



CITY ZONING COMMISSION
AGENDA-Tuesday, February 5, 2019, 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: December 4, 2018. The January 8, 2019 meeting was canceled.

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 #973- 3548 Rachele Circle** - This is a special review request to allow the expansion of an existing church parking lot on Lot 1C, Block 6, of Parkland West Subdivision, 1st Filing, a 3.15 acre parcel of land. The expanded parking area will be about 27,000 square feet in area and includes new landscaping and fencing. Tax ID: A29915. Presented by: Karen Husman, Planner I.

Other Business/Announcements

Adjournment

The City Council has designated Monday, February 25, 2019, at 5:30 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.

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: 02/05/2019

Information

Subject

Approval of Minutes: December 4, 2018. The January 8, 2019 meeting was canceled.

Attachments

BZC_2018_12_04_DRAFT

City of Billings Zoning Commission Meeting Minutes December 4, 2018

The City of Billings Zoning Commission met on Wednesday, December 4, 2018 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 January 14, 2019** at **5:30** p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
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		0	0	0	0	0	0	0	0	0	0	0	0
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		8	8	8	8	8	8	8	8	8	8	8	8
Dan Wagner	Chairman	1	1	1	1	1	1	1	1	1	-	1	1
Dennis Ulvestad	Commissioner	1	1	E	1	1	1	A	1	1	-	1	1
Mike Boyett	Vice Chairman	1	1	1	1	1	E	1	1	1	-	1	1
Michael Larson	Commissioner	1	1	1	E	1	1	1	E	1	-	1	1
James Mariska	Commissioner	1	1	1	1	E	1	1	1	1	-	1	1
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Monica Plecker	Division Planning Manager	-	-	-	1	1	-	-	-	-	-	1	-
Nicole Cromwell	Planner Zoning Coordinator	1	1	1	1	1	1	1	1	1	-	1	1
Tammy Deines	Planning Clerk	-	-	1	1	-	-	-	-	-	-	-	1
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planner I	-	1	1	1	-	1	1	1	1	-	-	1
Robbin Bartley	Administrative Support	1	1	-	-	1	1	1	1	1	-	1	-

Total Number of 2018 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L
	1	2	3	4	5	6	7	8	9	0	1	2	
	/	/	/	/	/	/	/	/	/	/	/	/	
	0	0	0	0	0	0	1	0	0	0	0	0	
	3	6	6	3	1	5	0	7	4	2	7	4	
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1	1	1	1	1	1	1	1	1	1	1	1		
8	8	8	8	8	8	8	8	8	8	8	8		
Zone Change	2		1	2	0-R	2	2	0	1		1	1	12
Special Review	1	1	1	1	0	3	0	2	1			2	12

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Monica Plecker, Planning Division Manager, and Tammy Deines, Planning Clerk

In Attendance : Kevin Howell ; Charles Leggate ; Boone Jones ; Bryan Alexander, Sanderson Stewart; Rob Morehead, Big Sky EDA ; Brock Cohms; Gene Culver.

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 7, 2018

Chairman Wagner called for approval of the November 7, 2018 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the November 7, 2018 meeting minutes.

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

The motion for approval then carried with a unanimous voice vote 5-0.

Chairman Wagner called for disclosures of conflict of interest. There were none.

Disclosure of Conflict of Interest

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

Disclosure of Outside Communication

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

Nicole Cromwell advised the board and attendees of the 3-ring binder containing all of the Public Comments received prior to the staff report.

Public Hearings:

Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience that this would be heard by the City Council on January 14, 2019.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

Special Review #971 – 1801 Majestic Lane – Casino in vacant tenant space Big Horn Resort - A special review request to activate the gaming license attached to an all-beverage liquor license currently located in the Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision, an 11.179-acre parcel of land located in a Controlled Industrial (CI) zone and within the South Shiloh Corridor Overlay district, at 1801 Majestic Lane. No waiver of the 600-foot separation distance from a church, school or public park is required. The license will be located in a 1,369 square foot tenant space within the 76,868 square foot building. Tax ID: A30687

Karen Husman presenting:

REQUEST

Special Review # 971-1801 Majestic Lane -This is a special review request to activate the gaming license attached to an existing all-beverage liquor license currently located in the Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision, an 11.179 acre parcel of land located in a Controlled Industrial (CI) zone and within the South Shiloh Corridor Overlay district, at 1801 Majestic Lane. No waiver of the 600-foot separation distance from a church, school or public park is required. The license will be located in a 1,369 square foot existing tenant space within the 76,868 square foot building. Presented by Karen Husman, Planner I

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 971.

