

**City of Billings Zoning Commission
Meeting Minutes- August 4, 2015**

The City of Billings Zoning Commission met on Tuesday, August 4, 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, August 24, 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		1				
Barbara Hawkins	Commissioner	1	1	1		1	1		1				
Dan Wagner	Vice Chairman	1	1	1		E	1		1				
Dennis Ulvestad	Commissioner	1	E	1		1	1		1				
Mike Boyett	Commissioner	1	1	1		1	E		1				
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	-	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1		1			-	-
Tammy Deines	Planning Clerk	1	1	1		-	1					-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	-	-	-	-
Juliet Spalding	Planner II	-	-	-		-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-		-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-			-	1					
Jeannette Vieg	Receptionist					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	0	0	0		2					8
Special Review	1	1	3	0	3	2		1					11

Chairman Dailey introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; Wyeth Friday, Planning Division Manager; and Jeannette Vieg, Planning Receptionist.

Public Comment

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

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.

Approval of Minutes: July 7, 2015

Chairman Dailey called for approval of the July 7, 2015 meeting minutes.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to approve the July 7, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

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 review the first agenda item.

Item #1: City Special Review #930 – 4010 Montana Sapphire Drive – Beer & Wine License with gaming – A special review request to locate a beer & wine license with gaming for a new Dotty’s Casino, a 4,000 square foot tenant space in a proposed new 10,502 square foot building with a 108-stall parking lot and landscaping in an Entryway Light Industrial (ELI) zone on Lot 8C, Block 1 of Montana Sapphire Subdivision a 1.939 acre parcel of land. Tax ID: A34623

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 930. The Planning Division is recommending the following conditions:

1. The special review approval is for the location of a beer and wine license with gaming on Lot 8C, Block 1 of Montana Sapphire Subdivision and no other use is intended or implied.
2. Any expansion of the casino greater than 400 square feet will require an additional special review approval.
3. Any increase in the number of parking spaces over 10% of what is shown (118 spaces) will require an additional special review approval.
4. There shall be no outdoor public address system, outside announcement system, whether permanent or temporary, of any kind. There shall be no outdoor event on the grounds that includes amplified music or an amplified sound system of any kind.
5. The solid waste storage area shall have a sight-obscuring enclosure constructed in similar materials and colors of the building. The enclosure will include a sight-obscuring gate.
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. There was discussion regarding the business adding square footage in the future.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #930.

Proponents

Toby Leichti, Blue Line Engineering 2110 Overland Ave.
Would like to see this built, unsure of actual start date.

Opposition

There was none.

Chairman Dailey closed the public hearing for City Special Review #930.

Motion

Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #930.

Discussion

Chairman Dailey called for discussion on the motion.

Discussion on the fact there was a casino approved in this area recently, do not feel there is anything different with Dotty's Casino.

The motion to approve City Special Review #930 carried with a unanimous voice vote,5-0.

Item #2: City Zone Change #938 – East of 54th St West on Grand Peaks Drive – A zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 1, Block 5 and Lot 5, Block 2 of Grand Peaks Subdivision a 7.8 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on June 24, 2015, at the King of Glory Lutheran Church, 4125 Grand Avenue. Tax ID: A33956 & A33960

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change #938.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission.

Discussion regarding traffic studies in the past and current studies. Update of the traffic study will be done at either the Subdivision level or with the Master Plan.

Public Hearing

Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #938.

Proponents

Dennis Randall, 1300 N Transtech Way, Sanderson Stewart

Mr. Randall discussed the trend toward smaller lots.

The Commission discussed the density of the Subdivision.

Jeff Junkert, 1466 Shade Tree Circle, Billings, MT

Mr. Junkert discussed market driven smaller lots creating blended neighborhoods. Commission discussed the time frame of this subdivision. The estimate build time is 3 to 5 years out.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against Zone Change #938.

Opposition

Jerry Ray, 2245 54th St W

Mr. Ray passed out handouts. Discussed value of his home and others in the County north of the subdivision.

Chairman Dailey discussed concern regarding N boundary addressed by application.

The Board Members had a discussion regarding SIA for the subdivision. Requested the Board deny or table this Zone Change.

Chairman Dailey closed the public hearing for City Zone Change #938.

Rebuttal

Jeff Junkert, 1466 Shade Tree Circle, Owner

Discussed the lot size, quality of homes, future road construction.

Motion

Commissioner Boyett made a motion and Commissioner Hawkins seconded the motion to forward a recommendation to City Council of approval of City Zone Change #938 with the recommendations and Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Discussion regarding trends of Subdivision in the area.

The motion to approve City Zone Change #938 carried with a unanimous voice vote, 5-0.

Item #3-City Zone Change #939 – Exposition Gateway Overlay District – An amendment to the Unified Zoning Regulations pertaining to the development of land within the Exposition Gateway Area of the East Billings Urban Renewal area generally located east of N 10th Street to Exposition Drive and from 6th Avenue North to 1st Avenue North. The district overlay will not change the underlying zoning but will provide for enhanced site development requirements and restrict some industrial uses. The Yellowstone County Board of Planning initiated the amendment on June 23, 2015.

RECOMMENDATION

Staff recommends that the City Zoning Commission conduct the public hearing and recommend approval of the text and map amendment to City Council to amend the Unified Zoning Regulations for the purpose of establishing the Exposition Gateway Overlay District Zone for the Exposition Gateway Concept Plan Area. Wyeth Friday, Planning Division Manager presented a power point on the Exposition Gateway Area.

The Exposition Gateway Area straddles City and the County boundaries at the east end of the East Billings Urban Renewal District (EBURD). The Exposition Gateway Concept Plan was adopted by the City and County in May 2013. The plan outlined a potential future for the area through strategic public investments, creative marketing, and the use of a variety of development tools, as a lively, evolving, and a unique community and regional destination. In order to protect the public and private investments planned for this area, a zoning overlay district that will apply both inside the city limits and on county lands has been drafted through a collaborative effort of Planning staff and the staff and board members of the Billings Industrial Revitalization District. A future zoning

district distinct and unique for the Exposition Gateway Area is also planned. Until this new zoning district is formulated and adopted, this overlay district shall apply to all the property within the Exposition Gateway Area (See attached Draft Overlay Zoning District and Area Map). This Overlay District would be a new section of code. Staff is proposing that it be established as Section 27-1470 in the Unified Zoning Regulations.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. The Commission discussed long term planning, funding source, restrictions in the Exposition Gateway Area. County vs City land use, the long range transportation corridor plan. Parking requirements being different in this area than the City requires.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #939.

Proponents:

There were none.

Opposition:

Bob Young, 720 1st Ave N.

Mr. Young stated that in the past this property had been an oil refinery, the DEQ is currently cleaning it up and is monitoring the water ground conditions. Mr. Young does not think his land has value that his business does. Does not support Zone Change #939.

Mike Kautzman, 813 3rd Ave N.

Mr. Kautzman is a business owner, property owner and landlord in this district and employees individuals. He feels he would not be able to sell his property/business for enough money to relocate to another part of Billings. He is opposed to Zone Change #939.

Cliff Hanson, 1281 Lonesome Pine

Mr. Hanson is a property owner in this district. He thinks the proposed Zone Change is against the current landowners. Is opposed to Zone Change #939.

Tom Converse, 905 2nd Ave N.

Mr. Converse, owns property that has been in business 50 yrs. as a wholesale distribution. He does not like the idea of not being able to expand nor sell the business. He feels it affects his property values by limiting who he can sell it to and if there is a gap in occupancy not being able to start up again. He thinks if he sold the business it would have to be for the value of his property and doesn't think it is worth much, the value is in the business. He is opposed to Zone Change #939.

Jerry Ray, 2245 54th St W

Mr. Ray owns a parking lot in the area and is opposed to Zone Change #939.

Curt Brumfield, 1719 4th Ave N.

Mr. Brumfield concurs with the previous speakers. He is concerned about future business, stated that retail has not survived in the area. He is opposed to Zone Change #939.

Dave Doll, 710 Tepee Trail

Mr. Doll has two properties one in the county and one in the city. His property was zoned Controlled Industrial and was changed. He feels he cannot sell his property. He is opposed to Zone Change #939.

Bill Hoy, 917 3rd Ave N.

Mr. Hoy thinks the Zone Change jeopardizes his investment and retirement. If his business is only worth the the land is, he thinks he would be unable to sell for a profit. He is opposed to Zone Change #939

Kathy Grott, 813 2nd Ave N.

Mrs. Grott passed out handout and agrees with the previous speakers, thinks the criteria review is in conflict with original ordinance. There was to be adequate land and space for commercial uses. EBURD master plan was to ensure the existing industrial uses to continue as desired, the changes conflict with exposition gateway plan does not assume displacement of existing business. She is opposed to Zone Change #939

Gary Donovan, 2580 Patricia Lane

Mr. Donovan bought controlled industrial. He owns the property, wants to use it as he wants. He is opposed to Zone Change #939.

Sandy Doll, 710 Tepee Trail

Ms. Doll feels that no one is asking what she wants to do with their property, they are telling her what she will be doing with her property. She is opposed to Zone Change #939.

Mike Deganat, 115 N 9th

Mr. Deganat has been in business since 1952 with the oldest machine shop and the busiest. He feels if he cannot resale the business, the land is not worth much. He is opposed to Zone Change #939.

Clint Hall, 808 4th Ave N.

Mr. Hall said he doesn't know what he would could with his building if he wasn't in it. Doesn't see the reason for developing the area. He is opposed to Zone Change #939.

Don Stanaway, 900 First Ave N.

Mr. Stanaway has a large building sitting on RR land. He would not be able to add onto his building nor would he be able to grow. He is opposed to Zone Change #939.

Chairman Dailey called for rebuttal.

Rebuttal

Wyeth Friday discussed the long range big picture, clarified the non-conforming use. The Exposition Gateway is adopted, has been amended to the Growth Policy and the City plans to go forward in its long range plan. Mr. Friday showed power point again to explain some of the points. The Board members discussed the concerns brought up by the citizens.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against Zone Change #939. There were none.

Chairman Dailey closed the public hearing for City Zone Change #939.

Motion

Commissioner Wagner made a motion and Commissioner Hawkins seconded the motion to forward a recommendation to City Council for denial of City Zone Change #939 based on the Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion.

Chairman Ulvestad asked why EBURD was not testifying in favor of the Zone Change.

Mr. McCarthy stated his intent tonight was to listen to concerns.

The motion to deny City Zone Change #939 carried with a unanimous voice vote, 5-0.

Other Business:

Nicole Cromwell announced the next meeting is scheduled for September 1, 2015.

Adjournment: The meeting adjourned at 7:25 p.m.

ATTEST:

Leonard Dailey, Chairman

Jeannette Vieg, Receptionist