



CITY ZONING COMMISSION

AGENDA-Tuesday, July 6, 2021, 4:30 p.m.

Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

****ATTENTION****

The public may attend in person or watch the meeting live on Facebook (see below). The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Comments may be sent to **Board via email before 1:00 PM on Tuesday, July 6, 2021**. All emails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

1. Minutes for May 4, 2021 and June 1, 2021

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 Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Special Review 990 - Town Pump - King Ave West and Shiloh Rd** -This is a special review request to establish a bar and casino on five undeveloped parcels within the Olympic Park Planned Development zone at the northeast corner of King Ave West and Shiloh Road. The applicant is Town Pump and the agent is Performance Engineering. The underlying zoning of the parcels is Community Commercial (CC).

Other Business/Announcements

Adjournment

The City Council has designated Monday, July 26, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation on **Special Review 990** and conduct a public hearing. **The City Council hearing will be held on the 2nd Floor of City Hall at 210 N 27th Street. The public is invited to attend in person.**

Before taking any action on an application for a **special review**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. Those findings and recommendations will be based on **BMCC 27-1623.D (1 through 9)**. Each zoning district is primarily intended for a predominant type of use as identified in BMCC Table 27-1000.1. There are also a limited number of **specific uses subject to special review that may or may not be appropriate in a particular district**, depending upon all the circumstances of the individual use on the site and in context with surrounding development. Consideration of these uses includes examination of the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, and whether specific conditions can be applied to mitigate the potential negative impacts of the use. **Special review uses are special exceptions to the general terms of Billings Zoning Code.**

In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Zoning Commission

Meeting Date: 07/06/2021

Information

Subject

Minutes for May 4, 2021 and June 1, 2021

Attachments

BZC_2021_0504

BZC_021_0601

City of Billings Zoning Commission Meeting Minutes May 4, 2021

The City of Billings Zoning Commission met on Tuesday, May 4, 2021 at 4:30 p.m. in a Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, May 24, 2021 at 5:30 p.m.**, second reading **Monday June 14, 2021 at 5:30 p.m.**, in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
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Mike Larson	Chairman	1	1	E	1	1							
Daniel J. Brooks	Commissioner	1	1	1	1	1							
Jack King	Commissioner	1	1	1	1	1							
Greg McCall	Vice Chairman	E	1	E	E	E							
Trina White	Commissioner	1	1	1	A	1							
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	-	-	-	-	-							
Dave Green	Planner II	-	-	-	-	-							
Karen Husman	Planner I	1	1	1	-	-							
Robbin Bartley	Administrative Support	1	1	1	1	1							

Total Number of 2021 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L	
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	Zone Change	-	2	1	1*	1								5
	Special Review	2	-	-	-	-								2

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Robbin Bartley, Administrative Assistant.

- Zone change application withdrawn.

In Attendance : Rick Leuthold, Jan Rehberg, Allen Lenhardt, Lorraine Newman

Public Comment

Chairman Larson called for public comments. There were no public comments. **Chairman Larson** closed the public comment portion of the meeting.

Approval of Minutes:

Approval of April 6, 2021.

Motion

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve the April 6, 2021 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The motion for approval then carried with a unanimous voice vote 4-0.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Trina White		X		

Trina White stated she does know Allen Lenhardt but has no conflict.

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Trina White		X		

Staff stated, for the record, several emails were received in favor of ZC 991. The emails will not be read, but are a part of the permanent record.

Public Hearings:

City Zone Change 991 – Lenhardt Square Planned Development Amendment - A zone change to amend the Lenhardt Square Planned Development to eliminate the MF-4 underlying zone district, place Tracts 2A and 5A-1 of C/S 2063 in the MFR underlying zone district, increase the density allowed in the MFR underlying zone district, describe building height in stories instead of height in feet, and increase maximum average dwelling unit density in the MF-R and MU underlying zoning from 20 to 21 for MF-R district and from 20 to 35 for the MU district. All other provisions in the Planned Development Agreement will remain in place except for minor editing for consistency and updating. The zone change will apply to all lands within the original Planned Development including all lots and blocks within Lenhardt Square Subdivisions (First, Second and

Third Filings), and C/S 2063, Tracts 2A1 and 5A1, a total of approximately 114 acres of land north of King Avenue West near the intersection of S 44th St West. A pre-application neighborhood meeting was held on Monday, March 29, 2021, in a virtual on-line format. Tax IDs: D00514, A34363, A34362, A34361, A36053, D00514B, D00514A, D00514D, A34456 & D00514C.

Recommendation

Planning staff recommends approval of the zone change to amend the Lenhardt Square PD based on the findings of the 10 review criteria.

- Meets the Growth Policy and West Billings Neighborhood Plan
- Increase in density will be minor across the entire 114-acre parcel but will help keep the housing choices economically attainable
- Adjacent uses and zoning compatible with proposed amendments
- Increases housing choices and building types

Zone Change Review Criteria

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **City Zoning Commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Questions for staff:

Commissioner White asked if the County island to the east was part of this Zone Change.

Applicant: Rick Leuthold, agent, Sanderson Stewart

The Amen family owns the "county island". Over the last 13 years there have been changes occurring in the PD needing updates. Changes in demographics and how things are constructed. Old regulations are tedious. Many variances are being requested. A comprehensive update is necessary. Staff has indicated none of the proposed changes are major or significant. The fundamentals of Lenhardt Square are not being changed. Compliance to the new RE:Code is necessary. The density is not changing significantly, the parking is not being reduced but rather shifting some of the ratios in structured versus canopy parking. Traffic congestion, this is a process of development. There are steps needing to be achieved. Access is being considered, impact statements are being considered. The next projects will bring the completion of a connection between Monad and Shiloh. At the north end is Georgina, there are 8-10 homes there. They are concerned about increased traffic. There is no intention to trigger a connection.

FAVOR: None

OPPOSED:

Sara Creeden, 4733 Georgina Drive – No plans for density increase, stress on Police and Fire. There needs to be a City plan for the increased density. Apartment buildings adjacent to 1 acre plots is not conducive to the current quality of life.

Sharon Wetsch, 4625 King Ave West – She was not informed of the neighborhood meeting. She does not want to be part of the city. She agrees with Ms Creeden and she wants to know why she was not included in the neighborhood meeting. They bought their forever home there last year and does not want increased density.

Rebuttal: Rick Leuthold addressed the concerns regarding Police and Fire. The responders would prefer the calls were less spread out over the city. Yes there are more people, the City will continue to grow and need responders and infrastructure. The costs are less when more persons live in a smaller area. King Ave was a 2 laned road. It is growing with the needs. A certified mailing list was obtained for ¼ mile out. Letters were sent to all those addresses announcing the Neighborhood meeting. The development going forward has been in the works for 13 years. It is not new. Going forward it is the City’s wish to develop that coexists side by side. Not sprawling, which increases infrastructure costs and other difficulties. This is in line with the Billings Growth Policy.

Motion

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 991.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change 991 with a 4-0 vote.

Other Business: 1 item to be heard June 1, 2021.

Adjournment: The meeting adjourned at 5:20PM.

ATTEST: To be Approved by a motion at the next scheduled meeting.

City of Billings Zoning Commission Meeting Minutes June 1, 2021

The City of Billings Zoning Commission met on Tuesday, June 1, 2021 at 4:30 p.m. in a Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated Monday, June 28th, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation on Zone Change 992 only and conduct a public hearing for the first reading of the ordinance for this zone change request. If approved on first reading, a second reading public hearing will occur on Monday, July 12, 2021 at 5:30 pm.

The City Council has designated Monday, July 12, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation on Zone Change 993 only and conduct a public hearing for the first reading of the ordinance for this zone change request. If approved on first reading, a second reading public hearing will occur on Monday, July 26, 2021 at 5:30 pm.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
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Mike Larson	Chairman	1	1	E	1	1	1						
Daniel J. Brooks	Commissioner	1	1	1	1	1	E						
Jack King	Commissioner	1	1	1	1	1	1						
Greg McCall	Vice Chairman	E	1	E	E	E	E						
Trina White	Commissioner	1	1	1	A	1	1						
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	1						
Monica Plecker	Division Planning Manager	-	-	-	-	-	-						
Nicole Cromwell	Planner Zoning Coordinator	1	1	1	1	1	1						
Tammy Deines	Planning Clerk	-	-	-	-	-	-						

Dave Green	Planner II	-	-	-	-	-	-	-	-					
Karen Husman	Planner I	1	1	1	-	-	1							
Robbin Bartley	Administrative Support	1	1	1	1	1	1							

Total Number of 2021 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L
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Zone Change	-	2	1	1*	1	2							7
Special Review	2	-	-	-	-								2

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

- Zone change application withdrawn.

In Attendance :

Public Comment

Chairman Larson called for public comments. There were no public comments. Chairman Larson closed the public comment portion of the meeting.

Approval of Minutes:

Delay of May 4, 2021 minutes approval.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks				X

Jack King		X		
Greg McCall				X
Trina White		X		

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks				X
Jack King		X		
Greg McCall				X
Trina White		X		

Staff stated, for the record, a few emails were received in opposition of ZC 993. The emails will not be read, but are a part of the permanent record.

Public Hearings:

City Zone Change 992 – 117/119 Glenhaven Drive - A zone change from N3 – Suburban Neighborhood to N2 – Mid-century Neighborhood on Lot 2, Block 29 of Lake Hills Subdivision, 5th Filing, an 18,466 square foot parcel of land. The purpose of the zone change is to allow an existing two-family dwelling to be conforming to the zone district. Tax ID: A22352.

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **City Zoning Commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and

(10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Recommendation:

Planning staff recommends approval of the zone change on the findings of the 10 review criteria.

- Meets the criteria in the Growth Policy and Billings Heights Neighborhood Plan
- Increasing the allowed density on this parcel will be minimal – allowing an existing duplex
- Adjacent uses and zoning compatible with proposed change
- Allows a mixture of housing types

Questions for staff: NONE

Applicant: Jim Schnelbach, 119 Glenhaven Drive

He purchased the duplex 2 years ago and was assured the duplex would be “grandfathered in” but He needs a letter stating it is Legal, non-conforming for the bank.

FAVOR: NONE

OPPOSED: NONE

Motion

Commissioner White made a motion and Commissioner King seconded the motion to approve City Zone Change 992.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks				X
Jack King	X			
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change 992 with a 3-0 vote.

City Zone Change 993 – South Billings Boulevard Urban Renewal District – 3508 S Frontage Rd; Jackson Street; and 6014 S Billings Blvd – A zone change from A- Agriculture to CX – Heavy Commerical on Section 15, Township 1 South , Range 26 East, the South Fraction of Lots 2 & 3 (LESS HWY & C/S 2394) generally located at 3508 S Frontage Road, a 35.94 acre parcel of land, Driscoll Family, LP, owner; A zone change from RR1 – Rural Residential 1 to NX1 – Mixed Residential 1 (south of 735 Jackson St) and N2 – Mid-Century Neighborhood (east and north of 735 Jackson St) on C/S 2367M, Parcel B2 a 3.522 acre parcel of land, Jason Adkins, owner; A zone change from A- Agriculture to P2 – Public 2 on Section 17, Township 1S, Range 26 East,

N2N2N2SE (Less .0774 acres -Highway) a 19.923 acre parcel of land – City of Billings, owner. These three parcels will be annexed to the city limits. Tax Ids: D01863 (3508 S Frontage Road), D01711B (Jackson Street) and D01893 (6014 S Billings Blvd)

Recomendation:

Planning staff recommends approval of the zone change based on the findings of the 10 review criteria.

- Meets the Growth Policy, Urban Renewal Plan and Master Plan for SBBURD
- New zoning will allow owners to develop property in the City to City standards and extend infrastructure
- Adjacent uses and zoning compatible with proposed zones and uses

Questions for staff:

Commissioner White asked if the small rectangular section of the Jackson property was included in the Zone Change. Staff replied this section is not currently included. There are some probate challenges holding up the sale of this property.

Commissioner White then asked if City services exist along the Frontage Rd. Staff (Wyeth Friday) stated the sewer trunk line is existing but very deep. There is existing water line on parts of the Frontage Rd.

Commissioner White asked if some areas are considered flood plain. Staff indicated the sections on the river are in the flood plain.

Applicant: City of Billings, Jim Tevlon, Consultant to SBURD

There are significant opportunities to develop these properties, the Zone Change applications are just a step in the daisy chain

FAVOR: NONE

OPPOSED: NONE

Motion

Commissioner White made a motion and Commissioner King seconded the motion to approve City Zone Change 993.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks				X
Jack King	X			

Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change 993 with a 3-0 vote.

