



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, October 1, 2019, 4:30 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of September 3, 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.

**Public Hearings:**

- a. **Special Review 979 - 702 Dunham Ave** - A special review request to allow co-location for T-Mobile antennae on an existing cell tower, increasing the tower height to 66 feet, on Lot 1, Block 4, Cloverdale Subdivision, on the 900 square foot leased tower site within the 43,913 square foot parcel of land. Presented by: Karen Husman, Planner I.
- b. **Zone Change 973 - 2335 Lewis Avenue** - A zone change request from Residential Professional (RP) to Neighborhood Commercial (NC), on Lot 7A, Arnold Subdivision, 2nd Filing, a 30,772 square foot parcel of land. A pre-application neighborhood meeting was held on August 26, 2019, at 6:00 pm, at the subject property. Presented by Karen Husman, Planner I.

## **Other Business/Announcements Adjournment**

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

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds ( 2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the City Council.

Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> 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](mailto:bartleyr@ci.billings.mt.us)



**City Zoning Commission**

**Meeting Date:** 10/01/2019

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**Information**

**Subject**

The minutes of the Board meeting of September 3, 2019.

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**Attachments**

BZC\_20190903

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## City of Billings Zoning Commission Meeting Minutes September 3, 2019

The City of Billings Zoning Commission met on Tuesday, September 10, 2019 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. 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 zoning applications.

Commission and Staff		01/03/2019	02/05/2019	03/05/2019	04/02/2019	05/07/2019	06/04/2019	07/02/2019	08/06/2019	09/03/2019	10/01/2019	11/05/2019	12/03/2019
Dan Wagner	Chairman	-	E	1	-	1	-	-	-	1			
Dennis Ulvestad	Commissioner	-	1	1	-	1	-	-	-	1			
Mike Boyett	Vice Chairman	-	E	1	-	1	-	-	-	E			
Michael Larson	Commissioner	-	1	1	-	1	-	-	-	1			
James Mariska	Commissioner	-	1	1	-	E	-	-	-	1			
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-			
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-			
Nicole Cromwell	Planner Zoning Coordinator	-	1	1	-	1	-	-	-	1			
Tammy Deines	Planning Clerk	-	1	-	-	-	-	-	-	1			
Dave Green	Planner II	-	-	-	-	-	-	-	-	-			
Karen Husman	Planner I	-	1	1	-	1	-	-	-	-			
Robbin Bartley	Administrative Support	-	-	1	-	1	-	-	-	-			

Total Number of 2019 Applications	01/03/2019	02/05/2019	03/05/2019	04/02/2019	05/07/2019	06/04/2019	07/02/2019	08/06/2019	09/03/2019	10/01/2019	11/05/2019	12/03/2019	T O T A L
Zone Change	0	-	-	-	-	0	0	0	0				
Special Review	0	1	1	-	2	0	0	0	2				6

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I, and Tamara Deines, Planning Clerk.

**In Attendance** : Applicant Jerry T. Ray

**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:**

Chairman Wagner called for approval of the May 7, 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**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		X		
Mike Boyett		X		
Dennis Ulvestad		X		
Mike Larson		X		
James Mariska				X

**Disclosure of Outside Communication**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
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 September 23, 2019.

**Item #1**

Nicole Cromwell read aloud the legal notice for this application:

**City Special Review # 977** – 4825 Midland Road– All beverage license with gaming – A special review request to locate an existing all beverage liquor license with gaming, on Block 1, Lot 2A Billings Operation Center Sub., 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.

Zoning Coordinator Nicole Cromwell stated the applicant, Jerry T. Ray, has requested withdrawal of this application.

**Recommendation**

The Planning Division recommends approval of the Applicant’s request to withdraw the application for Special Review #977.

**Discussion**

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

**Motion**

**Commissioner Larson made a motion and Commissioner Ulvestad seconded the motion to accept the applicant’s request to withdraw the application for City Special Review #977.**

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# 978 – 2018 Main Street** - All beverage license with gaming – A special review 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.

**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.

### **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 #978**.

### **Favor:**

#### **Jerry T. Ray, rayrealtor2646@outlook.com (Billings, Montana)**

Mr. Ray is the applicant. He said he constructed this strip mall several years ago. He commented on the recent trend for losing leasers for this property. He pointed out there is a similar Casino business is located across the street. In response to a question by Commissioner Ulvestad, Mr. Ray said this property will be approved for a lease with a liquor license.

**Opposed:** No one spoke in opposition to Special Review #978.

Chairman Wagner closed the public hearing and called for a motion.

### **Motion**

**Commissioner Larson made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Special Review #978.**

**Discussion** There was no discussion on the motion.



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, 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 zoning applications.

**Other Business**

- The next City Zoning Commission meeting will be held on Tuesday, October 1, 2019 and two applications will be considered.
- Nicole Cromwell said Commission members will be notified of the upcoming Project Recode Meeting in October.

**Adjournment: The meeting adjourned at 4:45 p.m.**

**ATTEST: DRAFT** to be approved by a motion at the next scheduled meeting.

***Tamara L. Deines, Planning Clerk***



**City Zoning Commission**

**Meeting Date:** 10/01/2019

**SUBJECT:** Special Review 979 - 702 Dunham Ave - Increase Wireless Tower to 66 feet

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**Special Review 979 - 702 Dunham Ave** - A special review request to allow co-location for T-Mobile antennae on an existing cell tower, increasing the tower height to 66 feet, on Lot 1, Block 4, Cloverdale Subdivision, on the 900 square foot leased tower site within the 43,913 square foot parcel of land. Presented by: Karen Husman, Planner I.

**RECOMMENDATION**

The Planning Division recommends conditional approval and adoption of the findings of the three criteria for Special Review 979.

Special Review applications are reviewed using BMCC Section 27-1503 criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval, are not zone changes on property; rather, are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

**APPLICATION DATA**

OWNERS: WW Holding Company, Inc

AGENT: Amanda Nations, of Crown Castle, agent for T-Mobile

PURPOSE: Allow co-location on an existing tower increasing the tower height to 66 feet

LEGAL DESCRIPTION: Lot 1, Block 4, Cloverdale Subdivision, on the 900 square foot tower lease site

ADDRESS: 702 Dunham Ave

EXISTING LAND USE: 50-foot Wireless Tower

PROPOSED LAND USE: 66-foot tall Wireless Tower

EXISTING ZONING: Controlled Industrial (CI)

**CONCURRENT APPLICATIONS**

Building Permit BP-19-01743 - pending approval of Special Review request to add to tower height.

**APPLICABLE ZONING HISTORY**

**Similar Wireless Facilities-**

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
<b>SIMILAR PROPERTY</b>					
1150 West Wicks Ln - C/S 1904	243 (County)		100' cell tower	Y	
1142 West Wicks Ln	270 (County)		250' Cell tower	Y	3 tower limit
1150 Wicks lane	960 (City)	1/8/18	60' tower	Y	

1235 Wicks Lane	957 (City)	10/23/17	Concealed rooftop cell facility	Y	
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## SURROUNDING LAND USE & ZONING

NORTH: Zoning: CI  
Land Use: Industrial - former location of Northwest Pipe

SOUTH Zoning: CI  
Land Use: Railroad Right of Way; Business I-90 Overpass

EAST: Zoning: CI & Community Commercial (CC)  
Land Use: Industrial - Warehousing

WEST: Zoning: CI  
Land Use: Industrial - Midwest Heating & Cooling

## BACKGROUND

This is a special review request to allow co-location on an existing cell tower. The co-location of the new antennae will result in an increase to the tower height from 50 feet to 66 feet. Any tower over 50 feet in height requires a special review approval. Any wireless facility over 50 feet in height must be separated by at least 1-mile from any other wireless facility over 50 feet in height (BMCC 27-620.g.11). The applicant is requesting approval to allow them to use an existing wireless facility location for T-Mobile customers' benefit. This area of Billings is adjacent to the Business I-90 interstate corridor and surrounded by commercial and industrial uses and structures. The Planning staff has reviewed the proposed addition to the wireless facility and is recommending conditional 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 2016 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 wireless facility that does not conform to certain provisions of Section 27-620 may apply for a special review. The property is not a school, government or government utility site where wireless facilities may be allowed by right. The proposed increase over 50 feet requires a special review approval. The wireless facility is more than 1 mile from the next closest wireless facility over 50 feet in height (526 Bernard St). The proposed addition to an existing facility meets all the requirements of the zoning regulations.

