

City of Billings Zoning Commission Meeting Minutes- June 2, 2015

The City of Billings Zoning Commission met on Tuesday, June 2, 2015 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana

Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, June 22, 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		1	1						
Barbara Hawkins	Commissioner	1	1	1		1	1						
Dan Wagner	Vice Chairman	1	1	1		E	1						
Dennis Ulvestad	Commissioner	1	E	1		1	1						
Mike Boyett	Commissioner	1	1	1		1	E						
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	-	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1	1	1	1	1	-	-
Tammy Deines	Planning Clerk	1	1	1		-	1	1	-	1	1	-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	-	-	-	-	-
Juliet Spalding	Planner II	-	-	-		-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-		-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-			-	-		-	-	-	-
Jeanette Vieg	Receptionist					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	0	0								6
Special Review	1	1	3	0	3								8

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

Others in Attendance: Carrie and Chuck Wissenbach; Tim Ballou; Nick Pancheau; Jonathan Boll; Ron Kesler; Alex Tommerup, AT Architecture; Jeff Kanning

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: March 3, 2015

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

Motion

Leonard Dailey made a motion and Dennis Ulvestad seconded the motion to approve the March 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. There was none

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 #1: City Special Review #928 – 770 King Park Drive – Lucky Lil’s – Beer & Wine License with gaming – A special review request to locate an all beverage liquor license with gaming (Lucky Lil’s) in a remodeled structure (formerly Del Taco), a 2,164 square foot building with a 403 square foot outdoor patio, and an existing 37-stall parking

lot with landscaping in an Controlled Industrial (CI) zone on the north half of Lot 4A, Block 1 King Park Subdivision a 79,524 square foot parcel of land. Tax ID: A24694.

RECOMMENDATION: The Planning Division has considered the request and is forwarding a recommendation of conditional based on findings of the 3 review criteria for Special Review #928.

Discussion

Chairman Dailey called for questions and discussion. Leonard Dailey asked for clarification on the site plan and it was given by Nicole Cromwell.

Public Hearing: At 4:49 p.m. Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #928.

Proponents

Alex Tommerup, 848 Main Street, Billings, Montana

Mr. Tommerup is the agent for property owner, BK RE 5165, LLC. Per Commissioner Ulvestad's request, he explained the criterion for moving a beer and wine license. Per the Administrative Rules of Montana, a certain number of licenses are issued based on population and can be moved within the same jurisdiction. Commissioner Dailey referred to page 2 of the staff report which stated there will be no impact on circulation to and from the location. Nicole Cromwell said based on standard traffic generation tables, the traffic should be less than the former fast food operation. She explained the spacing requirement for the licenses and responded to Commissioner Wagner's question stating the fence is at 42 inches tall. In response to a request from the agent, the Zoning Commission considered modifying staff proposed condition #6 concerning the height of the existing patio enclosure. The agent stated the existing patio enclosure is 3.5 feet in height and this exceeds the minimum requirement for the state license. The proposed addition of 6 inches to the fence enclosure by the staff would not be an effective use of the existing patio design and development. The agent stated the existing patio enclosure was in good condition and retrofitting the fence to add 6 inches would be cost prohibitive for little benefit. In response to a request from the agent, the Zoning Commission agreed to eliminate staff proposed condition #9 concerning the solid waste enclosure. The existing development includes a sight obscuring dumpster enclosure so the condition is unnecessary.

Opponents

There was none. Chairman Dailey closed the public hearing for City Special Review #928.

Motion

Commissioner Mike Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval of City Special Review #928 with the Findings of Fact presented by Staff, changes to Condition of Approval #6 and removal of Condition of Approval #9.

Discussion

Chairman Dailey called for discussion on the motion

The motion to approve City Special Review #928 carried with a unanimous voice vote, 4-0.

Item #2: City Special Review #929 – 2802 Belvedere – Church School Expansion – A special review request to expand an existing church school, Trinity Lutheran School, to add 7,975 square feet to an existing 26,399 square foot building, in a Residential 9,600 (R-96) zone on Lot 2A, Block 1 Oakland Subdivision 2nd Filing a 4.227 acre parcel of land.

RECOMMENDATION: The Planning Division recommends approval based on the findings of the 3 criteria for Special Review #929 and subject to the following conditions:

1. The special review is limited to the expansion of an existing private church school and no other use is intended or implied.
2. The approval is limited to Lot 2A, Block 1, of Oakland Subdivision, 2nd Filing, generally located at 2802 Belvedere Drive.
3. Any addition to the building or the parking area greater than 10% of the total shown on the site plan shall require additional special review approval.
4. There shall be no demolition or construction activity before 7 am or after 8 pm.
5. Any new outdoor lighting - except security lighting on the building will have full cut-off shields so that no part of the lens or fixture projects below the shield. Any new outdoor pole light is limited to 15 feet in height above grade.
6. The solid waste collection enclosure shall be sight-obscuring, tall enough so no part of the collection box projects above the enclosure and have a sight-obscuring closing gate or gates.
7. The new landscaping shall be installed as shown on the submitted site plan.
8. The addition shall be in substantial conformance with the submitted site plan. Minor modification are allowed.
9. The applicant will install new bicycle racks as recommended by the Planning Division guidelines.
10. 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.

