



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, November 5, 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**

**Motion. Approval of Minutes: October 1, 2019**

The minutes of the Board meeting of: October 1, 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. **Item #1: City Special Review 980 – 2335 Lewis Ave – To allow a car wash** – A special review request to allow a car wash in a Neighborhood Commercial (NC) Zone, on Lot 7A, Arnold Subdivision 2<sup>nd</sup> filing, a 30,660 square foot parcel of land. Presented by: Karen Husman, Planner I.
- b. **Item #2: City Zone Change 974 – 1004 Lewis Ave- from R-70 to RP** - A zone change request from Residential-7000 (R-70) to Residential Professional (RP), on Lot 2B – 3B Amended Lot 1, VFW Subdivision, a 17,899 square foot parcel of land. A pre-application neighborhood meeting was held on September 14, 2019, at 1004 Lewis Avenue. Presented by: Karen Husman, Planner I.

## Other Business/Announcements

## Adjournment

The **City Council** has designated **Monday, November 25, 2019**, at **5:30 p.m.** in the City Council Chambers as the time and place to hear testimony for or against the special review. Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special review. Testimony regarding the above mentioned items 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 this item 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 Tammy Deines, Planning Clerk, at 247-8610 or e-mail to [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)

The **City Council** has designated **Monday, November 25, 2019**, at **5:30 p.m.** in the City Council Chambers as the time and place to hear testimony for or against the zone change.

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.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed zone change. Testimony regarding the above mentioned items 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 Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)

**City Zoning Commission**

**Meeting Date:** 11/05/2019

---

**Information**

**Subject**

**Motion. Approval of Minutes: October 1, 2019**

---

**Attachments**

BZC\_2019\_10\_01\_DRAFT

---

## City of Billings Zoning Commission Meeting Minutes October 1, 2019

**The City of Billings Zoning Commission met on Tuesday, October 1, 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.

<b>Commission and Staff</b>		<b>01/03/2019</b>	<b>02/05/2019</b>	<b>03/05/2019</b>	<b>04/02/2019</b>	<b>05/07/2019</b>	<b>06/04/2019</b>	<b>07/02/2019</b>	<b>08/06/2019</b>	<b>09/03/2019</b>	<b>10/01/2019</b>	<b>11/05/2019</b>	<b>12/03/2019</b>
Dan Wagner	Chairman	-	E	1	-	1	-	-	-	1	1		
Dennis Ulvestad	Commissioner	-	1	1	-	1	-	-	-	1	1		
Mike Boyett	Vice Chairman	-	E	1	-	1	-	-	-	E	1		
Michael Larson	Commissioner	-	1	1	-	1	-	-	-	1	1		
James Mariska	Commissioner	-	1	1	-	E	-	-	-	1	A		
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-		
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-		
Nicole Cromwell	Planner Zoning Coordinator	-	1	1	-	1	-	-	-	1	1		
Tammy Deines	Planning Clerk	-	1	-	-	-	-	-	-	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	TOTAL
Zone Change	0	-	-	-	-	0	0	0	0	1			1
Special Review	0	1	1	-	2	0	0	0	2	1			7

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:** James & Georgia Somer, Greg Price, Amanda Nations, Jason Hanson, Ronda Carlson, Matt Robertson, Scott Aspenlieder, Performance Engineering, Mike Irwin, Taylor Irwin, M. Ed Melcher, Robin Dangerfield

**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 Ulvestad seconded the motion to approve the September 3, 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 Boyett disclosed that he and Commissioner Ulvestad attended the Rimrock Task Force meeting where the applicant gave a presentation on his proposed project for Zone Change #973.

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

\*\*Planner Husman provided a copy of an e-mail dated Tuesday, October 1, 2019 from Ronda Carlson who is in opposition to Zone Change #973.

**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 October 28, 2019.

**Item #1**

Zoning Coordinator Nicole Cromwell read aloud the legal notice for this application:

**City Special Review 979 – 702 Dunham Ave. - Location on an existing Cell Tower – A special review request to allow co-location on an existing cell tower resulting in 66’ tower height, on Lot 1, Block 4, Cloverdale Subdivision, Cell TWR Site @ Cloverdale Subd., Block 4, Lots 1,2, on the cell site of 900 sf of a 43,913 sf parcel of land. Tax ID: A05110.**

Planner Husman opened with presentation of the staff report. She stated staff conversed with the applicant's agent regarding removal of Condition of Approval #2 for screening and fencing requirements. Staff is in agreement with this request.

### **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.

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, leaseholders, heirs and assigns.

### **Discussion**

Chairman Wagner called for questions and discussion from the Board. Per Commissioner Boyett's request, Ms. Husman stated staff's reasoning for removing Condition of Approval #2 for a site obscuring fence is that there are no neighboring properties that will be negatively impacted.

### **Public Hearing**

Chairman Wagner opened the public hearing and asked for presentation by the applicant.

**Amanda Nations, 1505 Westlake Ave #800, Seattle, Washington, 98105**

Ms. Nations represents the applicant, “T-Mobile”. She stated she is in agreement with the staff presentation. She responded to a question by Commissioner Boyett and stated she is unable to disclose the current customer for this tower

Chairman Wagner asked if there is anyone wishing to speak in opposition of Special Review #979. There was none. Chairman Wagner asked if there is anyone wishing to speak in favor of Special Review #979. There was none. Chairman Wagner closed the public hearing and called for a motion.

**Motion**

**Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation of conditional approval and adoption of the findings of the three criteria for Special Review #979; and remove Condition of Approval #2 as recommended by Staff.**

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 unanimous 4 - 0 vote. A recommendation of conditional approval of Special Review #979 will be forwarded to City Council on** 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 zoning applications.

**Item #2**

Nicole Cromwell stated a neighborhood pre-application meeting was held regarding Zone Change #973 on August 26, 2019. She read aloud the legal notice for this application:

**City Zone Change 973 – 2335 Lewis - from RP to NC -** A zone change request from Residential Professional (RP) *to* Neighborhood Commercial (NC), on Lot 7A Am, S150’ of Lots 6 & 7 of the Arnold Subdivision 2<sup>nd</sup> Filing, an 30,772 square foot parcel of land. A pre-application neighborhood meeting was held on August 26, 2019, at 6:00 pm, at 1335 Lewis Ave. Tax ID: A02435.

