



CITY ZONING COMMISSION
AGENDA-Tuesday, May 7, 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: March 5, 2019

1.

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. City Special Review 975- 149 Shiloh Road - This is a special review request to allow the location of a beer and wine license without gaming less than the required 600 feet – measured property line to property line – from a property used for a religious institution. The proposed restaurant space is 4,000 square feet in area within a 15,000 square foot building, on Lot 2, Block 1, Shiloh Commons Sub, a 1.42-acre parcel of land located in Community Commercial (CC) zone. Presented by Karen Husman, Planner I

- b. City Special Review 976 – 3970 Pierce Parkway - A request to allow a microbrewery manufacturing more than 1,500 31-gallon barrels per year and an All Beverage Liquor license (no gaming) for the proposed location of Meadowlark Brewing. The property is located in an Entryway Light Industrial (ELI) zone and within the Shiloh Corridor Overlay District, on Lot 1A, Block 2, William D Pierce Subdivision, a 2.617-acre parcel of land. Presented by; Karen Husman, Planner I

Other Business/Announcements

Adjournment

The City Council has designated Tuesday, May 28, 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: 05/07/2019

Information

Subject

Attachments

BZC_20190305

City of Billings Zoning Commission Meeting Minutes March 5, 2019

The City of Billings Zoning Commission met on Tuesday, February 5, 2019 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, March 25, 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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		9	9	9	9	9	9	9	9	9	9	9	9
Dan Wagner	Chairman	-	E	1	-								
Dennis Ulvestad	Commissioner	-	1	1	-								
Mike Boyett	Vice Chairman	-	E	1	-								
Michael Larson	Commissioner	-	1	1	-								
James Mariska	Commissioner	-	1	1	-								
Wyeth Friday	Director, Planning & Community Services	-	-	-	-								
Monica Plecker	Division Planning Manager	-	-	-	-								
Nicole Cromwell	Planner Zoning Coordinator	-	1	1	-								
Tammy Deines	Planning Clerk	-	1	-	-								
Dave Green	Planner II	-	-	-	-								
Karen Husman	Planner I	-	1	1	-								
Robbin Bartley	Administrative Support	-	-	1	-								

Total Number of 2019 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	
	/	/	/	/	/	/	/	/	/	/	/	/	
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9	9	9	9	9	9	9	9	9	9	9	9		
Zone Change	0	-	-	-									
Special Review	0	1	1	-								2	

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

In Attendance: Jason McGimpsey, Shane Walle, David Trost, Bill Morgan

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: February 5, 2019.

Chairman Wagner called for approval of the February 5, 2019 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the February 5, 2019 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.

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 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 March 25, 2019.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 974 - 3940 Rimrock Road – A special review request to allow expansion and reconfiguration of an existing senior living facility by more than 10% of gross floor area, per **Section 27-613.c BMCC**. The construction will be renovating and reconfiguring an existing wing from 15,072 square feet of gross floor area, to 30,700 square feet of gross floor area, and from 37

existing dwelling units to 56 dwelling units in Wing 2, on Tract A4 of C/S 369, 5th Amendment, a 9.078 acre parcel of land. Tax ID: D04710

Planner Karen Husman presenting:

RECOMMENDATION

The Planning Division recommends conditional approval, with the following conditions:

1. The special review is limited to Tract A4 of C/S 369, 5th Amendment, a 9.078 acre parcel of land.
2. The special review approval is to allow the expansion and reconfiguration of an existing senior living facility by more than 10% of gross floor area, per Section 27-613.c BMCC. The construction will be renovating and reconfiguring an existing wing from 15,072 square feet of gross floor area, to 30,700 square feet of gross floor area, and from 37 existing dwelling units to 56 dwelling units in Wing 2, generally located at 3940 Rimrock Road. No other use is intended or implied.
3. The site will be developed in conformance with all applicable zoning and site development regulations, and substantial conformance to the submitted site plan.
4. No construction shall take place before 7 am or after 8 pm.
5. The development will preserve and maintain the landscaping as shown on the submitted site plan, and will make significant effort to preserve existing mature trees.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses and Section 27-1400 (Shiloh Corridor Overlay District), 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.**

Discussion

Chairman Wagner called for questions and discussion from the Board. There were none.

Public Hearing

Chairman Wagner opened the public hearing and asked for anyone wishing to speak in favor or against **City Special Review#974**.

David Trost, 4351 Ridgewood Lane South, Billings, MT

Mr. Trost is proud to present Chapel Court Apartments. This new structure will replace an original independent living area that was built 55 years ago. This is being built with Federal funds. The project is restricted to senior citizens with independent living capabilities. Residents that are currently being displaced will return to the new structure. We hope to have it complete to double the living space of the displaced residents. RNTF is supporting this project.

Commissioner Ulvestad asked what is the building to the east. The building to the east is Mission Ridge. He then asked if the residents at Mission Ridge will be living in Chapel Court. If they apply and qualify, residents are eligible

Vice Chair Boyett asked for the estimated completion date-Late fall of 2020.

Chairman Wagner asked why April 1st was chosen for a demolition date. Due to weather constraints.

Commissioner Mariska asked if there will be fewer units? We are only renovating 1 wing, there will be 57 new units.

Opposed - NONE

Discussion

Motion

Commissioner Larson made a motion and Commissioner Boyett 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 #974.

Discussion

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. The City Council has designated **Monday, March 25, 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.

Other Business

A. There will not be a meeting in April.

Nominations for Chairman 2019 –

Commissioner Boyett nominated Commissioner Wagner for Chairman.

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

Nominations for Vice Chairman 2019 –

Chairman Wagner nominated Commissioner Larson.

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

Adjournment: The meeting adjourned at 5:47 p.m.

ATTEST: DRAFT to be approved by a motion at the next scheduled meeting.
Robbin Bartley, Administrative Support



City Zoning Commission

Meeting Date: 05/07/2019

SUBJECT: Special Review 975- 149 Shiloh Road

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

City Special Review 975- 149 Shiloh Road - This is a special review request to allow the location of a beer and wine license without gaming less than the required 600 feet – measured property line to property line – from a property used for a religious institution. The proposed restaurant space is 4,000 square feet in area within a 15,000 square foot building, on Lot 2, Block 1, Shiloh Commons Sub, a 1.42-acre parcel of land located in Community Commercial (CC) zone. Presented by Karen Husman, Planner I

RECOMMENDATION

The Planning Division is recommending conditional approval.

APPLICATION DATA

OWNER: Grant Road, LLC

LEGAL DESCRIPTION: Lot 2, Block 1, Shiloh Commons Sub

ADDRESS: 149 Shiloh Rd.

CURRENT ZONING: CC

EXISTING LAND USE: Mixed use

PROPOSED USE: Restaurant serving Beer & Wine

SIZE OF PARCEL: 1.42 Acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					
C/S 1136	City SR 63	April 23, 1979	Alcoholic Beverages	Yes	Dos Machos
C/S 1136	City SR 88	November 24, 1980	Beer and Wine	Yes	CJ's Restaurant
C/S 1136	City SR 98	June 8, 1981	Alcoholic Beverages	Yes	Sea Galley
C/S 1136	City SR 127	May 24, 1982	Alcoholic Beverages	Yes	CJ's Ribs

C/S 1136	City SR 480	March 8, 1993	Beer and Wine	Yes	Sidney's Pizza
C/S 1136	County SR 530	July 27, 1994	All Beverages	Yes	Sidney's Pizza
C/S 1136	City SR 662	July 26, 1999	Beer and Wine	Yes	Microbrewery
C/S 1136	City SR 669	May 22, 2000	All Beverage	No	2520 Central
C/S 1136	City SR 703	July 23, 2001	All Beverage	Yes	

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Community Commercial - CC

Land Use: Commercial

SOUTH: Zoning: Community Commercial - CC

Land Use: Commercial Mixed use

EAST: Zoning: Public -P

Land Use: School (MSUB)

WEST: Zoning: Residential 15,000 –R150

Land Use: Residential- Single Family

BACKGROUND

This is a special review request to allow a Restaurant Beer & Wine License (no gaming). This application requires a waiver of the 600-foot separation distance between this lot and the lot used for a religious institution to the north. The proposed restaurant space is 4,000 square feet area within a 15,000 square foot building.

BMCC Section 27-612 requires a minimum separation between any property where alcohol is served and any property used for a church or school, or from a public park that contains a children’s playground or playfield. This code section allows the City Council to grant a waivers if the Council finds the development meets certain criteria and shows that a physical barrier exists between the proposed use and the use requiring the 600 foot separation. This property is approximately 400 feet measured from property line to the Faith Chapel property line to the north. If the separation is measured between structures, the distance is more than 900 feet. There are structures between the church property that will obstruct the view from the restaurant to the church. The church building is set more than 400 feet north from the property line.

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 CC zoning districts for restaurants with beer and wine licenses that are less than 600 feet from a church property 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.

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

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

The proposed special review will be located into an already developed mixed use area and will have little negative

impact on any surrounding residential neighborhoods.

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

This business will provide local jobs supporting the community.

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 health and wellness businesses. 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.

SUMMARY

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 Growth Policy;
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.

1. The special review approval is limited to Lot 2, Block 1, Shiloh Commons Sub. The special review approval is for a beer and wine license with no gaming and a waiver is granted from the required 600-foot separation from a property used for religious purposes.
2. The approval is limited to the proposed restaurant space of 4,000 square feet, within a 15,000 square foot building generally located at 149 Shiloh Road. No other use is intended or implied by this approval.
3. Outdoor seating shall be enclosed with a solid fence or wall with closing gates, and any outdoor announcement system shall be operated so it is not audible beyond property lines.
4. 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.

5. 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.

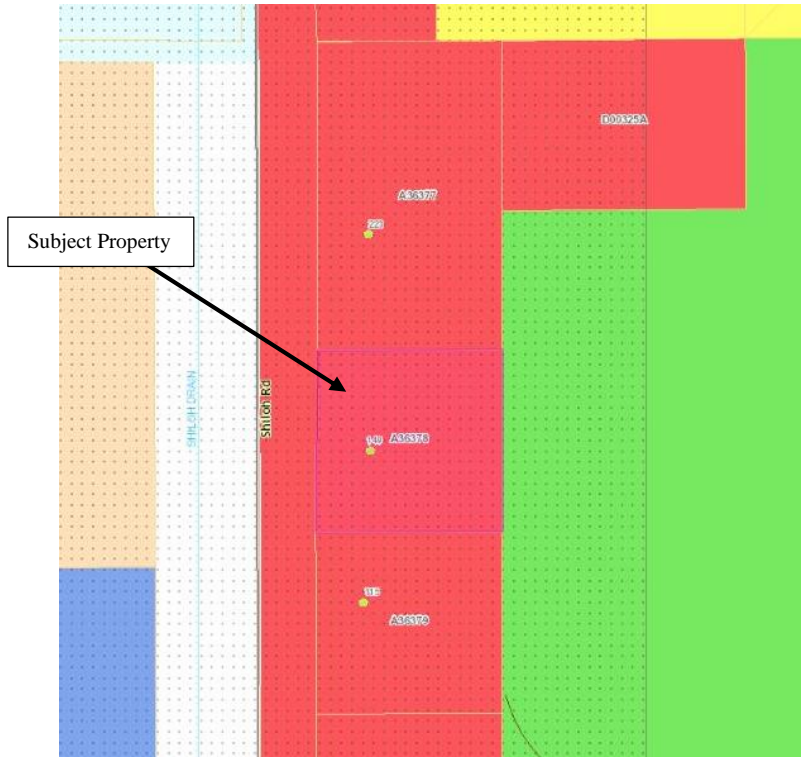
Attachments

Zoning Map & Site Photos

Application & Applicant Letter & Site Plan

Letter in Support

Attachments:
Zoning Map & Site Photos



Site Photos



Subject property



North



West



South



Looking North From the proposed location Towards the Church property



Looking north on Shiloh Road



Looking West



Looking South

Application & Applicant letter

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# 975 - Project # 92-19-00046

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: Community Commercial

Special Review Requested: on Premis Beer & Wine - No Gaming within 600'. GF Church Property with outdoor Patio

TAX ID# (A36378) CITY ELECTION WARD # 5

Legal Description of Property: Lot: 2 Block: 1 Subdivision Shiloh Commons Shiloh Commons SUB (18), S02, T01S, R25E, Block 1, Lot 2

Address or General Location (If unknown, contact City Engineering): 149 Shiloh Road Billings Montana 59106

Size of Parcel (Area & Dimensions): 1.42 Acres (4000 sf restaurant)

Present Land-Use: Mixed-Use Multi-Family Apartments / Commercial

Covenants or Deed Restrictions on Property: Yes X No

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): Grant Road LLC (Recorded Owner) 1430 County Manor BLVD Ste. 3 Billings MT 59102 (Address) 406-591-4540 (Phone Number) mtstock@Bresnan.Net (email)

Agent(s): (Name) (Address) (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: 3/11/2019 (Recorded Owner)



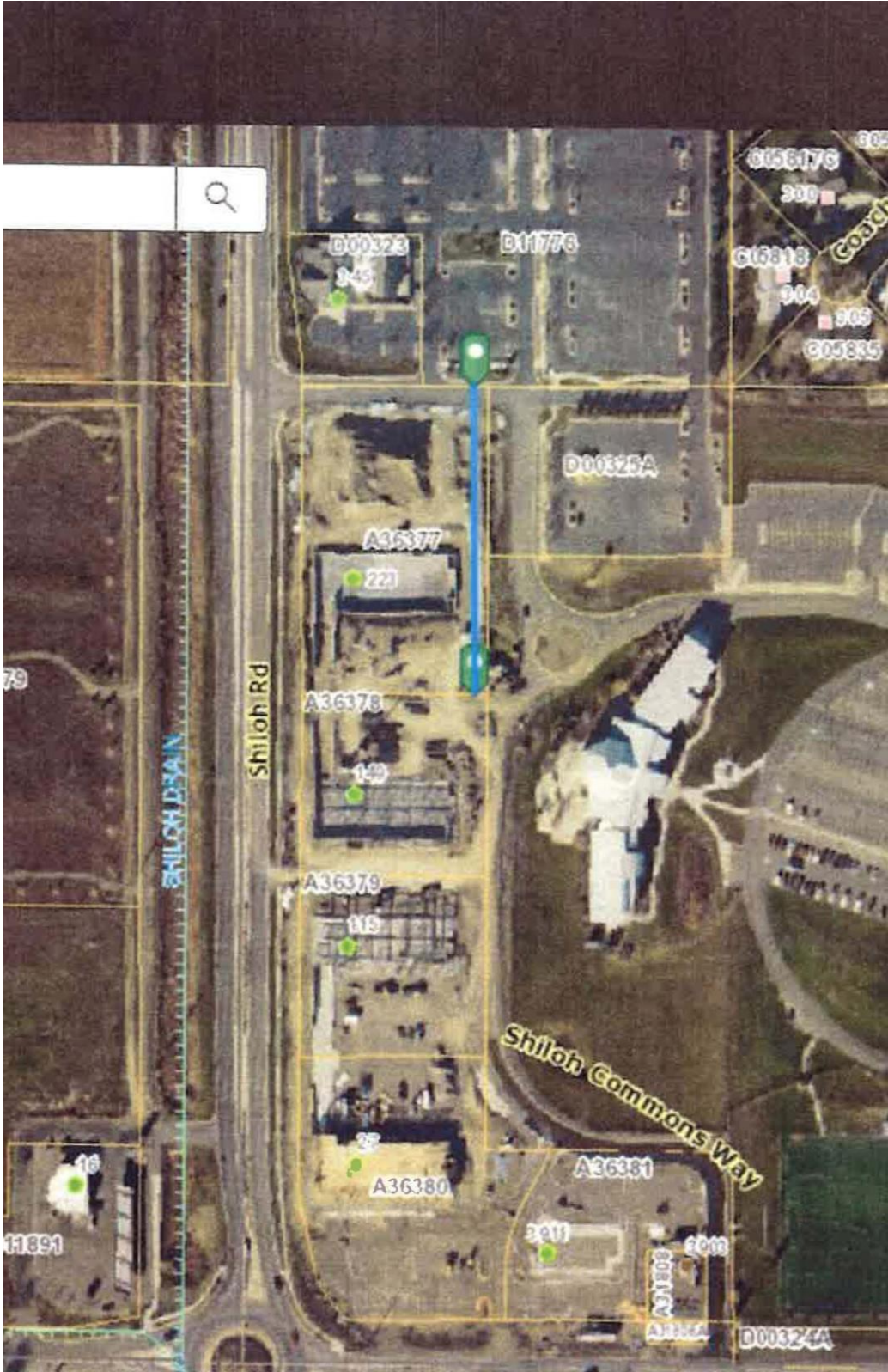
The Shiloh Commons is Montana's premier lifestyle campus, located in the heart of Billings' thriving west end. Combining the activity of over 60,000 sf of retail, office, and restaurant space at the base of 144 upscale homes, Shiloh Commons is a true confluence of energy. The mix of unique businesses draws people in and beckons them to stay. The project includes four, four-story garden style condo style apartment buildings with underground parking. Additionally, there is a 6,500 sf retail building offering fast casual dining and gourmet coffee with drive-through.

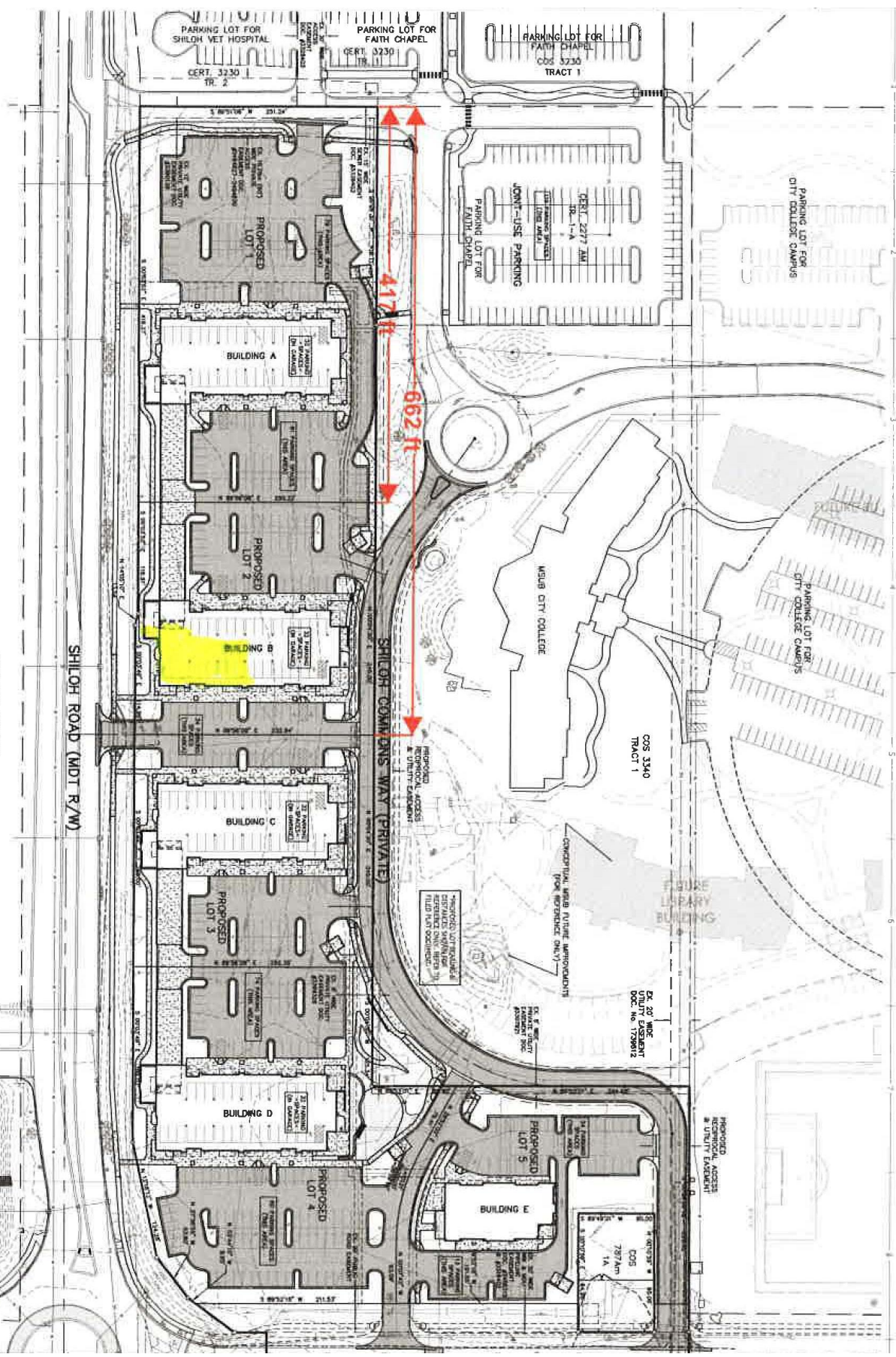
Shiloh Commons is located on 9.37 acres at the Northeast corner of the intersection of Shiloh Road and Central Avenue. The combination of retail, office, restaurant and apartments encourage a pedestrian oriented space that promotes a healthy work live environment.

Sophie's Kitchen will be the newest restaurant addition to the campus focused on fresh and healthy breakfast and lunch offerings. Sophie's Kitchen will build on the owner's success as one of the premiere breakfast spots in Seattle. The special review requested by Shiloh Commons will allow Sophie's Kitchen to serve beer and wine beverages as part of its brunch menu.

Shiloh Commons CC&R's do not allow gaming on the property grounds. All restaurants located in the Shiloh Commons must generate at least 60% of their revenue from the sale of food.

Site Plan





- REQUIRED PARKING:**
- BUILDING A: MAIN FLOOR = 14,102 S.F. / 202 SPACES PER S.F. = 21,820
 - RESIDENTIAL APARTMENTS PER BUILDING APPROX. (18) 2-BEDROOM UNITS = 27,820
 - (15) 1-BEDROOM UNITS = 22,820
 - 4 BUILDINGS = 180,000
- BUILDING E:**
- CONFERENCE TYPICAL = 2,125 S.F. / 80 SPACES PER S.F. = 26,480
 - FOOD AND DRINK TYPICAL = 3,296 S.F. / 100 SPACES PER S.F. = 32,960
 - 15,000

- ON-SITE PARKING SHOWN:**
- GARAGE = 21 STANDARD + 1 H.C. = 23 SPACES
 - 4 BUILDINGS = 180 SPACES
 - SUBTOTAL = 201 STANDARD + 1 H.C. = 202 SPACES
 - TOTAL = 201 STANDARD + 21 H.C. = 222 SPACES
- NON-ON-SITE PARKING SHOWN:**
- CHURCH LOT = 119 SPACES (H.C.)
 - 24 BB = 55 SPACES (H.C.)



NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF CHICAGO PARKING REGULATIONS.
3. ALL SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF CHICAGO PARKING REGULATIONS.
4. ALL SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF CHICAGO PARKING REGULATIONS.



Subject property

302

Coach Cir

Letter of support



To Whom it May Concern,

I recently visited with Michael D. Stock, Development Director of Shiloh Commons, regarding a restaurant that would be located within six hundred feet of our property. This restaurant is proposing pursuit of "a beer and wine cabernet license". Mike was kind enough to ask us our feelings before moving forward with the process.

Mike has been a great neighbor and we believe that Shiloh Commons has been a great addition to the immediate vicinity. We do not object to the proposed restaurant.

Respectfully,

A handwritten signature in black ink, appearing to read "Nate Poetzl", written over a white background.

Nate Poetzl
Faith Chapel



City Zoning Commission

Meeting Date: 05/07/2019

SUBJECT: Special Review 976- 3970 Pierce Parkway

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

City Special Review 976 – 3970 Pierce Parkway - A request to allow a microbrewery manufacturing more than 1,500 31-gallon barrels per year and an All Beverage Liquor license (no gaming) for the proposed location of Meadowlark Brewing. The property is located in an Entryway Light Industrial (ELI) zone and within the Shiloh Corridor Overlay District, on Lot 1A, Block 2, William D Pierce Subdivision, a 2.617-acre parcel of land. Presented by; Karen Husman, Planner I

RECOMMENDATION

Planning staff is recommending conditional approval and adoption of the findings of the 3 criteria of Special Review 976.

APPLICATION DATA

OWNER: Travis Peterson, Meadowlark Brewing
 AGENT: Nik Zuhlsdorf, Morton Buildings
 LEGAL DESCRIPTION: Lot 3A, Block 2, William D. Pierce Subdivision
 ADDRESS: 3970 Pierce Parkway
 CURRENT ZONING: Entryway Light Industrial, S. Shiloh Overlay Dist.
 EXISTING LAND USE: Vacant
 PROPOSED USE: Meadowlark Brewing microbrewery and restaurant
 SIZE OF PARCEL: 2.6170 Acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					

C/S 1136	City SR 63	April 23, 1979	Alcoholic Beverages	Yes	Dos Machos
C/S 1136	City SR 88	November 24, 1980	Beer and Wine	Yes	CJ's Restaurant
C/S 1136	City SR 98	June 8, 1981	Alcoholic Beverages	Yes	Sea Galley
C/S 1136	City SR 127	May 24, 1982	Alcoholic Beverages	Yes	CJ's Ribs
C/S 1136	City SR 480	March 8, 1993	Beer and Wine	Yes	Sidney's Pizza
C/S 1136	County SR 530	July 27, 1994	All Beverages	Yes	Sidney's Pizza
C/S 1136	City SR 662	July 26, 1999	Beer and Wine	Yes	Microbrewery
2520 Central	City SR 669	May 22, 2000	All Beverage	No	2520 Central
C/S 1136	City SR 703	July 23, 2001	All Beverage	Yes	
3398 Broso Park Dr.	City SR 828	September 25, 2006	Add Gaming to existing all bev.	Yes	Rib & Chop House

SURROUNDING LAND USE & ZONING

NORTH:Zoning: ELI

Land Use: Vacant

SOUTH:Zoning:ELI

Land Use: Commercial

EAST:Zoning: ELI

Land Use: Commercial (RV Sales)

WEST:Zoning:Public

Land Use: Vacant

BACKGROUND

This is a special review request to allow a microbrewery and distillery that will manufacture more than 1,500 31-gallon barrels per year and to locate an all beverage liquor license with no gaming for the proposed location of Meadowlark Brewing. The all beverage license will be for the restaurant portion of the brewery. The Shiloh Overlay District will require changes to the submitted rendering of the structure. There must be modifications made to the exterior of the structure facing Shiloh Road to meet the overlay district requirements. The property is ideal for an infill project and promotes growth within areas that are already developed.

The Planning Department 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 CC zoning districts for restaurants with all beverage liquor licensed on them 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.

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

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

The proposed special review will be located into an already developed commercial park and will have little negative impact on any surrounding residential neighborhoods. This property is a prime location for an infill project.

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

This business will provide local jobs supporting the community.

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.

SUMMARY

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.

RECOMMENDATION

The Planning Division recommends conditional approval.

1. The special review approval is limited to Lot 1A, Block 2, William D Pierce Subdivision. The special review approval is for an all beverage liquor license with no gaming and a microbrewery and distillery that will

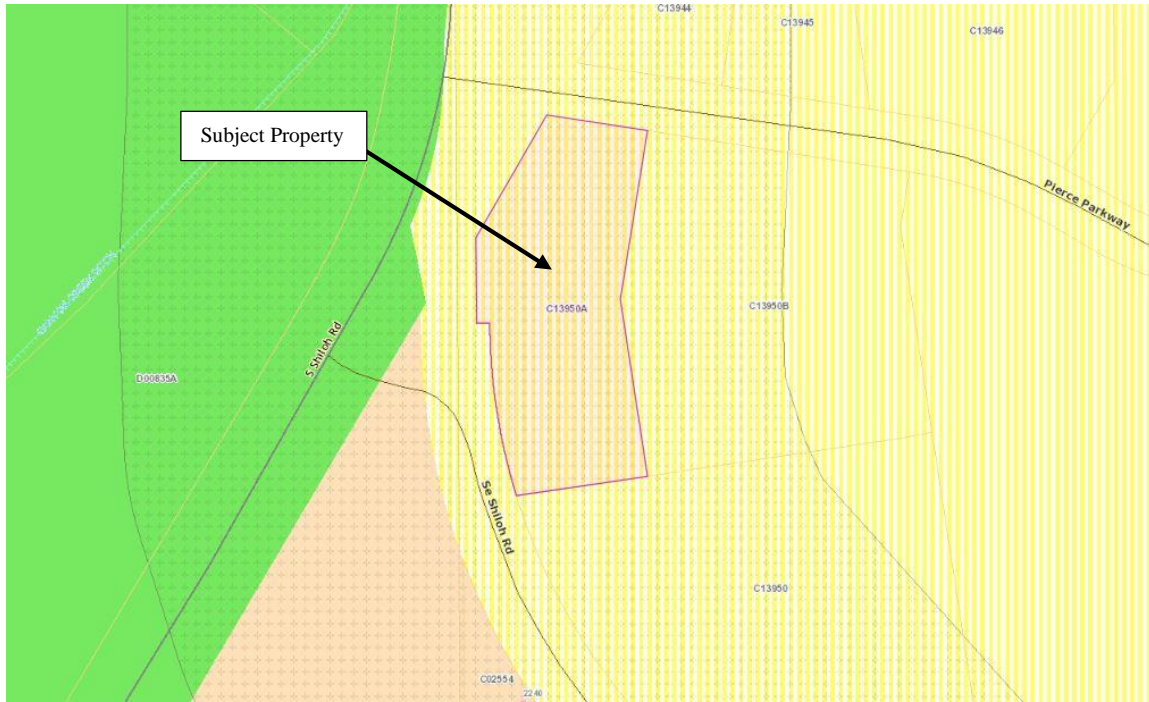
- manufacture more than 1,500 31-gallon barrels per year. The approval is limited to the proposed building generally located at 3970 Pierce Parkway. No other use is intended or implied by this approval.
2. Outdoor seating shall be enclosed with a solid fence or wall with closing gates, and any outdoor announcement system shall be operated so it is not audible beyond property lines.
 3. The site will be developed in conformance with all applicable zoning and site development regulations, and substantial conformance to the submitted site plan.
 4. No construction shall take place before 7 am or after 8 pm.
 5. A building permit must be obtained within one year of approval and construction must be completed within three years.
 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

Attachments:
Zoning Map & Site Photos



Site Photos



Subject property



South



South West



West



Looking North



East

Application & Applicant Letter

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 976 - Project # PZ-19-0052

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: Entry Way light Ind.

Special Review Requested: lot falls in Entry Way Cor.

Requires special Review 5000 barrels/year All Bev-No gaming

TAX ID# C13950A CITY ELECTION WARD # 5

Legal Description of Property: William D Pierce Subel Block 2 Lot 3A
William D pierce subel, S23, T01 S, R25 E, Block 2, Lot 3A *

Address or General Location (If unknown, contact City Engineering):

3970 Pierce Parkway, Billings, MT

Size of Parcel (Area & Dimensions): 2.6170 acres

Present Land-Use: Vacant - Light Industrial

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): See Attached letter from owner
(Recorded Owner)

(Address)

(Phone Number) (email)

Agent(s): Nik Zuhlsdorf Morton Buildings Inc.

(Name) 727 E. Brundage Lane Suite G Sheridan WY

(Address) 307-763-0875 Nik.Zuhlsdorf@82801

(Phone Number) (Email) MortonBuildings.com

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: 4/1/2019
(Recorded Owner)



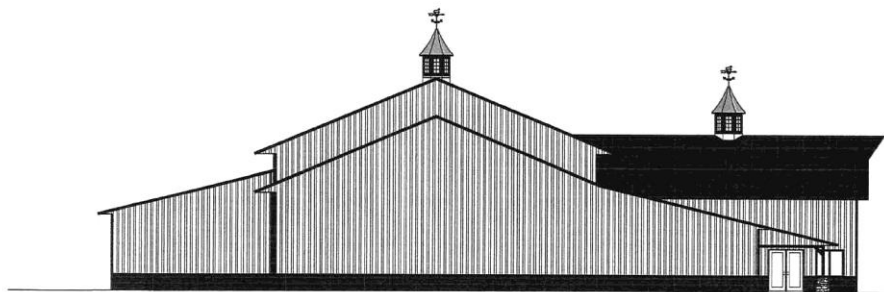
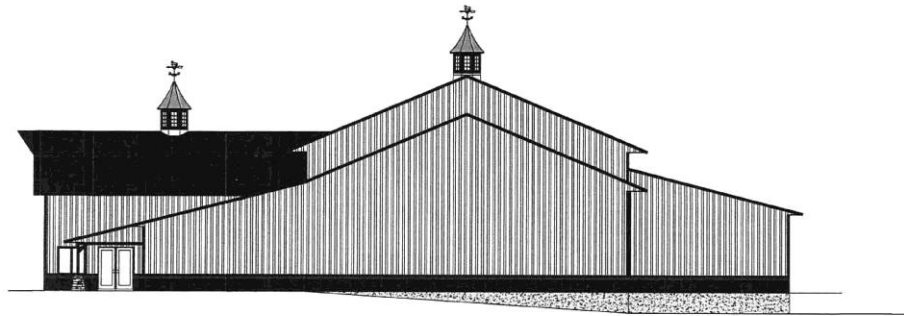
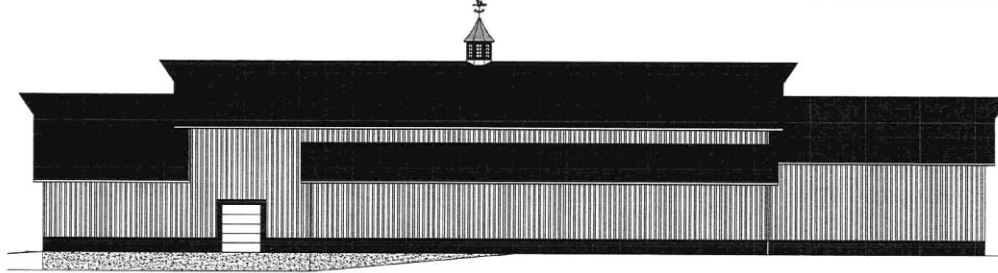
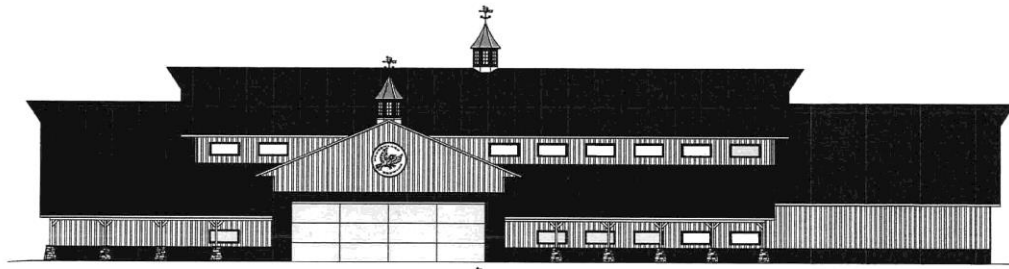
City of Billings
Special Review Application

Meadowlark Brewing

Billings Mt

Section 1:

- A. Proposed Building Use fall within the guidelines of planning and zoning
- B. Need for the special review is that this property falls in the Entry Way Corridor Overlay and is required to have special review.
- C. Meadowlark Brewing is a Family owned company that started in Sydney Mt and is looking to expand and grow their business in the Billings area. This will give the local community a great place to enjoy locally made food and beverages, as well as a place to socialize with friends and family.
- D. Properties intended use will be building a Brewery with a Bar/Tasting area along with a Restaurant to serve food. Production of beer, Canning and Bottling, Loading product for distribution are a few of the intended uses. Your typical Micro Brewery with restaurant side as well.



Elevation/Rendition