11. 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. Leonard Dailey asked about Condition of Approval #9. Nicole Cromwell explained that the 2011 Bikeway and Pedestrian Plan was adopted by the City and County to develop guidelines for new or remodeled facilities. She stressed these are only guidelines and it is up to the interpretation of the designer to decide the appropriate location on the site.

Public Hearing: At 5:17 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #929.

Proponents

Jeff Kanning, Collaborative Design Architects, 2280 Grant Road, Billings, Montana

Mr. Canning is the agent for Trinity Evangelical Lutheran Church. Trinity Lutheran is in their sixth decade of teaching. Mr. Kanning said they are trying to keep up with growing enrollment; add a computer center, music room, and make changes in the parking lot to address traffic and safety in the physical drop off area. The new layout should get some of the traffic off the street. In addition the proposal is to improve approaches. They will install bike racks and are in agreement with the conditions of approval.

Discussion

Commissioner Wagner commented the streets in this area are horrific and asked who is responsible for upgrades. Mr. Kanning stated the north and south approaches will be brought into compliance. Commissioner Wagner asked who will fix the compressions into the street, and Mr. Kanning said they will comply with current engineering regulations. Nicole Cromwell said she will forward this question to City Public Works to inquire when an overlay on Belvedere is planned. Commissioner Ulvestad asked if they have considered the student enrollment rate. Commissioner Dailey asked regarding the time frame to start construction. Jeff Kanning said they will start the project June 24, 2015 and hope to complete the project by the end of the year with a 5-6 month construction period. Mr. Kanning said the applicant is ok with Condition of Approval # 9, ok with the bicycle racks. It was noted the 1 for 5 parking space criterion may be excessive for this facility. Commissioner Dailey asked how long the preschool has been in existence. Mr. Kanning said it has been operation for-seven years serving children 3 years to six years of age. He said the preschool children cross the street to access the primary building. The plan is to return the house to a residential use. Commissioner Wagner asked about Staff parking. There will be additional parking on the north side of the gym, and the reworking the parking will be for two effective drop areas. There is not a lot of need for bike racks as the parents primarily drop off students. Commissioner Ulvestad asked about public notification and Mr. Kanning said the neighbors were contacted by mail. He received a phone call from Mrs. Kennedy. She is not opposed to this request in terms of the construction.

Jonathan Boll, 401 Lavender Street, Billings, Montana

Mr. Boll said the do not plan to expand the capacity of the school with the exception of the preschool and daycare. They plan to limit classroom sizes to 26 students. The proposal is to add other multi-use spaces; and the upgrades may attract new students. Mr. Boll said 16 spaces for bicycle racks would be adequate as he has not seen more than five or six bicycles at one time.

Opponents

Charles Wissenbach, 2609 Belvedere, Billings, Montana

Mr. Wissenbach stated they are unable to access their driveway between 8:00-8:30 a.m., and the school staff fills up all of the parking spaces. During events at the school, the cars stack the length of 28th Street West and Belvedere is full of cars. Mr. Wissenbach said he has had to request a car be moved away from his driveway. He suggested consideration of a designated drop off and pick up area in order to avoid injury to students that may be walking between cars. He said approximately four nights a week there is no parking and not enough room for multiple cars.

Carrie Wissenbach, 2609 Belvedere, Billings, Montana

Ms. Wissenbach concurred with Charles Wissenbach and stated the traffic clogs the entire street and there is no parking available during events.

Chairman Dailey called for rebuttal.

Rebuttal

Jeff Kanning, Collaborative Design Architects, 2280 Grant Road, Billings, Montana

Mr. Kanning stated they modified the parking lot to create two separate zones to alleviate students walking between cars. The proposed plans meet the requirements and are compliance with current engineering standards. They are in excess of the required number of parking spaces.

Jonathan Boll, 401 Lavender Street, Billings, Montana

Mr. Bolls said he can can sympathize with the Wissenbach's concerns. He said he is hoping the internal drop offs will limits the curbside parking. Commissioner Ulvestad asked if a "No parking" sign might be installed or if the curbs could be painted at the driveway. He encouraged the applicant to look into these options. Mr. Kanning agreed to add the curbside painting to maintain a good neighbor policy. Nicole Cromwell suggested putting reflective markers to indicate the driveway. Mr. Kanning said the striping would be a practical solution. Commissioner Daily commented some the issues might be solved by some of the things discussed today.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against Special Review #929. There was none. Chairman Dailey closed the public hearing for City Special Review #929.

Motion

Commissioner Wagner made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #929 with the and Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Wagner commended the applicant for their desire to be a good neighbor and said communication will close the gap on some of the issues. Commissioner Ulvestad concurred with Commissioner Wagner and said he is in favor of the Special Review. Commissioner Dailey said with the understanding that Trinity Lutheran has been there since the 1950's and with the planning of the licensed architect, this will be beneficial to the community.

The motion to approve City Special Review #929 carried with a unanimous voice vote, 4-0.

Other Business:

--Nicole Cromwell announced the next meeting is scheduled for July 7, 2015 with two zone changes pending for this meeting.

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

ATTEST: DRAFT TO APPROVED BY A MOTION ON JULY 7, 2015

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk