



**COUNTY OF YELLOWSTONE ZONING  
COMMISSION  
AGENDA**

**Monday, January 10, 2022**

**4:00 PM**

**Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> Avenue North, Billings, Montana**

**NOTICE TO THE PUBLIC**

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook:  
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6165**.  
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.  
Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov) or 406-247-8610. Thank you!

**Call the meeting to order.**

**Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.**

- a. Welcome! Melissa Ray Gentry, Yellowstone County Zoning Commission

**Public Comment**

**Motion. Approval of Minutes: November 8, 2021.** (The December 13, 2021 meeting was canceled due to a lack of agenda items).

## **Disclosure of any Conflict of Interest-Members of the Commission and Staff**

### **Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**

**a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

### **Regular Business:**

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

### **Public Hearings:**

- a. County Special Review 334 – 2551 (aka 2526) Wise Lane – for All Beverage Liquor license with gaming – A special review request to allow an all beverage liquor license with gaming in a Heavy Commercial (CX) zone for an 8,700 square foot building, on Tract 3, Certificate of Survey 1964, a 2-acre parcel of land. The purpose it to allow an all beverage liquor license to be located at 2551 Wise Lane, with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Tax ID: D00900.  
Presented by; Karen Husman, Planner I

### **Other Business/Announcements**

- a. Motion. Election of 2022 Zoning Commission Officers.

## Adjournment

**The County Zoning Commission will hold its public hearing in the 1<sup>st</sup> Floor Conference Room at 2825 3<sup>rd</sup> Avenue North (Miller Building).** All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here;  
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406)237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Written comments may also be sent to Board via email before 1:00 PM on Monday, January 10, 2022. All emails received prior to this time will become part of the record for the public hearings.

The **Board of County Commissioners** public hearing for these applications will be held **on Tuesday, January 25, 2022, at 9:30 a.m. at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **special review.**

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@ci.billings.mt.us](mailto:deinest@ci.billings.mt.us)

**County Zoning Commission**

**Meeting Date:** 01/10/2022

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**Information**

**Subject**

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**Attachments**

YZC\_2021\_11\_08\_MIN\_DRAFT

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**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, November 8, 2021**

The County Zoning Commission met on Monday, November 8, 2021 at 4:00 p.m. in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave. North.

Commissioners and Staff		01/13/20	02/10/20	03/09/20	04/13/20	05/11/20	06/08/20	07/13/20	08/10/20	08/26/20	08/27/20	09/14/20	10/12/20	11/08/21	12/13/21
Blaine Poppler	Commissioner	1	-	-	-	-	-	1	1	-	-	-	-	1	-
Troy Boucher	Commissioner Chairman	1	-	-	-	-	-	R	-	-	-	-	-	R	-
Tyler Bush	Commissioner Chairman	1	-	-	-	-	-	1	1	-	-	-	-	1	-
Todd Hewett	Commissioner	1	-	-	-	-	-	1	1	-	-	-	-	1	-

Commissioner Hewett opened the meeting and introduced the County Zoning Commission members and Planning Division staff: Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk. Commissioner Bush is participating virtually.

**Other Participants:** Aaron Brown, representative for applicant Bretz RV & Marine

**Public Comment**

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to three minutes of testimony as is customary.

**Motion. Approval of Minutes: July 12, 2021** (Due to a lack of agenda items, this Commission had no meetings in August and September 2021).

**Motion**

**It was moved by Commissioner Hewett and seconded by Commissioner Poppler to approve the July 12, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

No ex parte communications or conflicts of interest were announced by the Commissioners.



**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, November 8, 2021**

Zoning Coordinator Nicole Cromwell read aloud the procedures for a public hearing.

**Item #1: Zone Change #706**

Zoning Coordinator Nicole Cromwell read the legal notice for the record and followed with presentation of the staff report beginning with the surrounding zoning on this property.

