



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, February 6, 2018, 4:30 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

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

**Call the meeting to order.**

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

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of December 5, 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 961** - This is a special review request to locate a public parking lot in a Residential 6,000 (R-60) zoning district on Lots 11 and 12, Block 235 of Billings Original Town, a 7,000 square foot parcel of land. The purpose of the request is to allow the re-development of the lot to serve the Friendship House of Christian Service at 3123 8th Avenue South. Presented by Karen Husman, Planner I

## **Other Business/Announcements**

## **Adjournment**

**The City Council** has designated **Monday, February 26, 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**.

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 review**. 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**

**Meeting Date:** 02/06/2018

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**Information**

**Subject**

The minutes of the Board meeting of December 5, 2017.

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**Attachments**

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# City of Billings Zoning Commission Meeting Minutes December 5, 2017

The City of Billings Zoning Commission met on Wednesday, December 5, 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, January 8, 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          | 1          |
| Dennis Ulvestad      | Commissioner                                  | 1          | -          | -          | 1          | A          | -          | 1          | 1          | -          | 1          | 1          | 1          |
| Mike Boyett          | Vice Chairman                                 | 1          | -          | -          | 1          | 1          | -          | 1          | 1          | -          | 1          | 1          | 1          |
| Michael Larson       | Commissioner                                  | 1          | -          | -          | 1          | 1          | -          | E          | 1          | -          | 1          | 1          | 1          |
| James Mariska        | Commissioner                                  | 1          | -          | -          | 1          | 1          | -          | 1          | 1          | -          | 1          | 1          | E          |
| Wyeth Friday         | Director,<br>Planning & Community<br>Services | -          | -          | -          | 1          | -          | -          | -          | -          | -          | -          | -          | -          |
| Monica Plecker       | Division Planning<br>Manager                  | -          | -          | -          | -          | -          | -          | -          | 1          | -          | 1          | -          | 1          |
| Nicole Cromwell      | Planner<br>Zoning Coordinator                 | 1          | -          | -          | E          | 1          | -          | 1          | 1          | -          | -          | 1          | 1          |
| Tammy Deines         | Planning Clerk                                | -          | -          | -          | -          | -          | -          | -          | -          | -          | -          | 1          | -          |
| Dave Green           | Planner II                                    | -          | -          | -          | 1          | -          | -          | 1          | -          | -          | -          | -          | -          |
| Karen Husman         | Planner I                                     | -          | -          | -          | -          | -          | -          | -          | -          | -          | 1          | 1          | 1          |
| Robbin Bartley       | Administrative Support                        | 1          | -          | -          | 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          |            |            |            | 2          | 11    |
| Special Review                    | 1          |            |            | 3          |            |            | 1          |            |            | 1          | 2          | 1          | 9     |

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

**In Attendance:** John Enright, Roy Ishkavian, Jack Raty, Tom Emerling, Phil Cox, Jeff Bollman, Phil Bratton

**Public Comment**

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

**Approval of Minutes: November 8, 2017**

Chairman Wagner called for approval of the November 8, 2017 meeting minutes.

**Motion**

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve the November 8, 2017 meeting minutes as submitted.

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

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

**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 January 8, 2017. He then asked Nicole Cromwell to review the first agenda item.

**Item #1:** Planner Karen Husman presented:

**City Special Review 960 – 1150 West Wicks Lane – Northwestern Energy Communications Tower** – 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

### **RECOMMENDATION**

The Planning Division 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 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.

### **Discussion**

Chairman Wagner called for discussion and questions from the members of the Commission.

Commissioner Boyett asked staff why a separation is required. Staff replied a 1 mile separation requirement was put in place in 2001 by the City and County when wireless technology started. The purpose was to limit tall towers within the community and requiring wireless providers to share towers. This tower is specific for Northwestern Energy, they will not be selling tower

space. Our code does not differentiate between a dedicated tower and a shared facility. The City Council will need to waive this 1 mile requirement.

Chairman Wagner- This will be a Northwestern Energy antenna, is this an omni antenna?  
Staff deferred to the applicant.

**Applicant**

Chairman Wagner called for presentation by the applicant for City Special Review #960.

