

City of Billings Zoning Commission Meeting Minutes- September 1, 2015

The City of Billings Zoning Commission met on Tuesday, September 1, 2015 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana
Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday, September 28, 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	09/01/2015	10/06/2015	11/10/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1		1	1		1	1			
Barbara Hawkins	Commissioner	1	1	1		1	1		1	1			
Dan Wagner	Vice Chairman	1	1	1		E	1		1	1			
Dennis Ulvestad	Commissioner	1	E	1		1	1		1	1			
Mike Boyett	Commissioner	1	1	1		1	E		1	1			
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	--	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1		1	1		-	-
Tammy Deines	Planning Clerk	1	1	1		-	1			1		-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	--	-	-	-
Lora Mattox	Planner II	-	-	-		-	-	-	-	-	-	-	-
Karen Husman	Planner I	-	-	-		-	-	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	09/01/2015	10/06/2015	11/10/2015	12/01/2015	TOTAL
Zone Change	2	2	2	0	0	0		2	0				8
Special Review	1	1	3	0	3	2		1	1				12

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

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: August 4, 2015

Chairman Dailey called for approval of the August 4, 2015 meeting minutes.

Motion

Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to approve the August 4, 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 #931 – 261 Swords Lane – Town Pump Bar & Casino - A special review request to locate an all beverage license with gaming for a new Town Pump Casino, Bar and Liquor Store in a 7,194 square foot proposed building with a 69-stall parking lot and landscaping in a Highway Commercial (HC) zone on the south half of C/S 98, a 2.36 acre parcel of land. Tax ID: D05600.

REQUEST

Item #1 - Special Review #931 – 261 Swords Lane – Town Pump Bar & Casino - A special review request to locate an all beverage license with gaming for a new Town Pump Casino, Bar and Liquor Store in a 7,194 square foot proposed building with a 69-stall parking lot and landscaping in a Highway Commercial (HC) zone on the south half of C/S 98, a 2.36 acre parcel of land.

RECOMMENDATION

The Planning Division is recommending conditional approval based on the findings of the 3 criteria for Special Review 931.

Conditions of Approval:

1. The special review approval is for the location of an all beverage license with gaming on C/S 98, generally located at 261 Swords Lane, and no other use is intended or implied.
2. Any expansion of the building floor area greater than 720 square feet will require an additional special review approval.
3. Any increase in the number of parking spaces over 10% of what is shown (69 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. The applicant shall provide 2 (two) bike parking racks on the site of the type recommended by the City of Billings Off-Street Bicycle Parking Guidelines. The bike parking racks will be located as recommended in the guidelines.
7. 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.
8. 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.

In response to comments by Commissioners Dailey and Ulvestad, Nicole Cromwell said the State of Montana controls the intersection of Swords Lane and Main Street. Commissioner Boyett asked about the need for bike racks for this type of business. Nicole Cromwell pointed out the proximity to a well-developed bikeway and commented patrons or employees might use the bike racks.

Commissioner Ulvestad asked about the number of allowable licenses and the easement for the drive approach. Nicole Cromwell explained the quota system allows additional licenses as long as the population keeps growing. She pointed out the proposed drive approach on a posted plat map. Chairman Dailey asked about the traffic counts. Nicole Cromwell responded the statistics are a 3-year average and the applicant's agent, Mr. Tommerup, is well aware of potential traffic or parking

issues. She said the police department had no concerns with this application. Commissioner Hawkins asked about the determination for the bike racks and Nicole Cromwell referenced the “City of Billings Off-Street Bicycle Parking Guidelines”. Commissioner Ulvestad asked about the buildings located behind the garage and Nicole Cromwell said they will be demolished, and there has been no complaints from the surrounding residents.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #931.

Proponents

Alex Tommerup, AT Architecture, 848 Main St #7, Billings, MT

Mr. Tommerup represents property owner, Z & B Enterprises. He thanked staff for the presentation. He said they proposed locating the driveway as far west from the intersection as possible to avoid traffic conflicts. The bike racks can hold up to four bicycles; most likely one rack will be located in the front of the lot and another in the back northwest corner. Nicole Cromwell commented the racks should alleviate bike parking in illegal areas. Per Leonard Dailey's request, Alex Tommerup noted the topography of the parcel and related to the Commission constructed is proposed for next spring with a summer or fall opening for the business.

Ernie Szillat, 961 Gold Dust Circle, Billings, Montana,

Mr. Szillat owns property to the west of this parcel. He voiced concern with the driveway location as the bike path acts as the sidewalk along the road. He commented he has had several near misses with bicyclists when exiting in his vehicle, as it is difficult to see them. He said he is willing to give some of his parcel to the bike path with consideration of changing the frontage of these properties. Mr. Szillat said there have been several break-ins in this area; there are transients in the bike tunnel; and he would like to have this addressed. He stated he has contacted the State regarding the need for improvements to this intersection. Mr. Szillat is not opposed to casino and a bar but disagrees with the submittal letter language stating this is a “family environment”. He would like to address these issues for reasons of public safety. He said there is no vehicle access in the rear of the properties and the topography is sloped. He pointed out the current bike path which goes along Main Street and along Swords Lane on a posted map and voiced concern with vehicles exiting into bicycle traffic flowing along Swords Park Lane with a narrow window to access Airport Road due to incoming traffic speeds. In response to Mr. Szillat’s concerns, Nicole Cromwell said the Parks Department maintains the bike path; the bike pedestrian tunnel is lighted; and incidents of loitering should be reported to the Police Department. She said Planning Staff did take note of the exit issue and had considered an easement in the rear of the property but it is a matter of agreement of the property owner and those asking for an easement.

Mark Olson, AT Architecture, 848 Main St #7, Billings, MT

Mr. Olson stated he is In favor of the project and appreciates staff’s presentation.

Rebuttal

Chairman Dailey called for rebuttal.

Alex Tommerup, AT Architecture, 848 Main St #7, Billings, MT

Mr. Tommerup stated narrowing the drive approach to a one vehicle access will provide a better level of safety. He said he likes the suggestion to provide an easement at the rear of the property and will relate this to the owners of "Town Pump", as they are community minded. In response to question by Commissioner Ulvestad, Mr. Tommerup said the easement for access to the property is State controlled, and the design and location for the access has to be approved by the state.

Mr. Tommerup clarified the language in the submittal letter and said he did not call this business a "family friendly environment".

Chairman Dailey closed the public hearing for City Special Review #931 and called for a motion.

Motion

Commissioner Wagner made a motion and Commissioner Hawkins seconded the motion to forward a recommendation to City Council of conditional approval of City Special Review #931.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Boyett commented there is no way to control the growth of the City. Commissioner Ulvestad stated he will vote against the motion as he feels more information is needed from the State, and he doesn't think it is feasible to do this. Chairman Dailey said this type of use is allowed under zoning and this special review is for a liquor license and gaming. Barbara Hawkins said the issues will be same with any business, and pointed out that this applicant is trying to address the access issues.

The motion to approve City Special Review #931 carried with vote of 4-1. Commissioner Ulvestad voted against the motion.

Other Business:

Nicole Cromwell announced the next meeting is scheduled for October 6, 2015.

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

ATTEST: DRAFT TO BE APPROVED: October 6, 2015

Leonard Dailey, Chairman


Tamara L Deines, Planning Clerk