



CITY ZONING COMMISSION
AGENDA-Tuesday, September 3, 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:

The minutes of the Board meeting of May 7, 2019.

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 977 - 4825 Midland Road.** This is a special review request to allow the location of an existing all beverage liquor license with gaming, on Block 1, Lot 2A Billings Operation Center Sub., a 33,976 square foot parcel of land located in an Entryway General Commercial (EGC) zone, at 4825 Midland Road. No waiver of the 600-foot separation distance is required. Tax ID: A30490A. Presented by Karen Husman, Planner I.

- b. **Special Review 978 - 2018 Main Street.** This is a special review request to request to locate an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37 acre parcel of land located in a Highway Commercial (HC) zone, at 2018 Main Street. No waiver of the 600-foot separation distance is required. Tax ID: C00206. Presented by: Karen Husman, Planner I.

Other Business/Announcements

Adjournment

The City Council has designated Monday, September 23, 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: 09/03/2019

Information

Subject

The minutes of the Board meeting of May 7, 2019.

Attachments

BZC_20190507

City of Billings Zoning Commission Meeting Minutes May 7, 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, 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 zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
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Dan Wagner	Chairman	-	E	1	-	1							
Dennis Ulvestad	Commissioner	-	1	1	-	1							
Mike Boyett	Vice Chairman	-	E	1	-	1							
Michael Larson	Commissioner	-	1	1	-	1							
James Mariska	Commissioner	-	1	1	-	E							
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-							
Monica Plecker	Division Planning Manager	-	-	-	-	-							
Nicole Cromwell	Planner Zoning Coordinator	-	1	1	-	1							
Tammy Deines	Planning Clerk	-	1	-	-	-							
Dave Green	Planner II	-	-	-	-	-							
Karen Husman	Planner I	-	1	1	-	1							
Robbin Bartley	Administrative Support	-	-	1	-	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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	3	5	5	2	7	4	2	6	3	1	5	3	
	/	/	/	/	/	/	/	/	/	/	/	/	
	2	2	2	2	2	2	2	2	2	2	2	2	
	0	0	0	0	0	0	0	0	0	0	0	0	
	1	1	1	1	1	1	1	1	1	1	1	1	
9	9	9	9	9	9	9	9	9	9	9	9		
Zone Change	0	-	-	-	-								
Special Review	0	1	1	-	2								4

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:

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: March 5 2019.

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

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the March 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 4-0.

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

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 May 28, 2019.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 975 – 149 Shiloh Road - Restaurant Beer & Wine License (no gaming) Waiver of the 600 foot separation distance – 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 are 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. Tax ID: A36378

Planner Karen Husman presenting:

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 located less than 600 feet from a religious institution.
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 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.

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 #975**.

Michael Stock, Agent

Mr. Stock referred to a letter received from the neighboring church expressing no opposition. There is no direct access to the church. There will be no gaming. Several pages of declarations regarding this development were made available to the Board for review. This is a 4000 square foot area with vertical mixed uses. Parking on the ground floor, retail on the upper floors with 3 floors of apartments and a rooftop amenity. Construction would begin in about 45 days. Complete by 1st week of September. Jobs are being brought to Billings and the west end.

Opposed - NONE

Discussion

Motion

Commissioner Ulvestad 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 for City Special Review #975.

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 4 - 0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 976 – 3970 Pierce Parkway - Microbrewery manufacturing more than 1,500 31-gallon barrels per year and an All Beverage Liquor license (no gaming) – 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 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. Tax ID: C13950A

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 a microbrewery and distillery that will manufacture more than 1,500 31-gallon barrels per year. The approval is limited to the proposed restaurant 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.

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#976**.

Nik Zuhlsdorf, Morton Buildings

Mr. Zuhlsdorf discussed elevations. An outside seating area is planned. Occupancy will be about 300, 100 parking spaces. The truck traffic will be approximately 1 or 2 times a week. This will be an eating establishment with the micro brewery. Family friendly.