**John J. Enright, Northwestern Energy**

This is a microwave dish at the top, an omni antenna is proposed for Northwestern Energy use only, now and ongoing and is for intercompany radio use.

**Jack Raty, Northwestern Energy**

There are other Northwestern Energy towers in the area that are similar. One north and one on Monad. If the Special Review is not approved we will have to come up with a new protective relay.

**Public Hearing**

At 4:44 p.m., Chairman Wagner opened the Public Hearing and asked if anyone would like to speak in favor or against City Special Review #960. 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 conditionally approve City Special Review #960 as presented by Staff and the adoption of the findings of the 3 criteria.**

**Discussion:** There was no discussion on the Motion.

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

**The motion is approved with a verbal vote of 4-0.**

**Item #2** Planning Division Manager, Monica Plecker presented:

**City Zone Change 961 – Rimrock Road and 62<sup>nd</sup> St West** – 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. Tax ID: D12648

**RECOMMENDATION**

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

**Questions for staff:**

Chairman Wagner asked how large this area is. Staff replied CC zoned area is 12.59 acres with this boundary adjustment it would be just over 14 acres. The current Residential Professional zoning is 5.13 acres and would be reduced to 3.71 acres.

Commissioner Boyett asked what are they going to do with the curve on the road. Staff indicated it is going away, possibly signalized, Molt road will become 62<sup>nd</sup>, the right of way is owned by Yellowstone Country Club. It will be a 4 way intersection. It may be a roundabout.

**NO APPLICANT APPEARING.**

**Public Hearing**

At 4:53p.m., Chairman Wagner opened the Public Hearing and asked if anyone would like to speak in favor or against **City Zone Change 961**. 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 approve City Zone Change 961.**

**Discussion:** The Commission feels it is disrespectful that the applicant or a representative did not appear and should be urged to appear at the City Council meeting.

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

**The motion is approved with a verbal vote of 4-0.**

**Item #3** Planning Division Manager, Monica Plecker presented:

**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, 4<sup>th</sup> 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. Tax ID: A31454

Additionally, Staff described the outside of the building and parking as proposed by the Zone Change applicant. It appears to be a good use of infill development. The empty lot, undeveloped, has neighborhood concerns including weeds, nuisance teenagers and traffic.

### **RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 10 criteria for **Zone Change 962**.

### **Questions for staff:**

**Commissioner Ulvestad** asked if photos of the proposed building were available. No elevations were included with the application.

**Chairman Wagner** asked if the building will be metal? Some metal, residential lap siding and stone were described at the neighborhood meeting.

**NO APPLICANT APPEARING.** Staff advised that the applicant had been notified.

### **Public Hearing**

At 5:05p.m., Chairman Wagner opened the Public Hearing and asked if anyone would like to speak in favor or against **City Zone Change 962**

### **Opposed:**

#### **Phil Bratton, 4131 Julaura Lane**

He is a homeowner in the Silver Leaf 2 Subdivision. He is unsure if he can speak as he is outside 150 foot surrounding area. Staff replied that anyone is allowed to speak regardless of where they live. The primary concern is what the outside of the building will look like. He is also very concerned about the traffic. The Billings Gymnastic facility has a lot of traffic. 50 students per hour. The volume of traffic will vastly increase on Grand and Avenue C.

#### **Phil Cox, 4127 Jalaura Lane**

There is an 88 unit apartment complex just across from this proposed facility. He asked if there has been any traffic studies done on existing gymnastic facilities. It is likely that the apartment developer had to do a traffic impact analysis and provide it to engineering. Traffic engineering could be asked for traffic updates in the area. He asks what can be done to influence a traffic study?

**Commissioner Larson** indicated that by his speaking to the Commission now, he is having an influence. He also indicated that the Commission can recommend denial of this application which alerts the City Council that there are issues to be addressed. With no applicant present to address these concerns, the Commission does not have to approve this.

**Nicole Cromwell**, pointed out that any recommendation different from Staff recommendation would have to be based on one of the findings listed. It needs to be specific as to why a recommendation changes from approval to denial.

