

Memorandum

REPORT TO: City Commission

FROM: Erin George, Director of Community Development
Brian Krueger, Development Review Manager
Zachary Moon, Associate Planner

SUBJECT: Decision on Appeal 25769 Regarding Conditional Approval of Sundance Springs Commercial Lot 2 Site Plan Application Number 25238

MEETING DATE: March 24, 2026

AGENDA ITEM TYPE: Community Development - Quasi-Judicial

RECOMMENDATION: **Consider the Motions:**

1. *Having reviewed and considered Appeal 25769 seeking to overturn the decision of the Director of Community Development conditionally approving the Sundance Springs Sundance Springs Subdivision, Commercial Lot 2 Site Plan Application 25238, the record of review, the presentation of staff and the Appellant, public comment, and all information presented, I move to amend the conditional approval of Site Plan Application 25238 to include new condition of approval 4, as follows:*
 - *Site Plan Application 25238 must update the lighting plan to comply with maximum lighting standard of 0.3 footcandles at the property boundary as required in BMC 38.570.040.G.5.*
2. *I move to approve the amended Conditional Approval of the Sundance Springs Commercial Lot 2 Site Plan Application 25238.*

STRATEGIC PLAN: 4.1 Informed Conversation on Growth: Continue developing an in-depth understanding of how Bozeman is growing and changing and proactively address change in a balanced and coordinated manner.

BACKGROUND: On February 24, 2026, the City Commission met to consider Appeal 25769. The Commission heard presentations from City staff, the Appellant, and Developer and asked questions of each party. The Commission accepted public comment, and then each party was allowed a rebuttal. After closing the hearing on the matter and due to the late hour, the Commission voted to continue its deliberation, motions, and vote on the matter until its regular meeting on March 24, 2026. All materials provided to the Commission for the February 24, 2026 meeting are included here for convenience. No additional information from the parties or public comment will be taken at the March 24, 2026 meeting.

Original Commission memorandum:

An appeal has been submitted regarding the administrative decision conditionally approving a Site Plan for the Sundance Springs Commercial Lot 2 application number 25238. The appeal alleges the City of Bozeman's (City) approval of the applications should be overturned because: (1) the City disregarded a Master Plan document that was part of the files of the original, approved planned unit development which limits development on this lot to 1 one-story building of 5,000 square feet or less that may only be used as a Village Store; (2) the City's approval violates provisions 38.440.030 (Amendments to Final PUD Plan) and 38.440.050 of the Bozeman Municipal Code (BMC); (3) development guidelines prohibit the placement of parking in setbacks; (4) the site plan violates required block frontage regulations found within division 38.510 BMC; (5) the site plan violates sections of the 1992 BMC regulating business activities regarding the placement of a dining patio, parking aisle width, and parking lot screening; (6) the site plan violates sections of the 2025 BMC regulating the allowable size of restaurants, parking lot screening, the number of perimeter trees, and the snow storage area; and (7) the City's decision was pretextual. The attached staff report addresses all of Appellant's claims. The staff report explains why the Director's decision conditionally approving application 25769 should be upheld. The staff report explains why the Commission should make findings to correct an error in the Director's analysis regarding site lighting. After making findings, staff recommends the Commission amend the Director's decision conditionally approving application 25238 to include a new condition of approval addressing site lighting standards and the amended conditional approval of application 25238 should be approved.

UNRESOLVED ISSUES: None.

ALTERNATIVES: The Commission may approve or overturn the administrative decision of the Director of Community Development upon finding the final administrative decision was erroneous and making findings in support.

FISCAL EFFECTS: None.

Attachments:

[25769 Appeal Materials Combined.pdf](#)

[Bozeman Municipal Code Sections Relevant to Review of Sundance Springs APA 25769.pdf](#)

[CCRs for Sundance Springs Section II Neighborhood Services Property.pdf](#)

[CORRECTED 051923 ltr to Gallik.pdf](#)

[Signed Findings of Fact and Order Sundance Springs Appeal 23214.pdf](#)

[25769 FINAL Sundance Springs Appeal Commission Staff Report.pdf](#)

Report compiled on: February 19, 2026