



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, March 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 February 6, 2018.

**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 962 - 896 S 29th Street West** -This is a special review request to allow the location of an existing All-Beverage Liquor License with Gaming in a Controlled Industrial (CI) zone on Lot 1J of Block 2, Midland Subdivision, 4th Filing, a 1.91 acre parcel of land. Suite E is @1,525 square feet in an existing 22,704 square foot multi-tenant building. Tax ID: A28821. Presented by Monica Plecker, Planning Division Manager
  
- b. **City Zone Change 963 – 4130 State Avenue – R-96 to NC** – A zone change request from Residential 9,600 (R-96) to Neighborhood Commercial (NC) on the easterly 195.83 feet of that part of Lot 2 of the Subdivision of Section 9, Township 1 South, Range 26 East, a 24,643 square foot parcel of land. A pre-application neighborhood meeting was held on January 29, 2018, at the Southside Community Center, 901 S 30<sup>th</sup> Street. Presented by Karen Husman, Planner I

## Other Business/Announcements

## Adjournment

**The City Council** has designated **Monday, March 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 and zone change**.

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 (March 23, 2018) the first reading of the amendment by the City Council.

**City Zoning Commission**

**Meeting Date:** 03/06/2018

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**Information**

**Subject**

The minutes of the Board meeting of February 6, 2018.

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**Attachments**

*No file(s) attached.*

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## City Zoning Commission

**Meeting Date:** 03/06/2018

**SUBJECT:** Special Review 962 - 896 S 29th Street West

**THROUGH:** Monica Plecker

**PRESENTED BY:** Monica Plecker

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### Information

#### REQUEST

**Special Review 962 - 896 S 29th Street West** -This is a special review request to allow the location of an existing All-Beverage Liquor License with Gaming in a Controlled Industrial (CI) zone on Lot 1J of Block 2, Midland Subdivision, 4th Filing, a 1.91 acre parcel of land. Suite E is @1,525 square feet in an existing 22,704 square foot multi-tenant building. Tax ID: A28821. Presented by Monica Plecker, Planning Division Manager

#### RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 962.

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

#### APPLICATION DATA

OWNER: 29th West Retail Partners LLC – Corning Companies  
AGENT: Roger Singh  
LEGAL DESCRIPTION: Midland Subdivision, 4th Filings, Block 2, Lot 1J  
ADDRESS: 896 S 29th Street West  
CURRENT ZONING: Controlled Industrial (CI)  
EXISTING LAND USE: Mixed Use Commercial, Suite E is vacant  
PROPOSED USE: All Beverage with Gaming  
SIZE OF PARCEL: 1.19 acres

#### CONCURRENT APPLICATIONS

There are no concurrent applications.

#### APPLICABLE ZONING HISTORY

##### Subject Property

N/A

##### Surrounding Properties

There have been 4 special review applications for All-beverage with Gaming conditionally approved in the Midland Subdivision, 4th filing. SR 864, SR 681, SR 645 and SR 623.

## SURROUNDING LAND USE & ZONING

NORTH:	Zoning: Controlled Industrial (CI) Land Use: Retail
SOUTH:	Zoning: Controlled Industrial (CI) Land Use: Retail
EAST:	Zoning: Controlled Industrial (CI) Land Use: Retail
WEST:	Zoning: Controlled Industrial (CI) Land Use: Vacant

## BACKGROUND

This is a special review request to locate an all-beverage liquor license with gaming attached in an existing 1,525 square foot tenant space in a multi-tenant building located at 896 S 29th St West on Lot 1J, Block 2 of Midland Subdivision, 4th filing.

South 29th Street West is classified as a collector. According to the 2016 Billings Urbanized Traffic Count Map there are no traffic counts available for S 29th Street West. However, this street connects to King Avenue West and Gabel Road which are both considered principal arterials. The closest traffic count available on King Avenue West is 28,290. 2,320 trips were counted at the nearest location on Gabel Road.

The applicants are proposing to move their existing all beverage license and business from its previously existing location at the Railyard Ale House located at 2526 Montana Avenue. The lease on the property was not renewed and Montana law allows the license holder to re-locate the license. The City requires a special review any time an existing or new on-premise liquor license is re-located within the city limits. The City does not control the number of on-premise liquor licenses that may be issued by the state. The City can specify appropriate zoning districts, separation requirements and provide for conditions of approval to mitigate any potential negative effects of the location on an on-premise liquor license.