Mr. Cox then inquired to Monica Plecker as to what a “lean to” structure meant. Ms. Plecker described the “lean to” as a lower ceiling building coming off one side of the structure. Mr. Cox is also concerned about the apparent lack of sign posting of this application.

**Chairman Wagner** asked if there are laws governing when traffic studies are done. Staff replied that they are based on anticipated use at the time of subdivision. Then when a proposed development comes in, the study will be reviewed. The number of units are then reviewed. Engineering may then implement requirements of the contractor to improve or pay for street/intersection improvements. It generally does not stop a subdivision. It may make that developer pay for proportionate improvements to the area.

**Tom Emerling, 4132 Jalaura Lane**

He is a neighbor to the previous speakers and has been a commercial real estate broker for the past 38 years. He agrees with the previous comments and does not believe Community Commercial on a residential street is good land use. He also believes the posting sign was just recently put up. He has not seen “teenage nuisance” problems in the 11 years he has lived there.

Chairman Wagner closed the Public Hearing and called for a motion.

**Motion**

**Commissioner Ulvestad** made a motion to deny, stating there was no traffic study done. **Monica Plecker** advised that Zone Changes do not require a traffic study and although that information may be helpful, it is not a required document to be submitted with the application. This language is not recommended as a part of the motion, but rather criteria should be considered as it related to the earlier stated traffic and pedestrian concerns. **Commissioner Boyett** amended the motion, stating that the recommendation to deny be based on findings #1, #8 and #10. **Commissioner Larson** stated his concerns, Residential Professional is to create a buffer. The types of businesses that have occupied this area fit the definition. There are medical and dental offices.

**Commissioner Ulvestad** withdrew his motion. **Commissioner Boyett then made a motion to deny based on criteria #1, #8 and #10. Commissioner Ulvestad seconded the motion.**

**Discussion: Commissioner Larson** is not happy with the no appearance of the applicant to address the concerns. He does feel it is appropriate to deny this request. **Commissioner Boyett** stated that it is disrespectful for a Zone Change to be presented and no applicant to appear. **Chairman Wagner** affirmed #1, #8 and #10 as being legitimate reasons to recommend denial.

| <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       |            |           |                  | <b>x</b>      |

**The motion to deny passes with a verbal vote of 4-0.**

**Other Business:**

**The next Zoning Commission meeting scheduled to be held on Tuesday, January 2, 2018 is CANCELLED, no applications received.**

**Adjournment:** The meeting adjourned at 5:31 p.m.

**DRAFT: To be approved by a motion: At the next City Zoning meeting.**

**ATTEST: Robbin Bartley, Administrative Support**



## City Zoning Commission

**Meeting Date:** 02/06/2018

**SUBJECT:** Special Review #961-802 S 31st St.

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

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### Information

#### REQUEST

**Special Review 961** - This is a special review request to locate a public parking lot in a Residential 6,000 (R-60) zoning district on Lots 11 and 12, Block 235 of Billings Original Town, a 7,000 square foot parcel of land. The purpose of the request is to allow the re-development of the lot to serve the Friendship House of Christian Service at 3123 8th Avenue South. Presented by Karen Husman, Planner I

#### RECOMMENDATION

Conditional approval.

#### APPLICATION DATA

**OWNER:** The Friendship House of Christian Service

**LEGAL DESCRIPTION:** Lots 11 and 12, Block 235 of Billings Original Town

**ADDRESS:** 802 S. 31st Street

**CURRENT ZONING:** R-60

**EXISTING LAND USE:** Residential

**PROPOSED USE:** Parking Lot

**SIZE OF PARCEL:** 7,000 square feet

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property** –None

**Surrounding Property** – There have been 113 special review applications in the Billings Original Town. The Billings Original Town covers approximately 600 acres of land centered along 27th Street (north and south) and Montana Avenue. Most of these special review applications were for the location of liquor licenses. One of the 113 special review applications was for parking on a residential lot. This application was for 2414 7th Ave North to expand the parking lot for the State of Montana Job Service Office. The special review was conditionally approved.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential 6,000 (R-60)  
Land Use: Residential  
SOUTH: Zoning: (R-60)  
Land Use: Residential  
EAST: Zoning: (R-60)  
Land Use: Residential  
WEST: Zoning: (R-60)  
Land Use: Residential

## BACKGROUND

This is a special review request to construct a parking lot on a lot that is zoned Residential 6,000 (R-60), generally located on the corner of 8th Avenue South and South 31st Street. The applicant intends to remove the existing older structures on the property to create an aesthetically pleasing parking area. When completed, it will allow the applicant, the Friendship House of Christian Service, off street parking for their buses, vans and staff vehicles, and free up on street parking for the neighborhood.

