

## City of Billings Zoning Commission Meeting Minutes- March 3, 2015

The City of Billings Zoning Commission met on Tuesday, March 3, 2015 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday, March 23, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/08/2015	10/06/2015	11/10/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1									
Barbara Hawkins	Commissioner	1	1	1									
Dan Wagner	Vice Chairman	1	1	1									
Dennis Ulvestad	Commissioner	1	E	1									
Mike Boyett	Commissioner	1	1	1									
Candi Millar	Director, Planning & Community Services	-	-	-	1	-	-	-	-	-	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1	1	1	1	1	1	-	-
Tammy Deines	Planning Clerk	1	1	1	1	-	1	1	-	1	1	-	-
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-	-	-	-
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-	-	1	-	-	1	-	-	-	-

Total Number of 2015 Applications	01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/08/2015	10/06/2015	11/10/2015	12/01/2015	TOTAL
Zone Change	2	2	2										6
Special Review	1	1	3										5

Chairman Dailey introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

**Others in Attendance:** Steve Hokanson; Roxanne Hokanson; Marion Dozier; Joanne Blyton; Don Blyton; Tom Ruschkewicz; Steve and Jen Carlson; Chris Jones; Alex Tommerup; Mike White; William Smith, Octagon Consulting Engineers; Richard Clark, West End Task Force; Grant Agnew; Gene Culver, Applicant; F Wayne Gustafson, Applicant; Elizabeth R. Hoff; John Armstrong

**Public Comment**

Chairman Dailey called for public comments. There were no public comments. Chairman Dailey closed the public comment portion of the meeting.

**Approval of Minutes: February 3, 2015**

Chairman Dailey called for approval of the February 3, 2015 meeting minutes.

**Motion**

**Dan Wagner made a motion and Mike Boyett seconded the motion to approve the February 3, 2015 meeting minutes as submitted.**

**The motion carried with a unanimous voice vote.**

**Disclosure of Conflict of Interest**

Chairman Dailey called for disclosures of conflict of interest. There was none.

**Disclosure of Outside Communication**

Chairman Dailey called for disclosure of ex parte communication. Nicole Cromwell disclosed staff received an e-mail from Keith Kolstad in opposition to City Zone Change #934 and a letter from Michele Zahn, Chair, South Side Neighborhood Task Force in opposition to City Zone Change #934.

**Public Hearings:**

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and asked Ms. Cromwell to open the next agenda item.

**Item a) Zone Change #933 – 1229-1239 Poly Drive:** Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

- A zone change from Residential 9,600 (R-96) to Residential 6,000 (R-60) on Lots 15-19, Block 1, College Subdivision, 1<sup>st</sup> Filing, a 17,500 square foot parcel of land, for an existing 6-plex multi-family dwelling. The City Council initiated this zone change on January 12, 2015 at the request of the property owner. Tax ID: A05126.

**RECOMMENDATION:** The Planning Division has considered the request and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria for this zone change.

### **Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. He commented the City initiated the current Zoning Code in 1972. Nicole Cromwell stated the oldest record of zoning she has found was dated 1947 and the original zoning for the City of Billings had five zoning districts. Chairman Dailey pointed out the applicant has minutes from 1966 and he commended the applicant for submitting this information with his request.

**Public Hearing:** Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #933.

### **Proponents**

#### **Wayne Gustafson, (no address given), Billings, Montana**

Mr. Gustafson is the property owner. He said he appreciated Ms. Cromwell's presentation of the history and background of his property. Mr. Gustafson stated it is important this parcel is properly zoned to protect his investment. He commended Planning Staff and Councilman Swanson for their helpfulness with this process.

### **Opponents**

There was none. Chairman Dailey closed the public hearing for City Zone Change #933-1229-1239 Poly Drive.

### **Motion**

**Commissioner Mike Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval of City Zone Change #933 with the Findings of Fact presented by Staff.**

### **Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad commended the owner for his excellent upkeep of this property over the years. The Commissioners agreed this issue should be addressed since was not created by the property owner but by the change in the City's Zoning Code.

**The motion to approve City Zone Change #933 carried with a unanimous voice vote, 4-0.**

**Item b: City Special Review #923 – 960 S 24<sup>th</sup> St West – Suites F & G - CASH Casino and All Beverage Liquor License:** Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review request to allow the location of an All Beverage Liquor License with gaming in Suites F & G (a 3,470 sf tenant space) in a Controlled Industrial (CI) zone, Lot 4A, Block 3, Midland Subdivision, 3<sup>rd</sup> Filing, 2.05 acre parcel of land. Tax ID: A29603.

**RECOMMENDATION:** The Planning Division recommends approval, subject to the following conditions:

1. The special review approval is for the location of an all beverage license with gaming and no other use is intended or implied.
2. Any expansion of the interior space greater than 347 square feet will require an additional special review approval. The addition of an outdoor seating area will require an additional special review approval.
3. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

### **Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Boyett asked about the parking requirements. Nicole Cromwell stated this establishment will have 35 spaces as the Code requires restaurants to have a parking space for every 100 feet of gross floor space. In response to a question by Commissioner Dailey, she explained the special rewire is limited to Lot 4A and this floor plan includes both suites "F" and "G". Commissioner Dailey asked how many other nearby businesses have similar uses. Nicole Cromwell replied "Dottie's", 900 South 24th Street West, has an on premise beer and wine license with limited food services.

**Public Hearing:** Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #923.

### **Proponents**

#### **Grant Agnew, 960 S 24<sup>th</sup> St W #D, Billings, Montana**

Mr. Agnew said he has had some difficulty in the past with leasers and wants to enter into an agreement with some quality operators. Commissioner Ulvestad asked about a microbrewery. Mr. Agnew said he will not entertain having a brewery at this location. He is projecting an opening date on June 1, 2015 with proposed hours from 8:00 a.m.-2:00 p.m.

### **Opponents**

There was none. Chairman Dailey closed the public hearing for City Special Review #923.

### **Motion**

**Commissioner Dan Wagner made a motion and Commissioner Boyett seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #923 with the and Findings of Fact presented by Staff.**

### **Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Boyett said that considering the number of hotels in the vicinity, this will be a good addition to the neighborhood.

**The motion to approve City Special Review #922 carried with a unanimous voice vote, 4-0.**

### **Item c. City Special Review #924 – Bench Boulevard – Multi-family residences:**

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review to allow 4 nine-plex multi-family buildings (36 dwelling units) in a Residential 6,000 (R-60) zone on Lot 4, Block 1, Chalice Acres Subdivision, a 1.98 acres parcel of land. The property received previous special review approval for 7 four-plex multi-family dwellings in 2008. Tax ID: A34249.

**RECOMMENDATION** The Planning Division is recommending denial based on the findings of the 3 criteria for Special Review #924.

### **REASONS**

- Existing approval for 28 units (seven 4-plexes) may be best site design
- Several site requirements missing or incomplete – waste storage, fencing & buffering, internal street design.
- Not complementary or compatible with closest residential uses of 1 or 1.5 story structures

### **Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Boyett asked if the proposed plan for seven duplexes will affect the front properties. Nicole Cromwell said the property owners and MDT are negotiating due to the upcoming improvements on Bench Boulevard. She pointed out these properties are not part of this special review request. Leonard Dailey pointed out there is an existing allowable special review for 28 units for this property.

### **Public Hearing**

At 5:00 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #924.

## **Proponents**

### **William E. Smith, Octagon Consulting Engineers, Billings, Montana**

Mr. Smith is the engineer for this project. He presented the fundamental principles of the design being privacy and security of the residents. He described the proposed site plan and presented copies to the Commissioners. The access to the apartments is from rear of the structures with a rolled curb to allow vehicle and pedestrian access. The buildings face toward the center to enhance the access to the garage. The useable green space is accessible out of the back doors. The parking will be in the garage for privacy reasons. The private driveway is the width of a city street and meets the Fire Department's requirements. They constructed the onsite storm water detention under a substantial amount of onsite engineering. Mr. Smith pointed out the storm water cells are sized to accommodate a 100-year storm event. He noted the lighting proposed for the property to provide safety and lighting during the night. Chairman Dailey asked Mr. Smith to continue with the highlights of his presentation and avoid a line by line presentation.