Planner Karen Husman opened with presentation of the staff report. She explained that the applicant’s proposal is to remove the existing church building and construct a new business. She

explained that this request is for a zone change only and the applicant will be required to submit an application for a special review if they wish to move forward with a car wash business.

## **RECOMMENDATION**

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

### **Discussion**

Chairman Wagner called for questions and discussion from the Board. Commissioner Ulvestad asked what the timeframe is for demolition of the church building. Commissioner Larson clarified and stated that this application is for a zone change, and the Commission has no ability to discuss noise restrictions, traffic, etc. for the particular use. Commissioner Boyett asked if the zone change is approved what types of businesses are allowed in Neighborhood Commercial zoning districts. Nicole Cromwell said there are several options, including restaurants, retail services, day care facilities, and multi-family dwellings.

### **Public Hearing**

Chairman Wagner opened the public hearing and called for presentation by the applicant.

### **Scott Aspenlieder, Performance Engineering, 608 N 29<sup>th</sup> Street, Billings, Montana**

Mr. Aspenlieder is the applicant's agent. He stated the applicant has been transparent with the public and the neighborhood about their intent to construct a car wash. He said this request is not out of line. He said they have had numerous communications with the City of Billings traffic engineer and presented a lot of data. Mr. Aspenlieder said the City Public Works Department does not have issue with the proposed use. He said this zoning fits the surrounding area. He pointed out that this is a target location for businesses in our community and it fits within the realm of the 2016 Growth Policy. There were no questions from the Board for the applicant's agent.

Chairman Wagner asked if there is anyone wishing to speak in favor of City Zone Change #973. There was none. Chairman Wagner asked if there is anyone wishing to speak in opposition of City Zone Change #973.

### **Opposition**

### **Don Amos, 1123 Dennis Drive, Billings, Montana**

Mr. Amos voiced concern with the intersection located at the northeast corner of 24th St West and Lewis. He pointed out the location of Burlington School and underscored potential issues with traffic and safety. Mr. Amos stated he uses this intersection often and commented on the traffic backup within the interchange. His primary concern is children's safety at the school crossing for Burlington School, as the students meander three blocks from the school to this intersection. He feels if this application is approved, it will be spot zoning and the beginning of the deterioration of

the neighborhood. He voiced concern with other potential allowable uses with this zone change as a massage parlor and alcohol could be allowed at this location.

**Jason Hanson, 2320 Lewis, Billings, Montana**

Mr. Hanson is opposed to this zone change. He feels the proposed use of a car wash is noisy, unattractive, and does not promote health and safety of the schoolchildren. He commented on the potential for the additional water and sewer lines taxing the existing older infrastructure. He stated this is a very busy intersection and the proposed use is not compatible with the existing zoning and neighborhood. He pointed out there are several professional buildings in this neighborhood and the criterion for zoning suitably does not take in account the surrounding neighborhood impacts. Mr. Hanson feels the biggest issue is if approved, the zoning will be in place even if the special review fails, and the special review impact should weigh on tonight's decision. Commissioner Larson asked Mr. Hanson if his concern is the inability to predict future neighbors. Mr. Hanson stated he would object to the zone change even if the car wash were not proposed. He feels that Residential Professional, (RP), is a better fit for this neighborhood.

**Ronda Carlson, 2320 Hanson, Billings, Montana**

Ms. Carlson read aloud the definition of (NC)-Neighborhood Commercial zoning. She and stated the proposed use would be detrimental to the neighborhood and should be prevented. She said this applicant provided a traffic study and not a noise study. She cited the regulations and stated car washes are allowed in six other zones; and only considered under Neighborhood Commercial zoning through approval of a special review. She pointed out the residences under R-7000 zoning are located one parcel away from this property. She said the Building ordinance points to car washes as an industrial use. She commented on the noise ordinance requirements for lower decibels and said this use may not be able to meet this criterion. Ms. Carlson stated it does not make sense to approve the zone change when the intent is known to build a car wash. She said both requests are related and should not be separated for consideration.

**M. Ed Melcher, 2331 Lewis Avenue, Edm@Fismt.com, Billings, Montana**

Mr. Melcher owns the office located at 2331 Lewis Avenue. Mr. Melcher stated he has owned the building since 1984 and worked with the church to be a good neighbor. Mr. Melcher said he is in favor of growth but is concerned with approval of the zone change when they do not know what is going into this parcel. Mr. Melcher said he is aware of the potential noise with a car wash and asked if there is a better location. He concurred with the comment that the students walk down this side of the street. He asked if the noise from the proposed car wash will affect his insurance business and said this use does not fit the neighborhood.

**Rebuttal**

Chairman Wagner called for rebuttal from the applicant.

**Scott Aspenlieder, Performance Engineering, 608 N 29<sup>th</sup> Street, Billings, Montana**

Mr. Aspenlieder said the traffic engineering statistics were dealt with during the neighborhood meeting. The applicant is willing to put up a fence and a row of trees along the eastern boundary to buffer noise from the business.

**Mike Irwing, Rocky Mountain Car Wash, 26 Hay Meadow Drive, Pinedale, Wyoming, 82941**

Mr. Irwing stated he owns and operates eight facilities that are located adjacent to neighboring houses. He proposed noise mitigation by placing fencing and trees outside of the building. He explained the utilization of dryer housing plastic to limit noise resonance. The entry door is closed which has significant impact on blocking the sound. In response to question by Chairman Wagner, he said the eight facilities are located outside of Billings. Commissioner Ulvestad inquired about the operation hours and Mr. Irwin stated the business is open 24 hours. He said they submitted data pointing to the majority of business takes place between 7 a.m. and 7 p.m. Commissioner Ulvestad said he is concerned with the potential for additional traffic during school hours.

**Scott Aspenlieder, Performance Engineering, 608 N 29<sup>th</sup> Street, Billings, Montana**

Mr. Aspenlieder stated car washes are capture facilities and do not add traffic as they are not destination locations. He said this applicant has to follow site-engineering requirements that take into account pedestrian safety, including site lines and walkways. Mr. Aspenlieder does not feel this facility will make this a more dangerous intersection. Zoning Coordinator Nicole Cromwell pointed out there are many other uses that have drive-through traffic. She asked the Commission to consider the existing zoning along 24th Street West, and the fact that the majority of properties are zoned (CC)-Community Commercial and (NC)-Neighborhood Commercial. She stated this request would not be spot zoning and it fits within the dynamics of the neighborhood.

