

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# _____ - Project # _____

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: CMU2 - Corridor Mixed Use & Commercial Centers

Special Review Requested: Liquor and Gaming License Relocation

TAX ID# D01898 CITY ELECTION WARD #3

Legal Description of Property: COS 1191, Parcel 1B1, Amend Tract 1B

Address or General Location (If unknown, contact City Engineering): 1225 Mallowney Lane

Size of Parcel (Area & Dimensions): 0.47 acres, see attached map for dimensions

Present Land-Use: vacant gas station

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): OED, LLC

(Recorded Owner) 2409 Nina Clare Road

(Address) 406-670-6097 doucette@bresnan.net

(Phone Number) (email)

Agent(s): Performance Engineering - Scott Aspenlieder

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

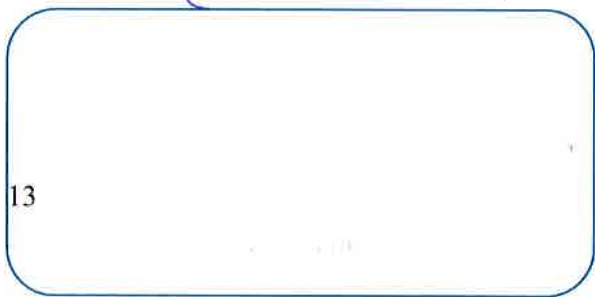
(Address) 406-384-0080 scott@performance-ec.com

(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: 9/1/2021

(Recorded Owner)





MEMO

To: City of Billings Zoning Commission

From: Scott Aspenlieder, P.E.

Date: September 7, 2021

Re: Bar and Casino Facility – Special Review Statement

On behalf of OED, LLC, Performance Engineering (PE) is submitting the special review application to allow for a liquor and gaming license to be placed at Parcel 1B1, Certificate of Survey 1191. The lot is in the southeast corner of the intersection of S. Frontage Road and Mallowney Lane. The development will contain a full bar, casino, and liquor store.

The proposed special use does align with the City's Growth Policy providing needed service and to the Mallowney Lane area. The proposed development is an infill/revitalization project which is specifically identified in the Growth Policy as desirable for the community. The proposed project that will renovate an old dilapidated gas station that will comply with all City regulations for the area. The proposed improvements will incorporate internal landscaping to visually improve the area for the traveling public. The proposed facility will offer services to high density residential developments and hotels with pedestrian interconnection to encourage and allow for walking and biking within the nearby neighborhoods and hotel facilities. With interconnection to the residential and commercial areas, the project will allow for safe travel within the area. Finally, the proposed facility is part of a successful business with multiple similar facilities in the community which provide jobs for residents and increase the tax base for the City of Billings.

The proposed use is compatible with the surrounding zoning, which is all Heavy Industrial (CX) or Corridor Mixed Use (CMU2). The proposed facility is an allowable use within the existing zoning. Commercial and industrial facilities wholly surround the proposed facility. This is located within one of the identified areas for liquor and gaming licenses on the map put out by the City of Billings Planning Department during the Re-Code process. Providing a bar and casino facility will service both the nearby neighborhoods and the traveling public which frequent this area in the City of Billings due to the hotel facilities in the immediate vicinity.

The proposed facility and use will not impede the normal improvement of the surrounding properties. The new facility fits in as a small commercial operation with the other businesses located in the vicinity. The renovation project will provide a level of certainty to surrounding properties once constructed

knowing the formal use of the run-down property. The proposed project will meet the building and design standards present in the City of Billings Building Code. Additionally, the developer has an outstanding record and reputation of maintain and operating their facilities at a high level. The developer 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. OED, LLC 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 facility will be 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 the owners within the 600-ft buffer area regarding the project. Not one property owner or member of the public chose to log in and participate in the meeting, showing little interest or concern by the community about the project. Concerns of property values of adjacent lands is generally raised in relation to liquor and gaming facilities. In this case the property is located well away from any residentially zoned property and wholly surrounded by commercial uses with casinos also located on adjacent properties. Furthermore, 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. Construction of the proposed development will meet all City of Billings 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.