Other Business: Next meeting July 6, 2021 using an unknown meeting platform.

Adjournment: The meeting adjourned at 5:04PM.

ATTEST: To be Approved by a motion at the next scheduled meeting.

Zoning Commission

Date: 07/06/2021
Title: Special Review 990 - Town Pump - King Ave West and Shiloh Rd
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending conditional approval based on the findings of the nine review criteria (BMCC 27-1623.D).

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a special review request to establish a bar and casino on five undeveloped parcels within the Olympic Park Planned Development zone at the northeast corner of King Ave West and Shiloh Road. The applicant is Town Pump and the agent is Performance Engineering. The underlying zoning of the parcels is Community Commercial (CC). The city zoning update in February 2021 did not expunge the retired zone districts from Planned Development zones. The previous zoning has been officially archived and will be used going forward as a reference for the existing Planned Development zones that have named underlying zone districts. The use of the archived code requirements will be narrowly applied. For example, if a Planned Development does not contain a specific requirement for landscaping or signage, then the new landscaping and sign code will apply to developments within the PD zone. The Olympic Park PD zone does not have specific requirements for site landscaping or signage, so the new zoning requirements will apply. The Olympic Park PD does refer to underlying zones, so the uses allowed, allowed by special review and prohibited uses in the archived zoning for Community Commercial zones will apply. A bar and casino is a location that requires a special review both in the archived zoning code and the newly adopted zoning code. The process for special review and the required separation distances will apply to this location.

The Olympic Park Planned Development was approved by the County in December 1978 and was subsequently annexed to the city. The original underlying zoning for these parcels has not changed since 1978. A few of the adjacent blocks in Olympic Park have changed from residential to commercial zoning but were ultimately developed for residential purposes. The townhomes to the east (Cherry Creek Townhomes) for example are in a Neighborhood Commercial zone and the Shiloh Glen apartments are in a Community Commercial zone. In the new zoning code, the City Council adopted new regulations for separation of bars and casinos from residential zone districts but not from residential uses in commercial or mixed use zone districts. The new code separations are based on zoning for residential separations and based on use for churches, public parks with playgrounds and primary/secondary schools (K through 12). The subject property shares a property line with the Shiloh Glen apartments, but because the underlying zoning of Shiloh Glen is Community Commercial, the required separation to a "residential zone" does not apply. The separation to a church, public park with playground equipment, or a school does apply. There is a public park to the north of the Shiloh Glen apartments but, the park has no playing field or playground. There are no primary or secondary schools within 600 feet of the proposed building. There is a church to the west in Montana Sapphire Subdivision, however, it is over 1,200 feet from the proposed building. The proposed location meets the new code requirements for minimum separation requirements.

The new zoning code has a variety of considerations and findings before a special review use can be considered acceptable at a particular location. The requirements are set forth in Section 27-1623.D as follows:

1. The special review use is consistent with the City's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:
 - (a) Regulation of the use;
 - (b) Special setbacks, buffers, or screening;
 - (c) Surfacing of parking areas;
 - (d) Street, alley, or service road dedications, improvements, or bonds;
 - (e) Regulation of points of vehicular ingress and egress;
 - (f) Regulation of signs;
 - (g) Regulation on the performance of the site, including noise, vibration, and odors;
 - (h) Regulation of the hours of activities;
 - (i) Timeframe for development
 - (j) Duration of use; and
 - (k) Other relevant conditions that will ensure the orderly development of the site.
7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

Each decision criteria must be given due consideration and a finding is proposed for each one. Planning staff is including a set of recommended conditions of approval based on submitted site plan, applicant letter, and findings of the criteria. A significant change from the previous zoning code is a special review use must not be considered an "allowed" use in the zone district. The proof of compatibility now rests with the applicant instead of the Zoning Commission and City Council to prove non-compatibility. The applicant proposes the use is compatible by stating it is an in-fill project that will provide services to a high density developing area. The applicant is proposing several site development conditions such as a vegetative buffer and fencing on the northern property lines, full cut-off shielding for all exterior light fixtures, orientation of the building to the street frontages, security systems throughout the building, and a full traffic analysis to be approved by the City Engineering Division and the MT Department of Transportation. A lighting study has been completed and submitted as well as elevation drawings of the proposed building.

PROPOSED FINDINGS:

1. The special review use is consistent with the City's growth policy and applicable neighborhood plans, if any.

Applicant: *The proposed special use does align with the City's Growth Policy providing needed service to the King and Shiloh area. The proposed development is an infill project which is specifically identified in the Growth Policy as desirable for the community. The proposed project will complete development on a*

significant corner in the Shiloh Road corridor with a facility that will comply with all City regulations and PUD requirements for the area.

Staff: There are nine Growth Guidelines in the 2016 City of Billings Growth Policy including Essential Investments, Placemaking, Community Fabric, Strong Neighborhoods, Home Base, Mobility & Access and Prosperity. In addition, the West Billings Neighborhood Plan includes goals and policies related to development in this area of Billings including Planned Growth, Appropriate Land Use, Achieving a Distinctive Community Character and Enhancing Public Safety, Open Space, Waterways and Scenic Resources.

It is desirable to complete the development of this 44-year old subdivision. This would be the capstone project on the fourth corner of a major arterial intersection in Billings West End Neighborhood. The West Billings plan acknowledged this area as a major commercial development node that would include a variety of businesses and services. On the northwest corner is a new REI retail store that caters to outdoor sports specifically mountaineering, hiking and camping. On the southwest corner is the new Rimrock auto dealerships (Kia, Volkswagen and GMC) and on the southeast corner is Shiloh Crossing retail center with First Interstate Bank holding the corner position. The closest gasoline service station is one mile to the east at 32nd St West and King Avenue West where another Town Pump is located with a Magic Diamond Casino. This location was approved in June 2005 (Special Review 784). The gasoline service station and convenience store do not require a special review and are an expected use at or near this major intersection in West Billings. A casino and bar are part of the proposed use and do require a special review approval. The 2016 Growth Policy Guidelines support the proposed use in some respects.

Placemaking:

- Public and private partnerships are valuable for creating enhanced entryways into Billings are valuable for creating enhanced entryways into Billings.

The proposed site plan and location can be an enhancement for this fourth corner of the intersection. Planning staff is proposing conditions to enhance the entryway into Billings.

Community Fabric:

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.
- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.

Planning staff is proposing conditions and enhancement for the street frontage landscaping and requirements to accommodate people who are using alternate modes of travel such as the MET Transit, bicycle or on foot.

Strong Neighborhoods:

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods.
- Implementation of the Infill Policy is important to encourage development of underutilized properties.
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses.

The applicant is proposing to allow pedestrian access to the property from the Shiloh Glen apartments. Planning staff is proposing conditions to ensure this access is safe both for the residents and for the proposed business. The proposed conditions will include special lighting and off-set pedestrian passages through the screen fencing. Lighting will be a key factor in providing customer and public safety on the property. The last 6 months shows about 285 requests for public safety services within 1/2 mile of the subject property. The majority of those calls were for disturbing the peace (noise - 180 calls) but there were also 10 DUIs, and 40 calls involving property theft. Planning recommended conditions should help reduce any potential new calls for service.

Mobility and Access:

- Development oriented to transit routes will provide more transportation choices and is preferred.

The location is on one of the fixed routes for MET Transit. The route goes south on Olympic Blvd, turns west on King Ave West and then turns south through Shiloh Crossing. Customers and employees can easily access this daily fixed route to connect to the remainder of the MET Transit system. The West End bus can pick up riders at the intersection of Olympic Blvd and King Avenue West

Prosperity:

- Successful businesses that provide local jobs benefit the community.
- Retaining and supporting existing businesses helps sustain a healthy economy.

The proposed business has proven successful in providing local jobs and approving the special review would support an existing business in Billings.

Planned Growth, Appropriate Land Use, Achieving a Distinctive Community Character: (West Billings Plan)

- Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land.
- With the intent of preventing strip commercial development, the West Billings planning area should contain commercial nodes of varying sizes located at the intersections of arterial streets.
- Large commercial stand-alone development lacking amenities such as landscaping and varied roof-lines, generally known as "big box," as exists along King Avenue near 24th Street West, is not appropriate to the desired character of West Billings west of or along Shiloh Road.
- Commercial nodes should contain business development sites of various sizes to accommodate a variety of businesses.
- Create identifiable, pedestrian-oriented commercial developments with focal points, opportunities for mixed-use areas that aesthetically combine residential and commercial buildings, residential subdivisions, and park areas that link neighborhoods through a linear open space network, subdivision entryways and special arterial treatments.
- Provide a consistent and abundant network of landscaping along streets and in parking areas by the creation of street tree planting, landscaped streetscapes, and aesthetic site improvement qualities throughout West Billings, and assure there is adequate room for utility placement in the right of way.

The proposed development plan and site development will help achieve some of the stated goals of the West Billings Plan. The intent is to provide pedestrian access to the site, provide landscaping along the street frontage, a building design that complements the existing entryway corridor of Shiloh Road and a safe lighting plan to minimize crimes of opportunity.

2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Applicant: *Town Pump takes pride in the facility design and employee training it provides to ensure safe and responsible entertainment for its customers. All employees go through TIPS training which teaches employees responsible and safe serving practices as well as Montana laws and regulations as it relates to operating a liquor and gaming facility. The facilities are built with extensive security systems and secure entry systems at the doors. Security cameras on the outside of the building monitor exterior movement and operations while internal cameras capture customer ID upon entrance into the facility. The facility will be set up to operate at a high level of security while providing a service to the neighborhood and community.*

Staff: Service stations and convenience stores do experience crimes mainly of opportunity. The addition of this business to this area will increase these types of crimes at this location. The site is a large site and will not have obvious or immediate access to the adjacent neighborhoods. Vehicle access will be from King Ave West and from Shiloh Road. There is a plan for pedestrian access from the Shiloh Glen apartment property, but this access will not be readily visible for most visitors who arrive by automobile. The applicant has provided a lighting plan that shows very few areas on the site that have low light levels during the evening hours. Most Town Pump facilities are open 24-hrs and this presents special circumstances for crime prevention. Staff believes the site is safely designed and has recommended conditions to improve the safety features of the site.

3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.

Applicant: *The proposed improvements will incorporate landscaped boulevards and internal landscaping to visually improve the area for neighbors and the traveling public. A site layout is provided with the application to show the facility orientation on the lot. Boulevard landscaping will be improved along King Ave. and Shiloh Road along with a vegetative buffer strip along the northern property line. The developer will plant shrubs through the area as additional landscaping to help aesthetically and with noise buffering. The site layout will meet parking requirements for the City of Billings and provide sufficient room for safe travel within the site. Additionally, an electric car charging station is incorporated to the site to accommodate electric cars within the community. As it is currently laid out the facility meets all zoning and PUD layout requirements.*

Staff: Staff agrees with the applicant and has recommended conditions that will improve the King Ave W and Shiloh Road landscaping, provide a buffer to the Shiloh Glen apartments and meet the zoning district requirements.

4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Applicant: *The proposed facility will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish property values within the neighborhood. PE staff held a neighborhood meeting having mailed over 100 neighbors regarding the project. Only one neighbor chose to log in and participate in the meeting, showing little interest or concern by the community about the project. The project was also presented to the West End Task Force in which it received minimal comment or question. The concerns generally revolved around hours of operation of the facility and making sure proper buffering could and would occur for the neighboring apartment complex. Those comments and concerns have been addressed and incorporated into the design of the facility as presented in this application. No data exists to show that commercial businesses or liquor and gaming facilities located in a properly zoned district have driven down property values for neighboring properties.*

Staff: All Town Pump locations in Billings are open 24-hours a day. There are no other 24-hour a day businesses currently located in the vicinity of this neighborhood. The theater in Shiloh Crossing operates later than other businesses but generally is not open later than midnight. This will be a new condition for the adjacent properties. Diminishment of property value is not likely in this case especially if the applicant adheres to the conditions of approval and maintains the required buffer and screening to the adjacent neighborhood. There is no planned outdoor patio or entertainment on the site that would cause substantial noise and disruption to the neighbors. Property values should not substantially diminish from the property use.