**Jason Hanson, 2320 Lewis, Billings, Montana**

Mr. Hanson stated the proposed car wash business would have dryers that blow at 89 decibels, and the sound will affect the residents on Dennis Avenue. He said the trees will act as a partial buffer and there is no need for noise pollution.

Chairman Wagner asked if there is anyone else wishing to speak in favor or against City Zone Change #973. There was none. Chairman Wagner closed the public hearing at 5:21 p.m. and called for a motion.

**Motion**

**Commissioner Boyett made a motion to forward a recommendation to City Council of denial of City Zone Change #973 based on Criterion #8 as he does not feel this zoning meets the character of the district and the suitability of the property for the proposed use. Motion failed for lack of a second.**

Commissioner Larson called for a point of order and clarification of the motion. Discussion followed.

**Commissioner Boyett made a motion and it was seconded by Commissioner Larson to forward a recommendation to City Council to approve the staff recommendation of approval and adoption of the findings of the ten criterion for Zone Change #973.**

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

**The motion fails 0-4. A recommendation of denial of City Zone Change #973 will be forwarded to City Council on Monday, October 28, 2019 at 5:30 p.m. in the City Council Chambers to hear testimony for or against the zoning applications.**

**Other Business**

- The next City Zoning Commission meeting will be held on Tuesday, November 5, 2019.
- Zoning Coordinator Nicole Cromwell asked Commission members regarding availability for attending a potential Project Recode public hearing on November 19, 2019.

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

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

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



**City Zoning Commission**

**Meeting Date:** 11/05/2019

**SUBJECT:** City Special Review 980 - Rocky Mountain Car Wash - 2335 Lewis Avenue

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**Item #1: City Special Review 980 – 2335 Lewis Ave – To allow a car wash** – A special review request to allow a car wash in a Neighborhood Commercial (NC) Zone, on Lot 7A, Arnold Subdivision 2nd filing, a 30,660 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 980. This application is pending approval of Zone Change 973 to change the zoning from RP to NC. The City Council approved the zone change on first reading on Monday October 28. The second reading is scheduled for November 12.

**APPLICATION DATA**

OWNER: Ed Sermon

AGENT: Scott Aspenlieder, Performance Engineers

LEGAL DESCRIPTION: Lot 7A, Arnold Subdivision 2nd Filing

ADDRESS: 2335 Lewis Ave

CURRENT ZONING: RP (Zone Change 973 pending to Neighborhood Commercial)

EXISTING LAND USE: Church

PROPOSED USE: Car Wash

SIZE OF PARCEL: 30,772 sf

**CONCURRENT APPLICATIONS**

Zone Change 973: From Neighborhood Commercial to Residential Professional- **pending approval - November 12, 2019.**

**APPLICABLE ZONING HISTORY**

SUBJECT PROPERTY		DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2335 Lewis	ZC 973	10/28/2019	RP to NC	pending	
SURROUNDING PROPERTY	SR #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
805 24th St. W. Ste. 1	951	1/9/17	Beer & Wine + Gaming	Y	
2340 Lewis Avenue (aka 1031 24th St W)	583	5/13/1996	Car Wash	Y	Car wash approved for lot east of existing gas station but it was not constructed

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: RP  
Land Use: 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 a special review request to allow a car wash in a Neighborhood Commercial (NC) Zone. The applicant has submitted a request to change the zoning from Residential Professional zoning to NC on this parcel of land. The City Council approved the zone change on first reading on Monday October 28. The second reading is scheduled for November 12, and if approved would allow consideration of a special review for a car wash on the property. The Planning staff has reviewed the proposed location for a car wash 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 all NC zoning districts can have a car wash 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 proposed facility meets 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:

- **Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective.

The proposed special review will promote development of a commercial service on a parcel where none currently exists on land zoned appropriately for this commercial use. The property is located on a principal arterial street with an intersection of a collector street. The property has easy access to City services and infrastructure. This will remove an older structure and replace it with a new building that will serve as a car wash.

- **Strong Neighborhoods:** Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed development of this land will provide services to the immediately adjacent neighbors as well as capture existing traffic from 24th St West and Lewis Avenue. The proposed use is not expected to generate much new traffic, but does take advantage of current high volume traffic on 24th St West. Conditions of approval will be proposed to ensure this development does not impact the neighboring properties with excessive noise, light and other intrusions.

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

The proposed special review will support a new business, provide employment opportunities at this location, and benefit the community with local services.

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 zoning and residential uses to the east and commercial zoning with

commercial uses to the north and south. There are residential uses and zoning across 24<sup>th</sup> Street as well a church fronting 24<sup>th</sup> Street West. There are 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.

## **PROPOSED CONDITIONS**

1. The special review approval is limited to Lot 7A Amended Lots 6 & 7, Arnold Sub., a 30,772 square foot parcel of land generally located at 2335 Lewis Avenue.
2. The special review is for the construction and operation of a car wash. No other use is intended or implied.
3. The drive-through car wash will NOT BE OPEN 24-hours a day. Hours of operation will be submitted for approval at the time of building permit application. Hours of operation should not occur before 6 am or after 10 pm on a daily basis.
4. A minimum 6-foot high sight-obscuring fence and landscape buffer shall be placed on the east property line to buffer the adjacent uses.
5. There will be a minimum building setback of ten (10) feet from the north and east property lines.
6. Mechanical equipment that generates noise in excess of fifty-five (55) decibels (DbA) within five (5) feet of the equipment location must provide sound abatement or suppression.
7. In addition to the required landscaping per Section 27-1103, there will be landscaping on the corner of Lewis and 24<sup>th</sup> Street West with a sufficient “safe” area for gathering of pedestrians waiting to cross the intersection.
8. All outdoor lighting shall have a maximum height of 15' and full cutoff shields so no part of the fixture or lens projects below the cut-off shield. This is to attenuate light on the property and shield the neighboring property to the east.
9. With the exception of the above conditions, the site shall be developed in substantial conformance with the site plan submitted.
10. Boulevard walk and proper landscaping shall be installed along the property border adjacent to Lewis Avenue.
11. 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.
12. 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.

### **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**

Staff recommends conditional approval.

---

## **Attachments**

Zoning Map & Site Photos

Application, Applicant Letter, Site Plan

---



Site Photos



Subject Property



Looking east

Site Photos



Looking West



South east

Photos



South

# APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 986 - Project # P2-19-00197

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: Residential Professional

Special Review Requested: To construct a car wash at 2335 Lewis Avenue under the Neighborhood Commercial zoning regulations.

TAX ID# A02435

CITY ELECTION WARD # WARD V

Legal Description of Property: S06, T01 S, R26 E, LOT 7A AMND S140' LTS 6 & 7 *arnold Sub.*

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

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): 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 29th Street, Billings, MT 59101

(Address)

406-384-0080

scott@performance-ec.com

(Phone Number)

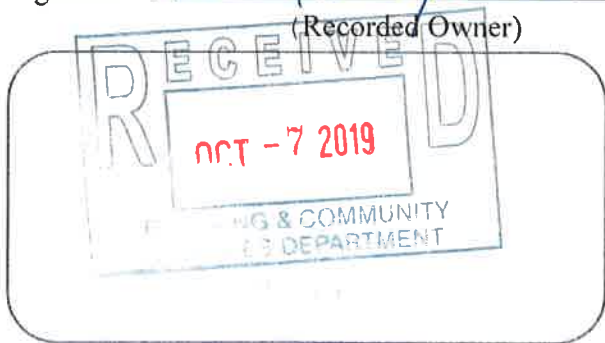
(Email)

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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: *Ed Sermon* / *for United Pentecostal Church*

Date: 10/3/19

(Recorded Owner)





# MEMO

**To:** Planning & Community Services Department

**From:** Scott Aspenlieder, PE – Principal

**Date:** October 3, 2019

**Re:** Rocky Mountain Car Wash Special Review Application Memo

---

The intent of this memo is to answer the questions provided in Section 1 of the City of Billings Special Review Application Information Packet and provide information about the intended use of the property located at 2335 Lewis Avenue.

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

The proposed car wash is consistent with the **Essential Investments** growth guideline in that the car wash is considered an infill development that will add value to this area of Billings through construction of a new commercial facility. Specifically, the proposed car wash would provide a basic service along a principal arterial roadway at a lower overall cost, due to infrastructure already being in place. The addition of a new building, sidewalks, landscaping, and fencing would aesthetically enhance the area, and provide a buffer between the site and neighboring properties.

Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors. Constructing a car wash at this location will not put a strain on emergency service response as this property is centrally located within City Limits. Additionally, the facility is manned during daytime operation hours to keep the facility clean and safe.

The proposed car wash is also consistent with the **Strong Neighborhoods** growth guideline. The location of the proposed car wash is located in an already developed commercial corridor and will have negligible impact on any surrounding neighborhoods. There are many other established commercial businesses that operate in the area along the 24<sup>th</sup> Street commercial corridor. The proposed facility will bring services, not currently available, to the neighborhood and region of Billings, making the area more economically viable and increasing property values. As previously noted, the facility will be manned during daytime operation hours which will assist in keeping the property clean and safe, benefitting the existing neighborhood.

The proposed car wash addresses the **Mobility and Access** guideline of the growth policy. The proposed location fits this policy by being placed in an already established area where the city streets are maneuverable. Improvement to pedestrian walkways along the subject property will assist the neighborhood and residents. Additionally, being located at a lighted intersection will assist with traffic flow in and out of the facility and minimize traffic congestion in the area which could come from another business type.

Finally, the proposed use addresses the **Prosperity** guideline of the growth policy. By bringing new and diverse businesses to the community we build a stronger and more stable community. The proposed business will create full-time jobs for local residents which currently are not available. This creates opportunities for a wide spectrum of the job-seeking public.

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

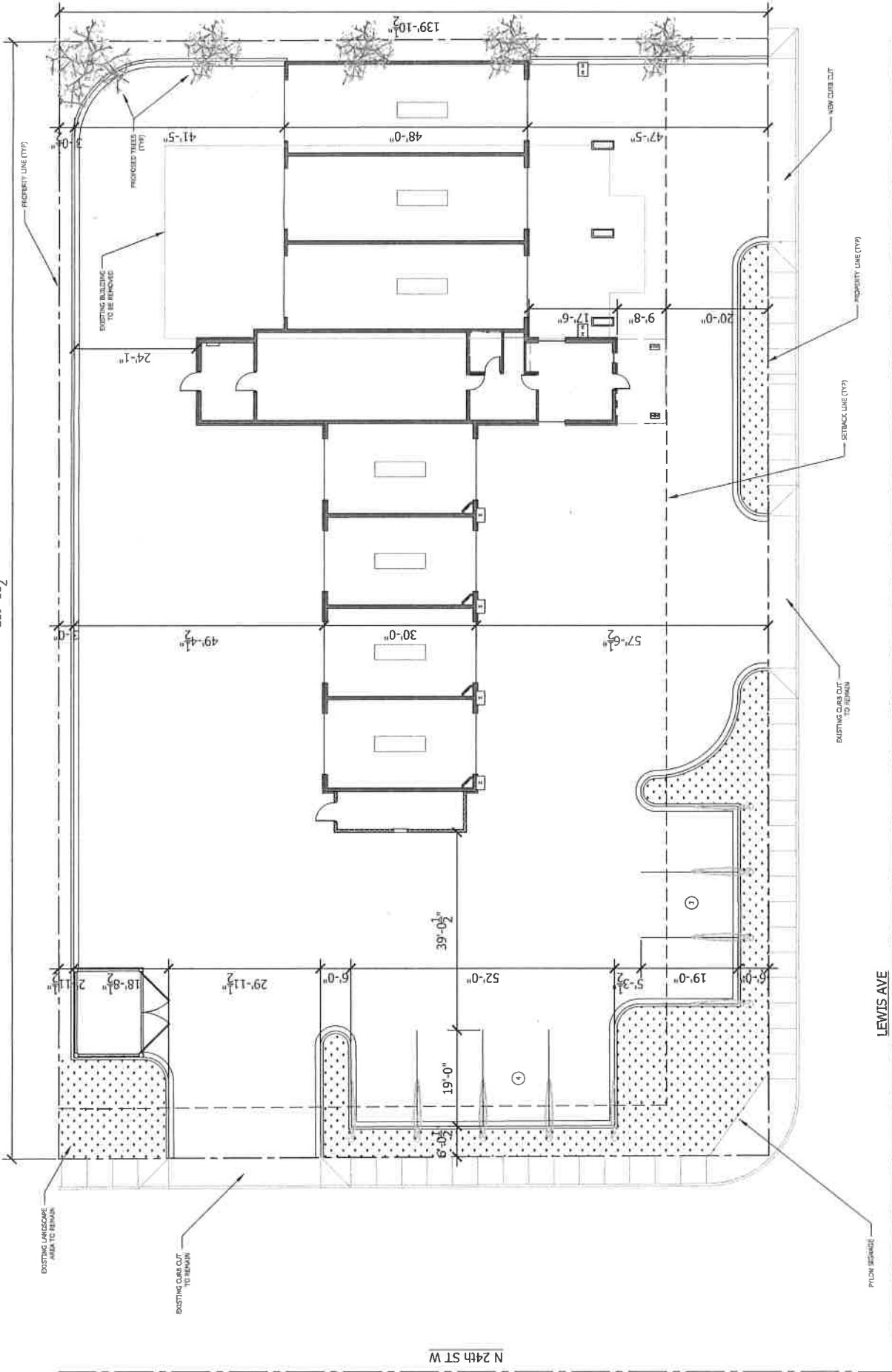
Rocky Mountain Car Wash conducted substantial research throughout the City of Billings in locating the ideal property for this business. The subject property was identified due to a lack of service in this area of the community. With the recent removal of Dave's Car Wash on Central Ave. and 24<sup>th</sup> Street, a significant service area gap was created for quality car wash services. The proposed business will fulfill the lack of service for this sector within the area and neighborhood. Additionally, the subject property is located along a commercial corridor at a lighted intersection making it ideal for ease of access and traffic flow in and out of the site without adding traffic issues.

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

The proposed car wash will improve the aesthetics of the area by way of landscaping and new construction. The facility will provide jobs and opportunity for local residents with a respected new business in Billings. The proposed facility will increase the taxable value of the lot which will increase tax revenue for the City of Billings and State of Montana. Having a manned facility operating on the lot will help to ensure the area is clean and safe for not only the subject property but the surrounding neighborhood. The project will also improve property values through re-development and investment in an aged location.

The intent of this project is to re-develop an existing site by constructing a car wash consisting of three (3) automatic bays and four (4) self-serve bays. This special review is being sought to ensure that the proposed project will improve the lot and fit the surrounding land uses.

219'-11 1/2"



LEWIS AVE



SITE PLAN - 'D'

1" = 10' 0"

N 24th St W



**City Zoning Commission**

**Meeting Date:** 11/05/2019

**SUBJECT:** City Zone Change 974 - 1004 Lewis Ave - R-70 to RP

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**Item #2: City Zone Change 974 – 1004 Lewis Ave- from R-70 to RP** - A zone change request from Residential-7000 (R-70) to Residential Professional (RP), on Lot 2B – 3B Amended Lot 1, VFW Subdivision, a 17,899 square foot parcel of land. A pre-application neighborhood meeting was held on September 14, 2019, at 1004 Lewis Avenue. Presented by: Karen Husman, Planner I.

**RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 974.

**APPLICATION DATA**

OWNER: KPCS, LLC

AGENT: Patti Stanfill

LEGAL DESCRIPTION: VFW Sub. Block 1, Lot 2B - 3B

ADDRESS: 1004 Lewis Ave

CURRENT ZONING: R-70

EXISTING LAND USE: Single Family Dwelling (built 1905)

PROPOSED USE: Office building

SIZE OF PARCEL: 17,899 square feet

**CONCURRENT APPLICATIONS**

None

**APPLICABLE ZONING HISTORY**

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None.					
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1029 Lewis Ave	446	10/22/84	From R-72 to R-60	N	
930 Yellowstone Ave including 900 block of Wyoming	216	7/24/78	R-72 to CC	Y	YWCA property
1127 Alderson	8	2/9/1973	R-60 to RP	Y	

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: R-70  
Land Use: Single family residential  
SOUTH: Zoning: CC  
Land Use: Eye doctor, Family Support Services & Apex Mortgage  
EAST: Zoning: R-70 & CC  
Land Use: Elks Lodge  
WEST: Zoning: R-70  
Land Use: Two-family townhomes

## BACKGROUND

This is an application to change from Residential 7000 (R-70) to Residential Professional (RP) to build a new office building. A pre-application neighborhood meeting was held September 14, 2019 at 2:00 p.m. on the property to discuss the proposed zone change. The submitted meeting notes indicated the surrounding owners were supportive of the zone change to allow a new office space on the property.

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 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 use in this area of mixed uses and zoning. This is an example of a good re-development project for this area.

## SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the findings the ten criteria as follows:

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 property is an under-developed large single family lot in the central part of Billings. It is situated at the intersection of a collector street (Lewis Avenue) and a local street (10th St W). The property is almost one-half acre in area and is missing a sidewalk along the east property. The single family dwelling, built in 1905, has lacked in updates and maintenance and is now more of a liability than an asset to the property. 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, and will serve as a buffer from the neighboring residential properties to the west. 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, a single family dwelling built in 1905. This out of date structure will be removed and the property can be used for commercial office space or other similar 9-5 businesses. Removing an uninhabited structure and developing the parcel will rejuvenate the property with new landscaping and sidewalks that do not currently exist.

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 negative effect on the existing transportation

system. Lewis Avenue is a collector street that can handle any additional traffic that may be generated.

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 negative effect on the transportation systems. The single family residence, when occupied, would generate between 10 and 13 vehicle trips per day. A commercial office space would generate between 15 and 30 trips per day to this location depending on the type of services it provides. Lewis Avenue current handles over 5,000 vehicle trips per day at this location and this minor increase in traffic volume can be absorbed.

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 needed 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 an office space 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 and possibly increase 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. The adjacent land uses to the east and south make the proposed use the most appropriate use of land at this intersection.

**RECOMMENDATION**

Staff recommends approval of zone change 974 based on the findings listed in the summary section of this memo.

