



CITY ZONING COMMISSION

AGENDA-Tuesday, November 2, 2021, 4:30 p.m.

Miller Building, 1st Floor Conference Room

2825 3rd Avenue North, Billings, Montana

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of October 5, 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. **City Zone Change 1002 - 1938 Hawthorne Road**-requesting to change the zoning from N4 to N2, in order to annex their property to the City. The pending annexation petition would require the property rezoning to an appropriate City zoning district
- b. **Special Review 992 - 4130 Kari Lane** - to allow an automobile collision repair center greater than 5,000 square feet in a Corridor Mixed Use 2 (CMU2) zoned district, for a proposed 18,554 square foot building, on Lot 13, Block 1 Montana Sapphire Subdivision, a 2.187-acre parcel of land. Tax ID: C13966

Other Business/Announcements

Adjournment

The City Council has designated Monday, November 22, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone change and special review and hold their public hearings. For the zone change request the Council will **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, December 13, 2021 at 5:30 pm.**

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 the Special Review request: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

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

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

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: 11/02/2021

Information

Subject

The minutes of the Board meeting of October 5, 2021.

Attachments

BZC_2021_1005



**City of Billings Zoning Commission
Meeting Minutes October 5, 2021**

The City of Billings Zoning Commission met on Tuesday, October 5, 2021 at 4:30 p.m., 2825 3rd Avenue North in the Miller Building 1st Floor Conference Room. 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 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, September 7, 2021**. All e-mails 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>

The City Council has designated Monday, October 25, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation 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, November 8, 2021 at 5:30 pm.

Commission and Staff		01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021
Mike Larson	Chairman	1	1	E	1	1	1	1	1	1	E		
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1	1	1	1		
VACANT	Commissioner	1	1	1	1	1	1	1	1	-	-	-	-
Greg McCall	Vice Chairman	E	1	E	E	E	E	1	E	1	1		
Trina White	Commissioner	1	1	1	A	1	1	1	1	1	1		
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	1	-	-	-	1		
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-		
Nicole Cromwell	Planner, Zoning Coordinator	1	1	1	1	1	1	1	1	1	1		
Tammy Deines	Planning Clerk	-	-	-	-	-	-	1	-	-	-		
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-		
Karen Husman	Planner I	1	1	1	-	-	1	1	1	-	1		
Robbin Bartley	Administrative Support	1	1	1	1	1	1	-	1	1	1		

Total Number of 2021 Applications	01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021	TOTAL
Zone Change	-	2	1	1*	1	2	0	4	1	3			15
Special Review	2	0	0	0	0	0	1	0	0	0			3

Vice Chair McCall introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Assistant (Virtually)

Attending: Aaron Redland, Dan Calliccoat, Greg Reid, Ming Cabrera

Public Comment

Vice Chair McCall called for public comments. There were no public comments. Vice Chair McCall closed the public comment portion of the meeting.

Approval of Minutes: September 7, 2021

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve the September 7, 2021 meeting minutes. The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

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

Disclosure of Outside Communication

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

Zoning Coordinator, Nicole Cromwell, stated an email had been received from Neil Kiner and forwarded to all Commissioners.

Public Hearings:

City Zone Change 999 – 733 S 31st Street W - CMU1 to CMU2 - A zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Block 16A of Lampman Subdivision, an 62,464 Square foot parcel of land. A pre-application neighborhood meeting was held on August 12, 2021, at 733 S. 31st Street. Tax ID: A290320

Staff Recommendation:

Planning staff recommends approval of Zone Change 999 and adoption of the findings of the 10 review criteria.

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria for Zone Change 998:

- (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.

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 and the West Billings Neighborhood Plan (2001): The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MR-PND for Sweetgrass Creek is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed MR-PND is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-residential environment. The proposed development will also have good access to outdoor activities and is in proximity to a proposed regional park - Cottonwood Park. 54th St West is an arterial street and neighborhood services are beginning to develop at the intersection of 54th St W and Grand Avenue.

Discussion

Applicant Presentation

Vice Chair McCall called for presentation by the applicant.

Greg Reid, WWC Engineering, 550 South 24th St W, Billings, MT

The intention is to expand the business and put a support facility in the rear after aggregating the properties. The neighborhood meeting had a large attendance of interested parties. The attendees are happy to see something happening with the vacant lot. They expressed a desire for fencing, not chain link and how the lighting would affect adjacent properties. There are general concerns about traffic impacts.

Commissioner White asked if the alley is going away. Staff replied no.

Dan Callicoa, agent

The dealership is not going away, the service is being expanded for sprinter vans. We are willing to meet any and all zoning requirements necessary. The last 2 months at this location have resulted in large sales.

Public Hearing: 4:42PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #999. There were none.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #999.

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

The Motion carried to approve City Zone Change #999 with a 3-0 vote.

Public Hearings:

City Zone Change 1000 – 436 Wicks Lane - From N2 to NO - A zone change request from Mid-Century Neighborhood (N-2) to Neighborhood Office (NO), on Lot 10, Block 1 of Arrowhead Subdivision, a .288 acre parcel of land. A pre-application neighborhood meeting was held on August 25, 2021, via Zoom virtual meeting. Tax ID: A02533A

Staff Recommendation:

Planning staff recommends approval of Zone Change 1000 and adoption of the findings of the 10 review criteria.

Applicant Presentation

Vice Chair McCall called for presentation by the applicant.

Scott Aspenlieder, Performance Engineering, 608 North 29th, Billings, MT

Demolition of the existing dental practice and home, removing a couple of drive approaches. Parking is needed. There were no comments in opposition from adjacent property owners.

Public Hearing: 4:48Pm

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #1000. There were none.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #1000 with staff recommendations.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson				x
Daniel J. Brooks	x			
VACANT				
Greg McCall	x			
Trina White	x			

The Motion carried to approve City Zone Change #1000 with a 3-0 vote.

Public Hearings:

City Zone Change 1001 – Text Amendment for Marijuana Business Regulations – a zoning text amendment initiated by the City Council on September 13, 2021, to allow marijuana businesses within the city limits in certain zone districts, and to establish use standards that include separation distances from parks, churches, schools, day care centers, youth centers and residential zones.

Staff Recommendation:

The Planning Division recommends the Zoning Commission conduct a public hearing and make a recommendation to the City Council for approval of the text amendment for marijuana businesses, based on the proposed findings of the 10 review criteria.

The Zoning Commission may:

Adopt the findings of the 10 review criteria and recommend approval to the City Council; or,
Adopt the findings of the 10 review criteria and recommend approval with changes to the draft to the City Council; or adopt different findings of the 10 review criteria and recommend denial of the proposed regulation to the City Council.

Staff Presentation

Vice Chair McCall called for presentation.

Nicole Cromwell, City Zoning Coordinator



ZC Presentation Oct
5 2021 - Text Amend

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

In November 2020, the ballot issue (I-190) was approved by the voters to allow "adult use" of marijuana on a state-wide basis. During the 2021 legislative session, the state adopted a bill - HB 701 - that amended the existing laws to accommodate this new marijuana use approved by the voters. The law explicitly allowed local jurisdictions to adopt more stringent local controls, including the allowance for counties where the ballot initiative did not pass, to adopt local prohibitions. Yellowstone County and the City of Billings both passed the 2020 ballot initiative.