There have been other parking lots approved through special review in residential zones throughout the city. Some parking lots in residential areas pre-date the requirements for special review approval. The zoning history since 1972 has only one such parking area approved in the Billings Original Town, there are some more recent examples of parking lots approved through special review including 819 Grand Avenue for Off The Leaf (R-60); 1045 Grand Avenue, Dairy Queen (RMF-R); 1403 Grand Avenue, Stockman Bank (R-60); 2032 Grand Avenue, Dana Motors (R-60); 4635 Simpson Street, Resource, Support and Development Inc. (R-70). There are also many church buildings with parking lots on residentially zoned property. Section 27-305 BMCC allows parking lots to be placed on residentially zoned land with a special review.

The Planning Division has reviewed this application and is recommending conditional approval. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Zoning Regulations and the 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.

## SUMMARY

This application conforms to the first criteria in so far the zoning regulations adopted by the City Council have designated all residential zoning districts can have off-street parking lots as long as they go through the special review process. There are requirements for landscaping and screening from residential uses next to commercial uses within the zoning regulations. These will apply to this parking lot.

The application meets criteria from the second requirement as it is consistent with some of the objectives of the Growth Policy:

**Strong Neighborhoods and Essential Investments:** Neighborhoods that are safe and attractive and provide essential services are much desired. Infill development and development near existing City infrastructure may be the most cost effective.

- The proposed special review will promote redevelopment of an existing property that has fallen into disrepair on the edge of a residential neighborhood where there are already City services and infrastructure. This will provide an additional service to the applicant that operates in the neighborhood and the area residents by alleviating parking issues around the Friendship House site. The proposed special review will clean up a property that is in disrepair in an established neighborhood by cleaning the lot and redeveloping the site.

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

- The proposed special review will support a local non-profit organization that provides needed services to Billings residents. The application also meets the third criteria in that it is compatible with surrounding land

uses in the area. The development of this parcel into a parking lot would take a parcel that is in need of attention and clean it up in this neighborhood. There are minimal impacts from the proposed location of the parking lot that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

## **RECOMMENDATION**

The Planning Division recommends conditional approval.

1. The special review is limited to Lots 11 and 12, Block 235 of Billings Original Town, a 7,000 square foot parcel of land.
2. The special review approval is to allow the construction of a parking lot generally located at 802 S. 31st St. No other use is intended or implied.
3. The site will be developed in conformance with all applicable zoning and site development regulations.
4. No construction shall take place before 7 am or after 8 pm.
5. A sight obscuring fence will be installed on the southerly and westerly property lines (adjacent to alley and adjacent to residential lot) in addition to all landscaping requirements. The new fence will comply with all clear vision requirements for the alley and street intersection and the drive approach on S 31st Street.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.
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.

**\*\*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 or zoning compliance permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The use and development of the property must be in accordance with the submitted site plan.

## **Zoning Commission Action**

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

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

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

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

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

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;

