

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

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 990 - Project # P2X-60141

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

Present Zoning: Community Commercial - Olympic Park PD

Special Review Requested: Liquor and Gaming License Relocation

TAX ID# A29258-A29262 CITY ELECTION WARD # 5

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

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

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

Present Land-Use: Empty lot

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

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

Owner(s): Billings 13 RE, LLC

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

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

(Phone Number) (email)

Agent(s): Performance Engineering - Scott Aspenlieder

(Name) 608 North 29th Street, Billings, MT 59101

(Address) 406-384-0080 scott@performance-ec.com

(Phone Number) (Email)

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

Signature: _____ Date: 5-3-21

(Recorded Owner)





MEMO

To: Board of Adjustments

From: Scott Aspenlieder, P.E.

Date: May 24, 2021

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

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

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

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

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

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

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

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

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

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

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

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



MEMO

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

From: Scott Aspenlieder, P.E.

Date: April 29th, 2021

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

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

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

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