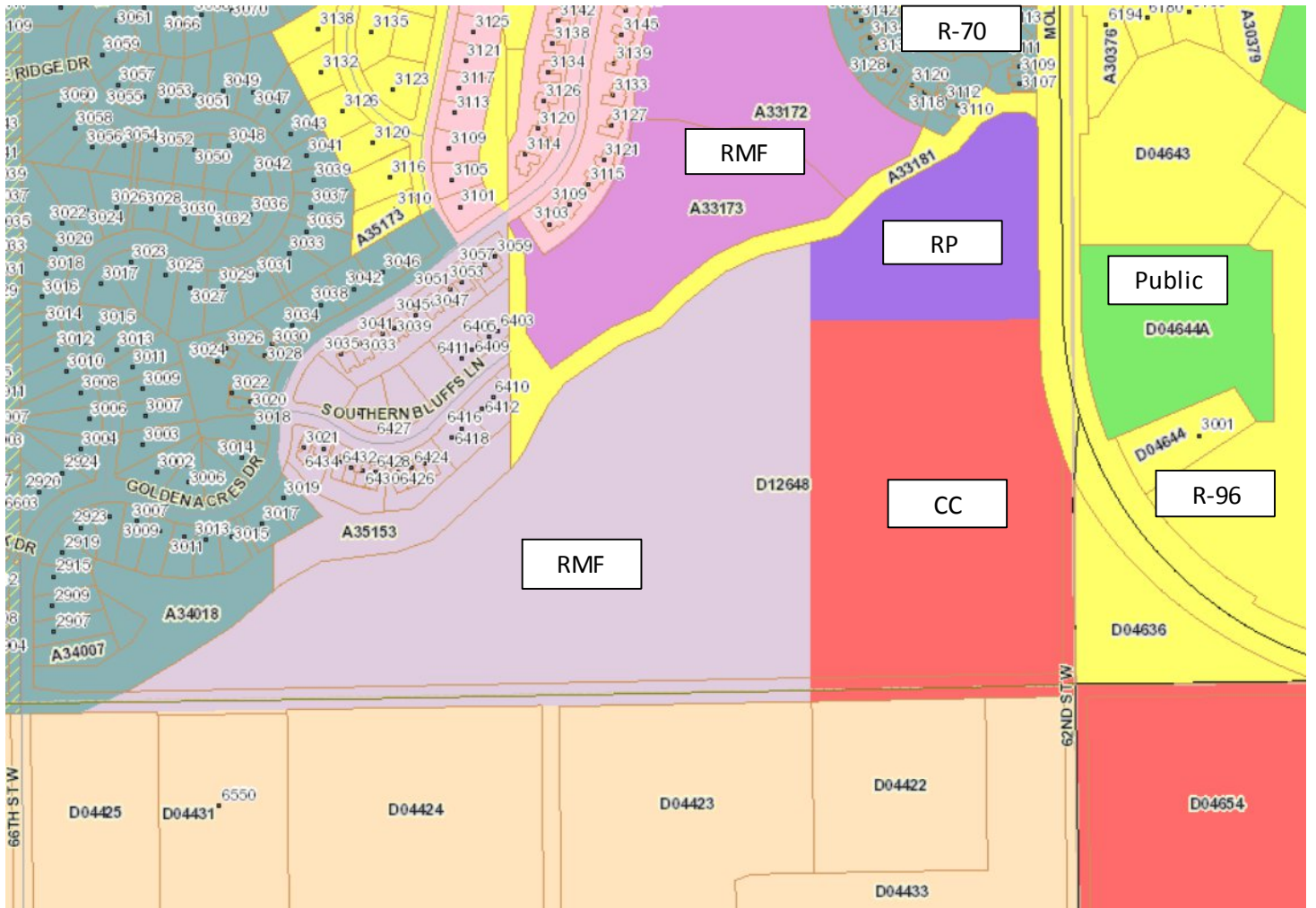












APPLICATION FORM

COUNTY ZONE CHANGE

City, Zone Change # 961 - Project # P2-17-00191

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Residential Multi-Family, Residential Professional, and Community Commercial

Proposed Zoning: Residential Multi-Family, Residential Professional, and Community Commercial ← *slightly expanded*

Tax ID # D12648 COUNTY COMMISIONER DISTRICT # 3

Legal Description of Property: Section 25, T 01 N, R 24 E, C.O.S. 2465, Parcel 6A, 39.379 AC (02) (2003)

Address or General Location (If unknown, contact County Public Works): Located Northwest of the intersection of Rimrock Road and 62nd Street West in Billings, Montana.

Size of Parcel (Area & Dimensions): 39.38 acres

Present Land-Use: Undeveloped with a Multi-Family project currently being constructed.

Proposed Land-Use: Commercial business office space and residential multi-family housing.

