

- **Lauren Waterton, Sanderson Stewart**, said she represented the applicants. They tried to provide as much information to the Council and the Zoning Commission as possible as far as the intended use of the property. The Shiloh Overlay District criteria and Residential Professional criteria worked very well together. The shared access was on the plat between the two properties, so the property to the south had legal access and a legal right to always use the access. There were concerns at the neighborhood level with the crosswalk and how it would work because of the divided median. Because all the traffic into the subject property would come down from the north and turn right and all the traffic leaving the subject property would turn right, it was a safe situation.
- **Mark Dawson, 1605 Shiloh Road, and Doug Wild, 416 19th Street West, Billings, MT.** Mr. Dawson said he was the owner of the property, and Mr. Wild was a partner in the business. He said their entrance was over 100 feet from the crosswalk. Mr. Wild said the business would be a natural fit for the area. Because the crosswalk came up at two previous meetings, he took the time to visit with the crossing guard to see what would make her life easier. The crossing guard said she would like a parking spot so she did not have to pull onto the dirt, so they would provide a paved parking spot for her. The proposed warming shack would be heated. They spoke with members of the Arrowhead PTA, and the PTA was very agreeable to whatever they wanted to do.

Councilmember Cromley asked if they would run into maintenance problems after hours with the warming shack. Mr. Dawson said they probably would, and they would figure it out.

Councilmember McCall moved for approval of Zone Change #924, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

13. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #925: A zone change from Neighborhood Commercial to Community Commercial on Lot 2, Block 1, MK Subdivision, generally located northwest of the intersection of Grand Avenue and 54th Street West and addressed as 1450 Chy Way. Larry and Mary Karls, owners. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) Planner II, Nicole Cromwell, began her presentation describing the zoning map, photographs, and an aerial view of the subject property and surrounding properties. She noted the differences between Neighborhood Commercial and Community Commercial were Community Commercial allowed on-premise service of alcoholic beverages sometimes requiring a special review, allowed personal storage warehousing, and allowed a facility larger than 10,000 square feet. Community Commercial opened the market wider for different buyers and uses. The Zoning Commission was recommending approval of the zone change based on the following 10 criteria.

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

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit more land uses than currently allowed by the NC zoning and this is consistent with the neighborhood character and the planned development of the area at the intersection of Grand Avenue and 54th Street West.

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 City Fire Department will ensure safe access to the site and provision for minimum fire flow to new buildings.

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. Development of the vacant property will be done in accordance with current site development regulations.

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

Transportation: The proposed zoning may have some impact on the surrounding streets, and a traffic impact study may be required depending on the development that is built on the property in the future. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).

Water and Sewer: The City will be able to provide sewer and water to the property by extension of those utilities from Payton Drive and Chy Way.

Schools and Parks: There should not be any impact to schools from the proposed zone change. However, any residential development in the future could affect the schools in the area.

Fire and Police: The subject property is currently served by the city Public Safety Services. Commercial development of the site may increase calls for service and change the nature of those calls for service.

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.

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

Traffic generation from a commercial property is dependent on the specific uses within the development. A development plan has not yet been finalized so prediction of traffic impacts is not possible with certainty at this time. In general, retail businesses will generate larger volumes than service businesses. Sidewalks within the subdivision have not yet been installed. 54th Street West and Grand Avenue also do not have sidewalks or trails developed adjacent to this property. Both streets are designated for on-street

bike routes without designated bike lanes.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate retail and service businesses in an area where none currently exist.

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 commercial uses including neighborhood and commuter service businesses. The level of existing traffic along with the number of existing and planned residential developments in the area will likely support the types of businesses likely to locate here.

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

The lot is currently vacant. Development of the site will add property value and may increase the adjacent property values. Surrounding buildings should be conserved when development occurs on the site by adding property value to the market.

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

The proposed zoning will permit a greater variety of uses on the property and is the most appropriate use of the property.

Ms. Cromwell noted the owners did not have a buyer at that time and were trying to position the property for the market that they believed was coming to that area. She said all the street access to the subject property was from internal streets, and there would be no direct access from Grand Avenue.

The public hearing was opened.

- **Mary Karls, 2980 Providence Place, Billings, MT**, said they had owned the property for seven years, and the only activity they had seen was her husband mowing the weeds twice a year. Rezoning the lot would pave the way for someone to come in. It already had city services and developed streets. It was surrounded by residential, and it was a straight shot on Rimrock Road from Yellowstone Country Club, Ironwood, and Copper Ridge. They thought it would be an ideal location for a restaurant such as Applebee's or a convenience store.

There were no other speakers, and the public hearing was closed.

Councilmember McCall moved for approval of Zone Change #925, seconded by Councilmember Cimmino.

Mayor Hanel commented the application did not surprise him at all, and he could perceive a restaurant or something of that nature in that area because there was

nothing past Shiloh. It would be a very likely prospect, and a business that was badly needed. He was in favor of the motion.

On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.*)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce, Billings, MT**, read from the SBURA June meeting minutes in which they were discussing paying off the SID of private property owners in the Cabela's area with TIFD money. Mr. Nelson told Council they needed to nip it in the bud because that was not what TIFD money was to be used for.

Mayor Hanel asked City Administrator Volek to comment. Ms. Volek said it was the first she had heard of it, but Ms. Millar just informed her it was a proposal under discussion at SBURA. Ms. Volek said someone from the organization could be asked to come to a future work session for discussion. Ms. Millar said it was in the very early stages of discussion, and there seemed to be some agreement by the SBURA Board to look into it. There was a \$5.2 million payoff on the SID, and it had driven the cost of land in that subdivision up to over \$20 a square foot. The land was no longer owned by Four Square and owned by another real estate developer. Cabela's and Sam's Club were paying the SID, and it would relieve them of the SID. It was a legitimate expense that could be paid off through a bond. SBURA was also looking at using the bond to construct other infrastructure projects in the area. It was early in the process, and staff would bring more information to Council when they had it. Ms. Volek advised Attorney Brooks would look at the contract and look at the provisions. Staff would report back to Council and talk to the SBURA organization to see how serious they were.

COUNCIL INITIATIVES - None

There was no further business, and the meeting adjourned at 11:38 p.m.



CITY OF BILLINGS

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk