

SPECIAL REVIEW

**APPLICATION INFORMATION PACKET
2020- 2021**

**CITY OF
BILLINGS**



SPECIAL REVIEW APPLICATION

CITY OF BILLINGS

Planning & Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT 59101
Phone: 247-8676 Fax (406) 657-8327
Website: <http://ci.billings.mt.us>

NOTICE TO PETITIONER

In an effort to ensure all new **zoning applications** are complete and can be successfully processed by the Planning staff, advisory boards and decision making bodies, we now require an **application review appointment** at the time of submittal.

This appointment will ensure:

- All required forms, documents, cover letters, mailing labels, fees, site plans and other information is included
- All information on the land record and subject property is accurate and the site plan submitted is properly scaled
- Any deficient, missing or incorrect information can be noted for a follow-up submission
- All requests for uses, zoning districts or specific variances are correctly described and noticed

The Planning Staff will work with you to ensure your requested appointment time can be scheduled or alternative dates and times can be arranged. For applicants outside of Yellowstone County, a conference call appointment may be scheduled to review the application submitted. Agents may act on a property owner's behalf to review the application at the required meeting.

Applications with deficient, missing or inaccurate information will not be processed. Please read the application packet closely to ensure all required information is included in your submittal prior to scheduling an application review appointment.

In general, an application review appointment **will take approximately 1/2 hour**. Appointments **can be scheduled on the deadline day** for applications (the 1st Monday of each month), or **any day prior** to the application deadline **depending on staff availability**.

Please call 657-8247 to schedule an **application review appointment** or send an email to Jeannette Vieg at viegj@billingsmt.gov

INSTRUCTIONS

All applications shall be submitted to the Planning & Community Services Department, 2825 3rd Ave North, 4th Floor. The **filing fee must accompany the application in order for it to be accepted**.

All questions must be answered fully. Please type or print. You may attach further pages if additional space is needed. All plans and other exhibits submitted with this application will be retained as a part of the permanent record.

1. Answer the following questions:
 - A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
 - B. Why is there a need for the intended use of the property at this location?
 - C. How will the public interest be served if this application is approved?
 - D. Prepare a written statement addressing 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.

2. Prepare a dimensioned site plan as follows:
 - A. One full sized site plan and one reduced copy of the site plan at 8½"x11" or 11"x17".
 - B. Scale of the full sized site plan shall not be less than 1" = 40'.

3. If applicable, the site plan must also include but not necessarily be limited to the following:
 - A. North arrow.
 - B. The locations and dimensions of all vehicular points of ingress and egress, drives, alleys, off-street parking spaces and loading spaces.
 - C. Illustrate lot size showing lot line dimensions.
 - D. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those which will be removed. Please label all information.
 - E. Show setbacks from all property lines for existing and proposed buildings.
 - F. Show the centerline of principal and minor arterial streets.
 - G. Illustrate the square footage of existing and proposed buildings and structures.
 - H. Names and locations of adjacent streets, alleys, properties, etc.
 - I. Illustrate the height of any proposed structures.
 - J. A detailed landscaping plan of the site.
 - K. Location and description of proposed signs.
 - L. Other pertinent features as determined by the Zoning Coordinator.

** An example of a dimensioned site plan is attached as part of this application packet.

4. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.

5. Obtain from the Planning & Community Services Department a radius map showing all property which lies within 300 feet (or more) of the exterior boundaries of the subject property.

6. Obtain a certified list of names and addresses of the owners of all property shown within the radius on the map as provided by the Planning & Community Services Department. The first step is to take the radius map to the Montana Department of Revenue. The Department of Revenue is located on the 14th Floor of the Wells Fargo building at the southeast corner of North 27th Street and 2nd Avenue North. The Department of Revenue will generate a list of property owners and forward this list to the County Clerk & Recorder who will certify the list and notify you when it is complete. There is a certification charge, payable to the County Clerk & Recorder, of .50 cents per certified name. This list of names and mailing addresses must then be placed on gummed mailing labels and must be typed or neatly printed.

7. A filing fee must accompany all applications for Special Review. No application will be accepted until the filing fee is paid in full. Checks shall be made payable to the *City of Billings*. **THIS APPLICATION FEE IS NON-REFUNDABLE AND IS NO GUARANTEE THAT THE SPECIAL REVIEW WILL BE GRANTED.**

RESIDENTIAL: \$ 966.00

COMMERCIAL: \$1,337.00

A \$50.00 deposit for posting of zoning request signs is required at the time the application is received. The deposit will be returned when the sign is returned by the applicant or agent at the first public hearing. If the sign is not returned at the first public hearing, the deposit will be retained.

