

APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change # _____ - Project #22-171

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: PD- Neighborhood Commercial with the allowance of one cabaret license and one brewery/taproom license

Proposed Zoning: PD-Neighborhood Commercial with the allowance of one brewery/taproom license and one full liquor license.

Tax ID # A31805F CITY ELECTION WARD # WARD IV

Legal Description of Property: MK Sub 2nd Filing, Section 31, Township 01N, Range 25E, Block 1, Lot 3

Address or General Location (If unknown, contact County Public Works): Grand Avenue & 54th Street West

Size of Parcel (Area & Dimensions): 1.5 ACRES (305 FT X 214 FT)

Present Land-Use: Commercial

Proposed Land-Use: Commercial

Covenants or Deed Restriction on Property: Yes X No _____

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): Arrowhead Investments Corporation

(Recorded Owner)

115 N Broadway Suite 200, Billings, MT, 59101

(Address)

406-855-6884

(Phone Number)

tyschmechel@gmail.com

(Email)

Agent(s): Scott Aspenlieder

(Name)

608 N 29th Street, Billings, MT, 59101

(Address)

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(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:  Date: 03/30/23

(Recorded Owner)

1. Explain how the proposal is consistent with the goals and policies of the adopted Growth Policy or West End Neighborhood Plan.

The tract of interest is currently zoned Planned-Development Neighborhood Commercial functionally operating at Diamond X Beer Company. There are several Growth Policy goals that are already being met by the current zoning to which the change proposed would only enhance for the surrounding residents.

Essential Investments – With the facility already constructed and operational, the proposed change to allow for full-beverage service does not change the site or building. The applicants have invested significantly in the neighborhood with a building and business that has added value to the surrounding areas while starting to provide necessary neighborhood dining and entertainment to the surrounding region. The site is accessible, friendly and safe for the area and provides a diversity in serve and choices from other businesses in the direct area. The facility will not change physically with the proposed zone change, only operations will change with the insertion of a full-beverage license to the building. The existing site is clean, well-lit, maintained and fits in the character of the neighboring development, not sticking out or detracting from the value of these properties.

Place Making – The existing facility is connected to a local multi-use trail system within the development which will continue to expand with neighboring developments. The business has sourced locally when possible and become a local west-end hang out for those that live in the west end of Billings. The proposed zone change will only enhance the ability of the business to a permanent staple for residents in the area to frequent, making it a permanent neighborhood hangout.

Community Fabric – The existing facility was built with the landscape and heritage of Billings in mind with a barn style look and unique landscaping to ensure the building fit the area and neighborhood. The facility offers indoor and outdoor dining and entertainment experiences during operational hours which align with the desires of local residents, particularly during the summer with an open patio and yard games. The business has catered to locals and neighboring residents to build a strong following as evidence by the waiting lines to get in on most evenings. The proposed zone change will not change or modify the building it would only allow the business to better meet the growing demands and requests of its customers and local residents.

Strong Neighborhoods – The existing facility and business provides for the foundation of a strong neighborhood with community services and a walkable place to dine and find entertainment. The surrounding neighborhoods have benefited from having dining and entertainment establishments within the area, reducing the need to travel into town for the same service. The facility is walkable for five neighboring residential developments, hitting a core tenant of strong neighborhoods. The proposed zone change will not change but only enhance the services and choices for the neighborhood.

Home Base – Although the existing business and facility does not provide housing options it does facilitate further development in the area by providing necessary neighborhood services and entertainment. The business serves as the local hangout and restaurant for many in the surrounding neighborhoods. The proposed zone change would allow for a full-beverage service to better meet the demands and accommodate the neighbors in the area.

Mobility and Access – The business and facility is connected to sidewalks and trails within its development and is fully bikeable and walkable for the neighboring developments. Bike racks are prominently placed in the facility to encourage different modes of transportation to visit the facility. All efforts have been made to encourage outdoors experience and different transportation to visit the facility. The proposed zone change does not change anything to impact, positive or negative, the access and encouragement of alternative transportation methods to the site. No changes to the site layout or building are requested or planned.

Prosperity – The facility and business have provided local jobs that vary from brewmaster and chef to server and facility maintenance which supports the City overall. Additionally, the investment has created a large taxable business on a previously undeveloped tract which helps support the City budget and revenue. The business currently creates a foundation for additional business attraction to the current development by bringing a large customer base to the area. The proposed zone change only further enhances the applicant's ability to serve the existing client base through the expansion of a full-beverage license.

2. Explain how the application meets the 10 statutory criteria for a zone change.

- 1 – The new zoning does not in fact change the existing base zoning of the area nor does it change the type of business or operation able to locate at the site. The PD change request specifically allows for use of a full-beverage license in the existing building. There can still be no gaming on the site and no additional changes are being requested.
- 2 – The new zoning does not in fact change the existing base zoning nor does it change the existing construction on the lot. The site has been built out to be secure from fire and other dangers and previously approved by the Billings Fire Department.
- 3 – The new zoning does not change the existing facility, layout or site as it is constructed. The proposed changes could allow for a change in hours of operation but no change will occur to the site or facilities. The business will continue to provide diversity in jobs, services, and entertainment which benefit the general welfare of the City.
- 4 – The new zoning does not in fact change the base zoning nor will the proposed change facilitate a physical change to the existing facility. With that all said, the existing site facilitates adequate provision for transportation, public utilities, parks and schools. No change will result from the proposed zone change.
- 5 – The new zoning does not in fact change the base zoning nor will the proposed change facilitate a physical change to the existing facility. The existing building and operations meets all current City of Billings zoning regulations and codes to facilitate proper light and air for the surrounding area.
- 6 – The new zoning does not in fact change the base zoning nor will the proposed change facilitate a physical change to the site or transportation networks of the area. The zone change will only allow for the business to better meet the needs and demands of the customer base and residents in the area.
- 7 – The new zoning does not in fact change the base zoning but only allows for full-beverage services under a liquor license. The existing facility has helped facilitate a growing area in our community by providing necessary food, beverage and entertainment services which were not available to the area before. These services are necessary in urban growth of our community

and the continued development of the Billings West End. The proposed change will allow the business to continue to meet the needs and requirements of the customer base while adding value to the neighborhood.

- 8 – The new zoning does not in fact change the base zoning which was already in place and deemed suitable for the particular uses in place and facility constructed. The proposed change will only allow for full-beverage service under a liquor license and will not allow for gaming on the site. There will be minimal to no net change realized by the surrounding properties.
- 9 – The new zoning does not in fact change the base zoning nor will it change the existing building on the lot. The proposed zoning will only allow for expanded full beverage service. The existing building was built with the character of the West End in mind with a nod to our agricultural heritage. The building is very aesthetically pleasing, maintained and landscaped to fit and add value to the surrounding area.
- 10 – The new zoning will certainly encourage the most appropriate use of land in Billings. The proposed change will not create a physical change to the existing site, only allowing for expansion of full beverage service, therefore preserving and enhancing an existing successful business.

3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The proposed zoning currently allows the restaurant and taproom facility to sell beer and wine, along with their cabaret license that allows the sale of beer and wine. The proposed zone change would allow for full-beverage service within the existing facility, which it is incapable of doing with the current PD for the lot. Since the current facility is already operational and has been for over a year, the change in zoning will not negatively impact the surrounding area and will provide more opportunities for entertainment for the neighboring residents. No physical changes are being proposed for the site or the building currently housing Diamond X Beer Company. The proposed changes still does not allow for gaming to be located in the facility or on the lot.