The Planning 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.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated that any on-premise liquor license in a CI zone may apply for a special review. The proposed site plan meets 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 Growth Policy:

### Essential Investments:

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

The development of a vacant parcel in an already established commercial area will be a cost effective project where City infrastructure and some services already exist.

- 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 within an existing building.

- Prosperity: A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that

provide local jobs benefit the community.

This development will allow a previously existing business to re-locate and retain local jobs. This development will help support and sustain the tax base for Billings.

- The application also meets the third criteria in that it is compatible with surrounding land uses in the area.

This site is in an already established area of Billings, with good access to transportation choices. The area provides access to essential everyday services such as restaurants, retail shopping, convenience shopping and services. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

#### PROPOSED CONDITIONS:

1. The special review approval is limited to Suite E, not to exceed 1,525 square feet in the existing multi-tenant building on Lot 1J, Block 2, of Midland Subdivision, 4<sup>th</sup> Filing. The special review approval is for an all beverage license with gaming within the 1,525 square foot tenant space. No other use is intended or implied by this approval.
2. The re-modeling of the tenant space shall require compliance with all Building and Engineering codes applicable. This includes requirements for off-street parking lots and solid waste storage. 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 site will be developed in conformance with all applicable zoning and site development regulations.
5. No fascia of the building may have internal illumination.
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 level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

#### Zoning Commission Action

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

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

Before recommending approval of a special review use, the Zoning Commission shall find that the contemplated use:

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

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

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

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

**RECOMMENDATION**

The Planning Division recommends conditional approval of SR 962.

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**Attachments**

Application and Site Plan  
Zoning Map and Site Photos

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APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# \_\_\_\_\_ - Project # \_\_\_\_\_

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the City of Billings Zoning Regulations.

Present Zoning: CONTROLLED INDUSTRIAL

Special Review Requested: CASINO / GAMING ESTABLISHMENT LOCATED WITHIN CONTROLLED INDUSTRIAL

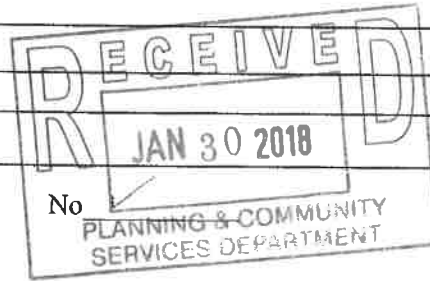
TAX ID# 47-3161185 CITY ELECTION WARD # 5

Legal Description of Property: MIDLAND SUBDIVISION 4<sup>th</sup> FILING, S13, T01S, R25E, Block 2, Lot 1J

Address or General Location (If unknown, contact City Engineering): 869 S. 29<sup>th</sup> St. W

Size of Parcel (Area & Dimensions): 1.91 ACRES

Present Land-Use: RETAIL, MIXED USE



Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_  
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): 29<sup>th</sup> West Retail Partners LLC - Coravin Companies  
(Recorded Owner)  
2260 QUANT ROAD, Ste A, BILLINGS, MT 59102  
(Address)  
406-651-4300 SCORINPH@CORAVINCOMPANIES.COM  
(Phone Number) (email)

Agent(s): ROGER SINGH  
(Name)  
503 24<sup>th</sup> Street West Billings MT 59102  
(Address)  
406-850-2691 rogerperhar@gmail.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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 1/30/18  
(Recorded Owner)





896 S 29th St West  
Suite D

N  
1/4"=1'

Equipment  
3 Tap Keg Cooler  
2 Door Merchandiser  
3 Compartment sink  
Pop Sink  
Syrup racks  
Ice Maker

Storage area-  
Mop sink  
Hand sink  
Electrical/Plumbing

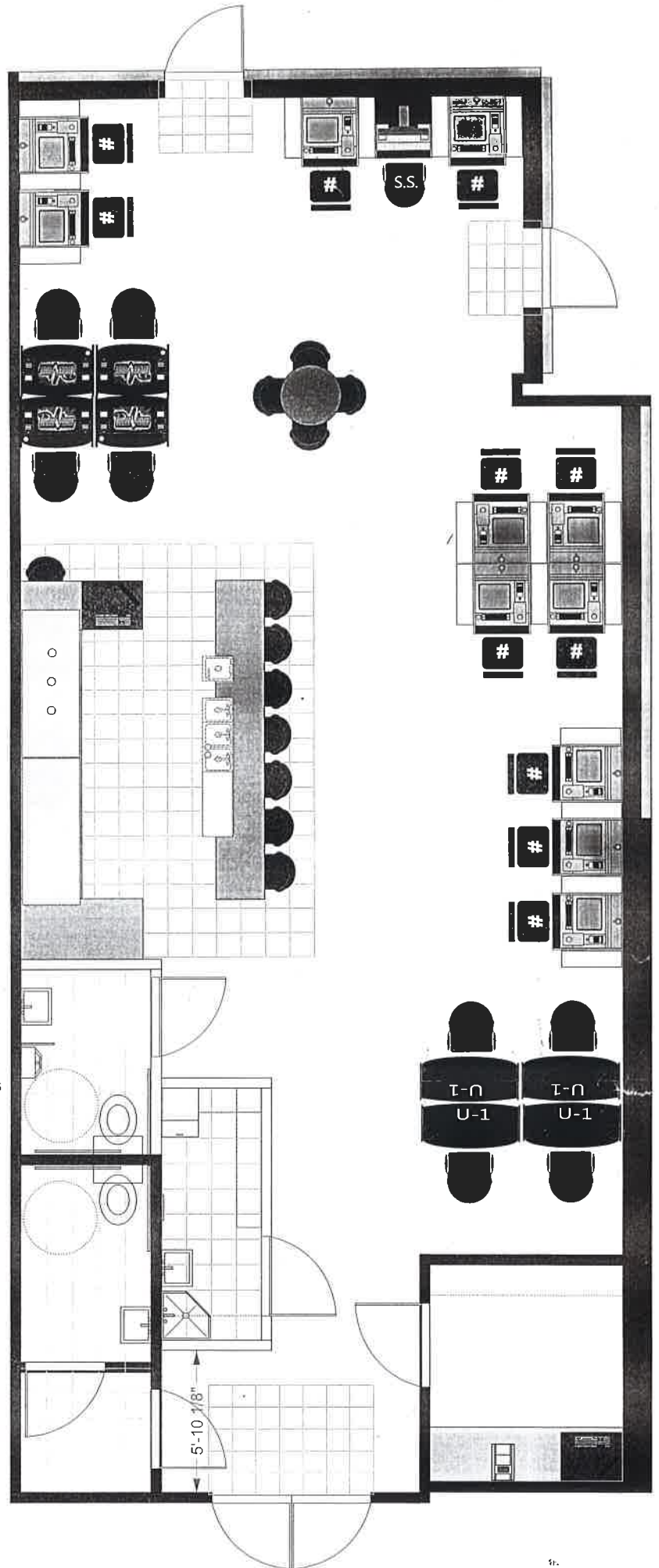
New ADA Mens  
Sink/Vanity/Mirror  
Urinal  
Commode  
Handrails  
Stall seperator  
Electrical/Plumbing

Bar  
Bar wall/Electrical/  
Plumbing/Drains  
Pendant lighting  
Back bar lighting  
Back bar storage/  
display  
Off sale cabinets

Carpet/Tile  
Trim-Base/Crown/  
Chair rail  
Lighting  
Shades/Blinds  
Office counter/shelves

Security/Surveillance/Mag Locks  
Sound

Exterior Signage







*Facing the property, Suite E is located to the Left of the photo frame.*



Suite E



*Neighboring property to the south*



East



North



## City Zoning Commission

**Meeting Date:** 03/06/2018

**SUBJECT:** Zone Change 963- 4130 State Avenue

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

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### Information

#### REQUEST

**City Zone Change 963 – 4130 State Avenue – R-96 to NC** – A zone change request from Residential 9,600 (R-96) to Neighborhood Commercial (NC) on the easterly 195.83 feet of that part of Lot 2 of the Subdivision of Section 9, Township 1 South, Range 26 East, a 24,643 square foot parcel of land. A pre-application neighborhood meeting was held on January 29, 2018, at the Southside Community Center, 901 S 30th Street. Presented by Karen Husman, Planner I

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 963.

#### APPLICATION DATA

**OWNER:** Guy C. Romero

**AGENT:** Sanderson Stewart

**LEGAL DESCRIPTION:** the easterly 195.83 feet of that part of Lot 2 of the Subdivision of Section 9, Township 1 South, Range 26 East

**ADDRESS:** 4130 State Avenue

**CURRENT ZONING:** Residential 9,600 (R-96)

**EXISTING LAND USE:** Residential

**PROPOSED USE:** Unknown; Neighborhood Commercial (NC)

**SIZE OF PARCEL:** 24,643 Sf

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

**Subject Property:** Zone Change 790 to change the zoning on the western 110 feet from R-96 to NC was approved in October 2006. This portion of the property was developed for a seasonal restaurant. This restaurant has since been abandoned.

**Surrounding Property:** In 1979, a zone change from R-96 to NC was granted for Lot 1 of Conitz Subdivision. This property is now developed for the Family Dollar Store at 4188 State Avenue and the Ace Hardware Store at 4180 State Avenue. Zone Change 290 for 4106 State Avenue was granted in 1980 to change from R-60 to NC. This zone change was for the development of a convenience store and gas station at the intersection of State and Jackson Street. Zone Change 869 was granted in 2010 from Public to R-60 on 412 Hallowell Lane to allow an existing two-family dwelling to be in conformance with zoning.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-60  
Land Use: Single family residential  
SOUTH: Zoning: R-96  
Land Use: Single family residential  
EAST: Zoning: R-60  
Land Use: Single family residential  
WEST: Zoning: NC  
Land Use: Vacant (former restaurant), King's Ace Hardware & Family Dollar

## **BACKGROUND**

This is an application to change the current zoning of Residential 9,600 (R-96) to Neighborhood Commercial (NC) on the easterly 195.83 feet of the parcel. The west portion of the property is currently zoned NC and was used for a seasonal restaurant. The proposed zone change would allow for consistent zoning of NC along State Avenue between the intersections of Hallowell Lane and Van Buren Street. The applicant intends to remove the existing building and clean up the property, adding a fence along the southern property line. The applicant, Skip King, is under contract to purchase the property, although they have no immediate plans to further develop the property. The current proposal is to clean up the property to make it safer and more attractive for commercial uses in the future.

The property to the north and east is R-60 and has developed as single-family homes. The property to the south is zoned R-96 and is low density residential. The property to the west is currently the King's Ace Hardware and the Family Dollar store. Uses allowed within the NC zone includes multi-family residences, small retail, business services, restaurants (without the sale of alcoholic beverages), retail sales and similar neighborhood services. Multi-tenant buildings and mixed use developments are allowed but each commercial "use" within a property in the NC zone is limited to 10,000 square feet or less in floor area.

## **RECOMMENDATION**

The Planning staff has reviewed the application for Zone Change #963 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 supports the proposed zoning and use in this area of mixed uses and zoning.

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### **Attachments**

Zoning Map & Site Photos  
Review Criteria  
Application, Applicant letter & Pre App. Notes

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Site Photos



Looking West





Looking North



East



South at subject property

Zone Change #963 – 4130 State Ave.

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: Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors. Infill development and development near existing City infrastructure may be the most cost effective. Neighborhoods that are safe and attractive and provide essential services are much desired;

The proposed zoning requires any development to install landscaping with a preference for it to be along the street frontage. New buildings, sidewalks, landscaping and fencing would make this area of Billings more visually appealing to residents and visitors. Infill development is the most cost effective since there is already infrastructure in place. Providing basic services near residential development is much desired and convenient to the local residential community.

- Community Fabric: Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity. Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods. Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.

The proposed zoning will require the developer to install new sidewalks and landscaping which will be more visually appealing to residents and visitors along State Avenue. Providing green space and sidewalks for pedestrian movement in the area.

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

The proposed zoning will allow the clean up a corner in Billings that has been underused and fallen into disrepair which attracts unwanted activity in the area. New development will provide needed services and be more attractive than what has been on this land for many years.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The proposed zoning would allow the developer to market the property to a broad range of businesses. The property has an existing single family dwelling, that could be renovated and still an allowed use, or the structure can be removed and the property can be utilized for commercial office space, or other low impact commercial uses.

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

Transportation: The proposed zoning will not have any effect on the existing transportation system.

Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The new zoning will have no effect on transportation systems.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to re-develop into a neighborhood service area with needed local services that are compatible with the existing neighborhood.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow the re-development of the land as a commercial use and improve the area with new building.

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

The building on the property is currently in disrepair. Approval of the zone change will conserve the value of the property by allowing redevelopment of the property. The value of existing surrounding buildings and the parcel will be improved by the proposed zoning.

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

The proposed zoning will allow re-development of the land to a new commercial use. Residential development on this corner is not the most appropriate use of the land at this location. Commercial development to buffer residential from high traffic is the best use of the land.

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 963 - Project # PZ-18-00028

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

Present Zoning: Residential 9600

Proposed Zoning: Neighborhood Commercial (NC)

TAX ID# D01590

CITY ELECTION WARD # 1

Legal Description of Property: Easterly 195.83 Feet of That Part of Lot 2 of the Subdivision of Section 9, T. 1 S., R. 26 E., P.M.M., Described in Quit Claim Deed Document No. 3626032

Address or General Location: 4130 State Avenue

Size of Parcel (Area & Dimensions): 24,643 SqFt; (195.93 x 125.84-feet)

Present Land-Use: Residential

Proposed Land-Use: Unknown; neighborhood commercial in future

Covenants or Deed Restrictions 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.

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.

Owner(s): Guy C. Romero (Recorded Owner)  
4130 State Avenue, Billings, MT 59101

Contract Purchaser: King and King, LLC  
Attn: Skip King  
2264 Central Avenue, Billings, MT 59102  
406-656-1446 Ext. 1301  
sking@kingacehardware.com

\_\_\_\_\_  
(Phone Number)

X \_\_\_\_\_

X  \_\_\_\_\_

Agent(s): Sanderson Stewart  
1300 North Transtech Way, Billings, MT 59102  
(406) 656-5255  
bmorgan@sandersonstewart.com

X  \_\_\_\_\_

## MEETING MINUTES

<b>PROJECT: King's Ace Hardware Zone Change</b>			
Project No: 78105.07			
Location: Southside Community Center, 901 S. 30th Street		Meeting Date: 1/29/2018 at 6:00 PM	
Meeting Subject: Neighborhood Meeting		Prepared by: Bill Morgan, PE	
Attending:	Jack Dobbins (Ace)	Dave Korf (Ace)	Bill Morgan (SS)
	Ken Siroky	Roger Siroky	
Date of Issue: 1/31/18			

**Minutes:**

Bill, Jack, and Dave moderated the meeting, which was held in an open house style;

- Bill gave a summary of the proposed project elements, which included the following:
  - The proposed project property is approximately 24,500 square feet of land between the now vacant restaurant, just east of the King's Ace Hardware Store, and Van Buren Street.
  - The proposed zone change will allow for consistent zoning of Neighborhood Commercial along State Avenue.
- Jack and Dave reiterated how important it is to hear about the neighbor's concerns so that issues could be discussed and addressed up front. Questions from the surrounding property owners included:
  - What is going to happen to the property being rezoned? Ace representatives responded that the property will be cleaned up and a fence will be installed on the southern property line. There are no current plans for further development of the property at this time.
  - Are there any other big projects in the area? It was discussed that there are no other known projects in the area that attendees are aware of.
  - How big is the property being rezoned? Bill responded that the property is approximately 24,500 square feet.
- No other specific concerns with the proposed Zone Change were expressed by the property owners in attendance.

The meeting was adjourned at approximately 6:45 pm.

**King and King, LLC**  
ZONE CHANGE APPLICATION FROM RESIDENTIAL 9600  
TO NEIGHBORHOOD COMMERCIAL (NC)

**Statement of Proposal**

The contract purchaser, King and King, LLC, is seeking a zone change for a portion of property located at 4130 State Avenue. The property is approximately 24,643 square feet in size, or 0.565 acres. The existing zoning is Residential 9600 and the applicant is requesting a zone change to Neighborhood Commercial. The proposed zone change will allow for consistent zoning of Neighborhood Commercial along State Avenue, and the applicant's intent is to remove/clean up the existing buildings and debris on the site and add a fence along the southern property line. The future owner, King and King, LLC, currently has no immediate plans to develop the property, however wants to clean up the property to make it safer and more attractive for neighborhood commercial uses.

**Accompanying Responses to Questions in Zoning Application Form**

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

**Essential Investments (Relating Public and Private Expenditures to Public Values)**

- ***Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors***

To enhance the visual appeal of the proposed zone change property, the existing buildings will be demolished and the site will be removed of all clutter and debris. In the future, at the time of property re-development, landscaping along State Avenue will be irrigated and better maintained. A privacy fence will be installed along the southern property line to provide a better buffer with the adjoining residential uses.

- ***Infill development and development near existing City infrastructure may be the most cost effective***

This property is located on State Avenue between the existing Ace Hardware and Van Buren Street and has existing City infrastructure. This zone change will allow for efficient infill development near existing City infrastructure improvements.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

Ace Hardware will be able to better serve this community if the zoning of Neighborhood Commercial is continued along State because the additional property will give them more options to provide for safer traffic flow for customers using their existing site. Also, removing the existing homes and structures, while also adding the privacy fence, will make the neighborhood far more safe and attractive.

**Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)**

- ***Enhancements and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community***

The existing King's Ace Hardware store on State Avenue provides an important service to the Southside of Billings. An existing and well-established local business will be able to better promote vibrancy in the community through this proposed zone change. By removing the existing home and adding a fence along the southern property line, the entire neighborhood will be improved visually.

- ***The history and heritage of Billings are cornerstones of our community***

The southside of Billings is an integral part of our community and improving the appearance and safety of the properties located there further enhances the overall image of Billings for both local residents and visitors.

**Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)**

- ***Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors***

Upon future redevelopment from Residential 9600 to Neighborhood Commercial, this property will comply with current City standards on landscaping both within the property itself and adjacent to the public right-of-way. State Avenue is an important corridor for Billings, and Ace Hardware will be extending irrigation and grass along the parking area that it will be purchasing.

**Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)**

- ***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction***

By allowing a change in zoning to Neighborhood Commercial, a company that prides itself in providing excellent neighborhood and customer service will be allowed to expand in the short term by providing additional parking, and in the long term by being allowed to consider options like expansion or services and convenience for community members.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

By appropriate and planned expansion of Neighborhood Commercial properties along State Avenue, essential services can better be provided for underserved neighborhoods in Billings. This in turn will provide a safer and more attractive focus for community development and cohesion.

- ***Implementation of the Infill Policy is important to encourage development of underutilized properties***

The current property being considered for purchase and rezoning is considered an underutilized property along an important corridor in Southside Billings. Infilling will be enhanced if this property can be re-zoned to Neighborhood Commercial east to Van Buren Street.

**Prosperity (Promoting Equal Opportunity and Economic Advancement)**

- ***Successful businesses that provide local jobs benefit the community***

King's Ace Hardware is locally owned and locally operated, and wants to be the hardware store of choice. At the State Avenue store, they serve the Billings' Southside neighborhoods with a full-service paint center, plus a large selection of plumbing, hardware, tools and fasteners. The store provides local jobs that greatly benefit the community, and many of the store employees live in nearby neighborhoods.

The Ace Hardware Foundation serves as an umbrella over the charitable efforts of Ace Hardware Corporation, retailers and vendor partners for the benefit of [Children's Miracle Network \(CMN\)](#) and the American Red Cross.

Locally, the Southside Task Force awarded Ace Hardware the Good Neighbor Award in 2016 for its assistance in providing paint and resources for control of graffiti in the community.

- ***Retaining and supporting existing businesses helps sustain a healthy economy***

By supporting this zone change, an existing business that helps sustain and build a healthy economy in each neighborhood that it is located will be retained and supported.

***1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.***

King and King, LLC intends to make the property around Ace Hardware on State Avenue a more visually appealing and safer shopping experience. By changing the zoning to Neighborhood Commercial, it will allow for more businesses like Ace Hardware to expand or develop ancillary services on the property along State Avenue while making the zoning consistent. While there are no current development plans for the proposed zone change property, changing the zoning to Neighborhood Commercial and removing the existing structures and debris on the existing property will allow for vibrant future development and growth for the community.