Covenants or Deed Restriction on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application

Owner(s): Magnus Land Development, LLC

(Recorded Owner)

745 South 56th Street West Billings, MT 59106

(Address)

(406) 425-3388 tbrownbuilders@yahoo.com

(Phone Number) (Email)

Agent(s): Craig Dalton *Performance Engineering*

(Recorded Owner)

7100 Commercial Ave., Ste. 4, Billings, MT 59101

(Address)

(406) 384-0080 craig@performance-ec.com

(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 10-30-17

(Recorded Owner)

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

The tract of land of interest is currently zoned Residential Multi-Family, Community Commercial, and Residential Professional. The proposed zoning change will shift the shared boundary line of the Community Commercial Zone and the Residential Professional Zone to the north approximately 98 feet. The zoning boundary line will then follow the boundary lines of the proposed Coal Creek Subdivision that has Preliminary Plat approval from the City Council. Adjusting the boundary of the Community Commercial and Residential Professional zones will maintain the zoning within the area that has prior approval from the City Council.

2. 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 current zoning boundaries were established by a previous landowner. The previous landowner sold the land to the current owner without subdividing the parcel. The proposed adjustment of the zoning boundary is intended to align the zoning boundary with the proposed Coal Creek Subdivision's boundary lines. The preliminary plat of Coal Creek Subdivision has been approved by the City Council. With the current zoning boundaries, two lots will be split between Residential Professional zoning and Community Commercial zoning. This multi-zoning of these smaller properties presents significant challenges during development and will potentially restrict the future property owners from opening certain businesses as the two zoning types are conflicting in many ways. The proposed zoning adjustment will eliminate those type of restrictions. The zoning within the area will not change from what has previously been approved, the adjustment will just allow the existing zones to follow the proposed subdivision boundaries.

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Residential Multi-Family, Residential Professional, and Community Commercial
2. **Written description of the Zone Change Plan** including a square footage or acres of proposed new zoning: The proposed zoning change is to shift the boundary line between the Residential Professional and Community Commercial zones north approximately 98 feet. The Residential Professional zoning will decrease from 5.13 acres to 3.71 acres and the Community Commercial zoning will increase from 12.59 acres to 14.01 acres. The Residential Multi-Family zoning will remain unchanged.
3. **Subject Property Map:** See Attachments
4. **Legal Description of Property:** Section 25, T 01 N, R 24 E, C.O.S. 2465, Parcel 6A, 39.379 AC (02) (2003)
5. **Roster of persons who attended the pre-application neighborhood meeting:** See Attachments
6. **A copy of the meeting notice:** See Attachments
7. **A brief synopsis of the meeting results:** See Attachments
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 25, day of October, 2017.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Magnus Land Development, LLC Telephone: (406) 425-3388

Address: 745 South 56th Street West Email: tbrownbuilders@yahoo.com
Billings, MT 59106

Agent (s): Craig Dalton Telephone: (406) 384-0080

Address: 7100 Commercial Ave., Ste. 4 Email: craig@performance-ec.com
Billings, MT 59101

Tract 6A of Certificate of Survey No. 2465, Section 25, Township 01N, Range 24E
 Neighborhood Meeting Sign-In Sheet (10/25/2017)

	Name	Address	Phone
1	Bleina Popier	5403 Wms Ave West	671-0359
2	Mike Michunovich	4305 Hurreberry Ln S.	860-8297
3	Craig Dalton	Performance Engineering	
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September 22, 2017

The meeting began at 6:00 pm on Wednesday, October 25, 2017 at The Yellowstone Country Club – Clubhouse Upstairs Lounge, 3200 Paul Allen Way, Billings, MT 59106. Those in attendance were Craig Dalton (Performance Engineering).

Two people from the public attended the meeting (list of those attending is included with the Zone Change Application). After explaining that the zone change request will not actually change the zoning, rather just shift the zoning boundary north, Mike Michunovich only had one question. The question is as follows:

- **What kind of businesses are usually constructed in Community Commercial zoning?**

Typical businesses constructed in Community Commercial zoning are restaurants, grocery stores, and gas stations. A good example of a Community Commercial zoned area would be the northwest corner of Shiloh Road and Grand Avenue.

The meeting ended at 6:15 pm.



7100 Commercial Ave. Suite #4 • Billings, MT 59101 • 406-384-0080

October 12, 2017

To whom it may concern:

Magnus Land Development, LLC is writing to inform you of a zoning pre-application neighborhood meeting being held on Wednesday, October 25th at 6:00 pm at The Yellowstone Country Club – Clubhouse Upstairs Lounge, 3200 Paul Allen Way, Billings, MT 59106. The meeting will discuss a proposed zone change in regard to a neighboring property. The owner is requesting that the property shown on the attached exhibit and described below adjust the existing zoning boundaries to accommodate future development:

Tracts 6A of Certificate of Survey No. 2465, situated in the Southeast 1/4 of Section 25, Township 01 North, Range 24 East in Billings, MT totaling 39.38 acres

The intent of the meeting is to make neighboring properties aware of the proposed zoning change for the subject property. The property is currently zoned Residential Multi-Family (RMF), Residential Professional (RP), and Community Commercial (CC). The zoning proposal to be presented to the City of Billings will be to adjust the boundary line between the Community Commercial and Residential Professional areas north 98 feet (please see attached exhibit). A total of 1.42 acres is included in the proposed zone change.

Representatives from Performance Engineering and Consulting, PLLC will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, questions can be directed to the owner's agent, Performance Engineering and Consulting, at 7100 Commercial Ave. Suite #4, Billings, MT 59101 attention: Craig Dalton. We look forward to discussing the proposed zoning change with you and hope to see you on October 25th.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Dalton', is written over the typed name.

Craig Dalton, P.E.
Project Manager

Zone Change #961 – Rimrock Road and 62nd Street West

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

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Essential Investments, Strong Neighborhoods and Community Fabric: Neighborhoods that are safe and attractive and provide essential services are much desired.

- The proposed zoning would allow neighborhood services in this mixed use area at an intersection where commercial nodes are encouraged.

2. *Is the new zoning designed to be 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 proposed zoning allows a wide variety of commercial uses that may or may not fit in with the existing and developing neighborhoods. A commercial node will provide opportunity for neighborhood services to develop that are not currently in place.

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

Transportation: Less than 1.5 acres of additional property is proposed to be zoned CC. There will likely be some increase in traffic. The area is served by two principle arterials, Rimrock Road and 62nd Street West.

Water and Sewer: The property was previously annexed into the City Limits and will be served by municipal water and sewer.

Schools and Parks: Schools 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 should have some effect on vehicle and pedestrian traffic. Since this development is in the city, critical pedestrian infrastructure like sidewalks will be required. The existing zoning could have a significant impact on the surrounding street networks given the variety of uses which are allowed in RP and CC zonings. The addition of 1.42 acres from RP to CC could have some or no effect on motorized traffic. The intended use stated in the application is multifamily and commercial office space. Multi-family housing is not allowable in RP, but is in Community Commercial. This could potentially cause an increase in number of vehicular trips per day.

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

The new zoning does promote compatible urban growth in this area. The intended commercial use is not an intrusion to the area and would be an extension of an existing CC zone. Given the proximity to Rimrock and 62nd, the intersection is an ideal location to provide neighborhood services.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The subject property is surrounded by a rapidly developing area of west Billings. Multi-family zoning is located just north of the property as well as single family and two family zones. Commercial uses do not intrude on the existing character of the neighborhood as they would provide essential neighborhood services.

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

The property is currently undeveloped. Approval of the zone change would encourage infill development on a city parcel that is vacant and unimproved.

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

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.



City Zoning Commission

Meeting Date: 12/05/2017

SUBJECT: City Zone Change 962 - 4046 Avenue C

THROUGH: Monica Plecker

PRESENTED BY: Monica Plecker

Information

REQUEST

City Zone Change 962 – 4046 Avenue C – A zone change request from Residential Professional (RP) to Community Commercial (CC) on Lot 4A, Block 2, Goodman Subdivision, 4th Filing Amended a 1.54-acre parcel of land. A pre-application neighborhood meeting was held on October 30, 2017, at TenderNest Offices at 4040 Parkhill Drive. Presented by Monica Plecker, Planning Division Manager.

RECOMMENDATION

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria.

APPLICATION DATA

OWNER: Randy Swenson

AGENT: EEC Inc.

LEGAL DESCRIPTION: Goodman Subdivision, Fourth Filing Amended, Block 2, Lot 4A.

ADDRESS: 4046 Avenue C

CURRENT ZONING: Residential Professional RP

EXISTING LAND USE: Undeveloped

PROPOSED USE: Gymnastics Facility

SIZE OF PARCEL: 67,110 sq. ft.

CONCURRENT APPLICATIONS

There are no concurrent applications.

APPLICABLE ZONING HISTORY

Subject Property: The City Council approved a zone change from RMF-R to RP for the south 167 feet of this property in 2004. The City Council in 2008 approved a zone change for the remaining portion of the property to RP.

Surrounding Property: Several zone changes in the Goodman Subdivision have occurred. In 2003, a zone change was approved for lots 1-4 of Block 3, Goodman Subdivision, changing the property from Residential 6000 (R-60) and Residential Professional (RP) to Community Commercial (CC). These lots are located on the north side of Avenue C between Shiloh Road and 4th St West. Additionally, in 2003, the main portion of Goodman Subdivision north and west of Shiloh Road and Grand Avenue received a zone change from R-96, R-60, & RP to R-96, R-70, RMF-R and CC. Two other zone changes were approved in Goodman Subdivision in 2004. The Circle Fifty Subdivision on the east side of Shiloh Road north of Grand Avenue is a similar subdivision. Zone Changes in this neighborhood have been approved (1984) and denied by the City Council. A zone change from RMF-R to CC on the corner Avenue D and Shiloh Road was denied in 1999.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: R-70 & CC Land Use: Two-family dwellings and vacant commercial land
SOUTH:	Zoning: RP Land Use: Medical Office
EAST:	Zoning: CC Land Use: Nursery/Landscaping Business
WEST:	Zoning: RMF-R Land Use: Apartments under Construction

BACKGROUND

This is an application to change the zoning on this parcel to allow the development of a gymnastics facility on the property. The Community Commercial zoning designation allows the proposed use by right. The current zoning, RP, does not allow this use. The area is a mixture of medium density residential uses adjacent to lower intensity commercial zones and land uses.

Zoning to the north is R-70 and has developed as multi-family townhomes. There are vacant commercial properties on the north side of Avenue C already zoned CC. Property along the west side of 41st Street West is zoned RMF-R and new apartments are under construction. Uses to the east and south include medical offices, a convenience store, a bank, a plant nursery, Wendy's restaurant, and LP Anderson Tires. Uses allowed within the CC zone includes multi-family residences, large and small retail, business services, bars & casinos (special review required), restaurants, auto sales and service, as well as many other intense commercial uses. The applicant's intent is to build a gymnastics facility but a zone change cannot be limited to a proposed uses. All uses within the proposed zoning district may be allowed and must be considered.

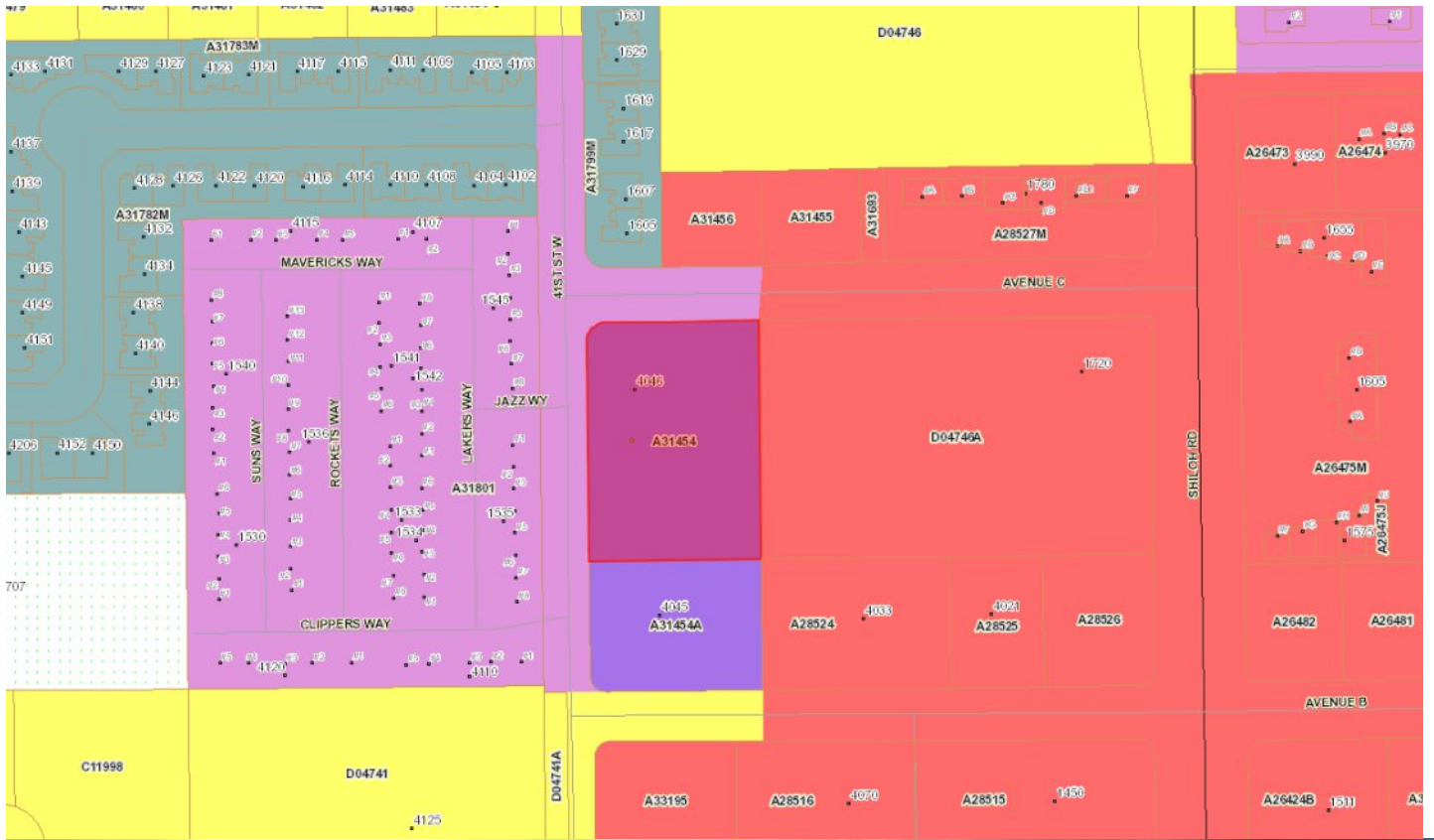
The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria. The proposed zoning and use of the property is compatible with the adjacent and surrounding land uses. The West End Plan and the 2016 Growth Policy support the proposed zoning and use in this area of mixed uses and zoning. The area has a range of zoning districts from RMF-R and R-7000 to RP and CC. There is also a wide variety of uses from medical offices, to banking facilities to fast food and other service providers.

RECOMMENDATION

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria.

Attachments

Zoning Map and Site Photos
Review Criteria
Applicant Letter and Preapplication Notes

















Zone Change #962 – 4046 Avenue C

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:

The proposed zoning of CC is to facilitate the development of a gymnastics facility on the property. The current zoning regulations require CC zoning or more intense zones to allow this use. Under the current zoning dance studio's and schools are allowed, but not gymnastics facilities. The Planning staff cannot base its finding on an intended use but all of the potential allowed uses within the district. The CC zone does allow for more intense uses such as restaurants, bars & casinos (by special review), auto sales, large retail or service providers. Development of this parcel also is supported by the City's infill policy.

Essential Investments, Strong Neighborhoods and Community Fabric: Neighborhoods that are safe and attractive and provide essential services are much desired.

- The proposed zoning would allow neighborhood services in this mixed use area. The proposed gymnastics facility encourages a community where recreation opportunities are available. The adjacent residential uses will require the developer to follow the "Neighborhood Manners" section of the zoning regulations to ensure the adjacent neighborhood does not experience long term disruption of their property.

Prosperity: Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.

- The proposed zoning and intended use help to equalize the taxes and assessments for services by developing a land use with little demand for city services.

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 proposed zoning allows a wide variety of commercial uses. A fitness and training facility as currently proposed will fit in with the neighborhood and provide a neighborhood service not currently provided in this area. Other uses such as bars & casinos by special review approval, automobile sales and service may not be appropriate at this location.

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

- Transportation:** The proposed zoning may have some measurable effect on transportation. However, Avenue C which provides local access is served by Shiloh Road which is a principal arterial.
- Water and Sewer:** The property was previously annexed into the City Limits and will be served by municipal water and sewer.
- Schools and Parks:** Schools 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 and development are expected to have some effect on vehicle and pedestrian traffic in the area. If the property were developed under the existing zoning, it could also have a significant impact on the surrounding street networks depending on the uses which are allowed in RP zoning. A commercial office development in RP zoning could generate similar traffic as the proposed zoning and intended use. It is likely that to some extent, the use might have more influence on traffic than just the zoning.

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

The new zoning does promote compatible urban growth in this area. The intended use is not an intrusion to the area. There are a variety of commercial facilities located on adjacent properties.

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 property is adjacent to both multifamily housing and commercial uses. This particular use does not intrude on the existing character of the neighborhood.

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

The property is currently undeveloped. Approval of the zone change would encourage infill development on a city parcel has historically remained vacant and unimproved.

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

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.

ZONE CHANGE APPLICATION

CITY OF BILLINGS

1. Questions:

- a. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
 - i. The proposed zone change from Residential Professional to Community Commercial at 1557 41st Street West, Billings MT, would allow for a gymnastic facility. The following is a list of how the proposed zone change is consistent with the goals and policies of the adopted growth policy.
 1. Essential investments:
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings. The zone change would provoke landscaping of public rights-of-way and entryways creating a more visually appealing frontage to residence and visitors. It is a cost effect approach through infill development. Allowing for gymnastic facility would create a neighborhood that is safe and attractive because it provides essential services that are desired in the area.
 2. Place Making
 - a. The zone change would allow for a positive multi-use community recreation facility to thrive in a community that desires children to be active and healthy.
 3. Community Fabric
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings. The developed landscaping for the new gymnastic facility will encourage more pedestrian activity and vibrant commercial activity. The development of cost-effective landscaping of public rights-of-way and entryways gives the community a visually appealing connection.
 4. Home Base
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings.
 5. Mobility and Access
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings.

6. Prosperity

- a. The new project would allow a diversity of available jobs surrounding the sites location, this can ensure a strong community economy. The zone change would provide local jobs from a successful business.
- 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.
 - i. We are proposing to change the property from Residential Professional to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility.
 - ii. The properties to the North, East, and South are currently zoned Community Commercial, the proposed new zoning designation for the subject property. This change would expand the Community Commercial zone that follows Shiloh and Grand Avenue. This change would allow the construction of a gymnastics facility, encouraging infill development. A gymnastics facility would provide a play space to support the residential districts to the west. This play space would be a safe and comfortable place for children to be active; a necessary component of a Strong Neighborhood.
2. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.
 - a. See attached photographs of existing property, Exhibit A.
3. Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and included the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.
 1. Neighborhood Meeting was held on Monday, October 30th, 2017, at 6:00 PM at the TenderNest Office, 4040 Parkhill Drive.
 2. This zone change is based on the materials presented at the meeting. See Exhibit B for a copy of the meeting notice, written materials mailed or provided at the meeting and the sign in sheet of attendees.
 3. See Exhibit C for meeting notes explaining a Brief synopsis of the meeting.
4. Obtain from the Planning & Community Service Department a three hundred (300) foot radius map showing all property which lies within 300 feet of the exterior boundaries of the subject property.
 - a. See attached, 300 Foot Radius Map, showing all property which lies within 300 feet of the exterior boundary of the property
5. Obtain a certified list of names and addresses of the owners of all property shown within the 300 foot radus on the map as provided by the Planning & Community Services Department. The

first step is to take the radius map to the Montana Department of Revenue. The Department of Revenue is located on the 14th Floor of the Wells Fargo building at the southeast corner of North 27th Street and 2nd Avenue North. The Department of Revenue will generate a list of property owners and forward this list and notify you when it is complete. There is a certification charge, payable to the County Clerk & Recorder, of .50 cents per certified name. This list of names and mailing addresses must then be placed on gummed mailing labels and must be typed or neatly printed.

- a. See attached, Certified list of names and addresses of the owners of all property shown within the 300 foot radius.
6. A filling fee must accompany all application for Zone Changes.
- a. See attached Commercial fee: \$1,215.00
 - b. \$45.00 Deposit for sign.

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.


1. **Present Zoning:** RESIDENTIAL PROFESSIONAL
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** SE ¼ OF S33, T1 N, R25E, Goodman Subdivision, Fourth Filing, Block 2, Lot 4a
5. **Neighborhood Task Force Area:** (Yes)/// No . If Yes, Name of Task Force and mailing address of Chairperson: West End Task Force- Nike Bemer
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 30 , day of October , 2017.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Randy Swenson Telephone: 406.855.9990

Address: 1533 Clark Ave Email: randy@tendernest.com
Billings, MT 59102

Agent (s): EEC, INC. Telephone: 406.839.9151

Address: 720 Lohwest Lane Email: info@eecmt.com
Billings, MT 59106

Signature: 
Chuck Henrichs
VP of Engineering EEC INC.

Date: 11/6/2017

NEIGHBOR HOOD MEETING, ATTENDANCE ROSTER

<u>NAME</u>	<u>ADDRESS</u>	
1. Chuck Herricks	720 Lohwest Lane	EEC INC.
2. Nate Swenson	4040 Parkhill Dr.	
3. KEVIN LUNDIN	720 LOHWEST LANE	EEC INC.
4. Quentin Eggert	720 LOHWEST LANE	EEC INC.
5. Rebecca Power	4033 4033 Ave B	Ophthalmic Assoc of Billings
6. Michael Power	4033 Ave B	Ophthalmic Assisnt
7. Darcey Frewin	3530 Timberline Dr	
8. Erin & Nancy Jennings	1639 41st St W.	
9. Bill Enright	1617 41st W.	
10. Don & Laurie Hege	1619 41st W	

Exhibit C:

Date: October 30th, 2017

Meeting Minutes
Pre-Application Neighborhood Meeting
Location: 4040 Parkhill Drive, Bldg. #1
Time: 6:00 PM



Attendees:

Name:	Address:	Misc.:
Chuck Henrichs	720 Lohwest Lane	EEC Inc.
Nate Swenson	4040 Parkhill Drive	
Kevin Lundin	720 Lohwest Lane	EEC Inc.
Quentin Eggart	720 Lohwest Lane	EEC Inc.
Rebecca Power	4033 Ave B	Ophthalmic Associates of Billings
Michael Power	4033 Ave B	Ophthalmic Associates of Billings
Darcey Frewin	3530 Timberline Dr.	
Ernest & Nancy Jennings	1629 41 st St West	
Bill Enright	1617 41 st St West	
Don & Laurie Hege	1614 41 st St West	

Synopsis of Meeting:

The meeting started with Chuck Henrichs, Vice President of Engineering with Eggart Engineering & Construction, giving a broad overview of the proposed Zone Change for Lot 4a, Block 2 of Goodman Subdivision, Fourth Filing. The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility. Chuck also gave a brief overview of the attached preliminary site plan, floor plan, and elevations.