**REQUEST**

**County Zone Change 706** – 2919 Old Hardin Road - from CMU1 to CMU2 - A zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, an 2.009 acre parcel of land. A pre-application neighborhood meeting was held on Monday, September 27, 2021, at 5:00 pm at 2919 Old Hardin Road. Tax ID: C04278

Nicole Cromwell explained this request is to allow an expansion of this parcel which is adjacent to property currently owned by Bretz RV and Marine. Several photos were provided within the staff report and presentation.

Planning staff has reviewed this application and is forwarding a recommendation of approval from CMU1 to CMU2 based on the 11 criteria for zone changes.

- Lockwood Growth Policy indicates this area is amenable to additional retail services
- Re-development of a vacant parcel would provide infill
- The new zone is compatible with adjacent uses
- Local arterial street can handle additional traffic

**RECOMMENDATION**

Planning staff recommends approval of Zone Change 706 and adoption of the proposed findings of the eleven review criteria.

**Discussion**

Commissioner Hewett asked the Commissioners for questions and comments. Commissioner Poppler asked if the legal issues have been resolved and Zoning Coordinator stated that she believes the issues were resolved.

**Public Hearing**

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against County Zone Change.

**Favor**

**Aaron Brown, 761 Tepee Trail, Billings, MT 59105**

Mr. Brown is the representative for Bretz RV & Marine. He stated this is a straight forward request and offered to answer questions.



**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, November 8, 2021**

Commissioner Hewett asked if there is anyone wishing to speak in favor or against Yellowstone County Zone Change #706. There was none. Commissioner Hewett closed the public hearing and called for discussion and a motion.

**Discussion**

Commissioner Poppler said he is in favor of this application. Commissioner Poppler said no negative comments have been received from the public. He pointed out that this property is adjacent to property that has similar zoning and already owned by Bretz RV. Commissioner Hewett stated this is property is compatible with the surrounding zoning. Commissioner Bush concurred and stated it is consistent with Staff's Findings and Recommendations.

**Motion**

**Commissioner Poppler made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the Board of County Commissioners of approval of Zone Change 706 and adoption of the proposed findings of the eleven review criteria.**

**The motion carried with a unanimous voice vote, 3-0.**

**\*The Board of County Commissioners will hold a hearing on this application on Tuesday, November 23, 2021 at 9:30 am.**

**OTHER BUSINESS**

**b. Announcement:** The December 13, 2021 Yellowstone County Zoning Commission meeting is canceled due to a lack of agenda items.

**Adjournment 4:14 PM**

**DRAFT-To be approved by a motion at the next scheduled meeting**

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



**County Zoning Commission**

**Meeting Date:** 01/10/2022

**SUBJECT:** Special Review 334- 3551 (2526) Wise Lane- All Beverage with gaming

**THROUGH:** Karen Husman

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

County Special Review 334 – 2551 (aka 2526) Wise Lane – for All Beverage Liquor license with gaming – A special review request to allow an all beverage liquor license with gaming in a Heavy Commercial (CX) zone for an 8,700 square foot building, on Tract 3, Certificate of Survey 1964, a 2-acre parcel of land. The purpose is to allow an all beverage liquor license to be located at 2551 Wise Lane, with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Tax ID: D00900.

Presented by; Karen Husman, Planner I

**RECOMMENDATION**

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the Summary section of this memo.

**APPLICATION DATA**

OWNERS:	Josh Starr, COO, Town & Country Supply
AGENT:	Ryan Welsh, KLJ
LEGAL DESCRIPTION:	Tract 3, Certificate of Survey 1964
ADDRESS:	2551 Wise Lane
CURRENT ZONING:	CX
EXISTING LAND USE:	Gas station with convenience store
PROPOSED LAND USE:	New gas station with convenience store and bar/casino
SIZE OF PARCEL:	2 acres

**CONCURRENT APPLICATIONS**

None.

**APPLICABLE ZONING HISTORY**

See attachments.