1. The special review approval is limited to Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision. The special review approval is for activation of the gaming license already attached to an all-beverage liquor license currently at this location. The approval is limited to the 1,396 square foot tenant space requested. No other use is intended or implied by this approval.
2. Any re-modeling of the tenant space shall require compliance with all Building Division and Engineering Division regulations and codes that apply. 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 7am or after 8pm 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.

Discussion

Chairman Wagner called for questions and discussion from the Board. Commissioner Mariska asked regarding the noise restrictions, and Ms. Husman stated the applicant will have to be granted a waiver from the noise restriction hours.

Public Hearing

Chairman Wagner opened the public hearing and asked for anyone wishing to speak in favor or against City Special Review #971.

Boone Jones 3760 Marathon Drive, Billings, Montana 59102

Mr. Jones stated the applicant is looking to add a gaming license to the hotel as an amenity to the existing facility for their customer base. Currently the bar has an all beverage license.

Chairman Wagner asked if there is anyone else wishing to speak in favor or against City Special Review #971. There was none. Chairman Wagner asked for a motion.

Motion

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff and adopt the findings of the three criterion for City Special Review #971.

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

The motion carried with a 5-0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 972 – 2420 13th St W, Presbyterian Church – Request to install a camouflage wireless facility (a faux tree) - A special review request to allow the installation of a 50-foot tall faux tree as a camouflage wireless facility on C/S 846, a 1.304-acre parcel of land located in a Residential 9,600 (R-96) zone at 2420 13th St West. Tax ID: D04830

Karen Husman presenting:

REQUEST

Special Review #972 - 2420 13th St West - Verizon Wireless - A special review request to allow the installation of a 50-foot tall faux tree as a camouflaged wireless facility on C/S 846, a 1.304-acre parcel of land located in a Residential 9,600 (R-96) zone at 2420 13th St West. Presented by Karen Husman, Planner I.

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria per BMCC 27-1503 for Special Review #972.

Special Review applications are reviewed using City Code criteria referenced in the Background 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.

PROPOSED CONDITIONS

1. A special review request to allow a 50-ft camouflage wireless facility – a faux tree – next to a detached structure in a Residential-9600 zone on C/S 846. No other use is intended or implied.
2. Any generator on site will use "whisper quiet" technology so adjacent land uses are not disturbed.
3. The ground equipment cabinet and shelter must be buffered with screening or enclosure so that it cannot be seen from the neighboring properties.
4. The location of the new facility shall be as shown on the submitted site plan.
5. There shall be no construction before 7 am or after 8 pm daily.
6. 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.

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.

Discussion

Chairman Wagner called for questions and discussion from the Board. In response to question by Commissioner Ulvestad, Ms. Husman explained a faux tree is proposed to camouflage the cell tower. She noted a similar request for a “cellular tree” was granted this year.

Public Hearing

Chairman Wagner opened the public hearing and asked for anyone wishing to speak in favor or against City Special Review #972.

Keven Howell, Digital Skylines, 11340 N 105th Place, Scottsdale AZ

Mr. Howell is the representative for applicant, Digital Skylines. He stated Verizon Wireless is short capacity all over Billings. If granted, this application will help this area of town and the vicinity of Rocky Mountain College. He commented on the extensive need due to the student base’s usage of digital wireless communications. Mr. Howell said the church property was not the first choice but the alternative location was not considered as it was on top of a historical building. This location will not alter future planning of the church property. He pointed out there is a stand of trees blocking the view of the proposed location.

Discussion

Chairman Wagner asked about the tower materials. Mr. Howell stated the pole is steel wrapped in fake bark and fiberglass branches and needles; and the tower could be co-locatable for another cell carrier. Board member Mariska asked if the steeple was considered. Mr. Howell replied that unfortunately the steeple did not offer much opportunity due to a chimney. This tower will serve a one-mile radius. He commented that within 5-10 years, the use will increase and demand additional bandwidth and additional towers. In response to question by Commissioner Ulvestad, Mr. Howell said the tower is located on the southwest corner of the property and will not be predominate in the sight line due to the existing tree plantings.

Public Hearing

Chairman Wagner opened the public hearing and asked if there is anyone wishing to speak in favor or against City Special Review #972.

Jerry Wolf, 38 Heatherwood Lane, Billings, Montana

Mr. Wolf is opposed to this application and voiced concern with the proposed tower creating an electromagnetic field and emitting radiation which will be a health hazard. His backyard is aligned with trees but they are only 30-40 feet tall and will not block the view of the tower. He feels the church is in favor due to the funds they will receive from the lease agreement. Mr. Wolf is a retired

radiologist. He stated this is not the place for this tower. He pointed out the photos were not taken from east to west. He reiterated this proposal is aesthetically unpleasant, a health hazard and it will only benefit the church for revenue purposes. Mr. Wolf said he was not asked about this proposal and no one would want a tower located 60-feet from their home.

Rebuttal:

Kevin Howell, 11340 N 105th Place, Scottsdale, Arizona

Mr. Howell stated he can share the information provided by their engineers. The Federal Telecommunications Act precludes local governments from considering health impacts in their decisions for zoning. A Commissioner asked about the potential for the tower falling or toppling. Mr. Howell stated he has not heard of a Verizon Tower falling over. Preliminary drilling took place for soil studies. He said whatever structure is above ground is also 50% below ground in a cement casing.

Chairman Wagner closed the public hearing called for a motion.

Motion

Commissioner Larson made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council to conditionally approve and adopt the findings of the 3 criteria per BMCC 27-1503 for Special Review # 972.

Discussion

Commissioner Larson reminded the public this is the first step in the review of this application, and he encouraged Mr. Wolf to attend the City Council hearing for this application and bring up his concerns.

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

The motion carried with a 5-0 vote.

Item# 3

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change #972 – S 44th St West - Western Sky Subdivision – RMF-R, Public & R-70 to RMF-R, RMH & Public – A zone change request from Residential Multi-family-Restricted (RMF-R), Residential

7,000 (R-70) and Public (P) to Residential Multi-family-Restricted (RMF-R), Residential Manufactured Home (RMH) and Public (P) on Lot 2A-1, Block 1 of Western Sky Subdivision (tbka 44 West Subdivision) a 29.97-acre parcel of land generally located west of S 44th St West and south of King Avenue West. Tax ID: C15619

Nicole Cromwell presenting:

REQUEST

City Zone Change 972 – S 44th St West - Western Sky Subdivision – RMF-R, Public & R-70 to RMF-R, RMH & Public – A zone change request from Residential Multi-family-Restricted (RMF-R), Residential 7,000 (R-70) and Public (P) to Residential Multi-family-Restricted (RMF-R), Residential Manufactured Home (RMH) and Public (P) on Lot 2A-1, Block 1 of Western Sky Subdivision (tbka 44 West Subdivision) a 29.97-acre parcel of land generally located west of S 44th St West and south of King Avenue West. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 972.

Discussion

Chairman Wagner called for questions and discussion from the Board. Per Commissioner Mariska’s request, staff referred to a posted map and clarified the City and County properties. Commissioner Mariska commented he has noticed junk vehicles parked just off of the pavement on the unfinished portion of S 44th Street West. Commissioner Boyett asked about the elimination of parkland to build housing. Staff stated the land will be exchanged for cash-in-lieu of the parkland, and there will be public lands within this parcel. Nicole Cromwell pointed out the proposed trail in the photos within the staff report. She stated the City requires dedication of parkland but not development. Cash-in-lieu funds are used as approved by the City Council. This request will have a reduction in public zoning and create a trail connection for the conservation area.

Public Hearing

Chairman Wagner opened the public hearing and asked if there is anyone wishing to speak in favor or against City Zone Change #972.

Applicant

Bryan Alexander, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Mr. Alexander is the applicant’s agent. He stated there will be plenty of open space within the planned development, and this applicant feels the cash-in-lieu for the public lands is a better use.

Rob Morehead, 1014 N 32nd Street, Billings, Montana

Mr. Morehead is the developer. He said the type of community envisioned for this project is a highbred between a pocket community and townhomes. Homes will be built in the \$200,000 range, with a small footprint and character. The parcel will include walking paths tied into the conservatory. The design is for a unique community similar to McCall’s developments. The mobile home park will have a similar feel with yards and landscaping to soften the lines of the lineage of mobile homes. In response to question by Commissioner Wagner, Mr. Morehead said the mobile homes will have requirements for square footage, and the plan is to have Covenants and Restrictions similar to Shiloh Village. His focus is on safety, affordability, and keeping property values up. He spoke to “raising the bar” in aesthetics, and holding quarterly inspections for

mobiles. He continued and said singlewide mobile homes will have front porches. His desire is for the development to look and feel completely different than a typical mobile home court. As for restrictions on offsite storage, Mr. Morehead stated there are going to be restrictions on parking, yard care maintenance, pets, and pet waste.

Gene Culver, 3208 Rugby Drive, Billings, Montana

Mr. Kunkel owns the parcel north of the substation. Per his inquiry, Mr. Morehead stated an age restriction on the mobilehomes will be considered in the CCRS. Mr. Kunkel asked about the proposed density for the development. Mr. Morehead said the Bungalow Village density will be approximately 120-150 homes; and there are 90 units proposed for the mobile home community. Mr. Kunkel stated there is a problem with the traffic flow and the 2-lanes will not handle the additional traffic. He said no one has approached him about the area the vehicles are parking on. It is his understanding the roadway was going to be paved. Mr. Culver stated he is willing to work to address this situation.

Rebuttal

Bryan Alexander, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Bryan Alexander stated there is a concurrent minor subdivision going through the review process. A traffic study was completed. He said in reality the zone change will reduce the impacts. City Engineering is working on the SIA. The traffic study does not address the half-width street. Currently the plan is for a gated secondary fire emergency access. There are Transportation Master Plans in place to promote connectivity. Commissioner Mariska voiced concern with Billings' westward growth and the inability to travel from Rimrock Road to King Ave West between 5th and 32nd Street West.

Chairman Wager asked if there is anyone else wishing to speak in favor or against City Zone Change #972. There was none. Chairman Wagner closed the public hearing at 5:54 p.m. and called for a motion.

Motion

Commissioner Larson, made a motion and it was seconded by Commissioner Ulvestad to forward a recommendation to City Council of approval and adoption of the findings of the 10 criteria for City Zone Change #972.

Discussion

Commissioner Boyett commented on the need to address the overall traffic needs as development takes place. Commissioner Ulvestad spoke to infilling infrastructure prior to expanding west or east. He said he believes this location offers amenities for this development and Sanderson Stewart has met the criterion. Commissioner Larson commented without development there is no improvements due to funding needs. Commissioner Mariska reiterated his concern with the current inability to travel north and south in Billings.

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

The motion carries with a unanimous voice vote. 5-0.

Other Business

--Nicole Cromwell announced the January 2, 2019 meeting will be canceled due to a lack of applications.

--Mike Boyett stated he will be unavailable for the February 5, 2019 meeting.

Adjournment: The meeting adjourned at 5:40 p.m.

DRAFT: To be approved by a motion February 5, 2019.

ATTEST: *Tammy Deines, Planning Clerk*



City Zoning Commission

Meeting Date: 02/05/2019

SUBJECT: Special Review #973- 3548 Rachelle Circle

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review #973- 3548 Rachelle Circle - This is a special review request to allow the expansion of an existing church parking lot on Lot 1C, Block 6, of Parkland West Subdivision, 1st Filing, a 3.15 acre parcel of land. The expanded parking area will be about 27,000 square feet in area and includes new landscaping and fencing. Tax ID: A29915. Presented by: Karen Husman, Planner I.

RECOMMENDATION

The Planning Division is recommending conditional approval.

APPLICATION DATA

OWNER: The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

LEGAL DESCRIPTION: Lot 1C, Block 6 of Parkland West Subdivision, 1st Filing

ADDRESS: 3548 Rachelle Circle

CURRENT ZONING: Planned Development with underlying zoning of R-96

EXISTING LAND USE: Vacant

PROPOSED USE: Parking Lot

SIZE OF PARCEL: 3.15 Acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3548 Rachelle	550	4/24/95	Church & softball field	Y	
SIMILAR APPLICATIONS	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
819 Grand Avenue	920	1/12/15	Parking lot in residential zone	Y	Off The Leaf, Residential 6000
1045 Grand Avenue	215	1/7/85	Public Parking and drive thru window	Y	Dairy Queen, Residential Multi-Family Restricted
1403 Grand Avenue	890	7/25/11	Public Parking in residential zone	Y	Stockman Bank, Residential 6000
331 Calhoun.	949	10/24/16	Public parking in residential zone	Y	
802 S 32st. Street	961	2/26/18	Parking lot in residential zone	Y	Friendship house at 3123 8th Ave. S.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: PD
Land Use: Residential
SOUTH: Zoning: PD
Land Use: Residential
EAST: Zoning: PD
Land Use: Residential
WEST: Zoning: PD
Land Use: Residential

BACKGROUND

This is a special review request to construct a parking lot on a lot that is located in a Planned Development with an underlying zoning of Residential-960. The underlying use of the property is a church, generally located on the corner of Monad Road, and South 36th Street West. The proposal is to expand the existing parking area and add landscaping. In the letter to the City Zoning Commission, the applicant outlines their plans and reasoning for the requested parking lot:

"Based on current growth and attendance patterns, there is a need to construct additional parking at the existing site, which is owned by The Church of Jesus Christ of Latter-Day Saints. Additional parking is needed to meet the growth demand of this established church in the community. There will be no physical expansion of the church building itself; rather, since the facility is now organized as a Stake Center, additional meetings, services, and church administrative functions require the additional parking."

There have been other parking lots approved through special review in the city on land that is zoned residential (included in the Application Zoning History portion of this report). 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 approval.

SUMMARY

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. (Section 27-1503.d BMCC)

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated all residential zoning districts may have a parking lot as long as the applicant completes the special review process. There are requirements for landscaping and screening from residential uses next to commercial uses within the zoning regulations.

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

- Strong Neighborhoods: 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 provide an additional service to those residents within the neighborhood. Because the church is expanding parking on its existing site, it provides a cost-effective infill development in an established neighborhood. The underlying use of this property as a church and religious assembly will support this neighborhood and create an environment that is safe and attractive.

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

Existing infrastructure and service investments are leveraged, thereby improving community fabric and making strong neighborhoods.

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. Since the underlying church use already exists on the property, there will be no need to extend or expand municipal services. 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

PROPOSED CONDITIONS:

1. The special review is limited to Lot 1C, Block 6 of Parkland West Subdivision, 1st Filing.
2. The special review approval is to allow the expansion of an existing parking lot generally located at 3548 Rochelle Circle. 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. The applicant will install and maintain the landscaping as shown on the submitted site plan.
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.

Attachments

Zoning Map & Site Photos
Application, Applicant letter
Site Plan

Site Photos



Subject Property



Looking North from Monad Road

Site Photos



Looking South to Monad Road



Looking East from Monad Road



Looking West from Monad Road.



Photos taken from this location

Application

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# 973 - Project # P2-19-00005

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: Planned Unit Development - Underlying Residential

Special Review Requested: Expansion of church parking in residentially-zoned property

TAX ID# A-29915 CITY ELECTION WARD # 5

Legal Description of Property: Lot 1C, Block 6 of Parkland West Subdivision, First Filing

Address or General Location (If unknown, contact City Engineering): 3548 Bachel Circle, Billings, MT 59102

Size of Parcel (Area & Dimensions): 3.15 Acres

Present Land -Use: Vacant land

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.