Ernest & Nancy Jennings questioned the exterior look of the proposed gymnastics building. They had concerns on the ascetical appearance of the proposed large steel building in in the residential area. Chuck Henrich's explained that the lean-to office would have residential lap siding, cultured stone at the entryway and metal siding and trims to try and better tie

Michael Power asked if the Zone Change was approved and this gymnastics facility was not constructed would the Zone change stay in affect. Kevin with EEC confirmed that if the gymnastics facility failed to be constructed that and the Zone Change was approved the property would remain Community Commercial and other facilities meeting the requirements of Community Commercial could be constructed on the site. Michael noted he liked the look of the preliminary building plans for the gymnastics facility.

Bill Enright asked about the Traffic

- Proposed hours of operation, 9am to 9pm
- The current preliminary plans show 99 onsite parking stalls proposed.
- There is an existing shared parking agreement with Fuller Medical to the south that would allow for overflow parking after office hour parking. In addition there is significant space along 41st Street and Ave C for over flow street parking.

Bill Enright noted the developing the lot would reduce teenage drinking that occurs on the street around the lot.

Bill Enright questions Landscaping and would like to see some greenery around the building. Responded that landscaping will meet or exceed City of Billings requirements.

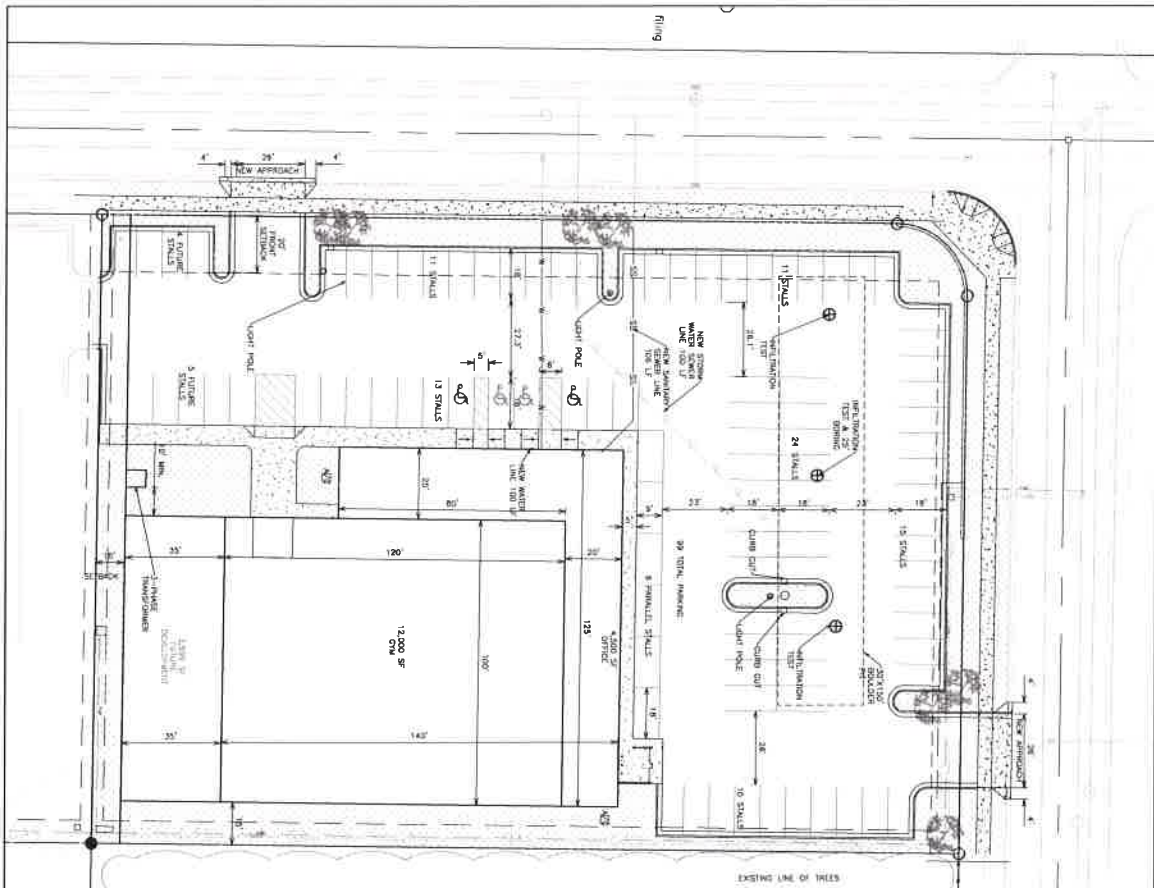
Ernest mentioned the lot is currently only mowed once a year and the cuttings end up clogging up the gutters and causing drainage issues. He was pleased that the development of this lot would eliminate this issue.