---

**Attachments**

Zoning Map & Site Photos

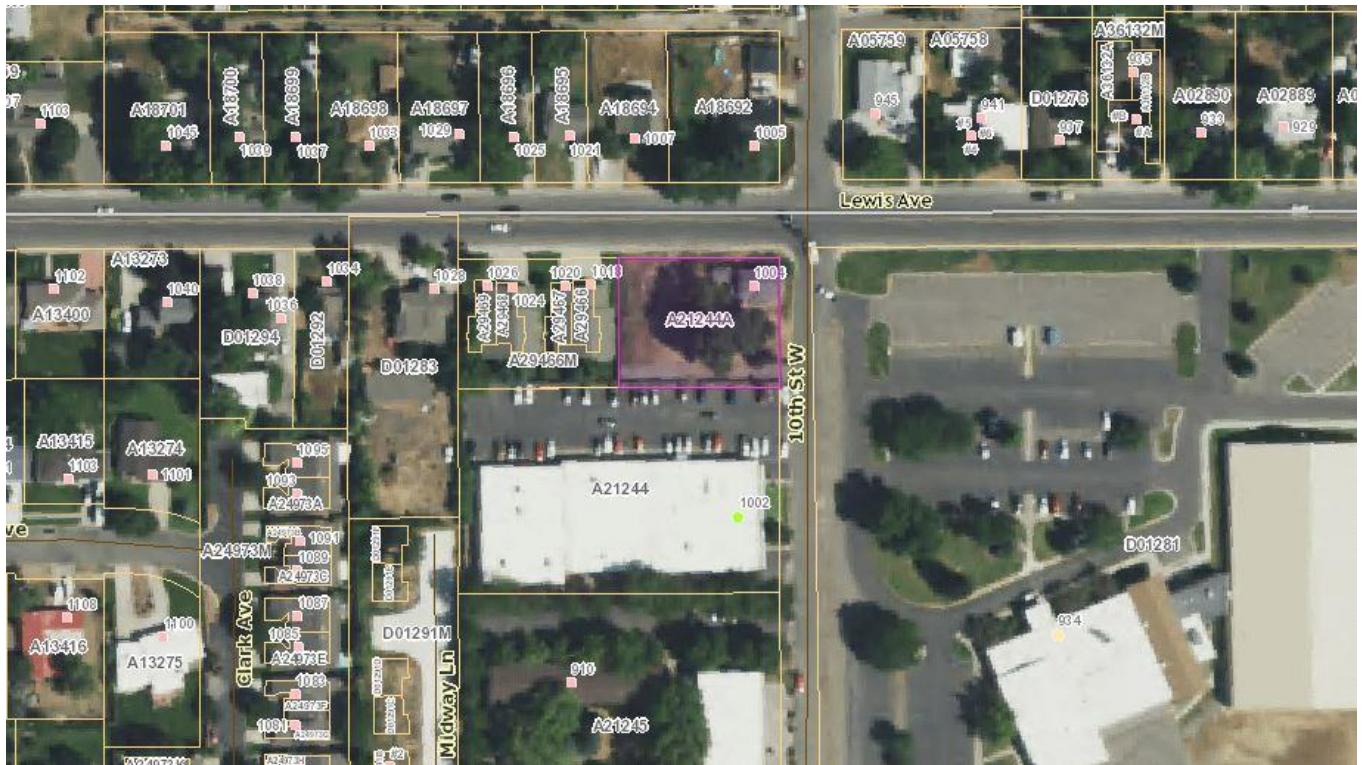
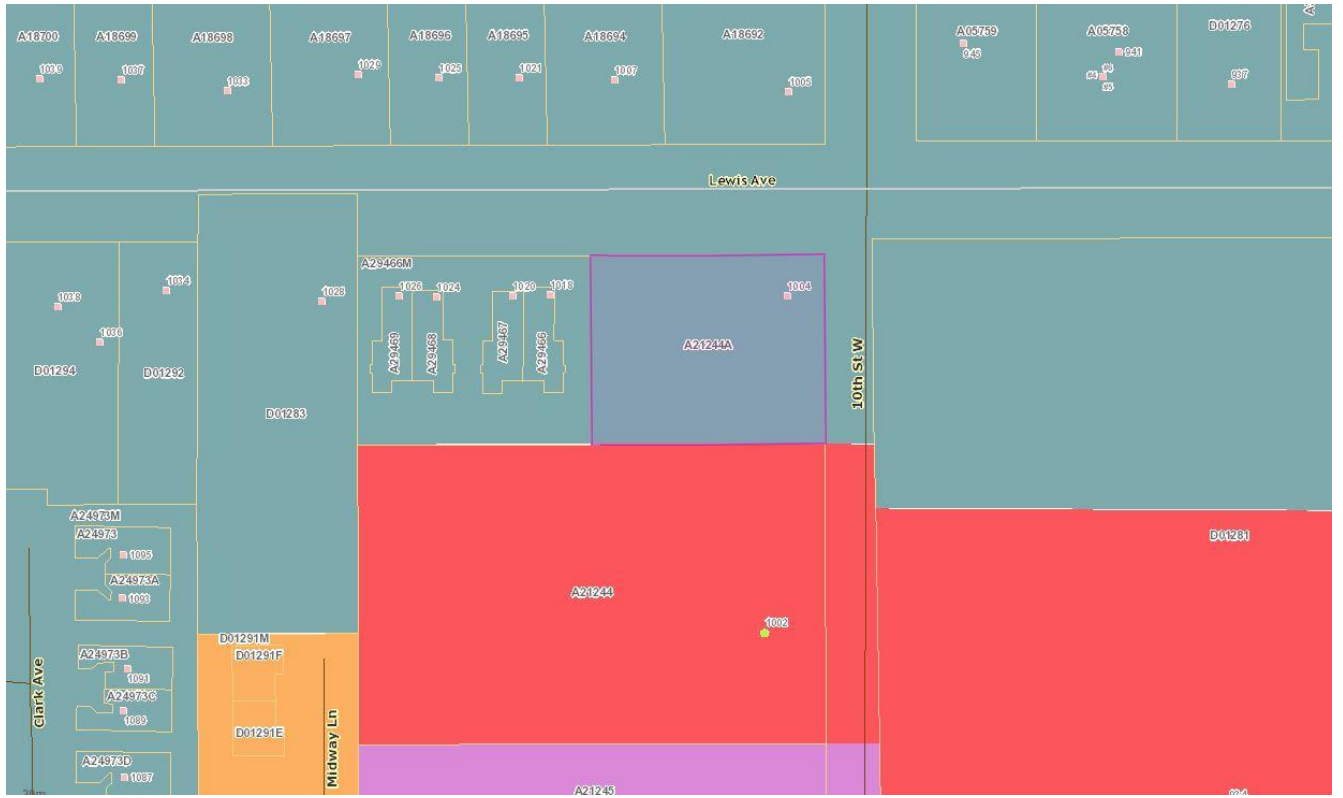
Application, Applicant Letter, Neighborhood Mtg. Info. Plan

Site Plan

Letter of opposition

---

# Zoning Map



Site Photos



Subject Property





Looking West



South North



East



South side existing offices/commercial use

Application

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 974 - Project # P2-19-00185

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 R2000

Proposed Zoning: Residential/Professional RP

TAX ID# A21244A CITY ELECTION WARD # 3

Legal Description of Property: VFW SUBD, S05, T01 S, R26 E, BLOCK 1, Lot 2B-3B, AMND LOT 1 (09)

Address or General Location (If unknown, contact City Engineering): 1004 Lewis Ave.