Prior to November 2020, medical use marijuana was allowed by the state. This was approved by another ballot initiative in November 2004. Billings did not adopt any local land use controls for medical use marijuana businesses after the passage of the 2004 initiative. The number of registered patients and caregivers was low until late 2009 when the U.S. Justice Dept. issued a directive to US Marshals and US Attorneys that marijuana possession and use should not be prosecuted in states permit the use of medical marijuana and as long as individuals comply with those laws. Soon thereafter, Council members began receiving constituent contacts, expressing concerns about medical marijuana businesses being established across the city. The Medical Marijuana Act did not specify if or how cities could regulate these businesses but the most common approach taken by other Montana cities at the time was to establish zoning rules that limited the impacts these businesses may have had on their surroundings.

In February 2010, the Council created the Medical Marijuana Ad-Hoc Committee to develop proposals for how the City should zone for these businesses. Subsequently, more than 100 new medical use marijuana dispensaries opened within the city limits. Locations included commercial areas as well as temporary buildings in parking lots and home occupations. The city adopted an emergency moratorium in May 2010 to stop the rush by medical use providers to continue opening businesses within the city limits. At the same time, the state legislature was considering regulations and laws to better guide the medical use marijuana industry. The Ad Hoc Committee reviewed and considered several iterations of zoning regulations for medical use marijuana dispensaries. These draft regulations are very similar to the proposed zoning regulations for this text amendment and included required separation distances, limitation on zone districts where the businesses could location and considerations for sign code regulations. Ultimately, the state legislature took up the issue, and passed a new law in 2011 (SB 423) that limited medical marijuana dispensaries and providers in a strict manner. In

Billings, this resulted in dropping zoning regulations and adopting two sections on Medical Marijuana for business regulations - Section 7-1700, Medical Marijuana Storefronts and Section 13-432, Business Licensing. These two ordinances are still active in the city codes.

Medical Marijuana providers and dispensary owners sued the state over certain provisions in the 2011 law and prevailed on most issues in late 2015 and early 2016. These court decisions set in motion additional activity on the local level to ensure the previously adopted business licensing ordinances that were in compliance as well as refining and adopting zoning regulations for medical marijuana dispensaries. In 2017, the City Council initiated these amendments to the city code. Prior

to first reading by the City Council in September 2017, Montana Advanced Caregivers (M.A.C.) filed suit and was granted a restraining order by the District Court to halt the adoption of those regulations and to stop any enforcement of the existing city regulations against M.A.C. This lawsuit is on-going. The passage of I-190 and the adoption of HB 701, has prompted the City to again examine and propose regulations that will now apply to both Adult Use and Medical Use marijuana businesses. The zoning regulations proposed are similar to the regulations proposed in 2010 and 2011 but were not adopted. The proposed regulations address concerns with public health, safety and welfare as a primary basis for the regulations. The regulations separate the different types of marijuana businesses and allow them in particular zone districts. These are generally zones that are not close to neighborhoods such as Heavy Commercial (CX), Light Industrial (I1) and Heavy Industrial (I2). In addition, staff has drafted a minimum separation distance to residential zones, schools, public parks with playgrounds, religious institutions, day care centers and youth centers of at least 1,000 feet. One thousand feet will be protective of those uses that are closer to the three zone districts.

The separation requirement will apply to dispensaries, cultivators, processors and manufacturers but not from testing laboratories or transporters. Currently, the marijuana businesses throughout Montana are "vertically" integrated so most dispensaries are also cultivation, processing and manufacturing marijuana edibles. Currently, transportation of marijuana is generally limited by dispensaries that provide delivery to cardholders for medical use. In the future, transportation may become a viable "stand alone" service business for marijuana businesses.

The proposed draft also requires a minimum setback of 150 feet from an arterial street for any new dispensary - Adult Use or Combined Use. This setback would not apply to Medical Use only. There was a concern the zone districts and the required separation distance could concentrate these businesses along major transportation corridors that serve as entryways to the city. Requiring a minimum setback from these entryways will diminish the concentration effect of these separation distances.

City legal staff is assisting the Marijuana Regulation Committee (includes the Mayor, City Council Members, and City staff) to draft new business license regulations for marijuana dispensaries and related businesses. Part of this discussion includes

research into the experience of similar communities in other states with similar marijuana laws and peer-reviewed journals and professional articles on the effect of marijuana businesses in the community and in law enforcement. This background and basis information is attached to this report. The City Council is considering a lottery system to award business licenses for marijuana dispensaries and a cap on the number of dispensaries within the city limits.

The state of Montana currently lists 29 licensed dispensaries within Yellowstone County and two of those are within the city limits. Only one of those two locations is in "good standing" with the city - M.A.C. The other location on Grand Avenue does not have a city business license and is not considered in good standing with the city at this time. On January 1, 2022, the state will allow any existing medical use dispensary in good standing with the local government to start selling adult use marijuana to consumers 21 years of age and over.

Planning staff has received some comment from city agencies in particular the Fire Department. There is a concern that manufacturing - distilling, and extraction - of oils and other botanical but volatile elements from marijuana is not adequately regulated by the adopted 2012 Fire Code (IFC) in Montana or in the city. The Fire Marshal would like to insert language that ensures any manufacturing that involves distillation of cannabis oil to comply with Chapter 39 of the 2021 IFC (or later edition) as the case may be. The city must wait for the state to adopt a new Fire Code to adopt the entire new IFC for the city. This reference to the 2021 IFC Chapter 39 would pre-date the formal adoption by the state and city, but the Fire Marshal believes it is essential to protection of public health and safety. The

extraction process for cannabis oil is hazardous and the newer Fire Codes will help minimize these hazards for this new business type. Inclusion of this language is being considered for the City's marijuana business licensing process and may also be helpful to reference in the new zoning code as we do for other codes that must be followed when developing property in the City.

Planning staff is working with city Geographic Information Systems (GIS) staff to provide maps that depict generally where marijuana dispensaries, cultivators and processing facilities might locate based on the proposed regulations. These maps are only general and cannot with absolute certainty show whether a particular property will or will not meet the proposed regulations for separations or setbacks. Most of the area that will be open for these businesses will be along the I-90 interstate corridor where most of the CX, I1 and I2 zoning is located. The separation distances will be measured in the same way we measure separations for bars and casinos - from the exterior of the building where the marijuana business is located to the property line of the protected use. Since we don't know where new businesses will locate yet, the maps show a property line to zone district buffer. The maps are attached to this report.

The draft regulations also prohibit marijuana businesses of any type as a Home Occupation and require the business to provide documentation a proposed sign meets the state regulations when submitted for city permitting.

STAKEHOLDERS

The Planning staff sent the draft regulations out to Neil Kiner, owner of the Green Bee and medical use dispensary outside the city limits. In addition, Planning staff sent the draft regulations to the Montana Cannabis Guild, published the draft on the City Webpage (<https://www.billingsmt.gov/2361/Current-Zoning-Applications>) and published a legal advertisement as required by Section 27-1628 of the BMCC.