Mr. Smith continued and said the proposal is for 36% lot coverage and explained the reasoning for the compacted crushed gravel sidewalks. He stated they have been working extensively with MDT and Sanderson Stewart who are engineering the infrastructure along Bench Boulevard with regard to access to this property. He pointed out they have an agreement for access to the property from the established easements to the subdivision. He provided the Commission with copies of the staff report with sections highlighted referencing the units approved in the 2008 special review approved by City Council and said these structures would be less obtrusive.

### **Gene Culver, Kincaid Land LLC, Billings, Montana**

Mr. Culver is the property owner. He presented the Commission with a notebook containing several photographs of this property and the adjacent properties. Mr. Culver commented on the need for additional housing due to the City's projected growth in the next few years. He said although the 2008 plan was approved it was too costly for developer. The new site plan is in conformance but the City has recommended denial due to the height and setbacks. He said the proposed structures have the same height and setbacks as those proposed in 2008. There is a 3-story multi-family structure adjacent to their property and they are proposing two story structures. They intend to put up a privacy fence along Chalice Acres. He said they have addressed the water management issues. Regarding the neighborhood compatibility factor, Mr. Culver pointed out several different uses in this area and said he feels this proposal would be an upgrade to the neighborhood.

### **Pat Schindle, Broker, (no address given)**

Mr. Schindle stated over the years he has had five buy-sell agreements on this property but has been unable to close the sales due to the cost of the infrastructure. He said there is a lot of interest in multi-plex housing properties; and he has an interested buyer if this is approved for a nine-plex development. He said the developer is considering a lease price point of \$900-\$1300 monthly per unit.

## **Opponents**

### **Chris Jones, 1442 Bench Boulevard, Billings, Montana**

Mr. Jones stated he is in opposition to this proposal due to the increased density and traffic. He said there are no sidewalks from Bench Boulevard and they have not adequately addressed the parking.

## **Rebuttal**

### **Gene Culver, Kincaid Land LLC, Billings, Montana**

Mr. Culver stated they would be in compliance with the R-6000 zoning, and if allowed to move the structures back they could have parking in front of the garages. He said access for Mr. Jones should not be an issue as he has a private access and they are willing to allow the other property owner on Bench Boulevard to use their private easement. Nicole Cromwell explained the setback requirements are fixed and it would not be possible to reset building #4. She gave the minimum setbacks for the other proposed structures. She pointed out the storm water detention areas may preclude some of the movement. Mr. Smith interjected and said they designed the storm water detention areas with the priority of maximizing the space behind the structures but they could consider moving the structures on the site plan.

Regarding density, Gene Culver commented single car garages do not lend well to two-car families. He said they anticipate price point of \$750-\$795 monthly rental fees and stated this proposal provides a workable alternative for those who wish to live and work in this area. Pat Schindle said the plan lends itself to single person household families and there will be limitations for parking.

### **Chris Jones, 1442 Bench Boulevard, Billings, Montana**

Mr. Jones added the lease price point may attract low income renters and he reiterated his concern with traffic that will be passing his children's bedrooms. He stated this development will diminish his chance of future appreciation on his dwelling and his investment.

Chairman Dailey asked if there was anyone else wishing to speak in favor of Special Review #924. There was none. Chairman Dailey closed the public hearing at 5:56 p.m.

## **Discussion**

He asked Nicole Cromwell regarding staffs' 2 primary concerns with the building height and setbacks. Nicole Cromwell stated the previous request's buildings plus the setback and the height was not as great as this proposal. She said an "unbroken" buildings plan does not have the same mass and referred to page 4 of the staff report. She said she could not find a similar square footage to unit ratio in Billings Heights.

## **Motion**

**Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of denial of City Special Review #924 based on the findings of the 3 criteria presented by Staff.**

## **Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Wagner stated he is concerned with the plan's density and height of the buildings. Commissioner Ulvestad concurred. Chairman Dailey said he is in conflict with the owner's testimony there are limitations on the potential buyer and investor and the fact that one land use could affect land owners outside of the proposed special review. He is hopeful that something of this nature could be done and he will vote in opposition to the recommendation of denial.