**SURROUNDING LAND USE & ZONING**

NORTH:	Zoning:	I1
	Land Use:	Vacant
SOUTH:	Zoning:	CX
	Land Use:	Furniture store
EAST:	Zoning:	CX
	Land Use:	Log home builder
WEST:	Zoning:	CX
	Land Use:	Furniture store

**BACKGROUND**

This is a special review request to allow an all beverage liquor license with gaming at an existing location with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Town & Country Supply Association is proposing to build a Casino along with a new convenience store and gas station at the site of an existing Market Basket store on Wise Lane. The pre application neighborhood meeting was held via Zoom on Thursday, November 11, 2021 at 5:30 pm. One member of the public attended the meeting and her concerns were about the traffic at the intersection of South Frontage road and Wise Lane, and the alcoholic beverages served becoming a safety issue with the design of the intersection and the narrow lanes on both intersecting streets.

The proposed facility will include removing the existing convenience store building and constructing a new larger building located towards the rear of the property. Development will include new pump stations additional parking and landscaping as well as curb and gutter that will restrict the ingress and egress. The applicants are proposing improvements that will enhance the property promoting beautification of the site.

## **SUMMARY**

### **DECISION CRITERIA**

The zoning commission shall only recommend approval or conditional approval and the County Commission shall only approve or conditionally approve a special review request if:

1. The special review use is consistent with the County'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 County Commission.

Each decision criteria must be given due consideration and a finding is proposed for each one. Planning staff is including a set of recommended conditions of approval based on submitted site plan, applicant letter, and findings

of the criteria. A significant change from the previous zoning code is a special review use must not be considered an "allowed" use in the zone district. The proof of compatibility now rests with the applicant instead of the Zoning Commission and County Commissioners to prove non-compatibility.

The applicant proposes the use is compatible by stating it will use existing infrastructure and re-vitalize an existing site that has reached its useful life span. There is no similar business within a 600 foot radius of the property and is conforming to the new zoning requirements for separation distances.

**PROPOSED FINDINGS:**

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

**Applicant:** The proposed special use does align with the County Growth Policy providing needed service to the Wise 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 will renovate an older gas station that will comply with all County regulations for the area.

**Staff:** There are guidelines in the Growth Policy that include desirable development on an existing property and the plan for this new business will not be out-of-character for this area of Yellowstone County. The site is challenging due to its existing building location. The Growth Policy Guidelines supports the proposed use in some respects.

*Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns.*

Approval of this special review is consistent with neighboring properties. A Traffic Impact Analysis is recommended to accurately gauge the impact of the fueling station, along with a convenience store and the addition of a casino on a designated arterial street. Compliance with the conditions of approval will ensure compatibility with the neighborhood.

*Goal: New developments that are sensitive to and compatible with the character of existing neighborhoods.*

The gas station and convenience store and its expansion are consistent with the surrounding developments and consistent with the zoning.

Planning staff is proposing conditions to clarify enhancements for the street frontage landscaping clear vision areas. The redevelopment of the property will enhance the aesthetics of the property.

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 proposed use is compatible with the surrounding zoning, which is all Heavy Commercial (CX). The proposed facility is an allowable use in the existing zoning. Commercial and industrial facilities surround the proposed facility.

**Staff:** Service stations, bars and casinos do experience crimes mainly of opportunity. The addition of this business to this area may increase these types of crimes at this location. The site is not large and the area has activity happening at all times of the day and night, providing better natural surveillance than a more isolated location. Vehicle access will be from South Frontage Road and Wise Lane. The site has two driveways and both will remain and will be upgraded and improved with the development of the property. The applicant does remove the old building and construct a new larger building toward the rear/south side of the parcel to accommodate the new fueling stations and the addition of the casino. The gas pumps will remain in front of the former convenience store building. Planning is recommending conditions related to lighting, signage, clear vision and landscape improvements that should improve site safety and appearance and bring the property into compliance with the current regulations.

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:** We are proposing to build a new facility just to the west of the existing building to house the current convenience store and deli. This facility will have upgraded petroleum pumps and more access to parking to alleviate the crowding on the existing lot during peak hours. We are also proposing to add a casino in the new facility to make available an option for entertainment in the area that helps customers stay closer to home and

support a business locally positioned.

**Staff:** The site has adequate parking for the proposed fueling stations and the proposed bar & casino. There will be significant improvements to the site that will be beneficial for traffic flow safety. The lot size will promote the proposed landscaping plan and traffic flow along with ingress and egress.

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

**Applicant:** The new facility will reduce vehicle crowding around the existing roadways by moving the facility further back on the lot and allowing for a change in the driveway approaches from those roadways that will help drivers to enter them with a better view of traffic therefore increasing traffic safety. The entertainment section of the facility again offers the option of a venue closer to the local residents, and an option for more employment opportunities.

**Staff:** This location been used as a convenience and gas station for many years. This type of development is not out of character for this area and should not diminish or impair property values in the area.

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. This project will upgrade a very old facility that had degraded through time and has downgraded the aesthetics of the area. It will continue to offer the current amenities that are being offered now while adding new options for residents in the surrounding area and it will offer new job availability.

**Staff:** Planning staff believes the renovation of this property and upgraded building to allow expansion for a new bar and casino along with the gas station and convenience store with a deli will not impede the normal and orderly development in the area.

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 to bring the property into compliance with current regulations. These conditions will be related to the listed categories above, but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the proposed 8,700 square foot building to allow a bar and casino along with the new station amenities located on Tract 3 of COS 1964, generally located at 2551 (aka 2526) Wise Lane.
2. The site improvements will be as shown on the submitted site plans and architectural drawings as prepared by KLJ and Land Design and attached to these conditions of approval.
3. The site design will be developed in significant conformance to the site plans submitted with this application. The site shall be improved with the landscaping as proposed with the exception of the clear vision areas. All clear vision areas shall be in accordance to the Zoning requirements for visibility at intersections.
4. All landscaping shall be installed and maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible.
5. There shall be no internally illuminated fascia on the building.
6. The applicant will submit sign permits for any sign face changes and for any new signage on the property. The new signage will comply with the sign standards for CX zone districts.
7. The applicant will submit for a Zoning Compliance Permit within one year of conditional approval and will complete the construction and site development within two years of the issuance of a Zoning Compliance Permit. Failure to submit or complete the approved project within this time frame will void the conditional approval.
8. Modification of the approved special review use is allowed with the following limitations: 10% or less expansion of the gross floor area, 10% or less increase in the number of potential building occupants, and 10% or less new parking stalls. Expansions also require conformance with all other requirements of the Zoning Regulations and other code requirements.
9. The cessation of the special review use for more than 6 consecutive months, shall extinguish this conditional approval and the use may not be re-established except through a new special review approval of the Yellowstone Board of County Commissioners (BOCC).
10. The BOCC reserves the right to re-open the conditional approval of this use at this location based on one or

more of the following conditions: 1) failure to respond to a notice of noncompliance with the specific conditions of approval; or 2) high levels of calls for public safety services verified by the County Sherriff. The BOCC will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter.

11. These conditions run with the land use and are binding upon and must be adhered to by the property owner and any successors, transferees or assigns, with the exception of these conditions.
12. The right of building and occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

**Applicant:** The proposed facility will go through a full permitting review from Planning and Public Works for site layout and utility conformance.

**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:** There are no special considerations for this lot - it has two means of access and these are adequate for the proposed use.

**Staff:** Staff Concurs with the applicant. The existing two access points will be improved helping with visibility and traffic safety.

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 BOCC.

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

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

## **RECOMMENDATION**

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the summary section of this memo.