Text amendments are processed in a similar manner to zoning map amendments, require legal notification and a review of the 10 criteria for zone changes. As of the completion of this report, we have not received any comments back from the public on the draft regulations. The Billings Industrial Revitalization District (B.I.R.D.) board may provide information to the Commission on what zone districts in the East Billings Urban Renewal District they would like to include for consideration of marijuana dispensaries or other marijuana businesses. Several marijuana business owners have been attending the City Council work sessions on this topic, but none have provided comment to the Planning staff on these draft regulations.

FISCAL EFFECTS

A recommendation of approval or denial will not have any appreciable effect on the Planning Division budget.

SUMMARY

Prior to making a recommendation to the City Council on the draft regulations, the Zoning Commission shall consider, among other things, the following findings recommended by the Planning staff:

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

The proposed amendment is consistent with 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.

Strong Neighborhoods:

Neighborhoods that are safe and attractive and provide essential services are much desired.

Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods.

Community Fabric:

Attractive street scapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.

Home Base:

Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

Prosperity:

A diversity of available jobs can ensure a strong Billings' economy.

Successful businesses that provide local jobs benefit the community.

Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.

The proposed amendment allows a new type of business within the city limits. New businesses can create unpredictable effects within an existing community. The proposed regulations are intended to prevent some predictable consequences of allowing a business that is still considered illegal in many states. It is likely there will be a high demand for this product due to the regional nature of the Billings retail market and due to the fact the states adjacent to eastern Montana have not legalized marijuana. Colorado is the closest state to Montana where both medical use and adult use marijuana is legal. Expansion from medical use to adult use marijuana will increase demand generally. Allowing these businesses in areas where similar types of business already exist - processing, manufacturing, cultivation, warehousing, transportation terminals - will make this use predictable in those areas.

Expanding the types of districts to Mixed Use districts would bring these businesses too close to neighborhoods, schools, public parks and other sensitive land uses where protection from odors and noise is a primary concern and businesses with high security demands are not compatible. The regulations require an arterial setback for adult use or combined use dispensaries so the separation requirements and the district limitations do not combine to create a cannabis corridor along entryways to the city.

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

The new zoning may increase the danger from fire for new manufacturing and processing facilities that extract cannabis oil. The Fire Marshal has suggested insertion of language to require compliance with Chapter 39 of the 2021 IFC that is not yet in effect in Montana. In general, the proposed zone districts for this use is in proximity to similar uses and will not be close to neighborhoods, public parks or schools where danger from fire or explosion is a higher risk.

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

The proposed regulations limit the effect of locating these businesses within the city limits by providing separation distances from sensitive uses and limiting the businesses to compatible zone districts such as CX, I1 and I2.

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

Transportation: It is not known whether the number of businesses within the proposed three zone districts will affect the overall transportation system. In some jurisdictions, high security transportation of marijuana was required. If Billings becomes a regional cultivation, processing or manufacturing center for Montana,

evaluation of local transportation will be needed on a site by site basis through a Traffic Impact Analysis by the proposed business.

Water and Sewer: This text amendment affects properties within the City of Billings that are served by city water and sewer. Cultivation and processing will increase demand on water and waste water services, but the system is expected to provide those services.

Schools and Parks: Schools should not be significantly affected by the proposed zoning. The draft regulations propose a 1,000-foot separation to schools (primary and secondary, public or private) and public parks with playgrounds or playing fields. This should help protect these two sensitive land uses.

Fire and Police: The CX, I1 and I2 zones within the City of Billings will be served by City Fire and Police Departments. The Fire Marshal's concern with cannabis oil production is noted above in criteria 2. It is likely dispensaries will employ complicated security systems for their locations. The Police and Fire Departments will be involved in reviewing licenses and building permits for any new locations.

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

Not applicable.

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

The proposed zoning may have unknown impacts on the transportation network. Individual business may need to provide traffic impact reports when establishing a new location.

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

The zoning amendment promotes compatible urban growth in the areas of the City that are zoned CX, I1 and I2. The intended use is not an intrusion to these zone districts and the proposed separation requirements will provide buffering to any sensitive land uses.

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

The zoning amendment considers the character of the CX, I1 and I2 districts and the suitability of the property for the proposed uses. Testing Laboratories will be allowed in additional zone districts - Downtown Support (DX) and Central Business District (CBD) since no sales or production of marijuana would occur at these facilities. DX and CBD allow all other research and testing laboratories.

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

Not applicable

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

The proposed zoning may encourage the most appropriate use of some CX, I1 and I2 zoned land in Billings.

Discussion

Commissioner White stated she does not think this is enough zoning areas for this business nor does she like there is only a very small area in the Heights allowing this business. The zoning should be closer to the related zoning of casinos.

Staff stated casinos are a different animal and are treated differently. Explanations to where they are allowed were given.

Commissioner Brooks is concerned this business is being pushed to low income neighborhoods.

Public Comment

Neil Kiner, 1432 Teton Ave, Billings, MT

Mr. Kiner reiterated his email submitted earlier. Believes there is a happy medium and many retail opportunities.

Commissioner White asked about the Colorado zoning. Mr. Kiner does not know about Colorado zoning. Commissioner White expressed concern about tourists and signage for those visiting and how that might look. Mr. Kiner said the state is working on sign restrictions and has heard they are to be strict.

Ming Cabrera, 1734 Poly Drive, Billings, MT

He is concerned there is only one small area in the Heights for this business. He has retail space in the Heights that would be ideal for Main Street dispensaries. Please do not eliminate Main Street as an approved area for the thirty thousand people in the Heights. One of his buildings in the Heights sells pipes and it is a very lucrative business. Why should patrols have to be sent to the extreme north for safety purposes.

NO CALLERS

Discussion

Commissioner Brooks voiced his concerns again regarding this business and potential negative impacts being restricted to low income areas. He referred to studies indicating increased usage and likely addiction between 4-8 miles from dispensaries. He feels it needs to be spread out more about the City. This does not promote strong neighborhoods as directed by the Growth Policy.

Commissioner White does not think pushing all this to the outside is the answer.

Staff explained the Corridor Mixed Use zones would be the next step down. Main Street was eliminated by the footage requirements recommended by the Steering committee. The dials are in front of you. Separation requirements and separation from what. Commission recommendations must move forward tonight because of the timeline of events leading up to January 1, 2022 state implementation.

Wyeth Friday talked about the residential separation requirements and is significant because it removes availability. The low-income point is interesting in they are within a half mile radius.

Staff asked protected uses be addressed first.

Vice chair McCall feels frustrated because the commission is just now receiving the information and it seems as if the business is being pigeon holed to certain areas. The largest available areas

are right in his neighborhood. The pressure of having to make a recommendation tonight is daunting.

Commissioner Brooks feels the City is considering capping the number of allowed businesses. He feels the zoning should be expanded and limited by the potential caps.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to amend the dispensary separation requirement to 600 feet from parks, schools and churches only and amend the separation requirement to 350 feet from residential zoning.

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

The Motion to amend separation language on City Zone Change 1001 was approved with a 3-0 vote.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to add the “no waiver” language to City Zone Change #1001.