Size of Parcel (Area & Dimensions): 17,899 sq.ft

Present Land-Use: House

Proposed Land-Use: Professional Building

Covenants or Deed Restrictions on Property: Yes  No  casement

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): KPCS LLC  
(Recorded Owner)  
1437 Wyoming Ave. Billings MT 59102  
(Address) 406-256-0600 (email) pstanhil@ortec.com

Agent(s): Patti Stanbil  
(Name) 500 Mirabel Court, Billings MT 59102  
(Address) 406-256-0600 (email) pstanhil@ortec.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 Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 9/19/19  
(Recorded Owner)



Answers to the following questions

- A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy? **A house that contains both lead paint and asbestos and will be cleared relieving the property of squatters and vandalism that is currently occurring. A new professional building will be constructed increasing tax revenue and adding security to the property. The old wooden doors in the existing house will be taken out prior to demolition and used as décor in the new building. Also, a few bricks from the house will be kept and used as a decorative interior wall. This new building is bigger than the current business's location and will enable the business to expand and provide additional local jobs for the community.**
- B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area. **The zone needs to be changed to residential/professional for the construction of the new professional office building. Our new office building will be designed to resemble a house fitting in with the characteristic of the neighborhood. Natural and attractive landscapes will be added, as well as, an improved entryway. We will pursue a tree or bush line along the west boundary of the property, which was asked of us by the current neighbors, to ensure privacy. A security system will be used, including cameras, and there will be routine upkeep on sidewalks creating a safe and clean environment for the neighborhood. Both properties directly south and east of the property are currently zoned commercial. Before purchasing the property, our realtor contacted Nicole Cromwell in the planning division who stated the zone change for this property made sense. (See attached email.)**

Neighborhood meeting information

**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
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 17,899 sq. ft. of property / 3,500 sq. ft. building
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** VFW SUBD, 505, T01 S, R 26 E, Block 1, Lot 2B-3B, AMND LOT 1 (09)
5. **Neighborhood Task Force Area:**  Yes //  No . If Yes, Name of Task Force and mailing address of Chairperson: Central-Terry Lisa Sandau
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 14, day of Sept., 2019
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** KPCS, LLC Telephone: 406-256-0600  
**Address:** 1437 Wyoming Ave. Email: pstanfill@ortco.com  
Billings, MT 59102

**Agent (s):** Paith Stanfill Telephone: 406-256-0600  
**Address:** 500 Mirabel Court Email: pstanfill@ortco.com  
Billings MT 59102

Name	Signature	Date
Michael & Holly Ash	<i>Holly Ash</i>	9/14/19
Michael & Carol Bertolino		
Billings Lodge #394		
Andrew Boetticher & Michelle Spenny		
Eric & Brianna Brindle		
Ryan & Tereza Brownell		
Leotta Chiesa	<i>Leotta Chiesa</i>	9/14/19
Classic Design Homes Inc.		
Classic Design Homes Inc.		
Brian Cooper		
Susan Curry		
Betty Dubeau	<i>Betty Dubeau</i>	
Catherine Eastlick	<i>Catherine Eastlick</i>	9/14/19
Marlin & Rosemary Fischer		
Fred C & Vina E Nitzel Revocable Trust		
James Haefler	<i>James A Haefler</i>	9-14-2019
Donna Kibbe		
Sandra Mehus		
Thomas & Jeanne Meyer		
Jason Miller	<i>Jason Miller</i>	9/14/19
Susan Miller		
Karen Myers		
David Nienhuis		
Romine Real Estate LLC / Nielsen Family Trust		
Christopher Rubich		
Verna Jeanne & Jerry C Scott		
Second & Lewis LLC / Gregory & Mary Zimmerman		
Carmen Simonis		
Carol Strasheim		
Melinda Vaughn		
Linda Walters	<i>Linda Walters</i>	9/14/19
Tyson & Tasha Williams		
Jeremy & Mandy Zurbuchen		
<i>Robert + Janet Cole</i>	<i>Janet Cole</i>	9/14/19
<i>GREG &amp; MILLER</i>	<i>Dusty Miller</i>	9/14/19

not a property owner within 300 ft.  
 not a property owner within 300 ft.