5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Applicant: *The proposed facility and use will not impede the normal improvement of the surrounding properties. The new facility fits in as a large commercial operation with the other business located at the intersection of King Ave. and Shiloh Road which is a major arterial intersection. The infill project will provide a level of certainty to surrounding properties once constructed knowing the formal use of the vacant property. The proposed project will meet the building and design standards present in the PUD and City of Billings Building Code. Additionally, Town Pump has an outstanding record and reputation of maintain and operating their facilities at a high level. Town Pump assures that the site is clean and operates within local and state rules and regulations to maintain safety and provide consistency to the neighborhood.*

Staff: As the capstone development on the only undeveloped corner of the intersection of King Avenue West and Shiloh Road, the Town Pump bar and casino operation would not impede the continued development of the surrounding property to the west or south. Property to the east and north is fully developed. There are a few other casinos in the area to the west and south including Doty's and the Sapphire Lounge & Casino. The St Vincent's Healthcare Subdivision to the west is also a Planned Development zone district, with strict controls on uses and site development. The Town Pump location should not impede the continued development of this subdivision.

6. Conditions necessary to protect the public health, safety, and general welfare can be established.

Staff recommends the following conditions of approval based on the above findings and the applicant's stated intent. These conditions will be related to the listed categories above, but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the development and operation of a bar and casino located on Lots 1B-1 to 1B-5, of Block 20 of the Amended Olympic Park Subdivision generally located on the northeast corner of the intersection of King Ave W and Shiloh Road.
2. The bar and casino will be located in a common structure with a gas station, convenience store and liquor store but will not exceed 10,000 square feet nor one-third of the total building gross floor area, whichever is less.
3. The building will be located as shown on the submitted site plans dated 5-7-2021 and 6-22-2021 as prepared by Performance Engineering and attached to these conditions of approval.
4. The building design and elevations will be as substantially shown on the drawing dated 6-07-2021 as prepared by AT Architecture. The signs shown on this elevation plan are specifically excluded.
5. The north property line that abuts the Shiloh Glen apartments will be treated with a sight-obscuring fence of six feet height. The fence need not be constructed on the shared property line and can be setback to avoid underground utilities. The fence may be constructed of any normal fencing material however, any vinyl fencing will have a matte finish to diminish light reflection. Two pedestrian access points will be provided for the residents of the Shiloh Glen apartments. These access points will have two bollard style lights installed - one on the Shiloh Glen side of the fence and one on the Town Pump side of the fence. The access will be by off-set fencing, so there is no break in the visual barrier between the properties. The two approximate locations are shown on a Planning staff site plan exhibit dated June 28, 2021. The pedestrian way from the fence opening to the Town Pump parking lot will be a paved sidewalk with an access ramp provided at the curb line on the north side of the parking lot/drive aisle.
6. The applicant will install and maintain a row of mixed evergreen and deciduous shrubs or trees along the inside of the north property line fence. This will be shown on the overall landscaping plan designed and stamped by a landscape architect.
7. The applicant will show on the site plan submitted for Building Permit the area planned for snow storage.
8. The applicant will reduce the length of the parking lot landscape islands so that each one is 4 feet shorter than the adjacent parking stall as required by Section 27-1205.B. No parking stall shall be more than 132 feet from a required landscape parking island. No turf grass is allowed in landscape islands and

each landscape island requires one tree. Deciduous trees in landscape islands are encouraged. All landscaped areas required a minimum of 75% organic material.

9. The applicant will show on the landscape plan submitted with the Building Permit, the following: 18 street trees on the north side of the sidewalk along King Ave West; 10 street trees along the Shiloh Road street frontage between the property line and the parking lot curbing, screening for all ground or roof-mounted mechanical equipment, the solid waste dumpster screening including materials for the enclosure and 75% organic material in all landscaped areas.
 10. All landscaping shall be installed and maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible. All irrigation systems will be maintained in proper working order.
 11. Pavement markings shall be provided to show direction of vehicle travel within the site, pedestrian crossings from parking areas to the sidewalk on the building perimeter, and stop lines and signs at the access points on to King Avenue West and Shiloh Road.
 12. There shall be no internally illuminated fascia on the building and all exterior lighting mounted on the building shall have full cut-off shields so no part of the lens or fixture is visible below the shield.
 13. All parking lot light standards shall have full cut-off shielding so no part off the lens or fixture is visible below the shield. The maximum height of the light poles - including the base and fixture - is 25 feet above grade.
 14. There will be no exterior building wall signs on the north and northeast building facades. Window signs are allowed on the entry doors.
 15. Any signs on the site including attached building signs, freestanding signs and temporary signs will comply with the City Sign Code that applies to Corridor Mixed Use 2 (CMU2) zone districts at Section 27-1407.C.
 16. The applicant will submit a Building Permit within 1 year of City Council conditional approval and will complete the site development within 2 years of the issuance of a Building Permit. Failure to submit or complete the approved project within this time frame will void the conditional approval.
 17. Modification of the approved special review use is allowed with the following limitations: 10% or less expansion of the gross floor area, 10% or less increase in the number of potential building occupants, and 10% or less new parking stalls. Expansions also require conformance with all other requirements of the Zoning Regulations and other City of Billings code requirements.
 18. The cessation of the special review use for more than 6 consecutive months, shall extinguish this conditional approval and the use may not be re-established except through a new special review approval of the City Council
 19. The City Council reserves the right to re-open the conditional approval of this use at this location based on one or more of the following conditions: 1) failure to respond to a notice of noncompliance with the specific conditions of approval; 2) high levels of calls for public safety services verified by the Chief of Police; 3) a significant violent crime has occurred at the location; or 4) significant reports from any public safety officials related to the over-serving of alcohol, sales to minors or allowing minors into the casino. The City Council will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter.
 20. These conditions run with the land use and are binding upon and must be adhered to by the property owner and any successors, transferees or assigns.
 21. The right of building and occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.
7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

Applicant: *The proposed facility will go through a full engineering and permitting review from City of Billings Public Works for site layout and utility conformance to City of Billings Regulations. A full traffic study is underway for the proposed site at the time of this application. The traffic study will analyze ingress/egress along with intersection impacts to nearby intersections. The Traffic Impact Study (TIS) will be submitted for review and approval by both the City of Billings and Montana Department of Transportation. The TIS will identify any intersection impact fees required from the developer along with any improvements to King Ave. and Shiloh Road. Those improvements or financial contributions, if determined to be required by the TIS, will be made at the time of development of the site. Construction of the proposed development will meet all City of Billings, Montana DOT, and Montana DEQ rules and regulations to assure technically sound design and construction is implemented to protect the City and neighborhood.*

Staff: Staff concurs with the applicant's statements and positive findings on utilities, access roads, drainage and necessary facilities. There are no site specific conditions that would hamper the applicant's ability to fulfill the local and state regulations for access, utilities, drainage or other necessary facilities.

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets.

Applicant: *The traffic study will analyze ingress/egress along with intersection impacts to nearby intersections. The Traffic Impact Study (TIS) will be submitted for review and approval by both the City of Billings and Montana Department of Transportation. The TIS will identify any intersection impact fees required from the developer along with any improvements to King Ave. and Shiloh Road. Those improvements or financial contributions, if determined to be required by the TIS, will be made at the time of development of the site.*

Staff: The access drive onto Shiloh Road has already been established and will not be re-located for this project. The access is a right-in and right-out only from the northbound side of Shiloh Road. The King Avenue access point has yet to be established but will be close to its proposed location on the submitted site plans. This will also be a right-in and right-out driveway access from the westbound side of King Avenue West. The roundabouts in the vicinity will allow drivers to make safe changes in direction.

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

Applicant: No request to modify the regulations have been made.

Staff: Planning staff has not identified any detail of the site plan or narrative of the project that would require modification of the requirements for this application. The site appears to meet all of the requirements for building height, setbacks, separations, lot coverage and yard treatments. Staff has recommended specific conditions related to landscaping, parking, lighting and signage to address issues not apparent on the site plan.

STAKEHOLDERS

Applicants for special review approval are now required to conduct a pre-application neighborhood meeting similar to zone change applicants. This notice was sent out to property owners within 600 feet of the subject property (~130 owners) for a virtual meeting on Thursday, April 29, 2021. Only one person from the neighborhood attended the virtual meeting. The applicant's agent also attended a West End Task Force meeting on Tuesday, April 20, 2021, to present the project. No comments were received by the Planning staff after the public hearing notices were mailed, the property was posted and the legal ad published as required. The applicant is moving an existing license already located within the City of Billings.

ALTERNATIVES

The City Zoning Commission may recommend to the City Council:

- Approval or,
- Conditional Approval; or
- Denial

The Zoning Commission recommendation shall be based on findings of fact for each criterion and shall be transmitted to the applicant or applicant's agent as well as the City Council.

FISCAL EFFECTS

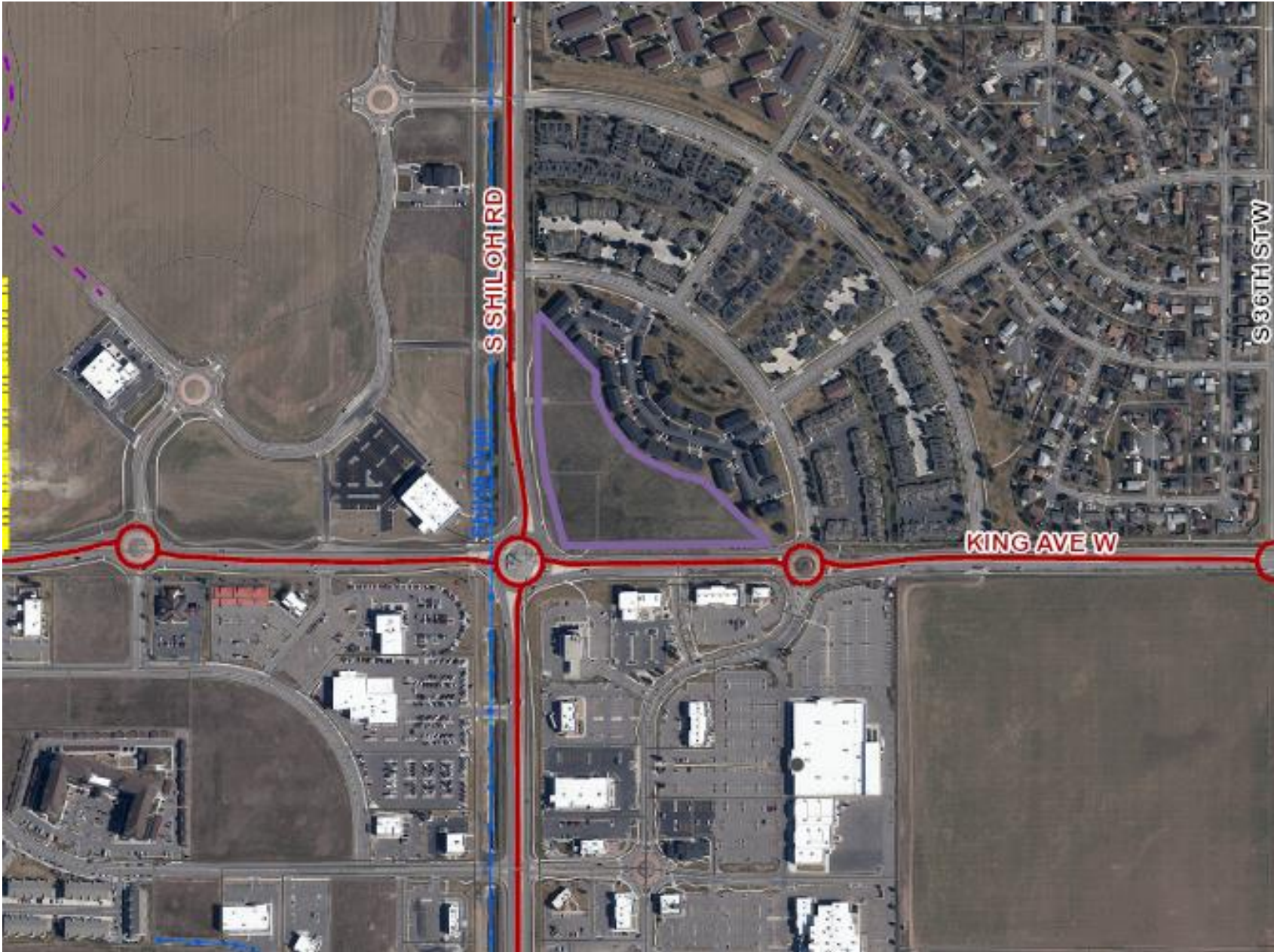
Approval or disapproval of the proposed special review use should not have an impact of the Planning Division budget.

Attachments

Zoning Map and Site Photos
Zoning History
Application and Letter
Elevation Plan
Lighting Plan
Site Plan June 22 2021
Site Plan May 7 2021
Planning site plan June 28 2021

Zoning Map and Site Photos –SR 990 – Town Pump Bar & Casino King Ave W and Shiloh Road





Subject Property



Subject property – from Shiloh Road entry view east and south



View south along Shiloh Road to roundabout at King Avenue West



View north and east from Shiloh Road & King Ave West to Shiloh Glen apartments



View north along Shiloh Road from King Ave West roundabout



View west across Shiloh Road at REI in St Vincent's Healthcare Subdivision



View of roundabout at King Ave W and Shiloh Road

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	SR 186	June 25, 1984	Gas Station	Yes	Gas station only
	SR 242	October 7, 1985	Gas Station	Yes	Gas station only – never constructed
SURROUNDING PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3189 King Ave W	SR 989	January 25, 2021	Warden's Casino	Yes	Applicant acknowledge proximity to R zones
2499 Gabel Rd	SR 988	January 25, 2021	Cashbox Casino	Yes	No separation concerns – will meet new code requirements
2244/2248 Grand Ave	SR 982	July 27, 2020	Expand Gordy's into existing space	Yes	Location nonconforming to R zone separation
2018 Main Street	SR 978	Sept 23, 2019	New Doty's	Yes	No separation concerns – will meet new code requirements
3970 Pierce Parkway	SR 976	May 28, 2019	Meadowlark Brewing	Yes	No separation concerns – will meet new code requirements
1801 Majestic Lane	SR 971	January 14, 2019	Add gaming to existing bar	Yes	No separation concerns – will meet new code requirements
4007 Avenue B	SR 967	August 27, 2018	Topz & West Palms Casino	Withdrawn	Needed waiver to church
3411 Grand Avenue	SR 964	June 25, 2018	Town Pump Bar & Casino	Yes	No separation – will meet new code requirements
896 S 29 th ST W	SR 962	March 26, 2018	Lucky 7 Casino	Yes	No separation concerns – will meet new code requirements
1411 Chy Way	SR 958	Nov 27, 2017	The Den	Yes	No separation concern – will not meet R zone separation

Special Review 990 – Town Pum Bar & Casino King Ave W and Shiloh Rd

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 990 - Project # P2X-60141

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

Present Zoning: Community Commercial - Olympic Park PD

Special Review Requested: Liquor and Gaming License Relocation

TAX ID# A29258-A29262 CITY ELECTION WARD # 5

Legal Description of Property: Lots 1B1-1B5, Block 20, Olympic Park Subdivision

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

Size of Parcel (Area & Dimensions): Combined acreage = 6.196 ac; see lot dimensions on attached map

Present Land-Use: Empty lot

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): Billings 13 RE, LLC

(Recorded Owner) PO Box 6000, Butte, MT 59702

(Address) 406-497-6860 dans@townpump.com

(Phone Number) (email)

Agent(s): Performance Engineering - 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: _____ Date: 5-3-21

(Recorded Owner)





MEMO

To: Board of Adjustments

From: Scott Aspenlieder, P.E.

Date: May 24, 2021

Re: Town Pump King/Shiloh Facility – Special Review Statement

On behalf of Town Pump, Inc., Performance Engineering (PE) is submitted the special review application to allow for a liquor and gaming license to be placed at Lots 1B-1 to 1B-5, Block 20 of the Amended Olympic Park Subdivision. The lots are in the northeast corner of the intersection of King Ave. and Shiloh Road. The development will contain a full convenience store along with a connected bar, casino, and liquor store as shown on the attached site plan.

The proposed special use does align with the City's Growth Policy providing needed service and to the King and Shiloh area. The proposed development is an infill project which is specifically identified in the Growth Policy as desirable for the community. The proposed project will complete development on a significant corner in the Shiloh Road corridor with a facility that will comply with all City regulations and PUD requirements for the area. The proposed improvements will incorporate landscaped boulevards and internal landscaping to visually improve the area for neighbors and the traveling public. Although sidewalks are currently in place around the perimeter, improved landscaping, and interconnection with the apartment complex to the north will help create a neighborhood feel for the area and encourage pedestrian traffic. The proposed facility will offer services directly adjacent to high density residential developments with pedestrian interconnection to encourage and allow for walking and biking within the neighborhood. With interconnection to the residential areas, the project will allow for safe travel within the neighborhood, keeping pedestrians out of intersections and eliminating the need to cross arterial streets. The facility is located at the edge of service for the MET system allowing access to residents throughout the area. Finally, the proposed facility is part of a largely successful business with multiple similar facilities in the community which provide jobs for residents and increase the tax base for the City of Billings.

A site layout is provided with the application to show the facility orientation on the lot. Boulevard landscaping will be improved along King Ave. and Shiloh Road along with a vegetative buffer strip along the northern property line. A fence will be installed to help buffer the proposed facility from the apartment complexes to the north with openings in the fence to allow for pedestrian flow into and out of the site. Grass and shrubs will be planted along the northern boundary to provide an aesthetically

pleasing transition between the two uses. It is important to note that large trees cannot be planted along the northern border due to the number of utilities within a utility easement in that portion of the lot. The site layout will meet parking requirements for the City of Billings and provide sufficient room for safe travel within the site. Additionally, an electric car charging station is incorporated to the site to accommodate electric cars within the community. As it is currently laid out the facility meets all zoning and PUD layout requirements.

The proposed use is compatible with the surrounding zoning, which is all Community Commercial (CC in the PUD) or Corridor Mixed Use (CMU2). It is important to note that Lot 1A of the Olympic Park Subdivision was also zoned as Community Commercial in the development's PUD documents. High density residential apartment complexes were constructed on the CC parcel adjacent to the north. The proposed facility is an allowable use within the existing zoning and does comply with the PUD documents. Commercial facilities are located at the other three corners of the intersection of King Ave. and Shiloh Road which fit the use being proposed. Providing a full-service convenience store and bar facility will service both the neighborhood and the traveling public which frequent this area in the City of Billings. The proposed site will include features to minimize any potential negative impacts to the high-density residential use adjacent to the property. As previously noted, a vegetative buffer and fence will be installed along the northern boundary. Additionally, all parking has been removed from the rear of the building with any lighting have full cutoff shielding to eliminate nuisance light from the site. The building itself will buffer traffic and travel noise from King Ave. and Shiloh Road improving the adjacent residential neighborhood. Unfortunately, large trees cannot be planted along the northern boundary of the site due to a multitude utilities currently serving the apartment complexes being located in that corridor. The developer will plant shrubs through the area as additional landscaping to help aesthetically and with noise buffering.

The proposed facility and use will not impede the normal improvement of the surrounding properties. The new facility fits in as a large commercial operation with the other business located at the intersection of King Ave. and Shiloh Road which is a major arterial intersection. The infill project will provide a level of certainty to surrounding properties once constructed knowing the formal use of the vacant property. The proposed project will meet the building and design standards present in the PUD and City of Billings Building Code. Additionally, Town Pump has an outstanding record and reputation of maintain and operating their facilities at a high level. Town Pump assures that the site is clean and operates within local and state rules and regulations to maintain safety and provide consistency to the neighborhood.

The proposed special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Town Pump takes pride in the facility design and employee training it provides to ensure a safe and responsible entertainment for its customers. All employees go through TIPS training which teaches employees responsible and safe serving practices as well as Montana laws and regulations as it relates to operating a liquor and gaming facility. The facilities are built with extensive security systems and secure entry systems at the doors. Security cameras on the outside of the building monitor exterior movement and operations while internal cameras capture customer ID upon entrance into the facility. The facility will be set up to operate at a high level of security while providing a service to the neighborhood and community.

The proposed facility will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish property values within the neighborhood. PE staff held a neighborhood meeting having mailed over 100 neighbors regarding the project. Only one neighbor

chose to log in and participate in the meeting, showing little interest or concern by the community about the project. The project was also presented to the West End Task Force in which it received minimal comment or question. The concerns generally revolved around hours of operation of the facility and making sure proper buffering could and would occur for the neighboring apartment complex. Those comments and concerns have been addressed and incorporated into the design of the facility as presented in this application. No data exists to show that commercial businesses or liquor and gaming facilities located in a properly zoned district have driven down property values for neighboring properties.

The proposed facility will go through a full engineering and permitting review from City of Billings Public Works for site layout and utility conformance to City of Billings Regulations. A full traffic study is underway for the proposed site at the time of this application. The traffic study will analyze ingress/egress along with intersection impacts to nearby intersections. The Traffic Impact Study (TIS) will be submitted for review and approval by both the City of Billings and Montana Department of Transportation. The TIS will identify any intersection impact fees required from the developer along with any improvements to King Ave. and Shiloh Road. Those improvements or financial contributions, if determined to be required by the TIS, will be made at the time of development of the site. Construction of the proposed development will meet all City of Billings, Montana DOT, and Montana DEQ rules and regulations to assure technically sound design and construction is implemented to protect the City and neighborhood.

Feel free to contact Performance Engineering Project Manager Scott Aspenlieder with any questions or concerns at (406) 384-0080 or scott@performance-ec.com. Thank you for your consideration and coordination in our project.



MEMO

To: City of Billings – Planning & Community Services Dept.

From: Scott Aspenlieder, P.E.

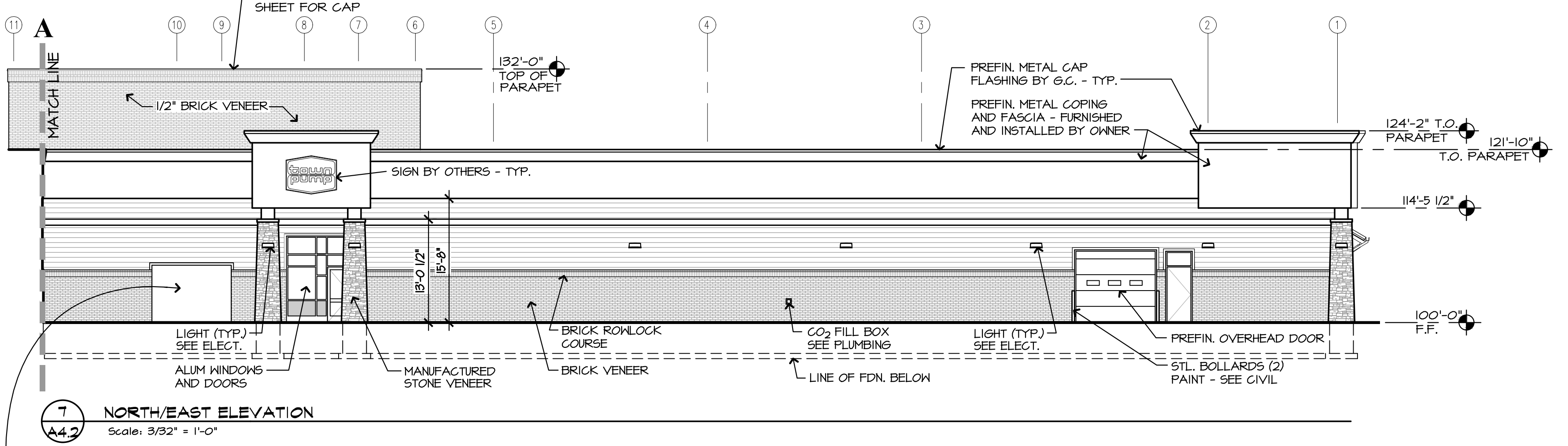
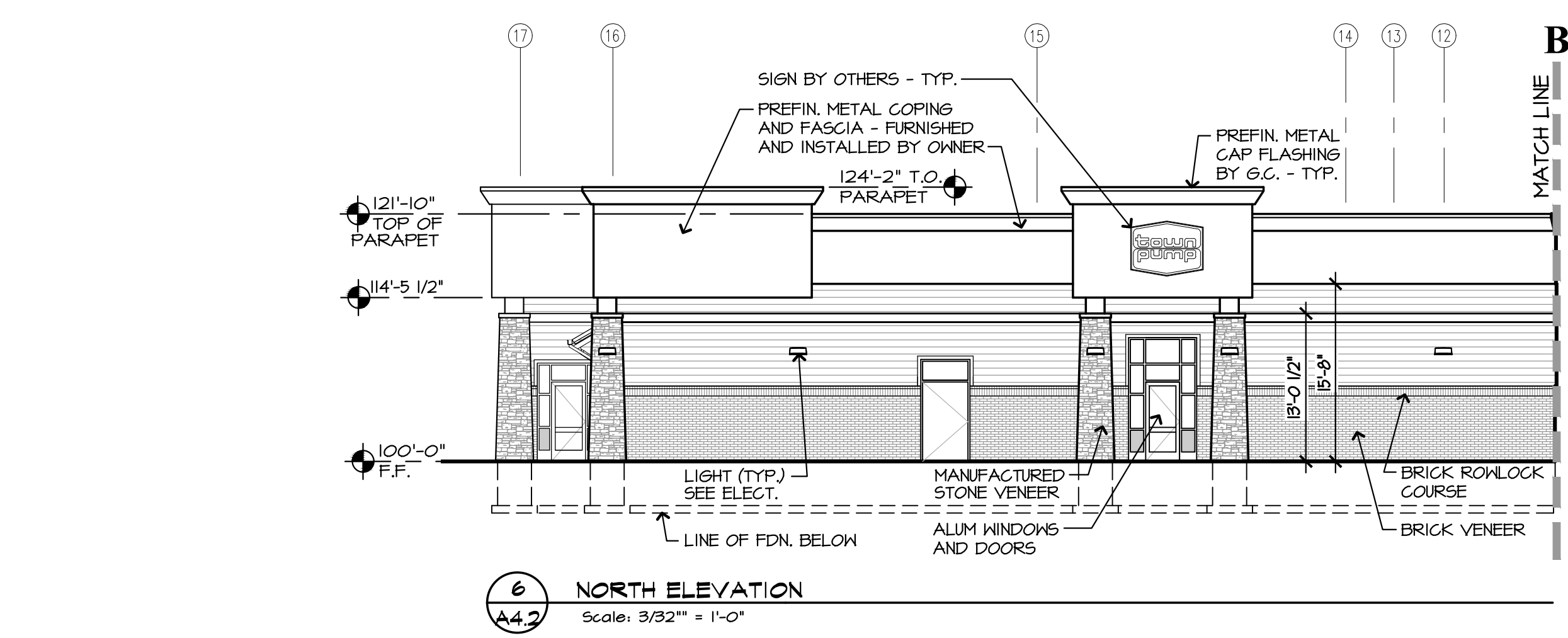
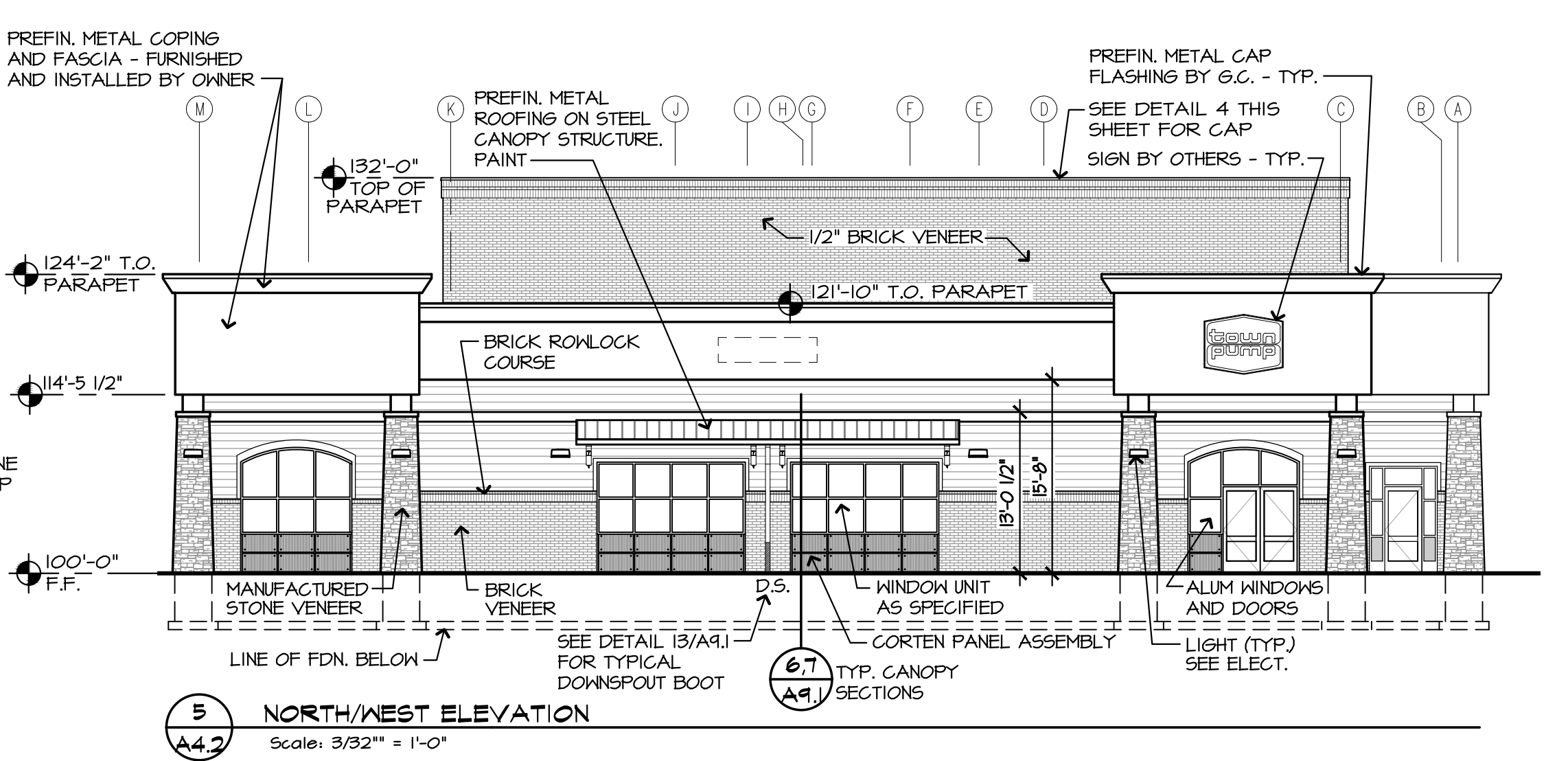
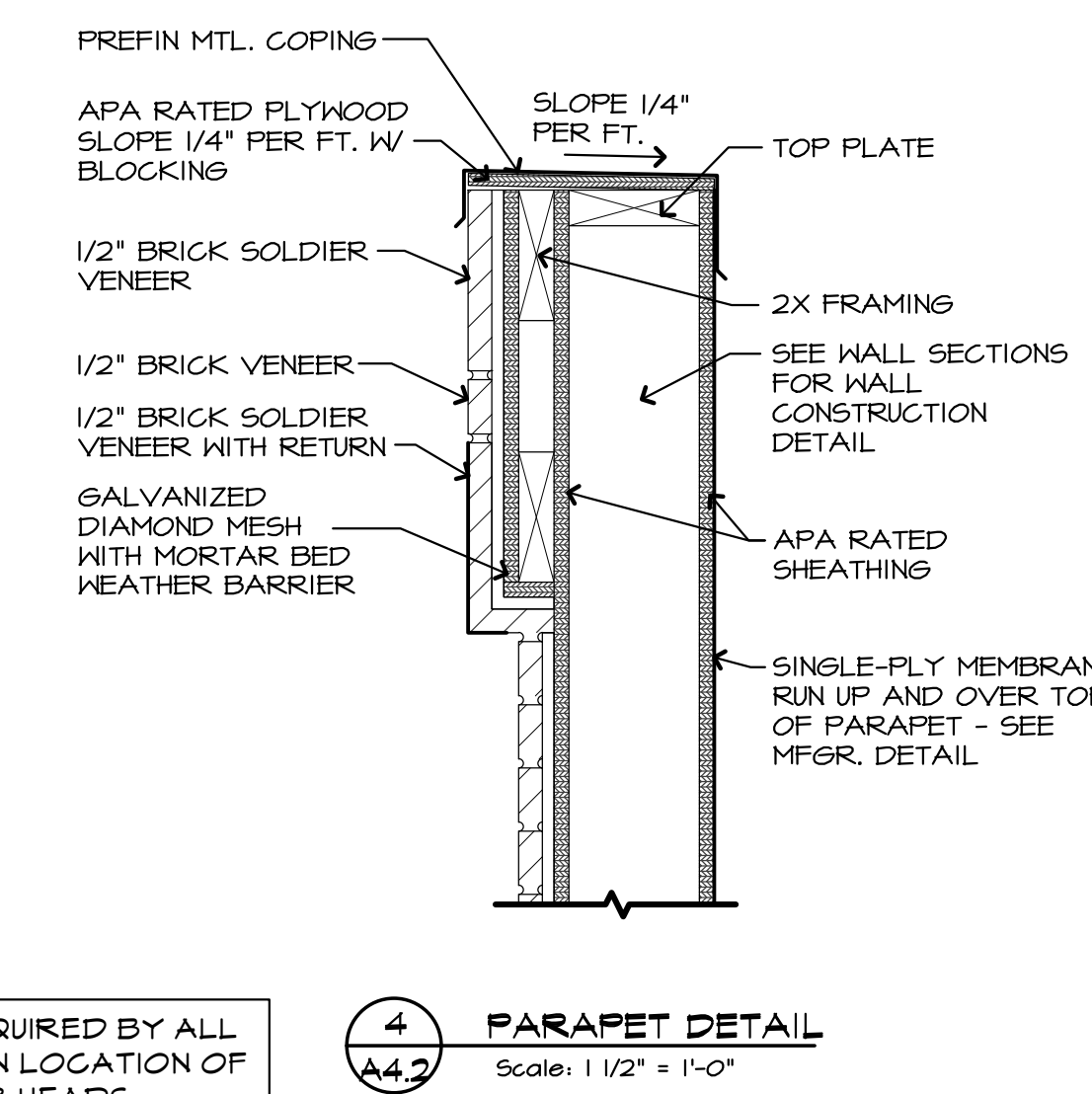
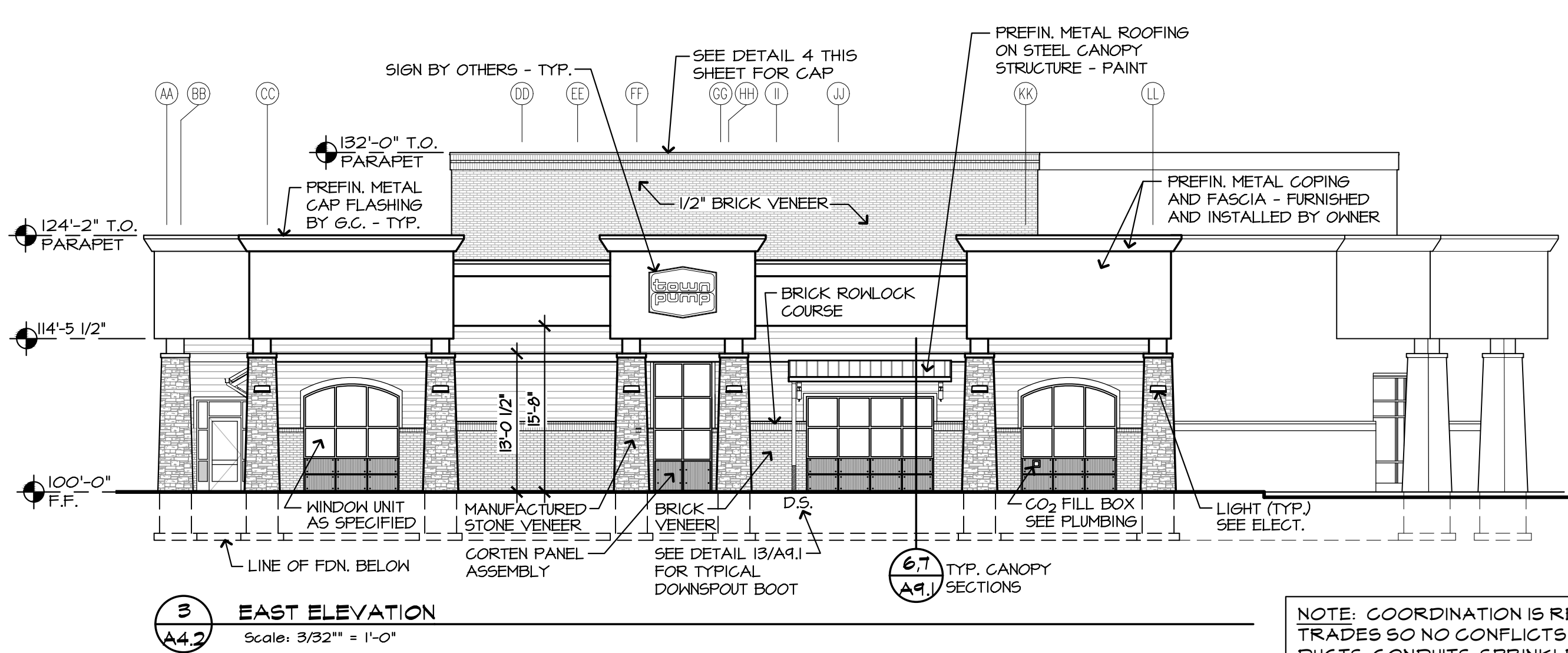
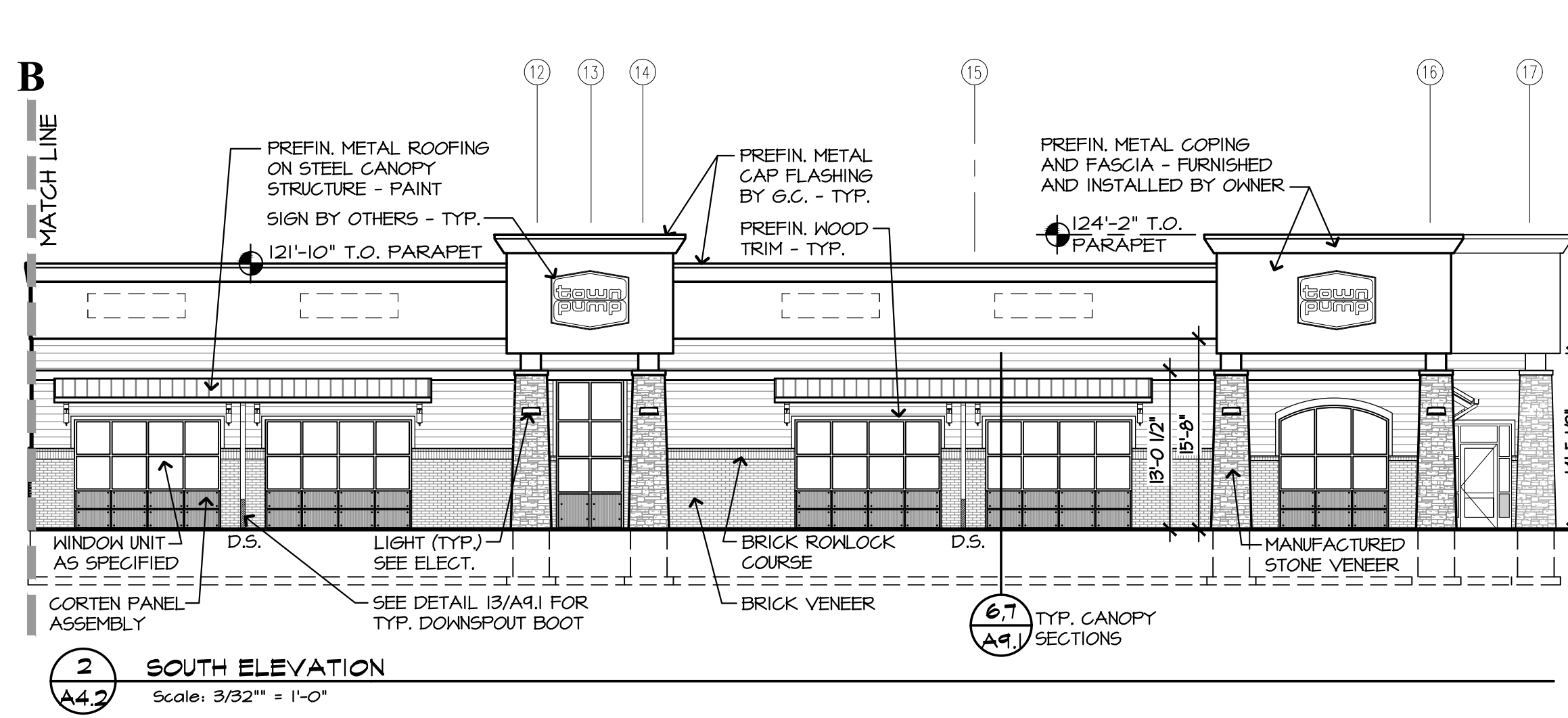
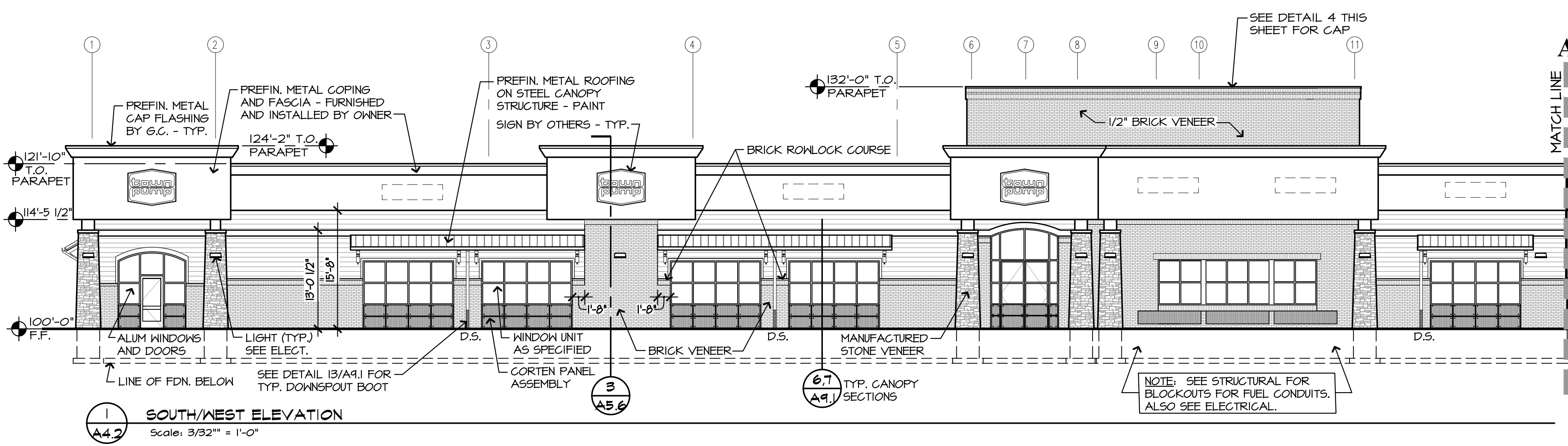
Date: April 29th, 2021

Re: Town Pump King/Shiloh Facility – Special Review Neighborhood & WETF Meetings

On behalf of Town Pump, Inc., Performance Engineering (PE) held a neighborhood meeting via Zoom on Thursday April 29, 2021 for the special review application to allow for a liquor and gaming license to be placed at Lots 1B-1 to 1B-5, Block 20 of the Amended Olympic Park Subdivision. The lots are in the northeast corner of the intersection of King Ave. and Shiloh Road. A full mailing list is provided with the application along with the letter sent to those included on the mailing list.

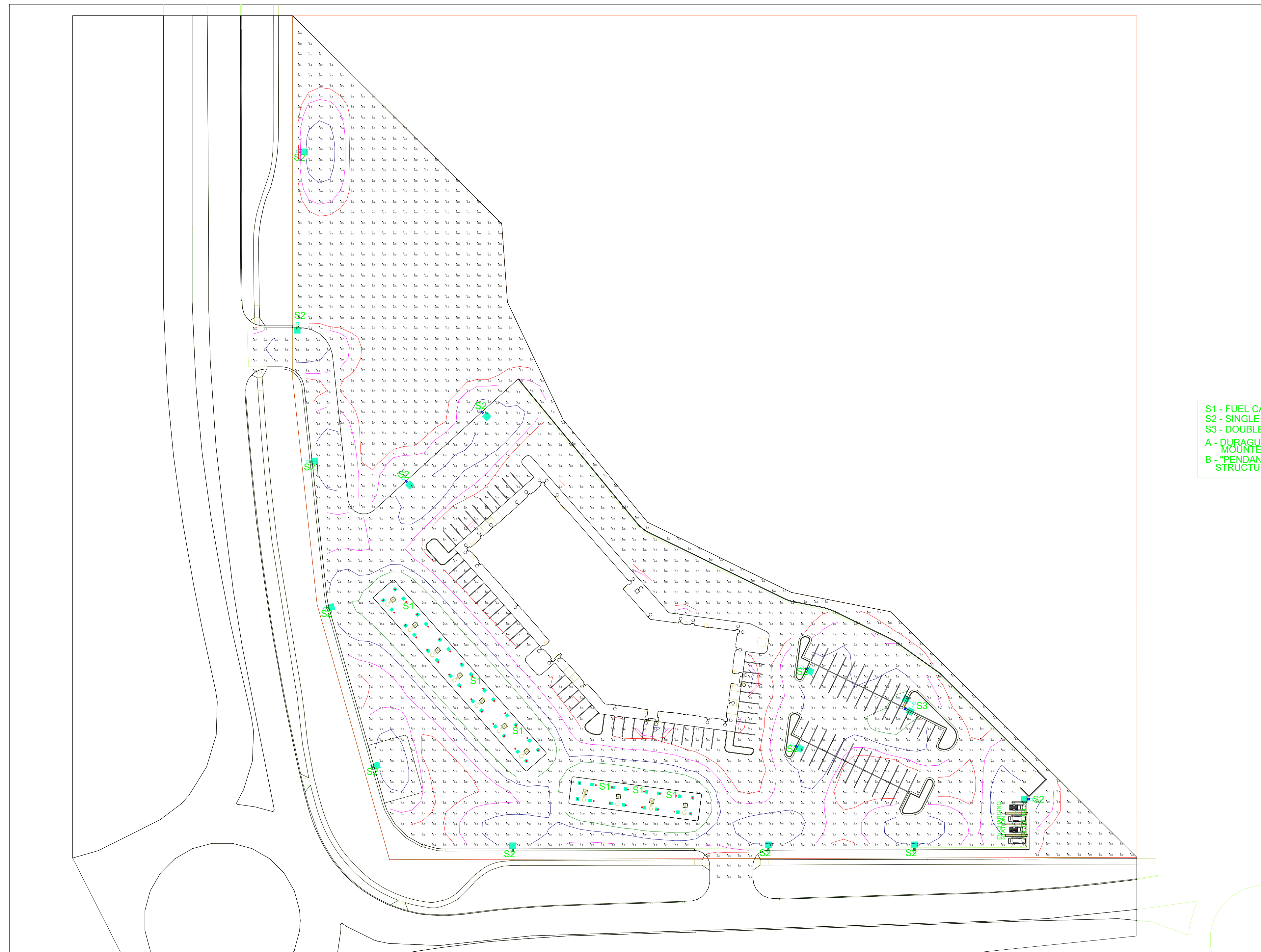
The neighborhood meeting was only attended by one person. Comments revolved around the objection to placing a gaming facility at the site or including it in the facility. In general, the participant thought that Billings has too many casinos already. It was clarified that this was a licensed moved from another facility and relocated to the site so the overall number of licenses in Billings would not change. Additionally, discussed screening for the apartment complex to the north and other operational items like light screening to minimize intrusion. Also discussed the current zoning and PUD for the Olympic Park Subdivision and that both the subject property and the apartment complex to the north are zoned for Community Commercial (CC) in which this is an allowable use. The participant was encouraged to participate in the following public meetings for this application as it works through the review process.

PE represented Town Pump at the West End Task Force (WETF) meeting on Tuesday April 20, 2021. A brief summary of the proposed project was presented to the WETF and then PE was available for comments. Questions from the WETF generally revolved around operational hours of the facility and buffering for the apartment complex to the north. It was made clear that the facility would be operated 24-hours a day like the other facilities in Billings. It was noted that the WETF would like to see some screening along the northern boundary along with assuring parking would be in the front of the building to minimize traffic against the apartment complex. It was clarified that this was a gaming license transfer within the city limits not a new license to the City.