Discussion

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

The Motion carried to add language to City Zone Change #1001 with a 3-0 vote.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to add CMU2 and CMU1 zoning City Zone Change #1001.

Discussion

Vice Chair McCall thinks adding these zoning areas is opening it up to broad.

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

The Motion carried to add CMU2 and CMU1 City Zone Change #1001 with a 2-1 vote.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Zone Change #1001 with all amendments as previously voted.

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

The Motion carried to approve City Zone Change #1001, with amendments with a 3-0 vote.

Other Business:

Adjournment: The meeting adjourned at 6:28PM.

ATTEST: To be Approved by a motion November 2, 2021

--Robbin Bartley, Administrative Assistant

Add the following on Page 5

Add new subsection (b) to 27-1005.R.1

(b) Required separations are not subject to reduction, adjustment, or variance and dispensaries shall not be approved within the distances specified.

Add the following on Page 6

Add new subsection (b) to 27-1006.F.1

(b) Required separations are not subject to reduction, adjustment, or variance and marijuana cultivation, processing or manufacturing shall not be approved within the distances specified.

October 5, 2021

Dear Zoning Commissioners,

Thank you for the commitment you've made to our community by serving on this board. It's not lost on me how much of a time and energy commitment it takes to serve the public on a commission like this. I have served on various boards for the city in the past and am a current member of the Energy and Conservation Commission. Additionally, I was a member of one of the subcommittees that helped craft the new zoning regulations, project Re-Code.

I'm writing to you all to encourage you to provide more flexibility in the zoning regulations that are before you regarding cannabis businesses. I have been an interested member of the public in this process and have offered consultation to the city staff and council throughout this process. The mayor, several council members, and the city administrator, have been provided a behind the scenes tour of a dispensary and cannabis farm that I own, The Green Bee. I have been as transparent and forthcoming as possible in an effort to educate and provide knowledge of the industry.

The state has categorized the industry into seven 'types' of business, depending on what the business performs. In a letter I wrote to council, I suggested that zoning regulations reflect these business types, as they are different and require different space, access, etc... I am encouraged to see that planning staff has taken that direction and has begun to implement different zoning regulations based on these business types. However, I would like to see more flexibility built into the regulations. Retail services, as currently written, would be required to be located in hard to find industrial areas. That approach does not encourage retail services, and in fact discourages businesses from locating in our community. Maybe that's the point, I don't know. I do know there are many empty retail spaces available throughout Billings. I encourage you to consider the addition of zoning districts to the retail business types.

I encourage regulate all retail cannabis businesses with the same setback requirements as bars/casinos. The current draft regulation is much more stringent with setbacks from arterial streets and existing land uses. Again, this effectively bans businesses from locating in Billings.

I will attend this meeting and will be available to answer any questions. I look forward to hearing discussion on this issue.

Sincerely,

Neil R. Kiner
Landscape Architect



Second Nature Consulting, PLLC
1432 Teton Ave.
Billings, MT 59102
P: (406) 850-0461

Zoning Commission

Date: 11/02/2021
Title: City Zone Change 1002, 1938 Hawthorne Lane
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning Staff recommends the Zoning Commission delay action on this application. The applicant's agent has been working with City Staff on the submittal of an Annexation Petition and Development Agreement which are required in order for the City Zoning Commission to consider this request. At the time of publication of this application, there were unresolved issues with the Development Agreement which have prevented the annexation from moving forward on the same schedule as the zone change. Ultimately, delay of this annexation is required. Not delaying the application creates jurisdictional issues of the City Zoning Commission acting on County property without a concurrent petition for Annexation. This item is required to be on tonight's agenda because the Zone Change legal advertisement was published before the annexation petition and development agreement delays were recognized. Upon approving the delay, the Zoning Commission will consider the item at its December meeting.

REQUEST

City Zone Change 1002 -- 1938 Hawthorne -- from N4 to N2 - A zone change request from Large Lot Suburban Neighborhood (N4) to Mid-Century Neighborhood Residential (N2), on Parcel 2A and 3 of Certificate of Survey 840, a 2.725 acre parcel of land. A pre-application neighborhood meeting was held on September 16, 2021 at 6:00 pm, at 1938 Hawthorne Lane. Tax ID: D05148 & D05150

APPLICATION DATA

OWNER: Michael Sartorie
LEGAL DESCRIPTION: CS 840, parcel 2A and 3
ADDRESS: 1938 Hawthorne
CURRENT ZONING: N4
PROPOSED ZONING: N2
EXISTING LAND USE: Residential
PROPOSED LAND USE: Residential
SIZE OF PARCEL: 2.725 acres

CONCURRENT APPLICATIONS

Annexation

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR3
Land Use: Residential single family
SOUTH: Zoning: N2
Land Use: Residential single family
EAST: Zoning: RR3
Land Use: Residential single family
WEST: Zoning: PD
Land Use: Vacant

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

The Planning Division has reviewed this application and is recommending approval based on the ten criteria for zone changes. The applicant is requesting to change the zoning from N4 to N2, in order to annex their property to the City. The pending annexation petition would require the property rezoning to an appropriate City zoning district. A pre-application neighborhood meeting was held on June 16, 2021, at 1938 Hawthorne Lane. The

neighbors questions included if there would be increased traffic on Barrett Road, what kind of improvements would be required for roads and sidewalks, and how it would affect the water table, the applicant provided the answers to residents and are addressed in the determinations for granting the zone change.

STAKEHOLDERS

A pre-application neighborhood meeting was held on June 16, 2021, at 1938 Hawthorne Lane, and the items discussed at the meeting are outlined in the Background portion of this memo. Public hearings also are required for zone changes at the Zoning Commission and City Council meetings, so the public may participate at either of those hearings.

ALTERNATIVES

The Zoning Commission may:

- Delay the application to allow for the annexation petition and development agreement processes to meet the review schedule;
- Not delaying the application creates jurisdictional issues with the City Zoning Commission acting on county property without a concurrent annexation petition.

FISCAL EFFECTS

Approval or denial of the proposed zone change should have no effect on the Planning Division budget.

SUMMARY

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

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

The proposed zone change does conform to the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zone will encourage development within and adjacent to the existing City limits, where City infrastructure exists.

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:

- To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density residential development along arterial routes. Maintain similar housing in established neighborhoods.

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. The developer intends to build residential homes similar to the previous subdivisions he completed to the south. There are existing fire hydrants located at the intersection of Barrett Road and Echo Drive, at Barrett Road and Hawthorne Lane and along Sartorie Road. The development as N2 City (with annexation) will include additional fire hydrants.

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 already been developed and used as a single family residential. The N2 zoning would allow the developer to expand the existing residential development (Sartorie Subdivision). The development of the property will require improvements to existing infrastructure adjacent to the property and install new infrastructure within the development such as water, sewer, and stormwater retention. Other improvements include curb, gutter, boulevard, sidewalk and widening of Barrett Road adjacent to the property. When new roads are constructed within the development, they will be required to meet the City standards for all improvements.

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

Transportation: The proposed zoning will have positive impact on the surrounding transportation systems by widening Barrett Road and installing curb, gutter and sidewalk.