The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 Growth Policy:

**Strong Neighborhoods:** *Neighborhoods that provide essential services are much desired.*

The proposed special review will provide reliability to an essential service in the Billings west end neighborhoods. It will allow the applicant to remain outside of the denser residential area while still providing an essential service to those areas. Conditions are being recommended to buffer neighboring properties from adverse impacts. Sight obscuring screening will be required to disguise the entire equipment cabinet.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in an area of Billings, with commercial and industrial uses surrounding it. 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.

## ZONING COMMISSION ACTION

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

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.

4. Delay action on the application for a period not to exceed thirty (30) days.

5. Give reasons for the recommendation.

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

1. Complies with all requirements of this Article (27-1500);

2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;

3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

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

1. Street and road capacity;

2. Ingress and egress to adjoining streets;

3. Off-street parking;

4. Fencing, screening and landscaping;

5. Building bulk and location;

6. Usable open space;

7. Signs and lighting; and/or

8. Noise, vibration, air pollution and similar environmental influences.

## **RECOMMENDATION**

The Planning Division recommends conditional approval and adoption of the findings of the three criteria for Special Review 979.

Recommended conditions:

1. A special review request to allow an increase on an existing 50 foot tower to allow a 66 foot tower for co-location to the facility on Lot 1, Block 4, Cloverdale Subdivision, leased wireless site of 900 square feet on the 43,913 square foot parcel of land. No other use is intended or implied.

2. The ground equipment cabinet and shelter must be buffered with screening or an enclosure so that it cannot be seen from the neighboring properties. The current chain link fence is not a sight-obscuring fence.

3. The existing fence must meet the current requirements for fence height of 8 feet for barbed wire to be attached above (the 8 feet). If it does not currently meet this requirement, it must be updated.

4. 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.

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 level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

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## **Attachments**

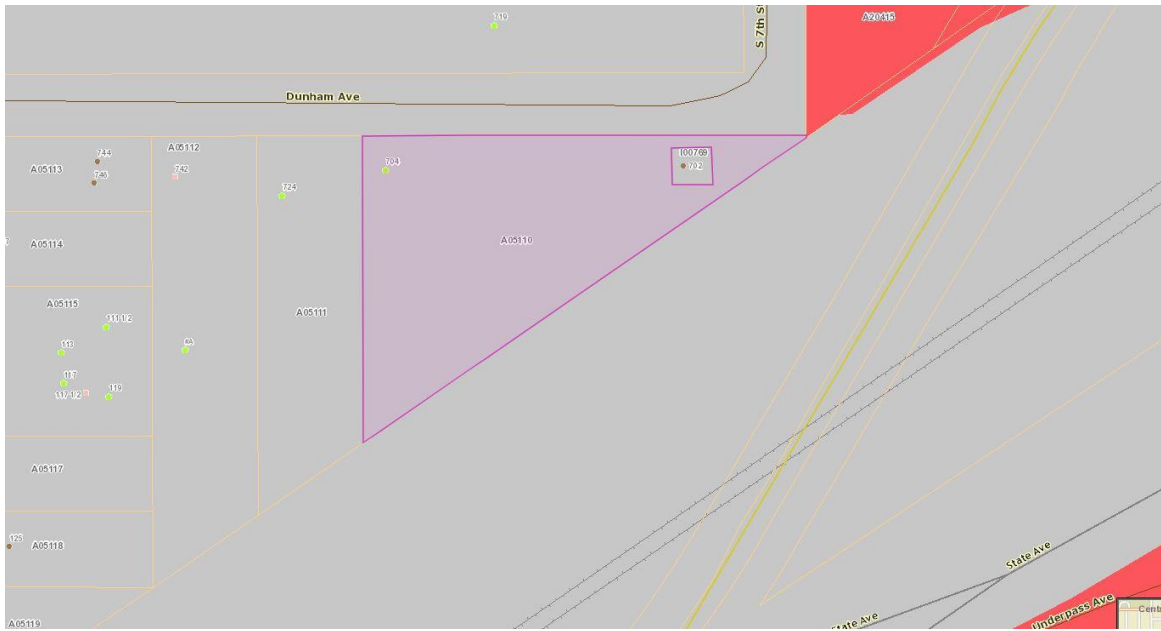
Zoning Map & Site Photos

Application, Applicant Letter & Site Plan

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# ATTACHMENTS

## A: Zoning Map and Site Photos





Looking southwest



Looking North



South



West

B. Applicant Letter and Site Plan

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# 979 - Project # 12-19-00175

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

Present Zoning: Controlled Industrial

Special Review Requested: collocation on existing cell tower resulting in 66' tower height

TAX ID# 264619 (10076A) A05110 CITY ELECTION WARD #

Legal Description of Property: CLOVERDALE SUBD, S09, T01 S, R26 E, BLOCK 004, Lot 001, CELL TWR SITE @ CLOVERDALE SUB BLK 4 LTS 1,2 (LAND @ A05110) (03) (CENT ASS'D)(ST JOHNS OPTION

Address or General Location (If unknown, contact City Engineering): 702 Duhman Avenue, Billings, MT 59101

Size of Parcel (Area & Dimensions): 30' x 30' fenced cell tower compound (Site)

Present Land-Use: wireless communication facility

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): WW HOLDING CO, INC

(Recorded Owner) c/o Rash #501-26-18267586

(Address) PO Box 260888, Plano, TX 75026-0888

(Phone Number) (email)

Agent(s): Amanda Nations, Crown Castle on behalf of T-Mobile

(Name) 1505 Westlake Ave N, Suite 800, Seattle, WA, 98109

(Address) 206 278 1548

(Phone Number) 2066-336-2889 (Email) amanda.nations.contractor@crowncastle.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: Amanda Nations, Crown Castle Date: 8/27/2019





1505 Westlake Ave N  
Seattle, WA 98109

Phone: (206) 336-2889  
Fax:  
www.crowncastle.com

8/28/19  
[Handwritten initials]

August 27, 2019

CITY OF BILLINGS, MT  
Building Department  
2825 3rd Ave N, 4th Floor  
Billings, MT 59101

RE: Eligible Facilities Request to modify equipment on a communications tower located at:  
702 DUNHAM, BILLINGS, MT, 59101  
Crown Site Number: 858416 / Crown Site Name: ZOD\_ALLTEL\_MTBL\_STJOHNS  
Customer Site Number: MTO2106A / Application Number: 454950

Crown Castle USA Inc. ("Crown Castle") on behalf of T-Mobile West LLC ("T-Mobile") is submitting the attached Eligible Facilities Request application to add transmission equipment on a telecommunications tower located at 702 DUNHAM, BILLINGS, MT 59101 in CITY OF BILLINGS, MT (the "ZOD\_ALLTEL\_MTBL\_STJOHNS Tower").

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156), mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

The proposed additions are non-substantial in nature and include the installation of (6) panel antenna, (6) RRUs, (1) junction box, and (1) platform mount on a 20' extension of the "ZOD\_ALLTEL\_MTBL\_STJOHNS Tower". Associated ground equipment is proposed on a 8' x 12' platform within the existing tower lease area.

With respect to height, this law allows for an extension of the most recently approved height prior to the passing of section 6409 (a) by 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20-feet, whichever is greater. The proposal to increase the existing tower height by 20'-0" does not constitute a substantial change to the approved tower height of 20'-0" under this ruling.

Notwithstanding the preceding, the following materials for a special review application are being provided at the request of the City of Billings:

- Cover letter and certification of non-substantial changes
- Special Review Application
- Statement of Code Compliance
- Mailing list and labels – certified
- FAA determination of no hazard (2)
- FCC antenna structure registration (2)
- Site Photos (2)
- Vicinity Map (2)

The Foundation for a Wireless World.  
CrownCastle.com

- Construction drawings, stamped and signed by Montana-registered engineer (2)
- Structural calculations, stamped and signed by Montana-registered engineer (2)
- Structural opinion letter, stamped and signed by Montana-registered engineer (2) –for loading revision

T-Mobile is committed to working cooperatively with all jurisdictions around the country to secure expeditious approval of requests to modify existing personal wireless service facilities. If you should require more information regarding the Spectrum Act, please do not hesitate to contact me with your questions.

Sincerely,



Amanda Nations

Amanda.Nations.Contractors@crowncastle.com

(206) 336-2889





**City Zoning Commission**

**Meeting Date:** 10/01/2019

**SUBJECT:** Zone Change 973 - 2335 Lewis Avenue - RP to NC

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**Zone Change 973 - 2335 Lewis Avenue** - A zone change request from Residential Professional (RP) to Neighborhood Commercial (NC), on Lot 7A, Arnold Subdivision, 2nd Filing, a 30,772 square foot parcel of land. A pre-application neighborhood meeting was held on August 26, 2019, at 6:00 pm, at the subject property. Presented by Karen Husman, Planner I.

**RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the ten criteria for Zone Change 973.

**APPLICATION DATA**

OWNER: United Pentecostal Church, Ed Sermon  
 AGENT: Scott Aspenlieder, Performance Engineers  
 LEGAL DESCRIPTION: Lot 7A, Arnold Subdivision 2nd Filing  
 ADDRESS: 2335 Lewis Ave  
 CURRENT ZONING: RP  
 EXISTING LAND USE: Church  
 PROPOSED USE: Car Wash (will require special review application approval)  
 SIZE OF PARCEL: 30,772 sf

**CONCURRENT APPLICATIONS**

None

**APPLICABLE ZONING HISTORY**

**Surrounding Property:**

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2335 Lewis	188 (City)	1/9/1978	RP to NC	No	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2007 Blue Creek Rd	249 (County)	8/28/79	R-150 to NC	Yes	
2015 Blue Creek Rd	169 (County)	2/28/78	R-150 to NC	Yes	
2315/2319 Broadwater Ave	536	1/22/1990	RP to NC	Yes	
1031 24th St West (Cenex)	434	7/23/1984	RMF-R to NC	Yes	
1211 24th St W (Gainan's Square)	469	5/6/1985	RP to CC	Yes	

1233 24th St W (MRM Bargain Center)	25 & 38	8/27/1983	RMF-R to CC	Yes	
1005 24th St W (multi-tenant building)	450	12/3/1984	RMF-R to NC	Yes	
2340 Lewis (Cenex)	607	5/28/1996	RMF-R to NC	Yes	small addition to existing Cenex property

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: RP  
Land Use: Altana Federal Credit Union  
SOUTH: Zoning: NC  
Land Use: Cenex gas station  
EAST: Zoning: RP  
Land Use: Frontier Insurance Solutions  
WEST: Zoning:R-70  
Land Use: Residential & Church of the Good Shepherd

**BACKGROUND**

This is an application to change from Residential Professional (RP) to Neighborhood Commercial (NC) Lot 7A Arnold Subdivision, 2nd Filing. The property is generally located on the northeast corner of the intersection of Lewis Avenue and 24th Street West. The applicant intends to remove the existing church and build a new 7-bay car wash facility with a combination of self and auto wash bays. A pre-application neighborhood meeting was held at the subject property to discuss the proposed zone change. The surrounding property owners were concerned with the noise as well as traffic at the intersection of Lewis and 24th St West. There are two existing drive approaches on the property - one off Lewis Avenue and one off 24th St West. The proposed car wash will require a subsequent special review approval if the zone change is approved.

The Planning staff has reviewed the application and is recommending approval based on the findings of the ten review criteria. The proposed zoning and use of the property is compatible with the adjacent and surrounding land uses. The 2016 Growth Policy supports the proposed zoning and in this area of mixed uses and zoning districts.

**SUMMARY**

Zone Change 973 – **2335 Lewis - RP to NC**

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- **Essential Investments:** *Infill development and development near existing City infrastructure may be the most cost effective. Neighborhoods that are safe and attractive and provide essential services are much desired;*

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

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

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

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

Public health and public safety will be promoted by the proposed zoning. The property has an existing structure used as a church. The vacant church would be removed and the property would be used for a car wash after special

review approval. Lower impact uses are allowed by right in the NC zone, including all types of retail services, professional offices and some business services.

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

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

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

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

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

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

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

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

The new zoning will have no effect on transportation systems.

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

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

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

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

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

Approval of the zone change will conserve the value of the property by allowing redevelopment of the property.

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

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

## **RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the ten criteria for Zone Change 973 reflected in the summary section of this memo.

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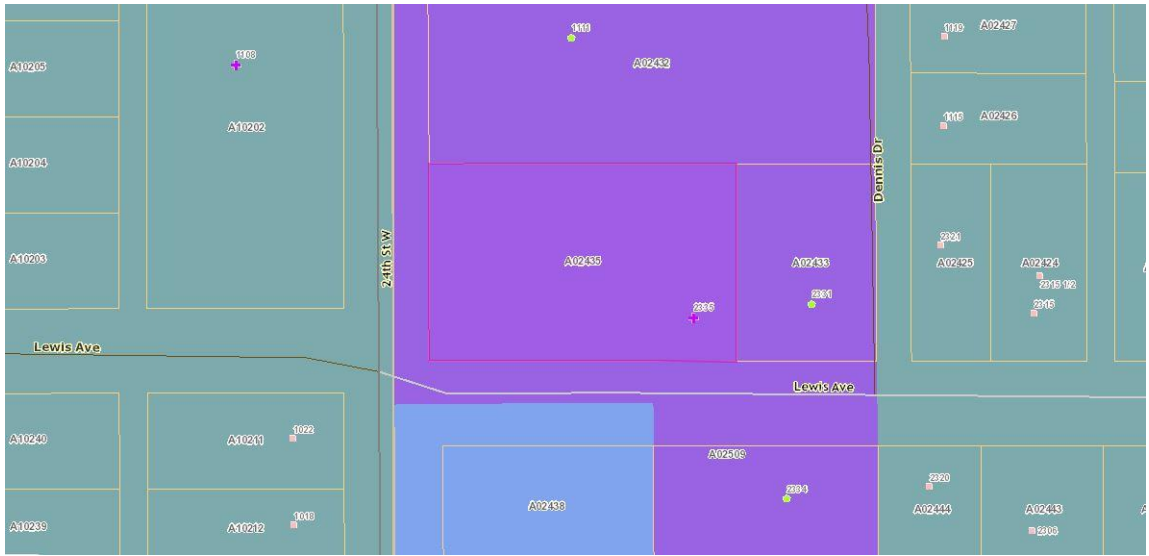
## **Attachments**

Zoning Map & Site Photos

Application, Pre-App info & Site Plan

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# Zoning Map



Site Photos



Subject Property



Looking east

Site Photos



Looking West



South east

Photos



South

Application

APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change # 973 - Project # PZ-19-00178

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

Present Zoning: Residential Professional

Proposed Zoning: Neighborhood Commercial

Tax ID # A02435 CITY ELECTION WARD # WARD V

Legal Description of Property: S06, T01 S, R26 E, Lot 7A, AMND S140' LTS 6 & 7

Address or General Location (If unknown, contact County Public Works): 2335 Lewis AVE

Size of Parcel (Area & Dimensions): 0.704 Acres (140.01 FT X 219.06 FT)

Present Land-Use: United Pentecostal Church of Billings – Residential Professional

Proposed Land-Use: Rocky Mountain Car Wash – Neighborhood Commercial

Covenants or Deed Restriction on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application

Owner(s): Ed Sermon

(Recorded Owner)

2335 Lewis Avenue, Billings, MT 59102

(Address)

406-861-0107 ejsermon@gmail.com

(Phone Number) (Email)

Agent(s): Scott Aspenlieder

(Name)

608 North 29<sup>th</sup> Street, Billings, MT 59101

(Address)

406-384-0080 scott@performance-ec.com

(Phone Number) (Email)



I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 9/3/19

(Recorded Owner)

### **Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Residential Professional
2. **Written description of the Zone Change Plan** including a square footage or acres of proposed new zoning: The zoning proposal will change 0.704 acres of Residential Professional to Neighborhood Commercial to accommodate one car wash facility.
3. **Subject Property Map:** See Attachments
4. **Legal Description of Property:** S06, T01 S, R26 E, Lot 7A, AMND S140' LTS 6 & 7
5. **Neighborhood Task Force:** West End Task Force comments not received as of submittal
6. **Roster of persons who attended the pre-application neighborhood meeting:** See Attachments
7. **A copy of the meeting notice:** See Attachments
8. **A brief synopsis of the meeting results:** See Attachments
9. **The undersigned affirm the following:**