ELECTRICAL SERVICE ENTRY. PLACE AGAINST WATERPROOF MEMBRANE AND BUTT UP BRICK EITHER SIDE AND SEAL WATERTIGHT. PROVIDE PREFIN. WOOD TRIM AROUND THE SIDES AND TOP AND SEAL. VERIFY EXACT SIZE AND LOCATION WITH ELECTRICAL.

NOTE: SEE PLUMBING FOR GAS METER LOCATION AND ELECTRICAL FOR MDP LOCATION



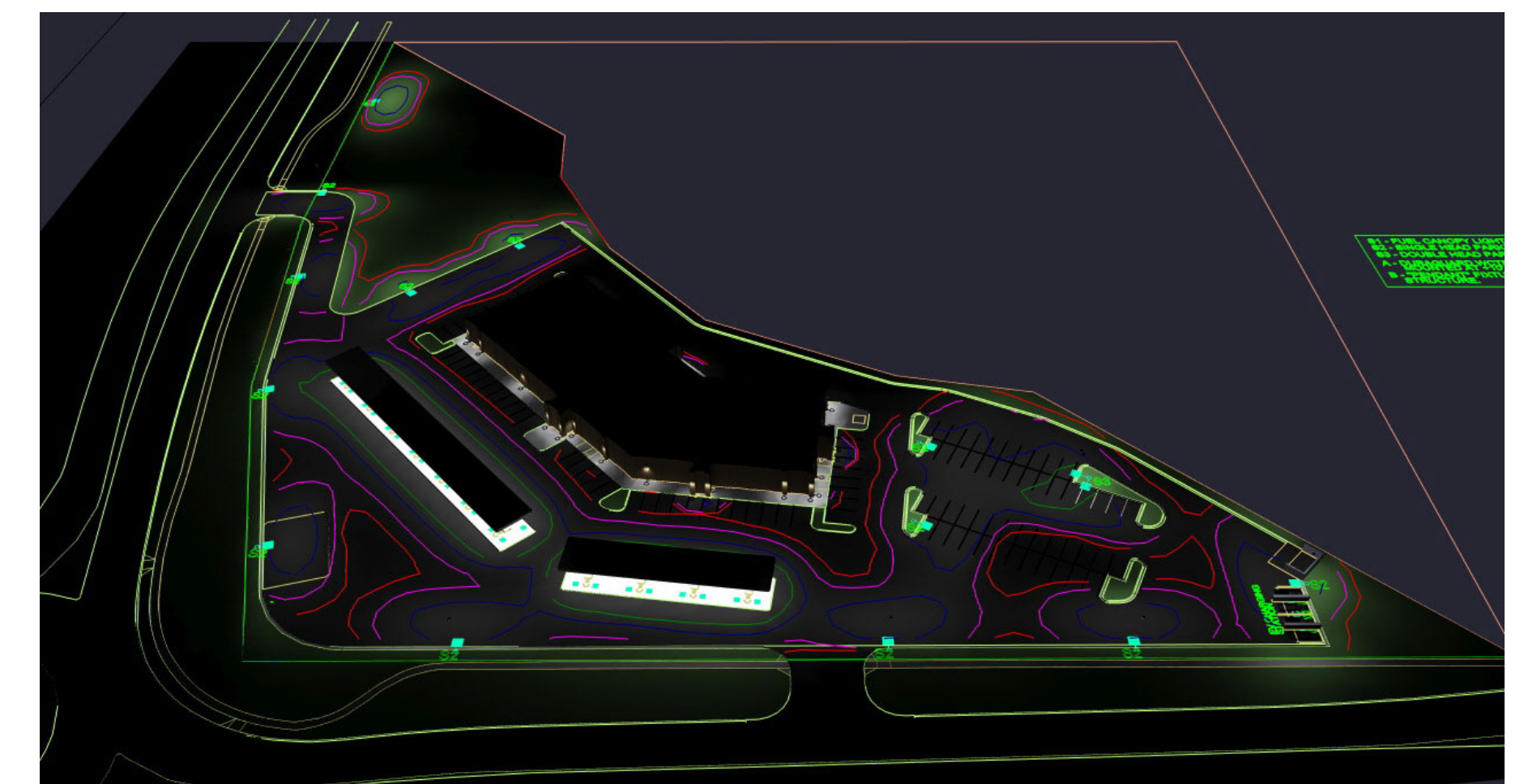
Photometric Plan Entire Area

Isoline Legend	
Illuminance (Fc)	
Color	Value
Red	1
Pink	2
Blue	5
Green	10

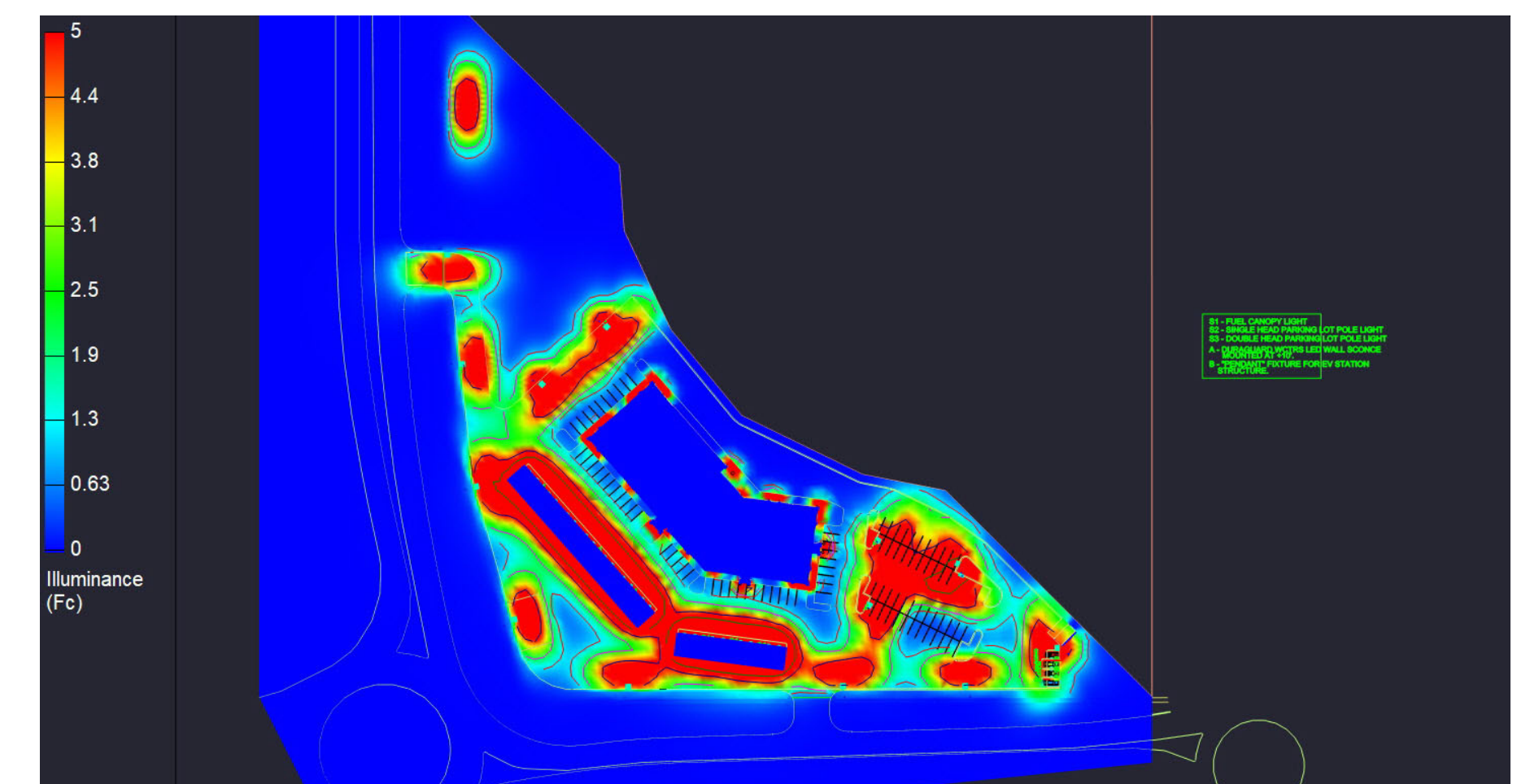
Symbol	Qty	Schedule	Label	Arrangement	Lum. Watts	Arr. Watts	Lum. Lumens	Arr. Lum. Lumens
⊖	32	S5	WCTRSBC31X20U41K	SINGLE	21.08	21.08	2364	2364
⊖	8	S2	SLM-LED-30L-SIL-3-40-70CRI-IL	SINGLE	248.6	248.6	22460	22460
⊖	5	S3	SLM-LED-30L-SIL-3-40-70CRI	SINGLE	248.6	248.6	32266	32266
⊖	44	S1	CRUS-SC-LED-HO-50	SINGLE	132.4	132.4	18633	18633
⊖	1	S6	SLM-LED-30L-SIL-FT3-40-70CRI	GROUP	N.A.	497.2	N.A.	63668

*Pole Fixture Mounting Height 25

Calculation Summary								
Label	CalcType	Units	Avg	Max	Min	Max/Min	# Pts	Grid Z
Parking Lot Calcs	Illuminance	Fc	4.45	40.3	0.0	N.A.	1400	1
Property Boundary Calcs	Illuminance	Fc	0.74	8.8	0.0	N.A.	725	1



Render Image - Billings Shiloh and King



Coverage Map 5 fc

Project Town Pump Billings Shiloh and King

Photometric Plan and Detail
Scale from DWG

This report was created by Evergreen Applied Technologies
All details including locations, beam angles, aiming marks are considered confidential information.
Any publication, sale, distribution or dissemination of this information is prohibited.

Location

Billings

Evergreen Applied Technologies

3735 Evergreen Pkwy, Evergreen CO 80439

P: 970.581.1810 E: chris@evergreenappliedtechnologies.com

W: www.lightdisty.com | www.evergreenappliedtechnologies.com

Portfolio: www.lightingstuffup.com

Designed By - Christopher Lewis - IES

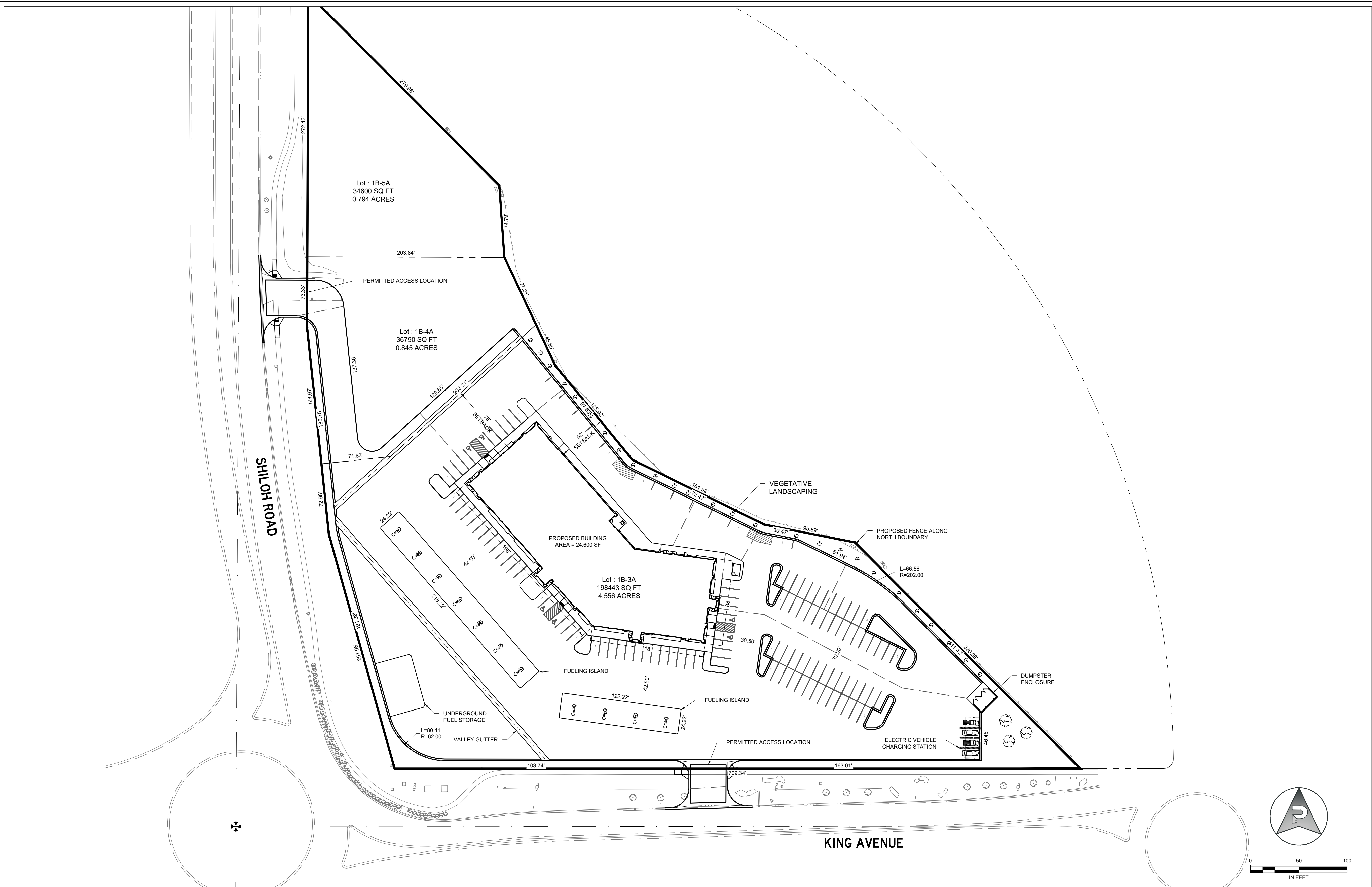
Date:6/26/2021



PH-1

PARKING CALCULATIONS

1. CONVENIENCE STORE GSF = 18,786. REQ'D PARKING IS 1/200 GSF FOR FIRST 2,000 SF, AND 1/300 GSF ABOVE 2,000 SF. REQ'D PARKING = 66 SPACES
2. CASINO = 9,450 GSF. REQ'D PARKING AT 1/150 GSF = 63 SPACES.
3. TOTAL REQ'D SPACES = 129. TOTAL PROVIDED SPACES = 142



REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHECKED BY
1				
2				
3				
4				
5				
6				

EXHIBIT



PERFORMANCE ENGINEERING
 608 NORTH 29TH STREET (406) 384-0080
 BILLINGS, MT 59101 performance-ec.com

CPD DESIGNED BY _____
 CPD DRAWN BY _____
 06/22/21 DATE
 QUALITY ASSURANCE
 CPD CHECKED BY _____
 06/22/21 DATE

TOWN PUMP SHILOH & KING

SHILOH/KING BILLINGS, MT

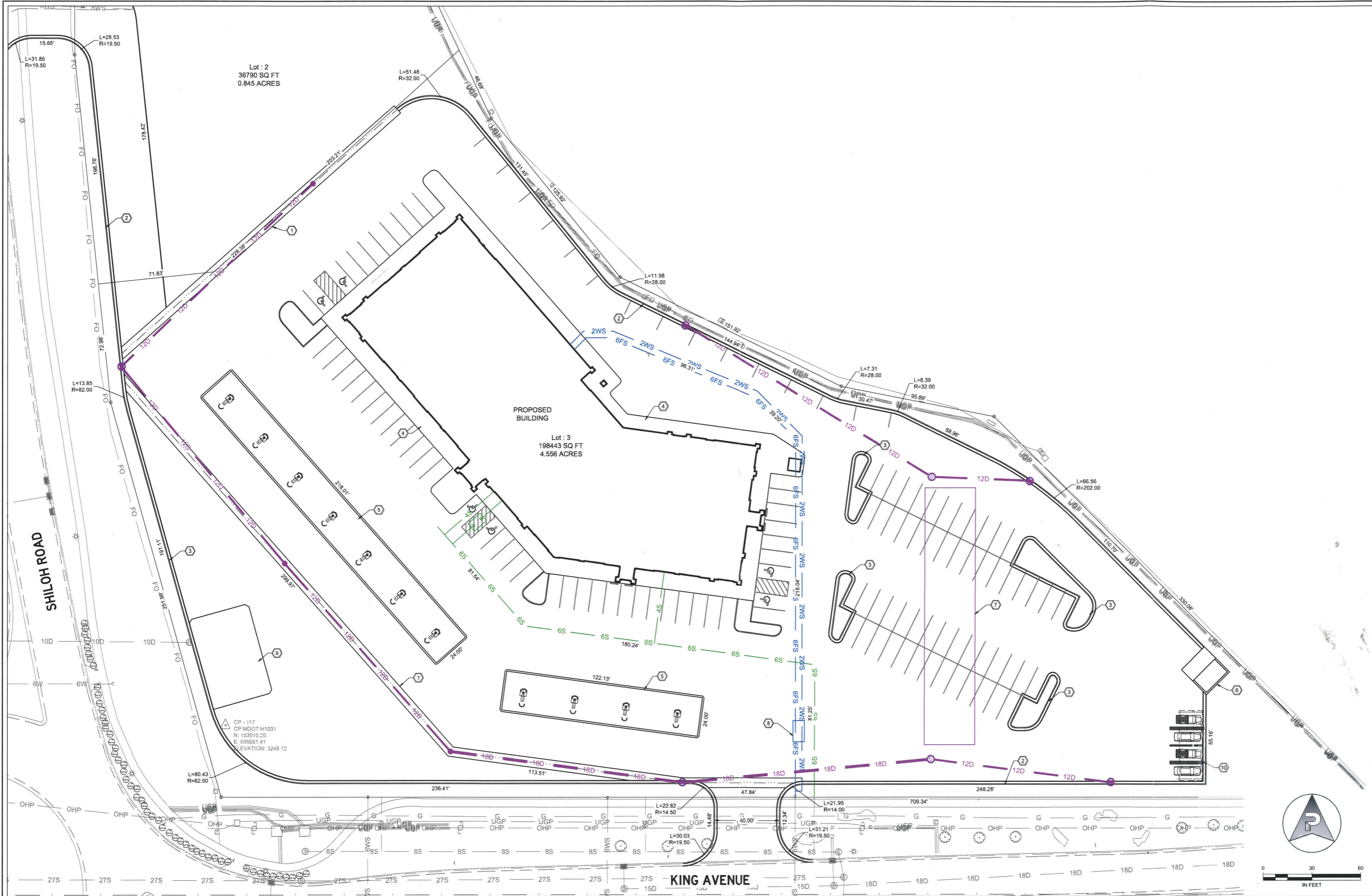
PROPOSED SITE PLAN

PROJECT NUMBER
20-171

SHEET NUMBER
1 OF 1

DRAWING NUMBER
EX-1


COPYRIGHT 2021 ©



- 1 6" VALLEY GUTTER
- 2 CATCH CURB
- 3 SPILL CURB
- 4 THICKENED EDGE SIDEWALK
- 5 FUEL ISLAND
- 6 DUMPSTER ENCLOSURE
- 7 UNDERGROUND STORM DETENTION
- 8 WATER METER VAULT
- 9 UNDERGROUND FUEL STORAGE TANKS
- 10 ELECTRIC VEHICLE CHARGING STATION

REVISIONS					
NO.	DESCRIPTION	DATE	BY	CHECKED BY	
1					
2					
3					
4					
5					
6					

PRELIMINARY SET



PERFORMANCE ENGINEERING

608 NORTH 29TH STREET (406) 384-0080
BILLINGS, MT 59101 performance-ec.com

JMD DESIGNED BY
CPD DRAWN BY
05/07/21 DATE
QUALITY ASSURANCE
CRAIG DALTON CHECKED BY
CHECK DATE

TOWN PUMP - SHILOH AND KING

KING AVE/SHILOH RD BILLINGS, MT 59102

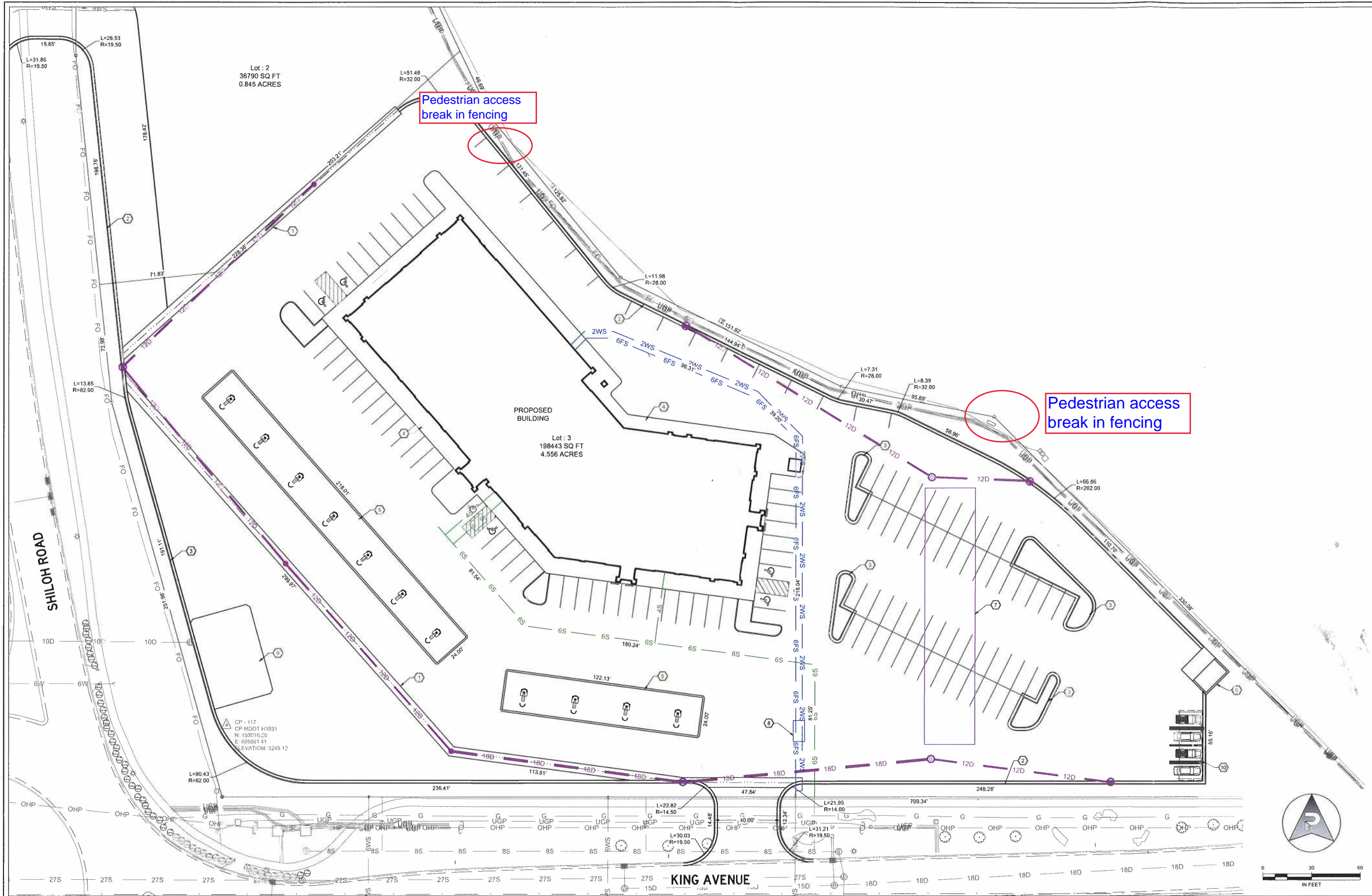
PROPOSED SITE MAP

PROJECT NUMBER
2020-171

SHEET NUMBER
4 OF ##

DRAWING NUMBER

COPYRIGHT 2021



- 1 6" VALLEY GUTTER
- 2 CATCH CURB
- 3 SPILL CURB
- 4 THICKENED EDGE SIDEWALK
- 5 FUEL ISLAND
- 6 DUMPSTER ENCLOSURE
- 7 UNDERGROUND STORM DETENTION
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REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHECKED BY
1				
2				
3				
4				
5				
6				

PRELIMINARY SET



PERFORMANCE ENGINEERING
 608 NORTH 29TH STREET (406) 384-0080
 BILLINGS, MT 59101 performance-ec.com

JMD DESIGNED BY
 CPD DRAWN BY
 05/07/21 DATE
 QUALITY ASSURANCE
 CRAIG DALTON CHECKED BY
 CHECK DATE

TOWN PUMP - SHILOH AND KING

KING AVE/SHILOH RD BILLINGS, MT 59102

PROPOSED SITE MAP

PROJECT NUMBER
2020-171

SHEET NUMBER
4 OF ##

DRAWING NUMBER

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