Water and Sewer: The property has Billings Heights water and City sewer services. The proposed development will be designed with a low pressure sanitary sewer, connecting to the existing service at the north end of Sartorie Road. This type of system will have a minimal impact to the existing system.

Schools and Parks: Schools and parks will be affected by the proposed zone change. This will depend on the individuals that purchase property within the new development.

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. The new development would be required to provide open space.

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

The new zoning will not have a negative effect on vehicle and pedestrian traffic. Development of the property will require improvements to Barrett Road as well as new roads including sidewalks. Improvements will allow non-motorized transportation to travel safely outside the property.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow development of the property compatible with surrounding residential development.

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 surrounding properties are a mixture of agriculture and residential uses, the N2 zone would allow development consistent with the adjacent property to the south (also zoned N2).

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

The value of existing building should be preserved by the proposed zoning. The adjacent Sartorie Subdivision is currently developed under N2 zone, therefore the new development would be compatible and conserve the value of existing buildings.

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

The proposed N2 zone would encourage infill development and an extension of the adjacent N2 development. The developer has also submitted a petition for annexation to the City of Billings and the proposed N2 would encourage the most appropriate use of the land.

Attachments

Zoning Map & Site photos
Application & Applicant letter
Pre App Information
Site Plan

Zoning Map



Site Photos



Subject Property



South



North west



North toward Barrett Road



South

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1002 - Project # _____

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 Large Lot Suburban Neighborhood (N-4)

Proposed Zoning: Mid-Century Neighborhood Residential (N-2)

TAX ID# D05148 & D05150 CITY ELECTION WARD N/A

Legal Description of Property: Parcel 2A and 3 of Certificate of Survey No. 740, Corrected 2nd Amended

Address or General Location (If unknown, contact City Engineering): 1938 Hawthorne Lane

Size of Parcel (Area & Dimensions): Parcel 2A = 1.185 acres and Parcel 3 = 1.540 acres

Present Land-Use: Vacant

Proposed Land-Use: residential subdivision development

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): Michael Sartorie

(Recorded Owner) 1880 Hawthorne Lane, Billings, MT 59105

(Address) 406-698-3806 sartorie@bresnan.net

(Phone Number) (email)

Agent(s): WWC Engineering - Greg Reid

(Name) 550 S. 24th Street W, Billings, MT 59102

(Address) 406-894-2210 aredland@wwcengineering.com

(Phone Number) (email)

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

Signature: [Signature] Date: 9/28/21
(Recorded Owner)



(1) Whether the new zoning is designed in accordance with the growth policy;

The 2016 City of Billings Growth Policy, states that growth will be managed by "encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development." The proposed zone change would provide additional tax revenue to the city and provide an expansion of an existing business onto the adjacent infill lot that is already provided city services.

(2) Whether the new zoning is designed to secure from fire and other dangers;

The change of Large Lot Suburban Neighborhood (N-4) to Mid-Century Neighborhood Residential (N-2) zoning would not create any dangers within the neighborhood. With the zone change, the developer intends to develop the property to residential properties. There are existing fire hydrants located at the intersection of Barrett Road and Echo Drive, Barrett Road and Hawthorne Lane, and along Sartorie Road, therefore there are no anticipated dangers of fire protection with the development. Further, development of the property as N-2 City Development in lieu of N-4 County development will include additional fire hydrants for protection of residences in the area.

(3) Whether the new zoning will promote public health, public safety and general welfare;

The proposed zone change from N-4 to N-2 would allow for the developer to expand the existing residential development, Sartorie Subdivision, to the south of the subject property along Sartorie Road. The developer will be required to improve existing infrastructure adjacent to the property and install new infrastructure within the development such as water, sewer, and stormwater retention. The required improvements also will include curb/gutter, sidewalk, and widening of Barrett Road along the subject property. When new roads are installed within the new development, they will be required to meet the City of Billings standards for curb/gutter, boulevard, sidewalk, and roads. The expansion will improve the property value in the neighborhood and eliminate vacant property within the city limits.

(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

The proposed zone change from N-4 to N-2 will positively impact transportation surrounding the property. The development will require widening the southerly portion of Barrett Road along the developer's property which will include curb/gutter and sidewalk.

The County Water District of Billings Heights will be providing the water service. With existing mains available within Barrett Road and Sartorie Road, there is an immediate access to water service for the development. The proposed development will be designed with a low pressure sanitary sewer system connecting to the existing manhole located at the north end of Sartorie Road. This type of system will provide minimal impact to the existing sewer capacity.

Since the development will be residential, the neighborhood schools and parks may be impacted by this zone change. This will depend on the types of individuals that purchase property within the development.

(5) Whether the new zoning will provide adequate light and air;

N-4 development and N-2 development are both to be residential development, with the exception that N-2 development is City and would require an area for stormwater to be ponded as open space. As such, both developments would be expected to have similar structures and similar open space maintained resulting in similar impacts to light and air.

(6) Whether the new zoning will effect motorized and nonmotorized transportation;

The proposed zoning will not have a negative effect on motorized and nonmotorized transportation. The motorized transportation will be entering the property from either Sartorie Road or from Barrett Lane with the new development. As part of the subdivision development requirements, the southerly portion of Barrett Lane along the subject property will need to be widened with installation of new curb/gutter and sidewalk based on the City of Billings standards. Those improvements will allow nonmotorized transportation to travel safely outside the property.

(7) Whether the new zoning will promote compatible urban growth;

The proposed zoning will allow the developer to expand his residential development, Sartorie Subdivision, which is to the south of the subject property. The development will be required to satisfy the City of Billings regulations for residential development on the street, sidewalks, water, sewer, and stormwater. The residential expansion will eliminate vacant property within a residential neighborhood. Development of an infill property is encouraged within the city limits. The required property improvements will increase the value of property within that area.

(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

The character of the district surrounding the subject property, is a mix of residential and agricultural. The proposed zone change from N-4 to N-2 would allow the property to stay consistent with the adjacent property to the south which is also zoned for N-2. For expansion of the residential development, Sartorie Subdivision, the developer will be required to comply with the requirements for residential development such as (but not limited to) infrastructure improvements.

(9) Whether the new zoning will conserve the value of buildings; and

Immediately adjacent to the proposed development is an existing N-2 development, Sartorie Subdivision. As such, this development would not be changing the type of residential development that exists within the neighborhood. Further, the vacant property will be developed by changing the zoning to allow the extension of residential development, which will remove vacant property from the area and improve it to City of Billings standards with a widened roadway and sidewalks in the public right-of-way adjacent to the property.

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

Given the demand of residential development within Billings, this proposed zone would allow the developer to provide additional residential property. The infill development of residential property would generate a return on

investment for the City of Billings. The requirements for residential development of N-2, will require street and city service improvements adjacent to the property and within the development.

The current zoning, (N-4), of the subject properties is a county zoning district. The developer has also submitted the petition for annexation to the City of Billings and the proposed zone, N-2, will be an extension of the current zone south of the subject properties.