Member Ulvestad asked where did you obtain liquor license. It was previously owned in Billings. Most of the revenue will be beer distribution. Currently distributing to 9 states and Canada. Chair Wagner asked about a time frame for construction and completion. Started by July 1, complete by January 2020.

He also inquired as to the peak times for truck traffic. The best access is off of Pierce.

Gary Pippin, 2240 SE Shiloh Rd

Mr. Pippin lives on the neighboring property and asked regarding hours of operation. The hours were not clearly defined as it is a restaurant and does not fall under the same criteria as a microbrewery.

It was explained the truck traffic would enter off Pierce Parkway and not SE Shiloh.

The perimeter fencing will match the nice vertical fence currently in place by Pierce Homes.

Member Larson stated that if operating under restaurant rules and regulations microbrewery limits do not apply.

Opposed – NONE

Motion

Commissioner Larson made a motion and Commissioner Boytt seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Special Review #976.

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 4 – 0 vote.

The City Council has designated **Monday, 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 zoning applications.

Other Business. There is no Zoning Commission meeting for the month of June.

Adjournment: The meeting adjourned at 5:07 p.m.

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



City Zoning Commission

Meeting Date: 09/03/2019

SUBJECT: Special Review 977 - 4825 Midland Road

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review 977 - 4825 Midland Road. This is a special review request to allow the location of an existing all beverage liquor license with gaming, on Block 1, Lot 2A Billings Operation Center Sub., a 33,976 square foot parcel of land located in an Entryway General Commercial (EGC) zone, at 4825 Midland Road. No waiver of the 600-foot separation distance is required. Tax ID: A30490A. Presented by Karen Husman, Planner I.

RECOMMENDATION

The Planning Division recommends conditional approval of the all beverage liquor license and denial of the gaming portion of the license and adoption of the findings of the three criteria (Section 27-1503(C)) for Special Review 977.

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 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: JJ Ray LLC

AGENT: Jerry T. Ray

LEGAL DESCRIPTION: Block 1, Lot 2A, Billings, Operation Center Sub

ADDRESS: 4825 Midland Road

CURRENT ZONING: EGC

EXISTING LAND USE: Vacant

PROPOSED USE: All Beverage with Gaming

SIZE OF PARCEL: 33,976 square foot

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4825 Midland Rd	none				
SURROUNDING PROPERTY	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4907 Southgate Dr.	615	10/14/97	All Bev. Lic with Gaming	yes	
Midland sub lt3 blk1	493	6/21/93	All Bev. Lic with Gaming	yes	
Midland sub lt5B blk1	533	7/25/94	Patio Lounge	yes	
2530 King Ave. W	595	11/12/96	Beer & Wine Lic.	Yes	

980 South 24th St. W	787	6/28/05	Patio Lounge	Yes	
4910 Southgate Dr.	934 939	11/23/2015 4/26/2016	All Bev. Lic./Gaming Outdoor Patio	Yes Yes	

SURROUNDING LAND USE & ZONING

NORTH: Zoning: EGC
Land Use: Vacant
SOUTH: Zoning: Public
Land Use: City Operations Center - Commercial
EAST: Zoning: EGC
Land Use: Warehouse - commercial
WEST: Zoning: EGC
Land Use: Vacant

BACKGROUND

This is a special review request to allow the location of an All-Beverage Liquor License with Gaming in an Entryway General Commercial (EGC) zone. The applicant is proposing construction of a new commercial building. He is requesting the special review approval because he would like to have many options with possible tenants occupying the building. At this time the applicant does not have a proposed tenant so it is unknown as to where the proposed license would relocate from.

The application submitted is a request to allow an all beverage license with gaming. During review of the application under the established criteria for special review it was determined that gaming is not eligible for a special review approval in the EGC district as it is a use prohibited under the zoning regulations (Section 27-1004(b)(3)). This report will reflect the Planning Division recommendation of approval for an all beverage license with on premise consumption only, and denial of the gaming portion of the application.