over →

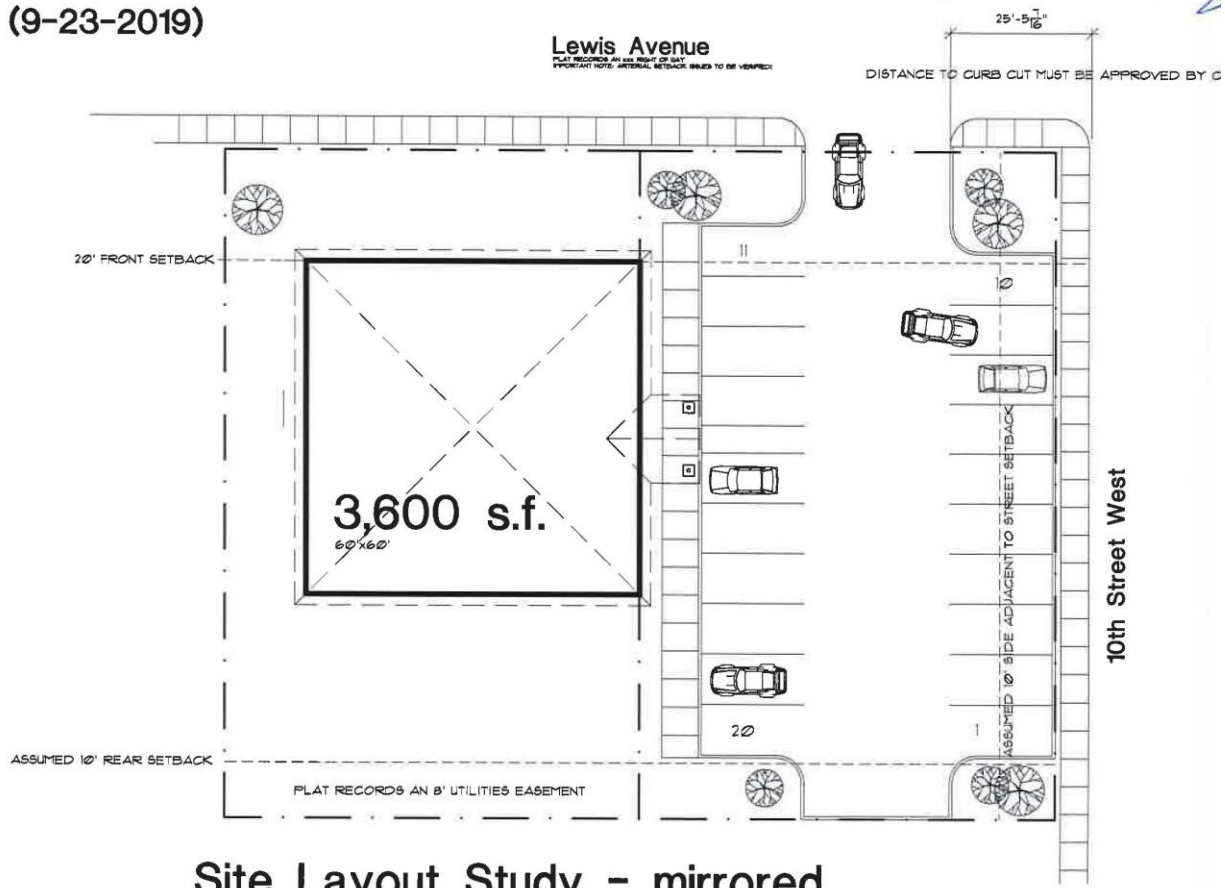
### Synopsis of meeting results

The pre-application meeting was held on Saturday, September 14<sup>th</sup> 2019 at 2 pm. We met with neighbors outside on the lawn of 1004 Lewis Ave. A picnic table was provided for seating for those who needed it and cookies and bottled water were available for refreshments. Among the participants of the meeting were: Patti and her husband Jay, 3 employees from Ortt & Co., the contractor, and 14 neighbors. Patti started off by introducing herself and giving the neighbors an overview of the reason for the zone change and our plans for the site once rezoned. At first, the talk was relatively negative by a few of the neighbors suggesting the land be used to rent for townhomes. Other neighbors pointed out that they didn't want any more renters in the neighborhood, due to theft, vandalism, trespassing, etc. and that our building will be a great, safe, attractive addition to the neighborhood. There was a lot more back and forth discussion between the neighbors and lots of questions asked to both Patti and the contractor. By the end, the talk was very positive and good feelings were had by most.

On Thursday September 19<sup>th</sup> 2019 at 7 pm, Patti met with Lisa Sandau, the Central-Terry Neighborhood Task Force chairperson. Lisa was excited about the plan and thinks it will be a super neighborhood addition. She also said she'll be glad that the house will be gone.

# PRELIMINARY CONCEPT STUDIES FOR: COMMERCIAL PROPERTY DEVELOPMENT

10TH AND LEWIS AVENUE BILLINGS, MONTANA  
(9-23-2019)



Site Layout Study - mirrored

## Husman, Karen

---

**From:** Linda Walters <ldwmt@aol.com>  
**Sent:** Thursday, September 19, 2019 7:39 PM  
**To:** Husman, Karen  
**Subject:** RE: [EXTERNAL] 1004 Lewis Avenue

Karen,

Although this address is 12 blocks away from my location, I do oppose it's rezoning to commercial/residential. This area is just down from Burlington School, and again Lewis Avenue is a residential street! There are tons of empty buildings sitting empty in areas already zoned commercial and just adjacent to this location. Why keep encroaching on residential areas when other commercial areas are available. The zoning commission needs to establish boundaries and stick to them, otherwise we will have vacant buildings everywhere and vagrants hanging about them! I was told that Grand Avenue is pretty much dead as everyone moves west. I don't suppose that has anything to do with the years and years of construction that blocked businesses from customers?? The city should be asking new businesses to occupy properties on Grand, not granting businesses to establish in our residential communities.

---

On Tuesday, September 17, 2019 Husman, Karen <husmank@billingsmt.gov> wrote:

Linda,

We currently do not have a zone change application for 1004 Lewis Avenue. We do have one pending for 2335 Lewis Avenue, are you opposed to this location for a zone change as well? The request is to go from Residential Professional to Neighborhood commercial.

Karen Husman  
Planner I  
City of Billings & Yellowstone County  
Planning Division  
2825 3rd Avenue North, 4th Floor  
Billings, MT 59101  
(406) 247-8684  
[husmank@billingsmt.gov](mailto:husmank@billingsmt.gov)

Follow Us on Facebook:

<https://www.facebook.com/Billings-City-County-Planning-Division-1738982159659260/>

-----Original Message-----

**From:** Linda walters [mailto:[ldwmt@aol.com](mailto:ldwmt@aol.com)]  
**Sent:** Saturday, September 14, 2019 3:39 PM  
**To:** Husman, Karen <[husmank@billingsmt.gov](mailto:husmank@billingsmt.gov)>  
**Subject:** [EXTERNAL] 1004 Lewis Avenue

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or

opening attachments unless you recognize the sender and are expecting the contents.

Patti Stanfill CPA and Newman Construction are seeking a change in zoning from residential to residential professional on the property of 1004 Lewis Avenue. As a resident, I strongly object to starting a trend of establishing businesses on Lewis Avenue. Already, the Elks are rumored to be leaving and I am concerned what that could turn into, as well as what other properties will be sold off for commercial uses. This is a neighborhood, not a new area to develop businesses!

Linda Walters, resident at 1037 Lewis Avenue  
(406)252-3794