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:** N-4 Large Lot Suburban Neighborhood
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

The existing zoning is Large Lot Suburban Neighborhood (N-4) and the proposed zoning for the property is Mid-Century Neighborhood Residential (N-2)

3. **Subject Property Map:** See attached
4. **Legal Description of Property:** Parcels 2A and 3 of Certificate of Survey No. 840, Corrected 2nd Amended
5. **Neighborhood Task Force Area:** Yes // **No** If Yes, Name of Task Force and mailing address of Chairperson:

6. **Roster of persons who attended the pre-application neighborhood meeting:** See attached
7. **A copy of the meeting notice.** See attached
8. **A brief synopsis of the meeting results including any written minutes or audio recording.** See attached
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 18th, day of September, 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Michael Sartorie Telephone: 406-698-3806
Address: 1180 Hawthorne Lane, Billings, MT 59105 Email: sartorie@bresnan.net

Agent (s): WWC Engineering Telephone: 406-894-2210
Address: 550 S. 24th Street W, Billings, MT 59102 Email: aredland@wwcengineering.com

Sartorie Zone Change Pre-Application Neighborhood Meeting

September 16th, 2021 at 6:00pm

Attendance:

Aaron Redland – WWC Engineering

Mike Sartorie - Owner

See attached sign-in sheet

The meeting was opened by WWC Engineering (WWC) giving a description of the current zoning and the proposed zoning. WWC also explained the zone change process along with the Zoning and Council meetings that are required for the zone change to be completed. Mike provided information on the future site development plan of the parcels.

The area residents were then asked to provide comments or concerns regarding the zone change. The following list summarizes the comments received:

- Is the development anticipated to increase of traffic on Barrett Road?
- What improvements will be made to the roads for increased vehicle and pedestrian traffic?
- What affects will the development have on the water table?

Pre-Application Neighborhood Zone Change Meeting - Mike Sartorie
 September 16, 2021 at 6:00 pm

	Name	Address	Phone no.
1	DIANE FAUS	1809 Sartorie Road	702-1930
2	Patricia Pat Harmon	2030 Hawthorne Ln	860-4040
3	RL Ganser	936 KALE DR.	259-9004
4	Deanna Barham	1318 Bluebell Dr.	200-034
5	Ron Kaminiski	1205 DRABERT	698-8799
6	DAVID WHTMORE	2106 W. ECHO DR.	259-6981
7	Scott McCallum	2011 Echo Dr	670-4557
8			
9			
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11			
12			
13			
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15			



Zoning Commission

Date: 11/02/2021
Title: Special Review 992 - 4130 Kari Lane
Presented by: Karen Husman
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 allow an automobile collision repair center greater than 5,000 square feet in a Corridor Mixed Use 2 (CMU2) zoned district, for a proposed 18,554 square foot building, on Lot 13, Block 1 Montana Sapphire Subdivision, a 2.187-acre parcel of land. Tax ID: C13966. This application also requires a variation from the off-street parking regulations. The parking code requires a minimum of 75 parking spaces for the project size 18,544 square foot building (1 per 250 square feet). The applicant is proposing 82 parking spaces, 12 spaces for daily use and 70 spaces for vehicles under repair.

APPLICATION DATA

OWNER: Montana Sapphire, LLC
AGENT: Matthew K. Rassmussen, P.E.
LEGAL DESCRIPTION: Lot 13, Block 1 Montana Sapphire Subdivision
ADDRESS: 4130 Kari Lane
CURRENT ZONING: CMU2
EXISTING LAND USE: Vacant
PROPOSED USE: Auto collision repair center
SIZE OF PARCEL: 2.187 acre

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attachments

SURROUNDING ZONING & LAND USE

NORTH: Zoning: CMU2
Land Use: vacant
SOUTH: Zoning: NX3
Land Use: Assisted Living Facility
EAST: Zoning: NX3
Land Use: Vacant
WEST: Zoning: CMU2
Land Use: Vacant

The proposed collision repair would fit into this area of mixed commercial development. Including an auto dealership at 840 Shiloh Road, Kari Condominiums a commercial condo development at 840 Shiloh Road, Bar/lounge/tavern at 4241 Kari Lane, a bank at 4130 King Ave West, and an assisted living facility to the south at 4215 Montana Sapphire Drive.

STAKEHOLDERS

Applicants for special review approval are now required to conduct a pre-application neighborhood meeting similar to zone change applicants. The pre application meeting was held in virtual meeting format on Thursday, September 16, 2021. No one attended the virtual meeting. . 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.

ALTERNATIVES

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

1. Deny the application for a special review use; or
2. Grant the application for a special review use; or
3. Conditionally grant the application for a special review use; or
4. Delay action on the application for a period not to exceed thirty (30) days.

The Zoning Commission recommendation will be based on the findings of the nine review criteria for special review uses. 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. The findings of the criteria are in the Summary section below.

FISCAL EFFECTS

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

SUMMARY

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 the submitted site plan, applicant letter, and findings of the criteria. A significant change from the previous zoning code is that 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.

PROPOSED FINDINGS:

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

Applicant: The proposed Caliber Collision use is consistent with the adopted underlying zoning of Corridor Mixed Use-2 (CMU2) and will provide a use type that is compatible with and complementary to surrounding properties. The use is supported given the commercial character of the area and provides a needed service to the community. The intensity/density proposed is consistent with the adopted standards and policies of Yellowstone County

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. The 2016 Growth Policy Guidelines support the proposed use in some respects. The West Billings Neighborhood Plan indicates this area as a commercial node.

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.

- Implementation of the Infill Policy is important to encourage development of underutilized properties.

Development of this parcel promotes infill development. During the pre-application meeting staff recommended the applicant place the building to the front of the property and allow vehicle storage to the rear of the property to allow for aesthetically pleasing area to the front.

Prosperity:

- Successful businesses that provide local jobs benefit the community.

- Retaining and supporting existing businesses helps sustain a healthy economy.

Caliber Collision is the nations largest collision repair company. Founded in 1997 the company continues strong to this day, providing job opportunities and supporting local economy.

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 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 area 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: The project site is currently vacant and located within a planned commercial subdivision that is already developed with various complementary commercial uses. Caliber Collision plans to develop the 2.2± acre site with a 18,554± collision repair center. Collision repair services will occur entirely within the enclosed building, ensuring that any noise, odors, etc. are fully contained and mitigated.

Staff: 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: As the community continues to grow, demand for services, including the need for collision repair services, has increased. Caliber Collision will serve to fill this void. Prior to entering a new market, Caliber Collision conducts in-depth market research and analysis to evaluate market demand/need, availability of existing services, etc. The Billings site will serve the needs of area residents and will not negatively impact existing service providers in the area based on market demands.

Staff: Staff agrees with the applicant and has recommended conditions that will improve the Kari Lane landscaping, provide a buffer to the development to the south 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: Approximately, 23% of the site will be landscaping at the perimeter of the project. This will add aesthetic appeal within the area and create a pleasant street scape along Kari Lane. Outdoor storage areas will be fully screened with privacy fencing and further buffered with perimeter landscape improvements. Parking provided onsite exceeds code requirements and ensures that adequate parking for customers and employees will be provided at all times.

Staff: 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 properties. Repairs will be conducted within structures on site minimizing any noise, light or fumes 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 project site is currently vacant and located within a planned commercial subdivision that is already developed with various complementary commercial uses.

Staff: The development of this parcel 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 an auto repair business.