**The motion to deny City Special Review #924 carried with a unanimous voice vote, 3-1 with Chairman Daily opposing.**

## **Item d. City Special Review #925 – 72 & 77 Lily Valley Circle – Retirement Center**

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation.

– A special review to allow a retirement center with 15 units in a 16,438 square foot addition to an existing assisted living residence in a Residential 9,600 (R-96) zone on Lots 26 and 27, Block 2, Howard Heights Subdivision and additional land (13,151 square feet) from adjacent owners to the south and east, a 34,429 square foot parcel of land. The property received previous special review approval for an assisted living home in 2005. Tax ID: A20678 and A20679.

## **REQUEST**

This is a special review to allow a retirement center with 15 units in a 16,438 square foot addition to an existing assisted living residence in a Residential 9,600 (R-96) zone on Lots 26 and 27, Block 2, Howard Heights Subdivision and additional land (13,151 square feet) from adjacent owners to the south and east, a 34,429 square foot parcel of land. The property received previous special review approval for an assisted living home in 2005. The owner is BLW Investments, LLC and the agent is AT Architecture, Inc.

## **RECOMMENDATION**

The Planning Division recommends conditional approval with the following conditions:

1. The special review approval is for the expansion of an assisted living facility generally located at 72 and 77 Lily Valley Circle.
2. The approval is limited to Lots 26 and 27, Block 2, Howard Heights Subdivision, 10,576 sf and 7,865 sf (34,429 sf total) additional land from Churches.
3. The property currently owned by the Heights Baptist Church and the Trinity Church of the Nazarenes included in this site plan must be purchased and lot lines relocated before construction of the new addition can begin.
4. Increases in the number of units or the number of off-street parking spaces greater than 10% of the numbers shown on the site plan will require additional special review approval.
5. The site will be developed in substantial conformance with the submitted site plan dated 01-25-15. Minor modifications to the site plan are acceptable.
6. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

7. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

### **Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Nicole Cromwell explained to Commissioner Boyett the City vacated the dirt road and it is owned by the church. She stated there will be one access to the property and right-of-way will have to be provided should the churches decide to subdivide in the future.

### **Public Hearing**

At 6:16 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #925.

### **Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana**

Mr. Tommerup is the agent for property owner, BLW Investments, LLC. He thanked Planner Dave Green for the presentation and said Mr. White is attending this evening. He concurred the Heights Baptist Church purchased the right-of-way from the City of Billings and it is vacated and he said there will be no north-south egress. He said they plan to start construction during the summer of 2015.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Special Review #925.

### **Elizabeth Hoff, 1513 Linda Lane, Billings, Montana**

Ms. Hoff is an employee of Butterfly Homes. She stated Butterfly Homes' goal is to provide housing for elders for a longer period of time; and they are well known in the community. They are community based and work to keep the streets open during the winter for people in the area. They serve residents locally and from outlying areas. Commissioner Daily commented this sounds like a healthy situation.

### **Mike White, 730 Main Street, Ste. 102, Billings, Montana**

Mr. White said the plan is for thirteen assisted living units on one level and two apartments in the basement for families or employees needing temporary housing. There will be a partial basement in the new structure which will adjoin the existing building. He has facilities in Livingston, Anaconda, Columbus and Whitehall. He stated here is a shortage of assisted living housing; they have had a strong waiting list for several years; and they are trying to accommodate the need.

### **Opposition**

### **Roxann Hokanson, 83 Lily Valley Circle, Billings, Montana**

Ms. Hokanson gave some history on this neighborhood and stated she feels there will be too many assisted living units in this area. She said the proposal does not resemble a home and does not fit in with the residential area. She voiced concern this will change the character of the neighborhood and set a precedence for no guarantee of no further multi-family homes.

## **Rebuttal**

### **Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana**

Mr. Tommerup stated the plan is residential in scale and other than the size has the same character as the other houses in the area. He clarified and said this is not a proposal for a zone change, and the majority of this land under this special review already for a third structure. Nicole Cromwell referenced a posted site plan. She said the third structure was not built, possibly due to the slope of the land. She said the difference between this proposal and the previous one is it involves additional land and a parking lot.

### **Stove Hokanson, 83 Lily Valley Circle, Billings, Montana**

Mr. Hokanson stated this addition will devalue his property. He said Butterfly Homes is a good neighbor. He commented on the reasoning for the breakaway chain and emergency access from the church property to the cul de sac. He said he doesn't know if the parking lot configuration will be legal. Mr. Hokanson said there is only one lane available in the cul de sac during to the winter due to the snow stacking up. He reiterated this will be a large building across from his property and said he does not feel this needs to be at this location.

### **Alex Tommerup, AT Architecture, Inc., 2010 Wentworth, Billings, Montana**

Mr. Tommerup stated the applicant has met with the City Fire Department and they have approved the site plans as they exist.

### **Mike White, 730 Main Street, Ste. 102, Billings, Montana**

He said he has a similar project in Livingston and has good relationships with the five homeowners across the street. They keep the properties nicely landscaped and Mr. White stated they will ensure the cul de sac remains open in the winter and suggested they may work with the Baptist Church for the snow loading.

### **Elizabeth Hoff, 1513 Linda Lane, Billings, Montana**

Elizabeth Hoff commented that the buildings will alleviate the drifting snow. She said the plan includes a proposal for an activities room for the residents.

Chairman Dailey asked if there was anyone else wishing to speak in favor of City Special Review #925. There was none. Chairman Dailey closed the public hearing at 6:37 p.m.

## **Motion**

**Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval of City Special Review #925.**

## **Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Ulvestad said he is in approval of this request due to the heightened need for retirement homes and he likes the way the building fits in with the other structures. Commissioner Wagner stated there is a need but he is not convinced it will not affect the value of the other surrounding residents.

The motion carried with a unanimous voice vote.

**Item e. Zone Change #934 – Text Amendment – Allow the off street parking of Class A or Class D tow trucks in residential zones; Section 27-601(a) and 27-606**

- A City Council initiated amendment to the Unified Zoning Regulations Section 27-601(a) and 27-606 to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. The City Council initiated this zone change on February 9, 2015 at the request of the Yellowstone Valley Tow Truck Association.

Ms. Cromwell read aloud the legal notice and gave an overview of the application and staff's recommendation. She commented there is a companion Ordinance, 24-406 dealing with on-street parking but this Commission does not need to forward a recommendation on this ordinance. The Board of County Commissioners will also consider this ordinance.

**RECOMMENDATION:** The Planning Division is recommending denial of the amendments to allow tow trucks to park off-street in residential zones.

**REASONS:** The Planning Division has considered the proposed amendment and is recommending denial to the Zoning Commission based on the findings of the 10 criteria. This proposed zone change is not designed in accordance with the 2008 Growth Policy goals of predictable land use decisions that are compatible with existing neighborhoods and protects neighborhood integrity. It is:

- Not a predictable land use decision for residential zones
- Tend to increase neighborhood conflicts
- Residential streets and driveways not constructed for heavy weight truck use on a regular basis
- Subject adjacent residents to noise and fumes from starting and idling wreckers
- Enforcement of proposed amendment problematic

**Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Per request of the Commissioners, Nicole Cromwell clarified the minimum weight limits for each vehicle class, and said typically a Class A vehicle would be used to take home for overnight responses. Commissioner Dailey asked why City Council initiated this his ordinance. Nicole Cromwell stated Councilman Yackawich is in attendance this evening. She said there were four complaints in 2014 that were responded to by Code Enforcement but no citations were issued.

**Public Hearing**

At 7:01 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #934.

## **Proponents (In favor of the ordinance)**

### **Joanne Blyton, President, Montana Tow Truck Association, Billings, Montana**

Ms. Blyton thanked Ms. Cromwell and Planning Staff for their efforts and the presentation. She distributed a pamphlet from the "Tow and Recovery Association of America" discussing the Class types. Ms. Blyton said citations have driven this issue. She said they work to meet annual inspections to be included on the Police rotation list. She pointed out several makes of trucks that are allowed in driveways that are as noisy and large as some classes of tow trucks. She said this change affords City Council and the Codes to be uniform and the Code Enforcement Division will not have to guess at the gross weight as they post the class on the windows. She said they are community based and try to be good citizens. They are property owners and wish to use their properties and driveways to park their vehicles. Ms. Blyton said out of 43 companies, there are 3 that desire to have drivers have the vehicles at home when on rotation. They are asking to help the Police departments with better ETA (Estimated Times of Arrival), by having the equipment at the residence when on rotation. She said this comes down to public safety and welfare and response times. Ms. Blyton asked the Commissioners to seriously consider this request, and stated they would rather be solution driven instead of complaint driven.

## **Discussion**

Commissioner Ulvestad asked if she has considered parking in commercial area instead of in neighborhoods. She said they have looked but there was not enough availability and she is not sure this would serve the best purpose. Commissioner Wagner commented the noise may be more offensive than the look of the wrecker. Ms. Blyton responded a Ford, Chevy, or GMC would have a similar noise levels. She explained the standard operating procedure which includes response time and said this came forward based on time arrivals for the City of Billings.

## **Opponents (Not in support of the ordinance)**

### **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**

Mr. Zurbuchen voiced concern with the potential engine noise interrupting nearby residents' sleep.

### **Marian Dozier, 3923 3<sup>rd</sup> Avenue South, Billings, Montana**

Ms. Dozier stated she is retired but served as a City of Billings Code Enforcement Officer from 1996-2003. She said she does not support this zone change as neighborhoods should be kept residential. She said one commercial truck brings other and this could include semi-trucks and delivery trucks. She voiced concern that approval of the ordinance could open the door for other businesses wanting the same consideration and suggested putting on call drivers on site at the companies' business location.

### **Richard Clark, 1207 25<sup>th</sup> Street West, Billings, Montana**

Mr. Clark stated he is the Chairman of the West End Task Force and he has received no favorable input for changing this ordinance. He said he the response rate is over 90% on time currently and there is no reason to change it. Commissioner Ulvestad asked for clarification on this statistic, and Mr. Clark said he read this in a Billings Gazette article.

**Carol Moore, 615 North 15<sup>th</sup> Street, Billings, Montana**

Ms. Moore stated she is in favor of the staff recommendation of denial as it is not to our benefit overall. She said the North Park Task Force is meeting this Tuesday and will forward their comments to the City Council.

**Proponents (In favor of the ordinance)**

**Don Blyton, Billings Towing, 2212 Main Street, Billings, Montana**

Mr. Blyton supports changing the ordinance for safety reasons. He spoke regarding traffic incident management to alleviate secondary incidents.

**Jen Carlson, Maverick Towing, (No address given), Billings, Montana**

Ms. Carlson thanked the Commissioners for their consideration and gave an instance in which a timely response could have saved a life. She said their tow truck is parked next to her bedroom and she is not disturbed at not. She said the trucks do not idle for hours at a time and they wish to provide safety for the community.

**Steve Carlson, Maverick Towing, (No address given), Billings, Montana**

Mr. Carlson said the vehicles they are asking for smaller than the quad cab pickup parked next door. He said he has a yard across town and has tried to find another space but they have to consider liability issues.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Zone Change #934. There was none. Chairman Dailey closed the public hearing at 5:18 p.m.

**Motion**

**Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of denial of City Zone Change #934 based on the findings of the 3 criteria presented by Staff.**

**Discussion**

Chairman Dailey called for discussion on the motion. Commissioner Wagner voiced concern that once City Council approves the change in the ordinance, the larger trucks will be harder to stop. He said he is not in favor. Commissioner Boyett noted this will affect a lot of people and commented on the collaborative testimonies and representation of the North Side, South Side and West End Task Forces voiced during this meeting.

**The motion to deny City Zone Change #934 carried with a unanimous voice vote, 4-0.**

**Other Business:**

**--Nicole Cromwell announced the Commission will not meet in April due to a lack of agenda items. The next meeting is scheduled for May 5, 2015.**

**Adjournment: The meeting adjourned at 7:35 p.m.**

**ATTEST: DRAFT TO BE APPROVED ON MAY 5, 2015**

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Leonard Dailey, Chairman

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Tamara L. Deines, Planning Clerk