7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

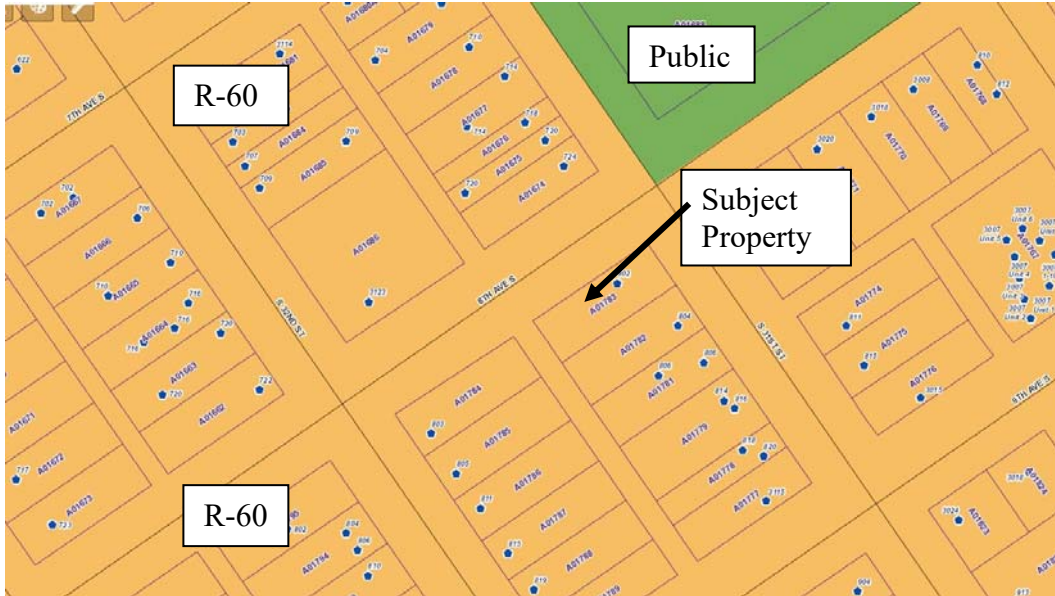
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### **Attachments**

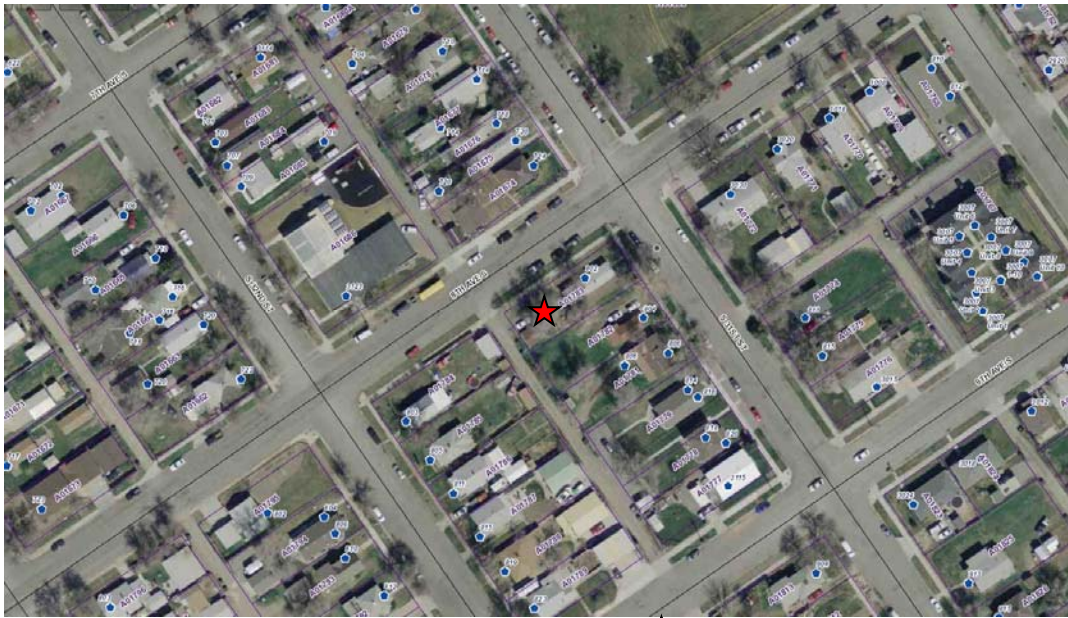
Zoning Map & Site Photos  
Applicant Letter & Site Plan

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## Surrounding Zoning



## Site Photos



Subject Property ★

Site Photos



Subject Property



Site Photos



Looking South



## Applicant Letter



12/12/17

City of Billings  
Zoning Commission  
Miller Building 1st Floor Conference Room  
2825 3rd Ave. North  
Billings, MT 59102

Dear Zoning Commission,

Friendship House of Christian Service is a nonprofit community development agency that has been serving the low-income and disadvantaged children and families of the south side of Billings for over 60 years. To better meet community need, we are always looking for ways to deepen our impact and serve more clients in order to fulfill our mission.

In accordance with the existing city growth policy, we are not proposing to "grow" the city limits or footprint and jeopardize the "essential investment." Rather we are doing infill by taking an existing structure and land in the heart of the south side triangle and changing the use. No extension of utilities or services will be required as this is an existing property already served. As related to "place makers" and "community fabric," growth policy goals, Friendship House is truly a community gathering place with a rich history of being the very fabric of the south side. We serve the community with a preschool, youth program, teen program, adult education, counseling and meet basic needs such as food, clothing and support for south side residents. Finally as it relates to "strong neighborhoods" the community development work Friendship House does on a daily basis is vital to keep the south side strong and at-risk and low-income families moving forward out of poverty. Our project is truly in the spirit and vision of our city growth policy.

We have recently purchased a blighted house across the street from our facility. Our plan is to transform this space into a beautiful, usable parking lot for our fleet of vehicles. Friendship House currently has only on street parking for our fleet of 9 vehicles including five- 15 passenger transportation vans, 2 mini vans, 1 car, and 1 school bus. Because we transport over 100 children daily and serve more than 1,900 clients annually, we need these vehicles to best serve our community and pick up and drop off kids from the 7 elementary schools we serve with our programming. With limited parking options, we must park our vehicles as well as employee vehicles on the street. Because of this, the at-risk kids we serve are left exposed to passing cars (who are often driving too fast) when entering and exiting vehicles. This creates unsafe, potentially deadly situations.

*Reflecting the love of Jesus Christ by fostering renewal, stability, and transformation in the lives of youth and families in South Billings.*

Phone: 406-259-5569

Fax: 406-259-9117

3123 8<sup>th</sup> Ave S. Billings, MT 59101

[www.FriendshipMT.org](http://www.FriendshipMT.org)



Additionally, when children leave our care with their parents, students will often run in between the parked Friendship House vehicles and out on to the street. Oncoming vehicles have little visibility and little chance to slow down to avoid a collision. We're fortunate to not have had an accident. There have been too many close calls involving Friendship House children. This is where we need your help to approve a zoning change to make our parking lot a reality.

In addition to increasing children's safety, Friendship House vehicles parked on the street are open to vandalism, property and vehicle theft. This has happened numerous times in the past several years because of our inability to lock up our vehicles in a secure parking area. This increases our costs to fix these vehicles that we use to transport children from school and on field trips. Because all of our vehicles are donated, we want to be good stewards and protect these generous gifts.

A secure, designated, beautiful parking lot will protect and better serve our at-risk children and vulnerable adults while entering and exiting from our life changing programs. It will keep the vehicles from vandalism, property and auto theft.

Further, the parking lot will allow us to be better neighbors by not taking up the entire allotment of on-street parking in the neighborhood.

A beautifully landscaped parking lot is more attractive than the currently blighted house. This is a true community development project allowing us to fulfill our mission of taking our south side neighborhood from blight to beauty.

I would very much appreciate the zoning commissions vote to allow up to do this much needed project.

Sincerely,

A handwritten signature in blue ink that reads "Rev. Matthew J. Lundgren".

Rev. Matthew J. Lundgren  
Executive Director

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Letter from Task Force

South Side Neighborhood Task Force  
3123 8th Ave. S.  
Billings, MT 59101

11/25/17

City of Billings  
Zoning Commission  
Miller Building 1st Floor Conference Room  
2825 3rd Ave. North  
Billings, MT 59102

Dear Zoning Commission,

As a part of keeping and making the South Side Neighborhood safe, beautiful, and functional we as a Task Force fully support the zoning variance requested by Friendship House of Christian Service for the parking lot project at 802 S. 31st St.

This project will allow for better access to parking for neighbors, staff and clients of Friendship House. Further, it will provide much needed safety for south side children entering and exiting vehicles at Friendship House.

Please approve this zoning request.