8. A public hearing shall be held for all applications submitted for a Special Review. As part of the notification procedure, the Zoning Coordinator will notify the property owners on the list prepared by the petitioner for the proposed Special Review. All persons identified as owners of property within 300 feet of the exterior boundaries of the property proposed for Special Review shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing before the City Zoning Commission. In addition, notification of the proposed Special Review shall be posted in a conspicuous place on the property, and legal notice shall be published not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation.
9. IMPORTANT NOTICE TO PETITIONER: You will be notified by mail approximately 1-week in advance as to the time, date and place of the public hearing on your petition. Attendance at the public hearing is not required, but is strongly recommended, so that you may present your case to the Commission.

Procedures and Review Criteria for Special Review requests
Billings Montana City Code (BMCC) Section 27-1503 et seq.

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.

(b) *Application for special review; procedure.* An application for a special review may be filed by the property owner, contract purchaser, or his/her authorized agent. Such application shall be filed with the zoning coordinator and shall be submitted under the following conditions:

- (1) The application shall include, but not be limited to the following information:
 - a. A legal and general description of the tract(s) upon which the special review use is sought;
 - b. A map showing the dimensions, acreage and location of the tract(s);
 - c. The names and addresses of the owner(s) of the tract and his/her agent, if any, along with the recorded property owner's signature;
 - d. A site plan showing major details of the proposed development including but not limited to: the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping, screening, signs, and open space areas;
 - e. A certified list of the names, addresses and legal descriptions of the owners of

property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s);

- f. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list;
 - g. The application must be accompanied by the payment of all applicable fees; and
 - h. Any other information the applicant believes will support his/her request or other information as requested by the zoning coordinator or planning department.
- (2) The application must be submitted at least twenty (20) days prior to the date of the public hearing before the city zoning commission.
 - (3) An application may be withdrawn or amended at any time prior to the publication of the legal advertisement for the public hearing before the city zoning commission. After legal notice for the city zoning commission has been published, the request for withdrawal shall be submitted to the planning department office at least twenty-four (24) hours prior to the public hearing. The city zoning commission may allow withdrawal of the application, after advertisement of the zoning commission public hearing has been published, by a majority vote of the members present, without prejudice with respect to the twelve (12) month waiting period after the application has first been submitted. After the city zoning commission hearing, a request for withdrawal shall be submitted to the city clerk and shall be submitted by the property owner or authorized agent, as listed on the application. The city council shall have exclusive authority to act on any request for withdrawal after notice of the city council public hearing has been published.

(c) *Planning department action.* The zoning coordinator, upon receiving an application for a special review use shall do the following:

- (1) Consult with other departments of the city and/or county to fully evaluate the impact of the use contemplated under the special review application upon public facilities and services;
- (2) Study each application with references to its appropriateness and effect on existing and proposed land uses, and its relationship to the comprehensive plan;
- (3) Advertise notice of the application in a newspaper of general circulation fifteen (15) days in advance of the date of the public hearing. The notice shall contain: the use proposed, the location of the property, and the date, time and place of the public hearing;
- (4) Notify, by mail, the applicant and/or his/her authorized agent five (5) days prior to the date of the public hearing of the date, time and place of such hearing;
- (5) Notify, by mail, all the property owners within three hundred (300) feet of the exterior boundaries of the tract subject to the special review, fifteen (15) days in advance of the time, date, place and proposed use. The zoning coordinator may notify property owners within a radius of more than three hundred (300) feet if he/she determines that the proposed use would be such as to have a substantial environmental impact on the surrounding land uses;
- (6) Place notice of the public hearing on the property subject to the special review fifteen (15) days in advance of the public hearing; and
- (7) Report his/her conclusions and findings, in writing, to the city zoning commission which report shall become a matter of public record.

(d) *City zoning commission action.* The city zoning commission shall consider each application in accordance with the provisions of this chapter, and at a public hearing at which time the application has been legally advertised. Each application shall be presented to the city zoning commission, by the zoning coordinator or his/her designee, together with his/her conclusions and findings on the matter. The city zoning

commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A written report of the commission's decision and recommendation and the zoning coordinator's report shall be submitted to the city council.

The city zoning commission shall make a recommendation to the city council to:

- (1) Deny the application;
- (2) Approve the application; or
- (3) Conditionally approve the application.

