

Applicant Letter and Pre app materials
Zone Change 971 – Hawk Creek PD



APPLICATION FORM
Billings Zone Change # 971 - Project # 18-058 *P2-18-00142*

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: Neighborhood Commercial

Proposed Zoning: PD-Neighborhood Commercial with the allowance of one cabaret license and one brewery/taproom license

Tax ID # A31805C CITY ELECTION WARD # WARD IV

Legal Description of Property: MK Sub, Section 31, Township 01N, Range 25E, Block 1, Lot 4
Address or General Location (If unknown, contact County Public Works): Grand Avenue & 54th Street West *Hawk Creek Ln + Chy Way*

Size of Parcel (Area & Dimensions): 3.6 ACRES (522 FT X 304 FT)

Present Land-Use: Undeveloped

Proposed Land-Use: Commercial

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): MYK Enterprises, LLC
(Recorded Owner)
218 Brookshire Blvd Unit 2, Billings, MT 59102
(Address)
406-860-1967 kramerpatsy@gmail.com
(Phone Number) (Email)

Agent(s): Scott Aspenlieder
(Name)
7100 Commercial Ave., Suite 4, Billings, MT 59101
(Address)
406-384-0080 scott@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: *Patricia A Kramer Manager* Date: 9/14/18
(Recorded Owner)

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

The tract of interest is currently zoned Neighborhood Commercial. The Growth Policy has several goals that would be met by changing the zoning of the property from Neighborhood Commercial to Planned Development-Neighborhood Commercial. The issues that will be addressed are described below.

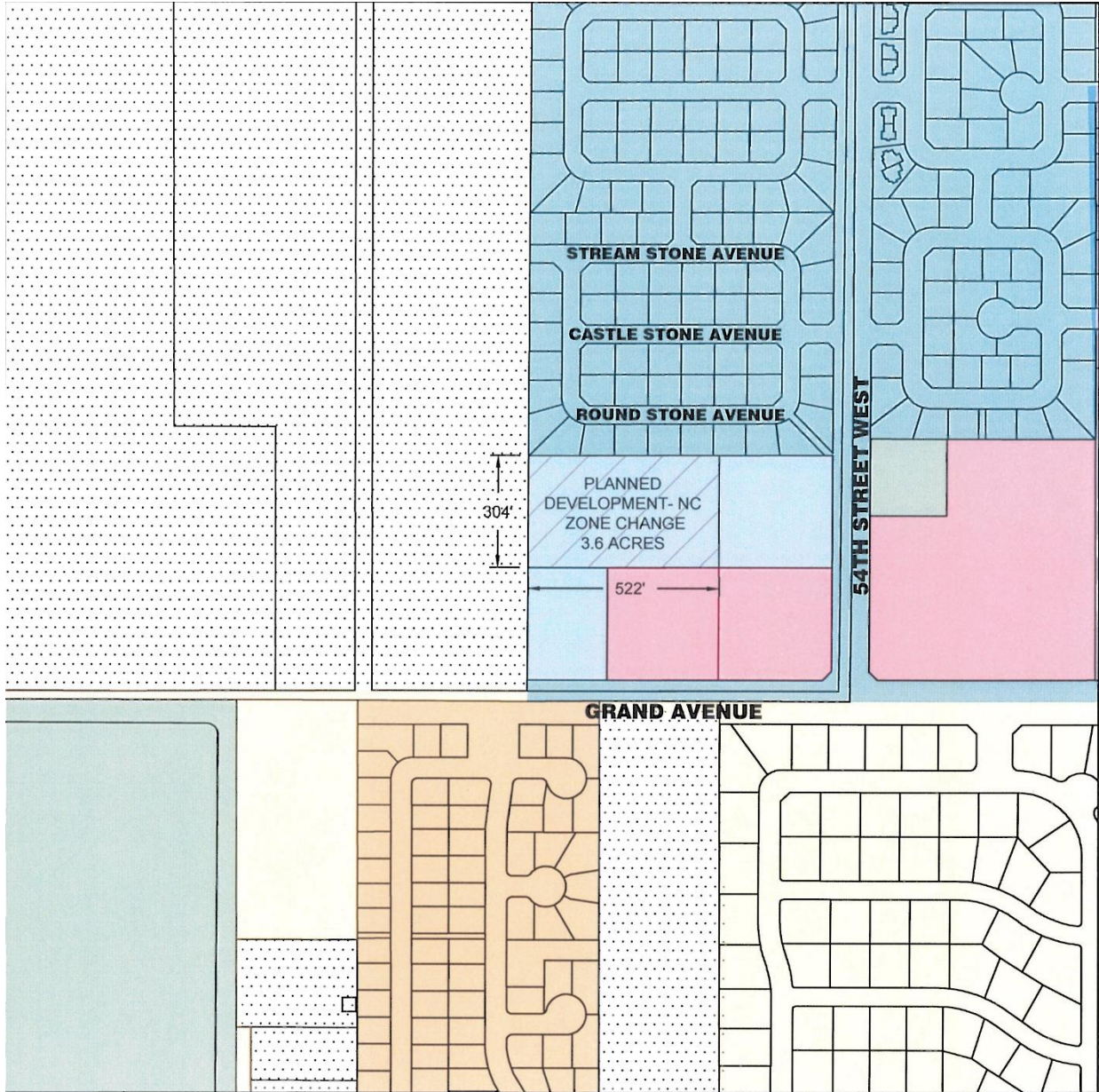
Implementation of the Infill Policy is important to encourage development of underutilized properties. The proposed zone change will fit with the City's Infill Development Policy by reducing the cost of basic City services, providing local neighborhood services, encouraging walkable communities, and adding new energy to existing neighborhoods. Commercial businesses will help to offset the cost of services to the neighborhood by increasing the tax base in the area and adding rate paying customers to City services such as water, sewer and solid waste.