Sincerely,

Dale Fincel, Vice President



Jim Ronquillo, Treasurer

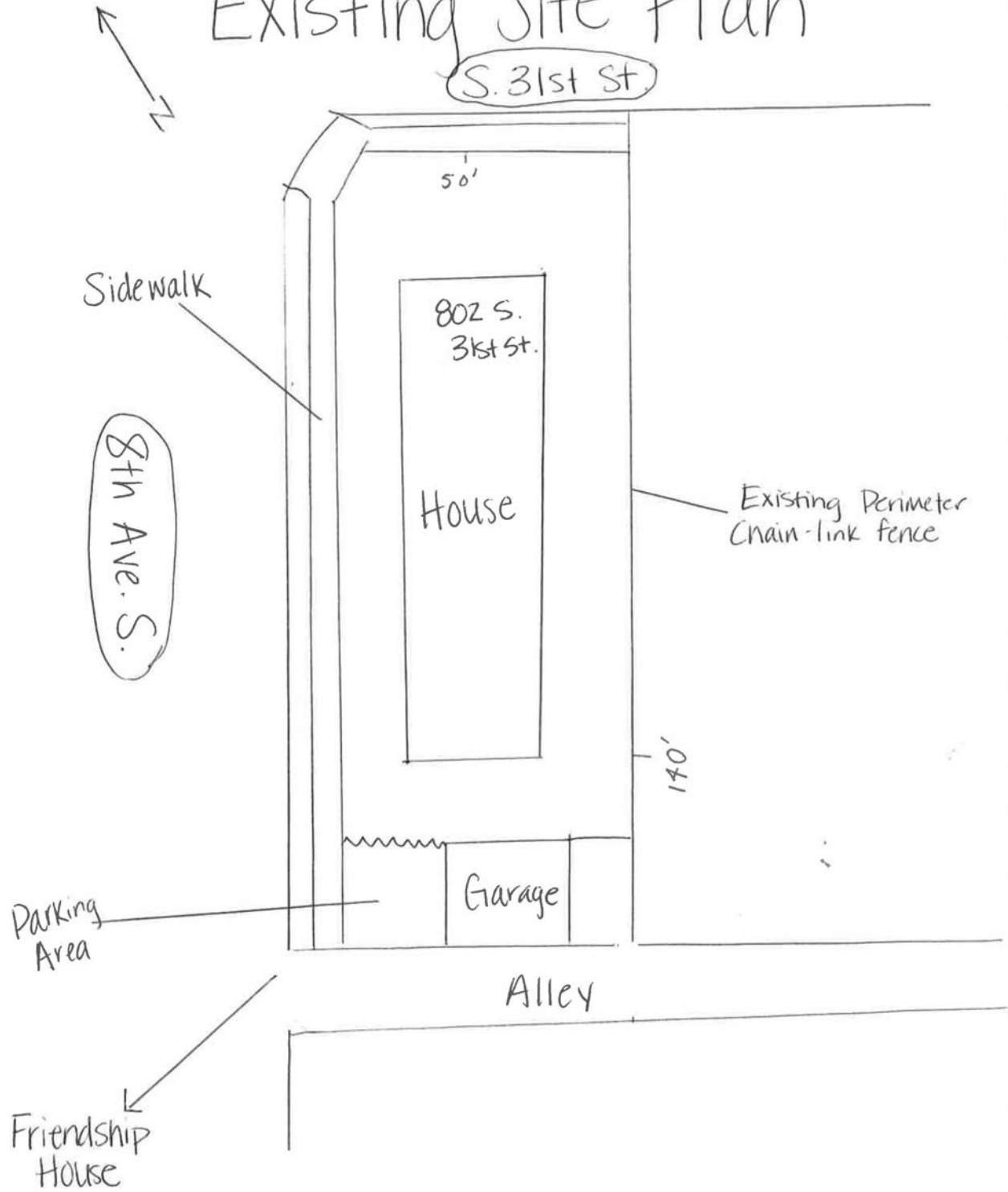


Steve Heppner, Secretary



Site plan

# Existing Site Plan



# Proposed Parking lot

December 4, 2017

## Van Parking Lot Concept Billings, Montana