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### **Attachments**

Zoning Map & Site Photos

Application & Applicant Letter

Site Plan

Zoning History

Preapplication Meeting Held

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North



West



South



East



**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 2551 Wise Lane, Billings MT 59101

Legal Description NE 1/4 Section 27, T. 1S., R. 25E; Tr. 3, C.o.S. 1964

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) Josh Starr, COO; Town and Country Supply Association

Owner's Address 18 8th Avenue, PO Box 367, Laurel, MT 59044

Owner's Phone Number (406) 628-6314 (E-mail) [jstarr@tandcsupply.com](mailto:jstarr@tandcsupply.com)

Applicant/Agent Ryan Welsh, KLJ Engineering

Applicant/Agent's Address 2611 Gabel Road, Billings MT 59102

Applicant/Agent's Phone Number (406) 245-5499 (E-mail) [ryan.welsh@kljeng.com](mailto:ryan.welsh@kljeng.com)

Signature of Recorded Owner(s) 

Date 11-29-21

**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.**



To whom it may concern,

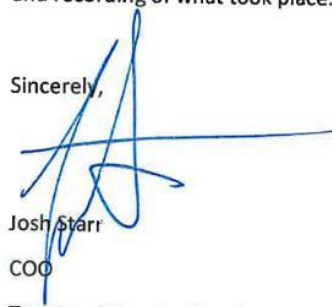
As part of the Zoning Special Review Request, we have been asked to answer the following questions with regards to our Market Basket site redevelopment on Wise Lane in Yellowstone County.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
  - This project will upgrade a very old facility that had degraded through time and has downgraded the aesthetics of the area.
  - It will continue to offer the current amenities that are being offered now while adding new options for the residents in the surrounding area.
  - It will offer new job availability for residents in the area.
  
2. Why is there a need for the intended use of the property at this location?
  - This location provides essential products for the local area residents and workers in the way of petroleum products and food. The addition of the entertainment section of the business will also provide a new option for these individuals with less travel out of the local area.
  
3. How will the public interest be served if this application is approved?
  - The new facility will reduce vehicle crowding around the existing roadways by moving the facility further back on the lot and allowing for a change in the driveway approaches from those roadways that will help drivers to enter them with a better view of traffic therefore increasing safety.
  - The entertainment section of the facility again offers the option of a venue closer to the local residents, and an option for more employment opportunities.
  
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.

- We are proposing to build a new facility just to the west of the existing building to house the current convenience store and deli. This facility will have upgraded petroleum pumps and more access to parking to alleviate the crowding on the existing lot during peak times. We are also proposing to add a casino in this new facility to make available an option for entertainment in the area that helps customers stay closer to home and support a business locally positioned.

Also, as part of the application, I certify that a neighborhood meeting was held on Thursday, November 11, 2021 via zoom. Attached is a copy of the meeting announcement, slideshow, and recording of what took place.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Starr", is written over a horizontal line. The signature is stylized and somewhat illegible.

Josh Starr

COO

Town and Country Supply



<b>SUBJECT PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
<b>SURROUNDING PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
7980 S Frontage	SR 236	Jan 16, 1997	Manufacture Log Homes	yes	
5200 Neibauer Rd	SR 249	July 28, 1998	Gravel Mine	yes	conditions
7200 Jellison Rd	SR 171 SR 176	Nov 13, 1987 Aug 12, 1988	Skeet Shooting and Archery Range	Denied Denied	
3530 Coulson Rd	SR 325	Aug 12, 2012	Gravel Mine	Yes	Conditions
1037 Riverside Dr.	SR 333	July 12, 2021	Mobile home older than 1990	Denied	

PLEASE JOIN US



# Public Meeting

for Town and Country  
Supply Association

## When:

Thursday, Nov. 11 at 5:30 p.m.  
This will be a virtual meeting held  
via zoom: [www.zoom.us](http://www.zoom.us)  
Meeting ID: 974 4946 0084  
Passcode: a17n7z

## Zoom Link:



## Why:

Town and Country Supply Association is proposing to build a Casino along with a new convenience store and gas station at the site of the existing Market Basket Store on Wise Lane (2551 Wise Lane) in Billings. The meeting will provide details to area residents on the proposed project and gather public comments and input.