The Growth Policy calls for commercial development at the nodes of two arterial roads, in this case 54th Street West and Grand Ave. This property is within the commercial node outlined in the Growth Policy and West End Plan and falls within the types of businesses desired for commercial nodes. The allowance of a cabaret and taproom license on the proposed lot allows for a much needed restaurant or dining facility to locate within the west end neighborhood. This creates a local feel for the neighborhood and allows for access to dining without driving over 2 miles into the City.

Predictable, reasonable City taxes and assessments are important to Billings' taxpayers. The creation of new commercial businesses within the City of Billings will add to the assessments the City collects and increase the City's tax base.

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 proposed development plan is to construct a facility restaurant and taproom facility allowing for on-site sale of beer and wine. State law restricts hours of operation for taproom facilities enforcing a end of sales at 8 pm, similarly cabaret facilities must end all alcohol sales at 10 pm. Both are well within the reasonable hours of operation for businesses and will not conflict with residential neighborhoods in the area. The proposed PD-Neighborhood Commercial zoning will fit well with surrounding commercial zoning and could likely encourage more development of commercial property in the area by providing for eatery options in the area. The proposed PD documents provide for a myriad of landscaping, parking, noise, lighting, and architectural restrictions to best fit the neighboring properties and minimize any potential negative impact while still adding value to the community and City.



LEGAL DESCRIPTION

LOT 4, BLOCK 1,
MK SUBDIVISION
BILLINGS, MT

LEGEND

- | | | | |
|---|---|---|-------------------|
|  | PLANNED DEVELOPMENT - NEIGHBORHOOD COMMERCIAL |  | PUBLIC |
|  | AGRICULTURAL OPEN |  | RESIDENTIAL 7000 |
|  | COMMUNITY COMMERCIAL |  | RESIDENTIAL 9600 |
|  | NEIGHBORHOOD COMMERCIAL |  | RESIDENTIAL 15000 |



PROJECT TITLE
**MK
SUBDIVISION**
SHEET TITLE
ZONE CHANGE MAP

DRAWN BY
DTG
DATE
Jul-18
CHECKED BY
CPD

CLIENT
**MYK
ENTERPRISES**
218 BROOKSHIRE BLVD UNIT 2
BILLINGS, MT 59102



**PERFORMANCE
ENGINEERING**
7100 COMMERCIAL AVE., SUITE 4
OFFICE - 406-384-0090
BILLINGS, MT 59101
www.performance-ec.com

EXHIBIT
1
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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:** Neighborhood Commercial
2. **Written description of the Zone Change Plan** including a square footage or acres of proposed new zoning: The zoning proposal will change 3.6 acres of undeveloped, Neighborhood Commercial to Planned Development- Neighborhood Commercial to accommodate one brewery/taproom and one cabaret license.
3. **Subject Property Map:** See Attachments
4. **Legal Description of Property:** MK Sub, S31, T01 N, R25 E, Block 1, Lot 4
5. **Neighborhood Task Force:** West End Task Force comments not received as of submittal
6. **Roster of persons who attended the pre-application neighborhood meeting:** See Attachments
7. **A copy of the meeting notice:** See Attachments
8. **A brief synopsis of the meeting results:** See Attachments
9. **The undersigned affirm the following:**

- 1) The pre-application neighborhood meeting was held on the 27th, day of August, 2018.
- 2) The zone change application is based on materials presented at the meeting.

Owner (s): MYK Enterprises, LLC Telephone: 406-860-1967
Address: 218 Brookshire Blvd, Unit 2 Email: kramerpatsy@gmail.com
Billings, MT 59102

Agent (s): Scott Aspenlieder Telephone: 406-384-0080
Address: 7100 Commercial Ave., Suite #4 Email: scott@performance-ec.com
Billings, MT 59101



August 27th 2018 6:00pm
Grace Montessori Academy

Meeting Notes
MYK Enterprises, LLC Development of Block 1 of Lot 4

Representative: Scott Aspenlieder

Points of Discussion

Brief review of Project Development

Requesting comments from Home / Property owners

Addressed Comments/ Concerns from Home/ Property owners

Review Timeline for Planned Development of Project

Project Development

Microbrewery/Tap Room and one cabaret license

Hours of operation: Microbrewery /Tap Stops selling liquor by 8:00pm and closed by 9:00pm. Cabaret 10:00pm closure time.

Home / Property Owners Comments

1. How many buildings
2. Difference between Brewery and Full liquor licenses
3. Limited Licenses
4. Serving of Food
5. City Council member brought up the " Creeping of Liquor"
6. Zoning future changes – and the 60 acres of land developed by the school
7. What happens if this doesn't pass – What can go through
 - Offsite liquor sales
 - Restaurants without beer and wine license
 - Fast foods restaurant
 - Chiropractor offices
 - Insurance offices
8. What is Law enforcement view – speculation of better together

406-384-0080

7100 Commercial Ave. #4
Billings, Montana 59101

performance-ec.com



Home / Property Owners Guidance of Suggestions

1. Restrictions of the business
2. Lighting
3. Parking
4. Patio Area Location
5. Building Height
6. Deck Side operations
7. Landscaping - Trees, Shrubbery

Home / Property Owners Concerns

1. Having a bar/ Brewery in their back yard
2. Property Values
3. Peace and Quiet place to live
4. Wanted to feel like living in the country but close to city services
5. Drunk Drivers and DUI's in this State
6. Close to School
7. What does task force think
8. Not Happy with The Den moving into the area

Comment from The Den owners

They are not a fan of the microbreweries- they take away from the bar business.

Timeline for Planned Development

1. Application - Home/Property owners need to get all requests in as soon as possible before the first application goes in Tuesday. Send all Letters to Scott and/or Nicole Cromwell.
2. Working Session with Planning Board and Public - To be held at the Library End of September
3. City Council - Voting process -Public Welcome - November

All three timeline options are for people to express comments and concerns.

Meeting Adjourned 6:35pm.