The City requires a special review any time an existing or new on-premise liquor license is 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 for an all beverage license and denial of gaming. The EGC zoning district was established to promote attractive, high quality development, to provide an appealing image of the City of Billings. EGC zoning does not allow gaming or bars/taverns, however a restaurant with an all beverage liquor license for on premise consumption would be allowed without gaming (because gaming is prohibited in the EGC district) with a special review approval.

SUMMARY

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 does not conform to the *first* criteria in so far that the zoning regulations adopted by the City Council have designated that any on-premise liquor license with gaming would not be allowed in an EGC zone because gaming is prohibited in the district and not eligible for a special review. The proposed site plan meets all the requirements of the zoning regulations for setbacks, building height, clear vision areas and lot coverage.

The application meets criteria from the *second* requirement, as it is consistent with 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 area close to established commercial areas 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 infill development of an existing parcel where there are City services and infrastructure near the site. This will provide an additional service to those residents and employees working within the surrounding neighborhoods.

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 new business to be located in a growing area of Billings, creating new 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 a growing area of Billings, with good access to transportation choices. The area provides access to essential everyday services such as restaurants, retail shopping, heavy equipment and vehicles sales and service, 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.

RECOMMENDATION

The Planning Division is recommending denial of the gaming portion of the application and conditional approval for an all beverage liquor license with the following conditions;

1. This special review approval is for an all beverage liquor license that must be attached to a restaurant on Block 1, Lot 2A, Billings Operation Center Sub., a 33,976 square foot parcel of land located in an Entryway General Commercial (EGC) zone, at 4825 Midland Road.
2. The special review approval is for the construction of a 3,500 square foot building for a restaurant with an all beverage license (gaming is prohibited), no other use or development is intended or implied by this approval.
3. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations.
4. The site will be developed in conformance with all applicable zoning and site development regulations. Any expansion of the proposed building greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
5. No construction or demolition activity will occur before 7 am or after 8 pm daily.
6. The site will be limited to 50 square foot maximum signage. There will be no Electronic Message Display (EMD) signs.
7. LED illumination of the fascia of the structure will not be allowed.
8. 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.
9. 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



Subject property



Northeast



West



South

Application

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 977 - Project # P2-19-00110

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: EGC

Special Review Requested: All Beverage & Gambling

TAX ID# A 30490A CITY ELECTION WARD # 3

Legal Description of Property: Lot 2A Blys Operation Conty Sub Block 1 L2A 4825 Midland Rd

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

Size of Parcel (Area & Dimensions): 339703 SF

Present Land-Use: Vacant

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): J J RAYLL JERRY R RAY
(Recorded Owner)
2646 GRAND AVE. 1#
(Address)
406 498 4932
(Phone Number) (email)

Agent(s): JERRY R RAY
(Name)
2646 GRAND AVE 1#
(Address)
406.698-4932 RAYREALTOR2446@OUTLOOK.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: 7-10-2019
(Recorded Owner)



Applicant Letter



July 15, 2019

Re: Special Review Application - Midland Road (address unassigned)

Attached please find an application and documentation to support the Owner's request for a Special Review to allow an All Beverage/Gaming operation at a proposed new facility as described in the attached documentation at location on Midland Road (address currently unassigned).

We've included narrative and descriptive information showing that the request is for a 3,500 s.f. new facility (not constructed as of now).

It can be noted that the zoning of the property does allow the use but that the Special Review is an automatic requirement due to the All Beverage/Gaming aspect of the project.

Sincerely,
Atwood Architecture

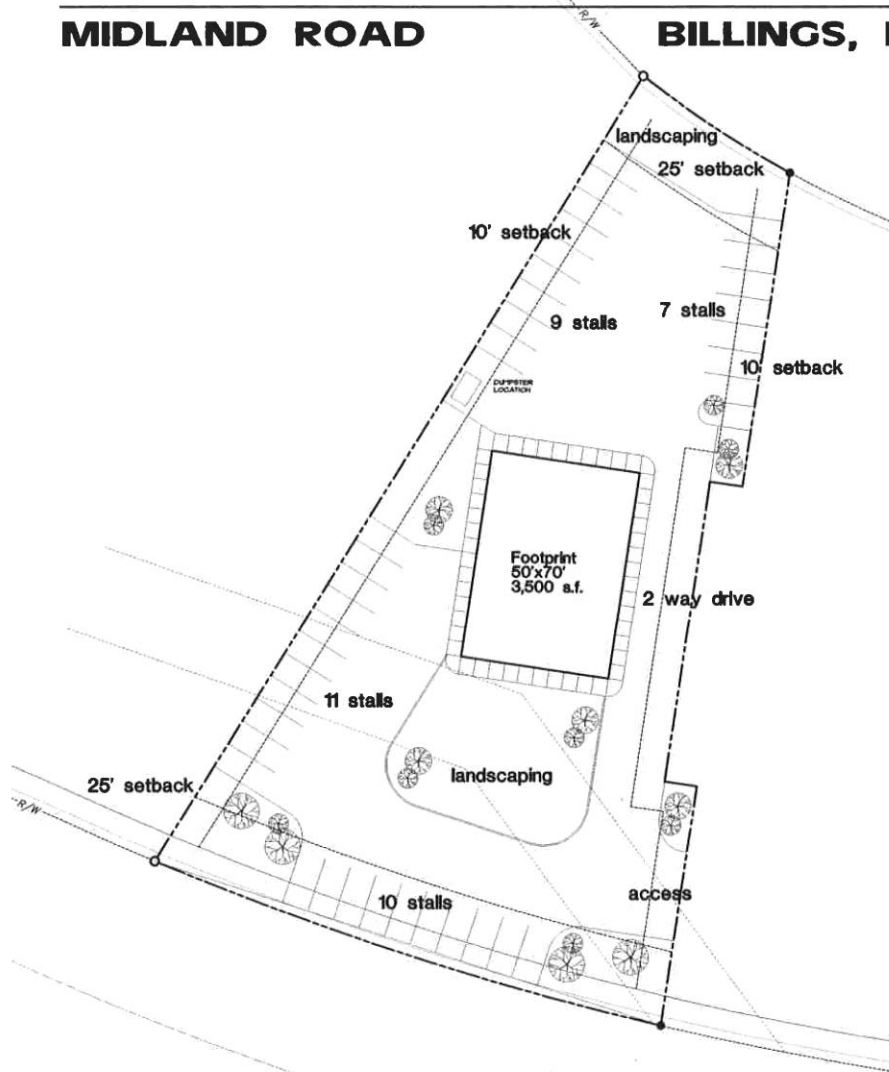
A handwritten signature in blue ink that reads 'Scott Atwood'.

Scott Atwood, Registered Architect

Attachments
copy: Jerry Ray

Site Plan

**PRELIMINARY FOOTPRINT STUDY FOR:
RAY'S PROPERTY DEVELOPMENT**
MIDLAND ROAD BILLINGS, MONTANA



REFERENCE NORTH

Footprint Study

1"=50' on 8 1/2x11 paper

Parking:
3,500 s.f. - 35 stalls required (assumed)
37 stalls shown



4-02-2019



City Zoning Commission

Meeting Date: 09/03/2019

SUBJECT: Special Review 978 - 2018 Main Street

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review 978 - 2018 Main Street. This is a special review request to request to locate an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37 acre parcel of land located in a Highway Commercial (HC) zone, at 2018 Main Street. No waiver of the 600-foot separation distance is required. Tax ID: C00206. Presented by: Karen Husman, Planner I.

RECOMMENDATION

The Planning Division recommends conditional approval.

Special Review applications are reviewed using City Code criteria referenced in the summary 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: JEM LLC

AGENT: Jerry T. Ray

LEGAL DESCRIPTION: Block 2, Lot 11, Chamberlin Sub

ADDRESS: 2018 Main Street

CURRENT ZONING: HC

EXISTING LAND USE: Commercial Vacant tenant space

PROPOSED USE: All Beverage with Gaming

SIZE OF PARCEL: 1.37 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2018 Main St.	none				
SIMILAR PROPERTY	Special Review #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1520 Hansen Ln	308	2/23/87	All Bev-Lic	Y	
405 Main	680	9/25/00	Beer & Wine	Y	
405 Main	747	3/26/07	All Bev. With Gaming	Y	
416 Lake Elmo	840	3/26/07	All Bev. With Gaming	Y	
251 Main St	542	1/9/95	All Beverage	Y	

1405 Main	588	2/1997	Expand All Bev	Y	
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SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC
 Land Use: Commercial
SOUTH: Zoning: HC
 Land Use: Commercial
EAST: Zoning: HC
 Land Use: Commercial
WEST: Zoning: HC
 Land Use: Commercial

BACKGROUND

This is a special review to locate an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37 acre parcel of land located in a Highway Commercial (HC) zone. The applicant is requesting the special review approval because they have potential tenants that have expressed interest in the space if the all beverage license with gaming is allowed.

The City requires a special review any time an existing or new on-premise liquor license is 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 based on the review criteria (per BMCC Section 27-1503) outlined in the summary portion of this report.

SUMMARY

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 with gaming would be allowed in an HC zone. The proposed site plan meets all the requirements of the zoning regulations for setbacks, building height, clear vision areas and lot coverage.

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 provide an additional service to those within the surrounding neighborhoods.

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

This special review will promote business located in this area of Billings, creating new jobs. This 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 existing commercial multiple tenant building along a major arterial corridor in northeast Billings. The area

provides access to some retail shopping and commercial business 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.

RECOMMENDATION

The Planning Division is recommending conditional approval for an all beverage license with gaming with the following conditions;

1. This special review approval is to allow location of an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37 acre parcel of land located in a Highway Commercial (HC) zone, at 2018 Main Street, unit number one. No other use or development is intended or implied by this approval.
2. There will be no Electronic Message Display (EMD) signs allowed. LED illumination of the fascia of the structure will not be allowed.
3. 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.
4. 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.

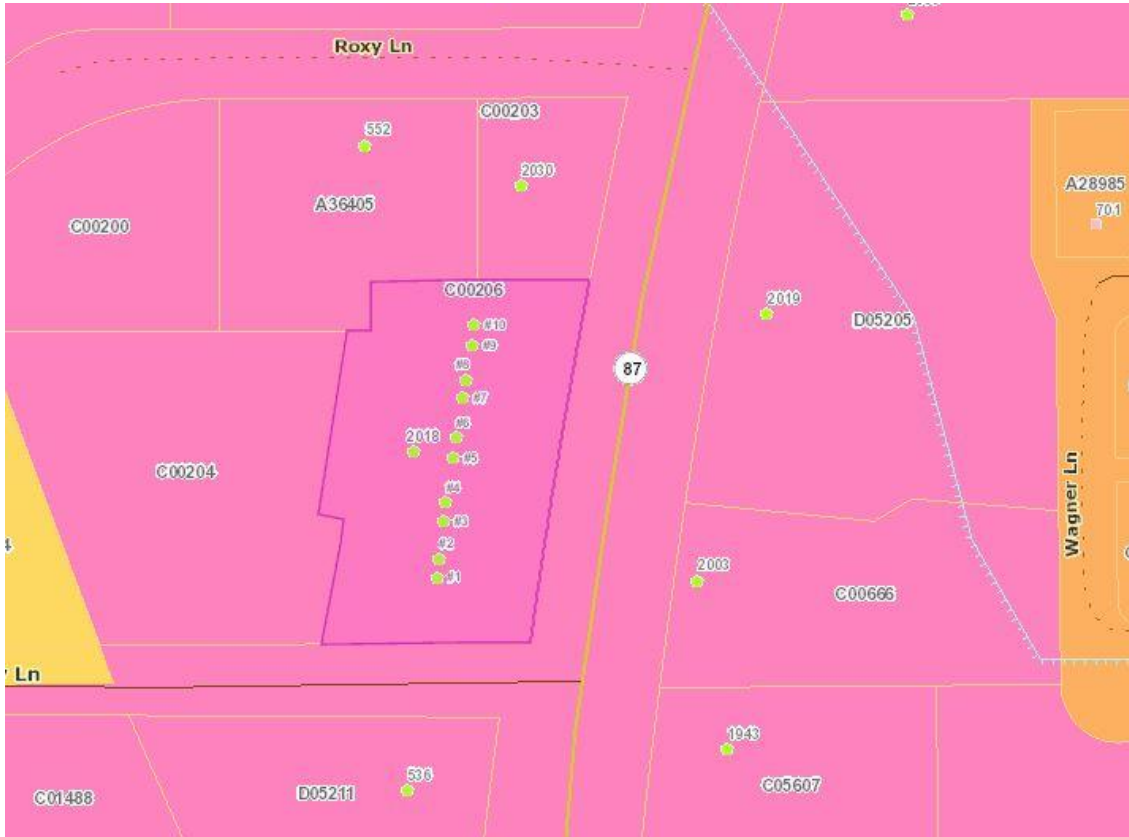
****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit or zoning compliance permit level. This application is for a Special Review as noted above and 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





West



Northwest



Looking West Toward the tenant space



South



East



North

Application

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# 978 - Project # PZ-19-00111

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: HE

Special Review Requested: Alc Beverage Gambling

TAX ID# E00206 CITY ELECTION WARD # 2

Legal Description of Property: Chamberlain Sub B/L 2 Lot 11 ~~12A-1~~
12A-1

Address or General Location (If unknown, contact City Engineering): 2018 Main St ~~13A-~~
14A

Size of Parcel (Area & Dimensions): 59545 SF

Present Land-Use: STRIP MALL unit 1

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): JEMELLE

(Recorded Owner) 2646 Grand Ave 1st

(Address) 406 688-4932 RAY REACTOR 2646@outlook.com
(Phone Number) (email)

Agent(s): Same

(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: 7-16-19
(Recorded Owner)





July 15, 2019

Re: Special Review Application - 2018 Main Street

Attached please find an application and documentation to support the Owner's request for a Special Review to allow an All Beverage/Gaming operation at Unit #1 - 2018 Main Street.

We've included narrative and descriptive information showing that the request is only for Unit #1 of the 10 unit existing (currently vacant) facility.

It can be noted that the zoning of the property does allow the use but that the Special Review is an automatic requirement due to the All Beverage/Gaming aspect of the project.

Sincerely,
Atwood Architecture

A handwritten signature in blue ink that reads 'SCOTT ATWOOD' in all caps, written in a cursive style.

Scott Atwood, Registered Architect

Attachments
copy: Jerry Ray

1301 Division Street

Billings, MT 59101

406-855-4262

Special Review Narrative

2018 Main Street - All Beverage/Gaming

July 12, 2019

Project Description:

An existing 1,422 s.f. ground floor unit (total s.f. - 1,920 includes upper level) of a 10 unit complex.

Project Address:

2018 Main Street - Unit #1
Lot 11, Block 2 Chamberlain Subdivision
Zoning - Highway Commercial

Question 1A:

The Owner has investigated the area, learned about the surrounding commercial and residential development and determined that the area is a suitable location for a modest, cozy gaming facility.

Question 1B:

Currently the existing 10 unit complex has a number of vacancies. A potential tenant/investor has expressed interest in developing a modest facility employing several persons.

Question 1C:

Approval of the Special Request will allow the vacant space to be occupied, to employ several employees and to serve the needs of those who might like a quiet, cozy facility to relax and spend some time with friends.

Question 1D:

The Special Review is an "automatic" requirement prior to the granting of an All Beverage license.

Questions 2 A and B

See attached exhibits showing the existing floorplan and site layout.

Questions 3 A-1

See attached exhibits with the requested information.

Question 4

See attached Google Earth image and a few photos of the existing facility.

Question 5

A 300' radius map is currently being requested of the Planning and Community Services Department and will be turned over as part of this application.

Question 6

The certified list of names will be turned over to the Planning Department as soon as practical once they issue the 300' radius map

Question 7

See attached filing fee of \$1,337.00.