## Contact:

Town and Country Supply Association  
18 8th Ave.  
PO Box 367  
Laurel, MT 59044

**Josh Starr:** (406) 628-6314, [jstarr@tandcsupply.com](mailto:jstarr@tandcsupply.com)

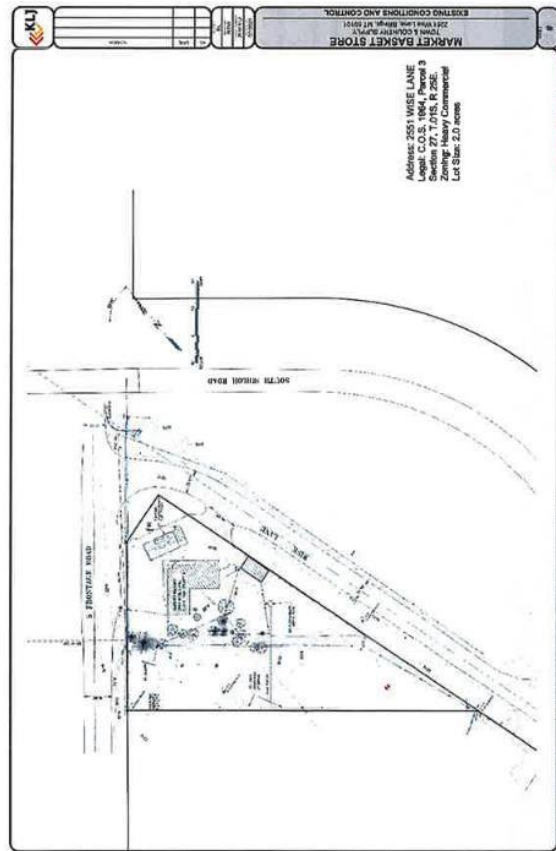
# TOWN AND COUNTRY SUPPLY ASSOCIATION

Market Basket Site – 2551 Wise Lane  
Gas Station, Convenience Store, and Casino



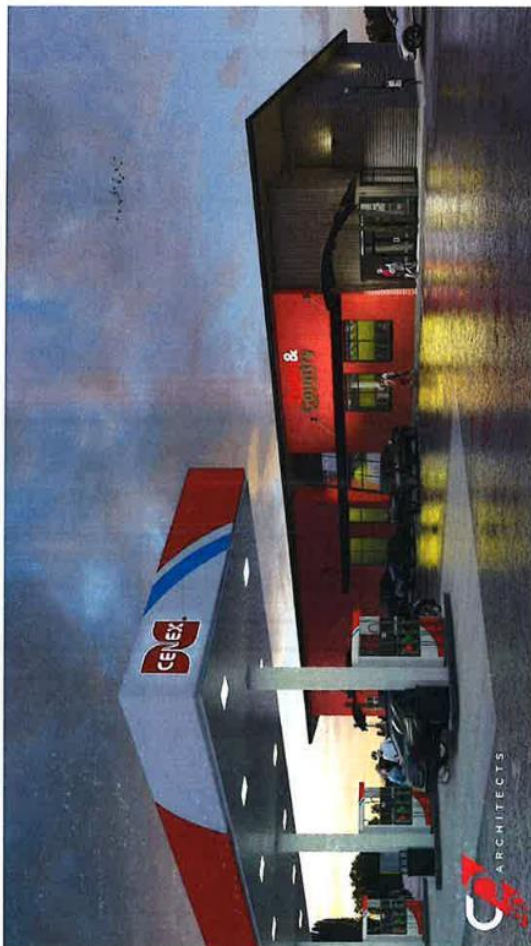
ENGINEERING, REIMAGINED

# Existing Site Layout



ENGINEERING, REIMAGINED

# Building View



ENGINEERING, REIMAGINED

Questions?



ENGINEERING, REIMAGINED



PROJECT Town & Country  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY RFL DATE 11/11/2021  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

Neighborhood Meeting For Market Basket STORE 2551 Wise Lane

<u>Participant</u>	<u>Address</u>
Deb Ausen	3 Old West Lane, Park City MT 59063

Her concerns were about traffic at the intersection of the S. Frontage Rd. and Wise Lane coupled with drinking and the narrowness of lanes.