Kevin Lundin mentioned that the Pedestrian pathway would be improved neighborhood by installing city sidewalks along the entire property abutting 41st Street West and Ave C. In addition 2 Handicap Ramps would be installed at the corner of 41st St W and Ave C.

Meeting Concluded at 6:25 pm.

Summary of Main Concerns from Adjacent Land Owners:

- The need for nice landscaping and green space for the proposed development
- Parking was discussed and with the proposed 99 onsite parking spaces, the shared parking agreement with Fuller Medical and the available on street parking adjoining the lot on the west and north sides.
- The general conscience is the lot has been an eye sore and the proposed development would be a great improvement for the neighborhood.
- While not objecting to the overall project the neighbors would like to see the steel building esthetics improved to better tie into the neighborhood.



Tr 1A-1
Certificate of survey No. 1876 Amended

- LEGEND:**
- LANDSCAPED AREA
 - CONCRETE
 - ASPHALT
 - NEW TREE
- NOTE:** TREES LOCATED WITHIN THE CLEAR VISION ZONE ON THE BOULEVARD SHALL HAVE A MAXIMUM HEIGHT OF 10 FEET ABOVE THE GROUND UNLESS TRIMMED OF ALL BRANCHES BETWEEN THE GROUND LINE AND EIGHT (8) FEET IN HEIGHT.
- ZONING:** EXISTING: RESIDENTIAL PROFESSIONAL (RP)
- SEVERALS FOR FRONT**
- SIDE ADJACENT STREET 10
 - MAXIMUM HEIGHT 34'
 - MAX LOT COVERAGE FOR RWF-R 50%
 - ACTUAL LOT COVERAGE: 22.3%
- ON-SITE LANDSCAPING:**
- (10% OF LOT LESS BUILDING AREA)
 - 6,712.9 - (16,500+3,500) = 47,128 X 0.1 = 4,713 SF
 - REQUIRED ADVANCEMENT TO ROW LANDSCAPING: 2,357 (50%)
 - RED OFF ST. PARKING LOT LANDSCAPING: 2,055 SF
 - ACTUAL ADJ TO ROW LANDSCAPING: 3,030 SF
 - ACTUAL OFF ST. PARKING LOT LANDSCAPING: 2,547 SF
 - TOTAL LANDSCAPING: 5,577 SF
 - TOTAL LANDSCAPING: 9,306 SF
- TREES:**
- REQUIRED 1/10 PARKING SPACES 10
 - ACTUAL NUMBER OF TREES: 11
- CONCRETE:**
- CITY SIDEWALK 3,020 SF
 - APPROACH 440 SF
 - SIDEWALK DRIVE 1,439 SF
 - CURB AND CUTTER 1,000 LF
- ASPHALT:**
- ASPHALT PAVING 36,400 SF
- SEWER:**
- 6" SEWER SERVICE 86 LF
 - STORM WATER SERVICE 133 LF
- WATER:**
- 4" WATER SERVICE 100 LF
- PARKING:**
- BUSINESS/GYMNASIUMS BUILDING
 - BUSINESS REQ.: 1 PER 300 SF OF GROSS FLOOR AREA
 - GYM REQ.: 1 PER 200 SF OF GROSS FLOOR AREA
 - 12,000/200 = 60 STALLS
 - EXPANSION 3,600/200 = 18 STALLS
- PARKING REQUIRED:** 75 STALLS
- PARKING PROVIDED WITH EXPANSION:** 93 STALLS
- ADDITIONAL PARKING PROVIDED WITH EXPANSION:** = 9 STALLS
- PARKING PROVIDED WITH EXPANSION:** 93 STALLS
- HANDICAP PARKING:** 4 STALLS



Drawn By: CH
Checked By: CH
Date: 10-16-2017
Project #:
Cadd file:



EGGART ENGINEERING COMPANY
720 LOHWEST LANE
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www.eccmt.com

GYMNASIUMS
GOODMAN SUBDIVISION
BLOCK 2, LOT 4A
BILLINGS, MT

PRELIMINARY
SHEET#: C101

Exhibit B:



DATE: 10/20/2017

FROM: EEC, INC.

RE: Notice of Zone Change Meeting

To Whom It May Concern,

This is the official notice of a pre-application neighborhood meeting for a proposed City of Billings Zone Change. The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility.

Property Location:

SE ¼ OF S33, T1 N, R25E, Goodman Subdivision, Fourth Filing, Block 2, Lot 4a
(South East corner of 41st Street West and Avenue C, reference attached map for exact location)

Meeting time, date, and location:

6:00 PM

Monday, October 30th, 2017

**TenderNest Office
4040 Parkhill Dr
Billings, MT 59106**

Regards,
EEC, Inc.
406.839.9151