Recommendations from the city zoning commission shall be based on findings of fact and shall be transmitted to the applicant or his/her agent, and the city council within fifteen (15) days of the date of the public hearing before the commission.

Before approving a special review use, the city zoning commission shall find that the contemplated use:

- (1) Complies with all requirements of this chapter;
- (2) Is consistent with the objectives and purposes of this chapter and the comprehensive plan; and
- (3) Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further, the city zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

- (1) Street and road capacity;
- (2) Ingress and egress to adjoining streets;
- (3) Off-street parking;
- (4) Fencing, screening and landscaping;
- (5) Building bulk and location;
- (6) Usable open space;
- (7) Signs and lighting; and/or
- (8) Noise, vibration, air pollution and similar environmental influences.

(e) *City council action.* The recommendation of the city zoning commission shall be published in a newspaper of general circulation and at least fifteen (15) days after the first publication of such notice, a public hearing shall be held by the city council. Before taking any action on an application for a special review use, the city council shall first consider the findings and recommendations of the city zoning commission. In no case shall the city council approve a special review use other than the one advertised. The city council shall:

- (1) Approve the application;
- (2) Conditionally approve the application;
- (3) Deny the application;
- (4) Allow withdrawal of the application; or
- (5) Delay the application for a period not to exceed thirty (30) days.

2016 BILLINGS GROWTH POLICY STATEMENT AND GUIDELINES

Statement: In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or

can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines:

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community

- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life

- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- “Safe Routes to Schools” promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings’ taxpayers
- A diversity of available jobs can ensure a strong Billings’ economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

APPLICATION DEADLINES
2019-2020-2021

CITY ZONING COMMISSION
&
CITY COUNCIL

Applications for **special review** uses must be presented to the Planning & Community Services Department by 5:00 p.m. on the dates as set forth below. These deadlines **cannot** be altered due to state laws concerning public notice. All parties involved will be sent a notice of the time, date, and place of the public hearing.

<u>DEADLINE</u> (1st MONDAY)	<u>ZONING COMMISSION</u> <u>PUBLIC HEARING</u> 1 st TUESDAY, 4:30 p.m. 1 st Floor, 2825 3 rd Ave North	<u>CITY COUNCIL</u> <u>PUBLIC HEARING</u> 4 th MONDAY, 6:30 p.m. City Council Chambers
December 2, 2019	January 7, 2020 (TUES)	January 27, 2020
January 6, 2020	February 4, 2020	February 24, 2020
February 3, 2020	March 3, 2020	March 23, 2020
March 2, 2020	April 7, 2020	April 27, 2020
April 6, 2020	May 5, 2020	May 26, 2020 (TUES)
May 4, 2020	June 2, 2020	June 22, 2020
June 1, 2020	July 7, 2020	July 27, 2020
July 6, 2020	August 4, 2020	August 24, 2020
August 3, 2020	Sept 1, 2020	Sept 28, 2020
Sept 8, 2020 (TUES)	October 6, 2020	October 26, 2020
October 5, 2020	November 4, 2020 (WED)	November 23, 2020
November 2, 2020	December 1, 2020	December 28, 2020
December 7, 2020	January 5, 2021	January 25, 2021

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: _____

Special Review Requested: _____

TAX ID# _____ CITY ELECTION WARD # _____

Legal Description of Property: _____

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

Size of Parcel (Area & Dimensions): _____

Present Land-Use: _____

Covenants or Deed Restrictions on Property: Yes _____ 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): _____

(Recorded Owner)

(Address)

(Phone Number)

(email)

Agent(s): _____

(Name)

(Address)

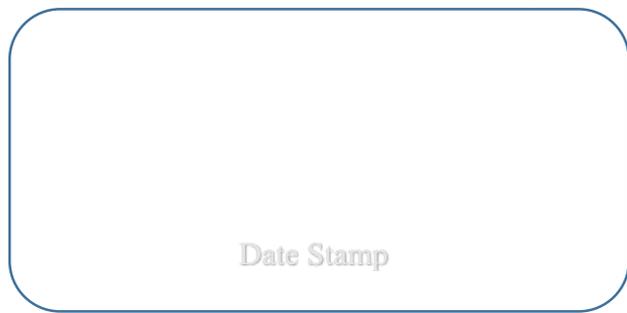
(Phone Number)

(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: _____

(Recorded Owner)



Date Stamp