Owner(s): The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, A Utah corporation sole (Recorded Owner) 50 E. North Temple St, COB12 Salt Lake City, UT 84150-0012 (Address) (406) 252-0644 OR (208) 557-9079 DonaldsonBA@ldschurch.org OR ChristeanAA@ldschurch.org (Phone Number) (email)

Agent(s): Sanderson Stewart, c/o Bill Morgan (Name) 1300 North Transtech Way, Billings, MT 59102 (Address) (406) 656-5255 bmorgan@sandersonstewart.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: Alan Christean Digitally signed by Alan Christean DN: cn=Alan Christean, c=US, o=CPIB, ou=ID, email=christeanaa@ldschurch.org Reason: I am approving this document Date: 2019.01.07 07:24:14 -0700 Date: Jan-07-2019 (Recorded Owner)



**LDS CHURCH PARKING EXPANSION
SPECIAL REVIEW APPLICATION**
LOT 1C, BLOCK 6, PARKLAND WEST SUBDIVISION, FIRST FILING

SECTION 1 – SPECIAL REVIEW RESPONSES

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

The proposed church parking expansion and grass turf improvements on Lot 1C, Block 6 of Parkland West Subdivision, First Filing are consistent with the goals and policies of the 2016 Billings Growth Policy. Because the church is expanding parking on its existing site, it provides a cost-effective infill development in an established neighborhood. The underlying use of this property as a church and religious assembly will support this neighborhood and create an environment that is safe and attractive.

Since the underlying church already exists, there will be no need to extend or expand municipal services. Existing infrastructure and service investments are leveraged, thereby improving community fabric and making strong neighborhoods. As detailed further in the application responses, the church will provide a new sidewalk easement in order to provide pedestrian connectivity to two future cul-de-sac streets (Rachelle Circle and Shenandoah Drive). Neighborhoods that are safe and attractive and provide essential services such as this are much desired and supported by City Growth Guidelines.

This infill development will occur on a lot with existing infrastructure in place, reducing costs of development and increasing the utilization of the property. The proposed development will meet City of Billings site development and landscape requirements, ensuring the property is visually appealing.

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

Based on current growth and attendance patterns, there is a need to construct additional parking at the existing site, which is owned by The Church of Jesus Christ of Latter-Day Saints. Additional parking is needed to meet the growth demand of this established church in the community. There will be no physical expansion of the church building itself; rather, since the facility is now organized as a Stake Center, additional meetings, services, and church administrative functions require the additional parking.

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

The proposed use aligns with the previous Special Review for the site, which was approved in 1995. Church and religious assembly uses such as this provide valuable support and resources to the public. Approval of this proposed parking expansion will allow an existing, established church to continue serving the public in a neighborhood setting, which will positively impact the property, surrounding properties, and Southwest Billings.

1D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

The existing church was approved under a Special Review on April 24, 1995, to allow for a church and softball fields with residential to the north of the property. A new Special Review is required in order to expand the church parking lot since the underlying zoning is residential. The parking lot expansion will tie into the existing parking lot and will utilize previously approved and constructed driveways and access points. No new drive approaches or street improvements are required for this parking expansion. Per the Amended Subdivision Improvements Agreement approved by City Council on November 13, 2018, all remaining street and utility improvements to Rachele Circle will be constructed when the residential property (Lot 1A) north of the site is developed.

In addition to the new parking spaces, the remaining portion of Lot 1C will be improved with irrigated grass turf similar to the original approval in 1995 (softball fields). This landscaped area will provide a pleasing buffer between the parking lot expansion and adjoining residential properties. As requested by City staff, the Church will construct a black fence along the eastern property line to buffer future residential properties. A pedestrian access easement will be provided along the south lot line of Lot 1A, connecting future Rachele Circle pedestrian facilities to the westerly end of Shenandoah Drive. A pathway will be constructed by the future developer of Lot 1A in association with their required improvements at the time of development.

Site Plan