- 1) The pre-application neighborhood meeting was held on the 26th, day of August, 2019.
- 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Pentecostals of Billings Telephone: 406-861-0107  
Address: 2335 Lewis Avenue, Billings, MT 59102 Email: eisermon@gmail.com

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**Agent (s):** Scott Aspenlieder Telephone: 406-384-0080  
Address: 608 N29th Street Email: scott@performance-ec.com  
Billings, MT 59102



**August 26<sup>th</sup> 2019 6:00pm**  
**Pentecostals of Billings Church**

**Meeting Notes**  
**Rocky Mountain Car Wash, LLC**

**Representatives: Scott Aspenlieder (PE) & Taylor Irwin (Developer)**

**Points of Discussion**

Brief review of Project Development  
Requesting comments from Home/Property owners  
Addressed Comments/Concerns from Home/Property owners  
Review Timeline for Planned Development of Project

**Project Development**

Demo of existing church site for new 7 bay car wash facility with a combination of self- and auto-wash bays.  
Hours of operation: 24-hour operation with facility staffed during day operational hours.

**Home/Property Owners Comments**

1. Orientation of auto-wash bays with blowers adjacent to residential areas
2. Traffic big concern at intersection of Lewis & 24<sup>th</sup>
3. Skewed intersection of Lewis & 24<sup>th</sup> dangerous for more traffic
4. Pedestrian and children use of sidewalk on site to get to school and potential for accidents
5. Primarily a residential neighborhood and not appropriate for more commercial business
6. What other type of businesses does Neighborhood Commercial (NC) zoning allow?
7. Concerned about additional garbage and cleanliness of site and neighborhood
8. What other sites were considered and why this site in particular?
9. Would there be buffering on east side of lot?
10. Will existing boulevard sign be used or come down?
11. Building looks nice but don't like the location

**Home/Property Owners Guidance or Suggestions**

1. Restrict 24<sup>th</sup> St. approach to "right out" only
2. Fence and vegetative buffering on eastern property boundary
3. Landscaping – be careful to not further obstruct vision along intersection and approaches



**Home/Property Owners Concerns**

1. Traffic on Lewis and 24<sup>th</sup> not safe
2. Property Values
3. Noise from auto-wash bays and driers

**Timeline for Planned Development**

1. Application – Home/Property owners need to get all requests/comments in as soon as possible with the application being submitted Tuesday September 3, 2019. Send all letters or emails to Scott and/or Nicole Cromwell at City Planning.
2. Planning Board Hearing – Public Welcome - October 1, 2019
3. City Council Hearing – Public Welcome – October 28, 2019

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

**Meeting Adjourned 7:15pm.**





August 12th, 2019

Dear Interested Neighbor,

On behalf of Rocky Mountain Car Wash, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting being held on **Monday, August 26<sup>th</sup>, at 6:00 p.m.** at **2335 Lewis Avenue**. The meeting is being held in the United Pentecostal Church of Billings, to discuss a proposed zone change regarding the existing property. The owner is requesting that the property shown on the attached exhibit and described below be re-zoned to accommodate future development:

**S06, T01 S, R26 E, LOT 7A, AMND S140' LTS 6 & 7 in Yellowstone County totaling 0.704 acres, located at the NW corner of the intersection of Lewis Avenue and 24<sup>th</sup> Street West.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property, discuss the potential for redevelopment, and to answer questions about the project. The property is currently zoned as Residential Professional. The zoning proposal to be presented to the City of Billings will be to change the zoning of the land described above from Residential Professional to Neighborhood Commercial to accommodate a new car wash facility. A total of 0.704 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC as well as the Owners, will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 608 North 29<sup>th</sup> Street, Billings, MT 59101, attention Scott Aspenlieder, or emails may be sent to [scott@performance-ec.com](mailto:scott@performance-ec.com). We look forward to discussing the proposed zoning change with you and hope to see you on **August 26<sup>th</sup>**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Aspenlieder', is written over a light blue horizontal line.

Scott Aspenlieder, PE  
Principal