PROPOSED CONDITIONS

1. The special review approval is limited to Lot 13, Block 1 Montana Sapphire Subdivision, a 2.187-acre parcel of land. Tax ID: C13966, generally located at 4130 Kari Lane.
 2. The special review is for the construction and operation of an automobile collision repair center. No other use is intended or implied.
 3. A minimum 6-foot high sight-obscuring fence and landscape buffer shall be placed on the south and east property lines to buffer the adjacent uses.
 4. 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 south and east.
 5. With the exception of the above conditions, the site shall be developed in substantial conformance with the site plan submitted.
 6. The proposed development shall comply with all other limitations of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
 7. The applicant will submit a building permit application within 12 months of the City Council approval and complete construction within 3 years of City Council approval.
 8. 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.
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. 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. The site and building design ensure that proper buffering/screening exists and that all potential noise and odor impacts are fully contained within the building. Caliber Collision will be a positive addition to the community, providing a needed service, new employment opportunities, and positive fiscal impact to the community as a whole.
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 plans and reports attached demonstrate how Caliber Collision meets or exceeds all City requirements and conforms with adopted design and zoning requirements. This Special Review ensures that the City can review and evaluate all aspects of the project and ensure that all potential impacts are properly mitigated.
Staff: The access drive will be sufficient ingress and egress to and from Kari Lane connecting to Dannell Street. Dannell Street provides access to and from King Avenue West by way of a roundabout, lessening traffic impacts.
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 identified the number of parking spaces that would require modification of the requirements for this application. Staff recommends a variation allowing the proposed off-street parking spaces designated for storage of vehicles be allowed as part of the parking requirements. The parking code specifically states that off-street parking spaces cannot be storage spaces for vehicles or for display vehicles. A parking ratio at 1/250 sf is higher even than some more traffic intense uses. A lot of the interior space here is vehicle service bays, this parking ratio may not be feasible a building that is 90% service bay. Staff feels this may require a variation from the off-street parking code to allow the proposed storage space in calculating the required parking spaces for the project. The site appears to meet all the requirements for building height, setbacks, separations, lot coverage and yard treatments. Staff has recommended specific conditions related to landscaping, lighting and buffering to address issues not apparent on the site plan.

Attachments

Zoning Map & Site photos

Application & Applicant letter

Pre App Information

Chart of Zoning History

Site Plan

Site Photos



Subject Property Looking South



West



East



North



ZONING SPECIAL REVIEW REQUEST



The undersigned as owner(s) of the following described property hereby request a Special Review from the terms of the Zoning Regulations.

Check one: **City of Billings Special Review** **Yellowstone County Special Review**

Address **4200 King Avenue West**

Legal Description LOT 13, BLOCK 1, OF MONTANA SAPPHIRE SUBDIVISION, IN THE CITY OF BILLINGS, IN YELLOWSTONE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAIG COUNTY, UNDER DOCUMENT NO. 3173821.

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
2. Why is there a need for the intended use of the property at this location?
3. How will the public interest be served if this application is approved?
4. Statement. What is intended to be done with the property, including new construction or change in the use of the property and why the special review is being sought.

Required Project Uploads

- Site Plan
- Signed Application and Statement (Special Review Questions)
- Radius Map & Certified List of Property Owners
- Typed Mailing Labels Certified Surrounding Property Owners

Online Applications: <https://services.billingsmt.gov/citizenaccess/>

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.

Recorded Owner(s) **Montana Sapphire LLC**
Owner's Address **P.O. Box 2407 Bigfork, MT 59911**

Owner's Phone Number **406-549-7003** (E-mail)

Applicant/Agent **Matthew K. Rasmussen, P.E**

Applicant/Agent's Address **730 Sandhill Rd, Suite 250 Reno, NV 89521**

Applicant/Agent's Phone Number **775-473-9872** (E-mail) **matt@tdg-inc.com**

Signature of Recorded Owner(s)  Date

AUTHORITIES: SEC. 27-1503. SPECIAL REVIEW BY CITY ZONING COMMISSION. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan.

AUTHORITIES: SEC. 27-1509. SPECIAL REVIEW BY COUNTY ZONING COMMISSION. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan.

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

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

The proposed Caliber Collision use is consistent with the adopted underlying zoning of Corridor Mixed Use -2 (CMU2) and will provide a use type that is compatible with and complementary to surrounding properties. The use is supported given the commercial character of the area and provides a needed service to the community. The intensity/density proposed is consistent with the adopted standards and policies of Yellowstone County.

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

As the community continues to grow, demand for services, including the need for collision repair services, has increased. Caliber Collision will serve to fill this void. Prior to entering a new market, Caliber Collision conducts in-depth market research and analysis to evaluate market demand/need, availability of existing services, etc. The Billings site will serve the needs of area residents and will not negatively impact existing service providers in the area based on market demands.

How will the public interest be served if this application is approved?

The addition of Caliber Collision to the Billings site will benefit the public by providing a new and needed option for collision repair services. Additionally, the facility is complementary to the commercial character of the area and is designed to ensure that all potential project impacts are properly mitigated. Also, the new commercial use will generate new employment opportunities and additional tax revenue for Yellowstone County, resulting in a positive fiscal impact to the community.

Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

The project site is currently vacant and located within a planned commercial subdivision that is already developed with various complementary commercial uses. Caliber Collision plans to develop the 2.2± acre site with a 18,554± collision repair center. Collision repair services will occur entirely within the enclosed building, ensuring that any noise, odors, etc. are fully contained and mitigated.

Approximately, 23% of the site will be landscaping at the perimeter of the project. This will add aesthetic appeal within the area and create a pleasant streetscape along Kari Lane. Outdoor storage areas will be fully screened with privacy fencing and further buffered with perimeter landscape improvements. Parking provided onsite exceeds Yellowstone County code requirements and ensures that adequate parking for customers and employees will be provided at all times.

The plans and reports attached demonstrate how Caliber Collision meets or exceeds all County requirements and conforms with adopted County design and zoning requirements. This Special Review ensures that Yellowstone County can review and evaluate all aspects of the project and ensure that all potential impacts are properly mitigated. The use proposed is appropriate for the area given the existing CMU2 zoning and surrounding commercial character of the area. The site and building design ensure that proper buffering/screening exists and that all potential noise and odor impacts are fully contained within the building. Caliber Collision will be a positive addition to the community, providing a needed service, new employment opportunities, and positive fiscal impact to the community as a whole.



Billings, Montana - City Special Review Neighborhood Meeting

City of Billings
PO Box 1178
Billings, MT 59103-1178



Dear City of Billings,

Per City of Billings Planning Department, we are required to hold a Special Review Neighborhood meeting to gather input etc. from surrounding property owners on a proposed Caliber Collision located at 4200 King Avenue West, Billings, MT 59106.

The meeting will be held virtually on GoToMeeting on September 16, 2021 at 5pm at the following webpage/link - <https://global.gotomeeting.com/join/529910581> You can also dial in using your phone; +1 (872) 240-3212 Access Code: 529-910-581

The existing zoning for the property is CMU2 – Corridor Mixed-Use 2 and the following is the legal description for the property; LOT 13, BLOCK 1, OF MONTANA SAPPHIRE SUBDIVISION, IN THE CITY OF BILLINGS, IN YELLOWSTONE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT NO. 3173821.

The proposed project is a Caliber Collision, which is a vehicle repair and paint shop. Below is a brief overview of the company;

Caliber Collision didn't get to be the nation's largest collision repair company by accident. It's taken an unyielding commitment to be the collision repair center of choice in every community we serve – a vision that began when our company was founded in 1997 and continues strong to this day.

We're not just part of the collision repair industry - we lead it.

As of February 5, 2019, the two leading companies in the collision repair industry, Caliber Collision Centers and Abra Auto Body and Glass, have officially joined forces. This powerful combination creates a company that unites two proven, talented teams operating more than 1,100 collision centers in 37 states and the District of Columbia – the broadest geographic coverage in the nation. Making us even better equipped to serve our customers, clients, teammates, and the communities we serve. And why hundreds of thousands of people entrust

their vehicles to us every year. So when you hand over your keys to us, you're taking the first step toward restoring the rhythm of your life guaranteed.

OUR SERVICES COME FULLY EQUIPPED.

Restoring the rhythm of your life means getting you back on the road as quickly as possible. And no matter where you're coming from, Caliber has you covered. Please see enclosed preliminary site plan and building elevations for the proposed layout in Billings.

Sincerely,

Tectonics Design Group, Inc.

A handwritten signature in black ink that reads "Matt Rasmussen". The signature is written in a cursive, flowing style.

Matt Rasmussen, P.E.

Neighborhood Meeting

The Neighborhood Meeting was held virtually on Thursday, September 16, 2021 at 6pm MDT. There were no attendees, therefore no comments were made.

Billings Caliber Collison Neighborhood Meeting
Thu, Sep 16, 2021 6:00 PM - 7:00 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/529910581>

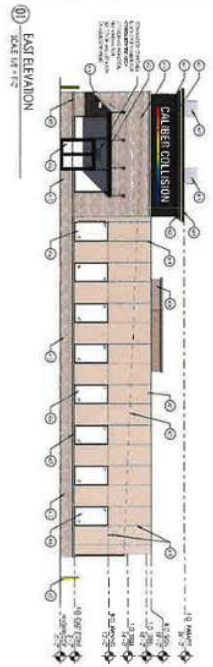
You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212
- One-touch: <tel:+18722403212,,529910581#>

Access Code: 529-910-581

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/529910581>

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
SURROUNDING PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4121 Kari Ln (aka 4100 King Ave W)	823	7/24/06	Beer & Wine	Y	With Gaming, Hollywood Casino
4020 Montana Sapphire Dr (aka 920 Shiloh Rd)	927	7/27/15	All beverage	Y	No Gaming, The Divide Restaurant & Bar
4010 Montana Sapphire Dr	930	8/24/15	Beer & Wine	Y	With Gaming, Dotty's Casino
4241 Kari Ln	832	1/8/07	All Beverage	Y	Restaurant, Montecito Pizza
3189 King Ave W	989	1/5/21?	All Beverage	?	With Gaming & Restaurant, Warden's Casino w/ Pie Guys Pizza
741 24 th St West	943	6/27/16	Auto Service Station	Y	Construction in a Neighborhood Commercial zone



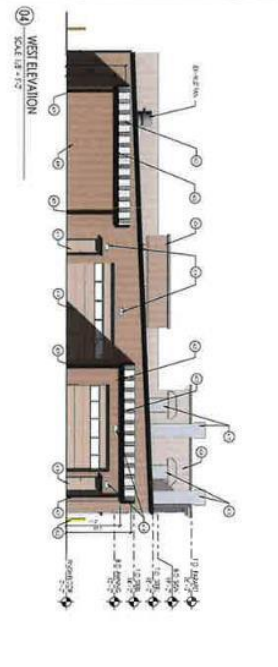
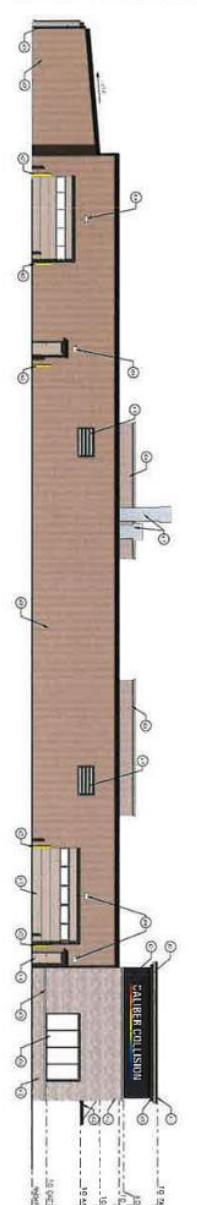
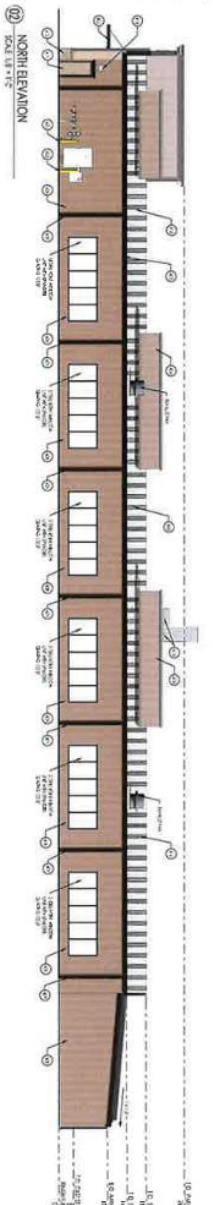
FACADE DIRECTION	NORTH DIRECTION		SOUTH DIRECTION		EAST DIRECTION		WEST DIRECTION	
	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
GLASS	100	100	100	100	100	100	100	100
CONCRETE	0	0	0	0	0	0	0	0
BRICK	0	0	0	0	0	0	0	0
WOOD	0	0	0	0	0	0	0	0
STEEL	0	0	0	0	0	0	0	0
OTHER	0	0	0	0	0	0	0	0
TOTAL	100	100	100	100	100	100	100	100

CALCULATION FOR THE SPANNER GLASS ON THE NORTH ELEVATION

1. TOTAL WINDOW AREA = 1000 SQ FT

2. SPANNER GLASS AREA = 100 SQ FT

3. PERCENTAGE SPANNER GLASS = 10%



EXTERIOR FINISH LEGEND

NO.	DESCRIPTION	FINISH	THICKNESS	UNIT	REMARKS
1	CONCRETE	CONCRETE	4"	SQ YD	
2	BRICK	BRICK	4"	SQ YD	
3	WOOD	WOOD	1 1/2"	SQ YD	
4	GLASS	GLASS	1/2"	SQ YD	
5	STEEL	STEEL	1/4"	SQ YD	
6	OTHER	OTHER			

GENERAL NOTE

1. ALL FINISHES TO BE AS SHOWN ON THE DRAWINGS.

2. FINISHES TO BE AS SHOWN ON THE DRAWINGS.

3. FINISHES TO BE AS SHOWN ON THE DRAWINGS.

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MONTANA

CALIBET
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