



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, October 4, 2016, 4:30 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of September 6, 2016

**Disclosure of any Conflict of Interest-Members of the Commission and Staff**

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

**Public Hearings:**

a.

**Item #1: City Zone Change 949 – 2300 Block of Gleneagles Blvd** – A zone change request from Residential 6,000-Restricted (R-60-R) and Residential 9,600 (R-96) to Residential 5,000 (R-50) on Lots 1-4, Block 18, Lots 3 & 4, Block 19, and Lot 11, Block 16 of Lake Hills Subdivision, 15<sup>th</sup> Filing; and Lots 4 & 5, Block 5 of Lake Hills Subdivision 33<sup>rd</sup> Filing, a total area of 3.52 acres of land. A pre-application neighborhood meeting was held at the subject property on August 10, 2016. Presented by Nicole Cromwell, Zoning Coordinator.

b.

**Item #2: City Special Review 949:** This is a special review request to locate a public parking lot in a Residential 7,000 (R-70) zone, on Lot 2, Cowley Subdivision, a 7,500 square foot parcel of land. The overall redevelopment of property that necessitated application for this special review includes Lot 1, Cowley Subdivision which is zoned Neighborhood Commercial. The proposed re-use of the building on Lot 1 requires additional parking. Tax ID: A34623

## Other Business/Announcements

## Adjournment

**The City Council** has designated **Monday, October 24, 2016**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change and special reviews.

Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds ( 2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding (October 21, 2016) the first reading of the amendment by the City Council.

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed zone change and special review. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101

(247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to [bartleyr@ci.billings.mt.us](mailto:bartleyr@ci.billings.mt.us)

**City Zoning Commission**

**Meeting Date:** 10/04/2016

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**Information**

**Subject**

The minutes of the Board meeting of September 6, 2016

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**Attachments**

BZC\_2016\_09\_06\_DRAFT

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## City of Billings Zoning Commission Meeting Minutes September 6, 2016

The City of Billings Zoning Commission met on Tuesday, September 6, 2016 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday September 26, 2016** 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		01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016
Dan Wagner	Chairman	1	1	-	1	1	1	1	1	1			
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1	1			
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1	1			
Michael Larson	Commissioner	1	1	-	1	1	1	1	A	1			
James Mariska	Commissioner	1	1	-	1	1	1	1	1	1			
Candi Millar	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Wyeth Friday	Division Planning Manager	-	-	-	-	-	-	-	-	-			
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	1	1	1	1	1	1			
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-			
Dave Green	Planner II	1	-	-	-	-	-	-	1	1			
Karen Husman	Planner I	1	1	-	-	-	-	-	-	-			
Robbin Bartley	Administrative Support	1	1	-	1	1	1	1	1	1			

Total Number of 2016 Applications	01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0	1	0	1				4
Special Review	2	1	-	4	1	1	1	2	2				14

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II; Robbin Bartley, Administrative Support.

**In Attendance:** Matthew Larsen, Jared Wood, Alex Tommerup, Cacey Walter, Thomas Healow, David Mitchell, Kevin Bromenshenk, Rica Dombrovski, Pam Bromenshenk

**Public Comment**

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

**Approval of Minutes: August 2, 2016**

Chairman Wagner called for approval of the August 2, 2016 meeting minutes.

**Motion**

Commissioner Mariska made a motion and Commissioner Boyett seconded the motion to approve the August 2, 2016 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

**The motion for approval then carried with a unanimous voice vote 5-0.**

Chairman Wagner called for disclosures of conflict of interest. There were none.

**Disclosure of Conflict of Interest**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson		x		
James Mariska		x		

**Disclosure of Outside Communication**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		<b>x</b>		
Mike Boyett		<b>x</b>		
Dennis Ulvestad		<b>x</b>		
Mike Larson		<b>x</b>		
James Mariska		<b>x</b>		

Chairman Wagner called for disclosure of ex parte communications. Staff directed the Board to the letter from Martin Connell, regarding Zone Change #948, located in the Ex Parte binder.

**Public Hearings:**

Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience that this would be heard by the City Council on September 26, 2016. He then asked Nicole Cromwell to review the first agenda item.

Nicole Cromwell presented:

**City Zone Change 948** – 1690 Rimrock Road – A zone change request from Public (P) to Residential Professional (RP) on Lots 1 & 2, Block 4, Rocky Village Subdivision, 2<sup>nd</sup> Filing, a 2 acre parcel of land. A pre-application neighborhood meeting was held at the subject property on July 25, 2016. Tax ID: A28338M

**RECOMMENDATION**

The Planning Division recommends approval and adoption based on the findings of the 10 criteria for zone changes.

**Discussion**

Commissioner Boyett asked how many current parking places are at this site. Staff replied the information was not available. A site plan was not submitted as Planning does not approve site plans with the Zone Change application.

Commissioner Mariska has driven past here many times and has never seen the lot full. He asked other than the monument, will there be a restriction on signage and advertising. Staff replied the zoning requirement limits 32 square feet of signage for both street fronts.

Chairman Wagner asked for the applicant of **City Zone Change 948**.

**Matthew Larsen, 1690 Rimrock Road**

Dr. Larson hopes to change the zoning so that the building will be more saleable. There is not enough parking for the Dental business and nowhere to expand.

Commissioner Larson inquired if during the neighborhood meeting were there any comments not included in the packet. Dr. Larson said there were none.

**David Mitchell, agent**

Mr. Mitchell is the agent for the owner. He has 2 points in favor of the zone change request. The growth policy and infill policy requirements have been met and there are many interested persons to buy this property, but current zoning prohibits the use. Interested parties include attorneys, financial entities, beauty shops, etc.

**Jared Wood, 1818 Calico Ave**

Mr. Wood and his family have been a patient for many years. It is often his experience there is no parking when arriving at the office.

**Opposed**

None

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to conditionally approve **City Zone Change 948**.

**Discussion**

Commissioner Ulvestad stated the zone change fits in to the area perfectly.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

**The motion carried with a unanimous verbal vote of 5-0.**

Nicole Cromwell read the legal description, Dave Green presented:

**City Special Review 947 – 1524 Main Street** – A special review request to locate an all beverage license with gaming in a remodeled and expanded building (6,150 square feet total) in a Highway Commercial (HC) zone, on Lot 1A, Block 1 of Arrowhead Sub Amended, a 38,928 square foot parcel of land. The property is requesting a waiver of the 600 foot separation distance from Arrowhead Park. Tax ID: A02526

**RECOMMENDATION**

The Planning Division is recommending conditional approval based on the 3 criteria for special review.

**Discussion**

Commissioner Boyett commented that the Play Inn has been there since 1963 and inquired how long the park was established. Staff replied sometime in the 1960’s. He then asked if there have been any police reports regarding the Play Inn.

Chairman Wagner stated Staff reported no direct access from the parks and asked if sidewalks would be installed in the foreseeable future. Staff replied that sidewalk installation would require an SID and a petition would be required to start. It is up to the residents there to start the process for street improvements, curb, gutter and sidewalks.

Commissioner Ulvestad mentioned he lived near this location in the early 1970’s. The streets were not paved then. The condition has remained the same for many years.

Chairman Wagner asked for the applicant of **City Special Review 947**.

**Alex Tommerup, Architect, agent**

The owners, Town Pump, are converting the KFC to a Casino/Bar.

Commissioner Ulvestad asked if there will be a liquor store at this location. Mr. Tommerup is unsure since there is one not far away at another Town Pump owned location. Chairman Wagner asked if this will be a Town Pump. Mr. Tommerup explained that there are 3 brands and he is unsure of the one being used here.

**Opposed**

None

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Larson seconded the motion to conditionally approve **City Special Review 947, including the 600 foot separation distance from Arrowhead Park.**

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

**The motion carried with a verbal vote of 5-0.**

Nicole Cromwell read the legal description, Dave Green presented:

**City Special Review 948 – 4010 Montana Sapphire Drive** – A special review request to locate an all beverage license with gaming in a 3,534 square foot tenant space in a new multi-tenant building, with an outdoor patio in an Entryway Light Industrial (ELI) zone, on Lot 8C of Block 1, Montana Sapphire Subdivision, a 1.939 acre parcel of land. The property received a previous special review to locate a beer & wine license with gaming (SR 930). Tax ID: A34623

**RECOMMENDATION**

The Planning Division is recommending conditional approval based on the 3 criteria for special review.

**Discussion**

Commissioner Boyett wondered how music is not audible past the patio wall. Staff replied the neighbors should not be able to hear it.

Chairman Wagner asked if there is enough parking for this addition. Staff replied in the affirmative and explained they need 35 parking spaces by design.

Commissioner Ulvestad asked if this is Dotty’s. Staff replied no. Chairman Wagner inquired what is going to be in between. Staff does have that information.

Chairman Wagner asked for the applicant of **City Special Review 948**.

**James Healow, Agent**

Mr. Healow’s client is Cory Walter who is the owner. Mr. Healow explained there is a day spa in between right now and a vacant spot which will possibly be a hair salon. There is a massive parking lot. The building is buffered from Shiloh on the east and on the south by the Shiloh Drain. There is no direct access to Shiloh Road or to the conservation area to the south. There are no bedrooms anywhere close to this building. The owner does intend to have a package store.

Commissioner Larson asked have you looked at how many apartments are springing up in this area? It is all multiplex in this area.

Chairman Wagner asked where are the trash containment areas? Staff explained and pointed to them on the diagrams.

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to conditionally approve **City Special Review 948**.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

**The motion carried with a verbal vote of 5-0.**

**Other Business:**

**Next meeting will be October 4, 2016.**

**Adjournment:** The meeting adjourned at **5:17 p.m.**

**DRAFT:** To be approved by a motion: **October 4, 2016.**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**



## City Zoning Commission

**Meeting Date:** 10/04/2016

**SUBJECT:** Zone Change 949 - 2300 Block Gleneagles Blvd

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**Item #1: City Zone Change 949 – 2300 Block of Gleneagles Blvd** – A zone change request from Residential 6,000-Restricted (R-60-R) and Residential 9,600 (R-96) to Residential 5,000 (R-50) on Lots 1-4, Block 18, Lots 3 & 4, Block 19, and Lot 11, Block 16 of Lake Hills Subdivision, 15<sup>th</sup> Filing; and Lots 4 & 5, Block 5 of Lake Hills Subdivision 33<sup>rd</sup> Filing, a total area of 3.52 acres of land. A pre-application neighborhood meeting was held at the subject property on August 10, 2016. Presented by Nicole Cromwell, Zoning Coordinator.

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria.

#### APPLICATION DATA

OWNER: Trent Parks

AGENT: None

LEGAL DESCRIPTION: Lots 1-4, Block 18, Lots 3 & 4, Block 19, and Lot 11, Block 16 of Lake Hills Subdivision, 15<sup>th</sup> Filing, and Lots 4 & 5, Block 5 of Lake Hills Subdivision, 33<sup>rd</sup> Filing

ADDRESS: 2300 Block of Gleneagles Blvd

CURRENT ZONING: R-60-R and R-96

EXISTING LAND USE: Vacant subdivision lots

PROPOSED USE: Townhomes

SIZE OF PARCEL: 3.52 acres

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property:** In 2011, these lots along with others owned by Ron Hill were the subject of Zone Change 875. The lots north of the intersection with Cherry Hills Drive were zoned Community Commercial (CC) and the lot on the south east corner was zoned RMF. The zone change placed all of the lots north of Cherry Hills Drive in the R-60-R zoning district and the single lot south of the intersection in the R-96 zone.

**Similar Property:** In 2005 and 2007, two similar subdivisions applied for zone changes to the R-50 zoning district to allow a wider choice of housing types. In 2005, the Twin Oaks subdivision received a zone change from R-70 to R-50. This subdivision is in the Billings Heights south of the Lake Hills Subdivision. In 2007, the Grand Peaks Subdivision on Billings west end requested R-50 for the east half on the subdivision north of Grand Avenue. This subdivision has a mixture of townhomes as either single family homes, two-family or multi-family dwellings. The development also offers single family dwellings on separate lots.

## **SURROUNDING LAND USE & ZONING**

NORTH:	Zoning: R-70-R Land Use: Marisela Subdivision - vacant lots
SOUTH:	Zoning: R-96, RMF Land Use: Vacant subdivision lots
EAST:	Zoning: R-60-R, CC and R-96 Land Use: Developing and vacant subdivision lots
WEST:	Zoning: R-70-R Land Use: Un-platted Dover Ranch - to be part of High Sierra Subdivision

## **BACKGROUND**

The applicant is requesting a zone change to facilitate the development of townhomes - attached and detached - on lots in the Lake Hills Subdivision. The current zoning of R-60-R and R-96 only allows detached dwellings on larger lots than the proposed zoning. The proposed zoning allows 1 detached dwelling on a lot of 5,000 square feet or 2 attached or detached dwellings on a lot of 8,000 square feet. If the lots are aggregated on each side of Gleneagles Blvd, additional townhome units could be developed by sharing the common area between the structures. The proposed zoning allows a 40% lot coverage, so single level dwellings can be constructed without sacrificing living area. The applicant intends to market these new units to those buyers desiring single level living space.

These lots have been platted since the original Lake Hills Subdivision in 1957, but have not yet been developed. Infrastructure is slowly extending to the north and west of the golf course. The original intent of these lots was to create another commercial node similar to the developed area south and west of the golf course at West Wicks Lane and Gleneagles Blvd. The size of the commercial area and the lots platted, does not lend itself to a Community Commercial development. In addition, the CC zone allows some uses by special review that may not be desirable in the area. In 2011, the owner changed the zoning from CC and RMF to R-60-R and R-96, due to changing market demand. The new owner desires a slightly higher density. The current zoning would allow up to 7 units per acre and the proposed zoning would allow up to 10 units per acre. The surrounding zoning is mixed and includes R-96, R-70-R, R-60-R, RMF and CC zones. The proposed zoning is compatible with this area and the surrounding zoning and development.

There is very little traffic in the area since it is under development at this time. As street connections are made and homes constructed, traffic will increase on adjacent collector and arterial streets. Gleneagles Blvd is a designated principal arterial street and Annandale Road is a minor arterial street. Lake Hills Drive is also a collector street. No regular traffic counts have been established in this area north of Wicks Lane. The traffic on Wicks Lane at the intersection with Gleneagles Blvd was last measured at about 7,300 vehicle trips per day. Traffic counts are taken when public schools are not in session so results are not skewed. Wicks Lane is a principal arterial street and this is not an unexpected traffic volume. Principal arterials normally handle this volume of traffic. The proposed zoning should not have a measurable effect on expected traffic volumes on Gleneagles Blvd or any of the adjoining streets.

The applicant conducted a pre-application meeting and 2 persons attended and provided comment. The original proposal was to change the zoning to R-60. After the neighborhood meeting, the applicant proposed the zoning of R-50 in response to comment from the attendees. The Planning staff did not receive any public comment on the proposed zone change.

The Planning staff is recommending approval based on the proposed findings of the 10 criteria. The proposed zoning will meet the intent of the City's Infill Policy by developing vacant lots within the City where infrastructure is close by and the land is already annexed. The proposed zoning meets several of the growth guidelines adopted in the 2016 Growth Policy update including allowing a variety of housing choices, extension of infrastructure adjacent to existing infrastructure, an infill development that will be cost effective, and ensuring a connected, walkable street network. The proposed zoning will not be detrimental to the surrounding development either planned or existing, and it will not measurably increase the planned traffic for the surrounding street network.

## **RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 949.

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**Attachments**

Zoning Map and Site photos

Application and pre app information

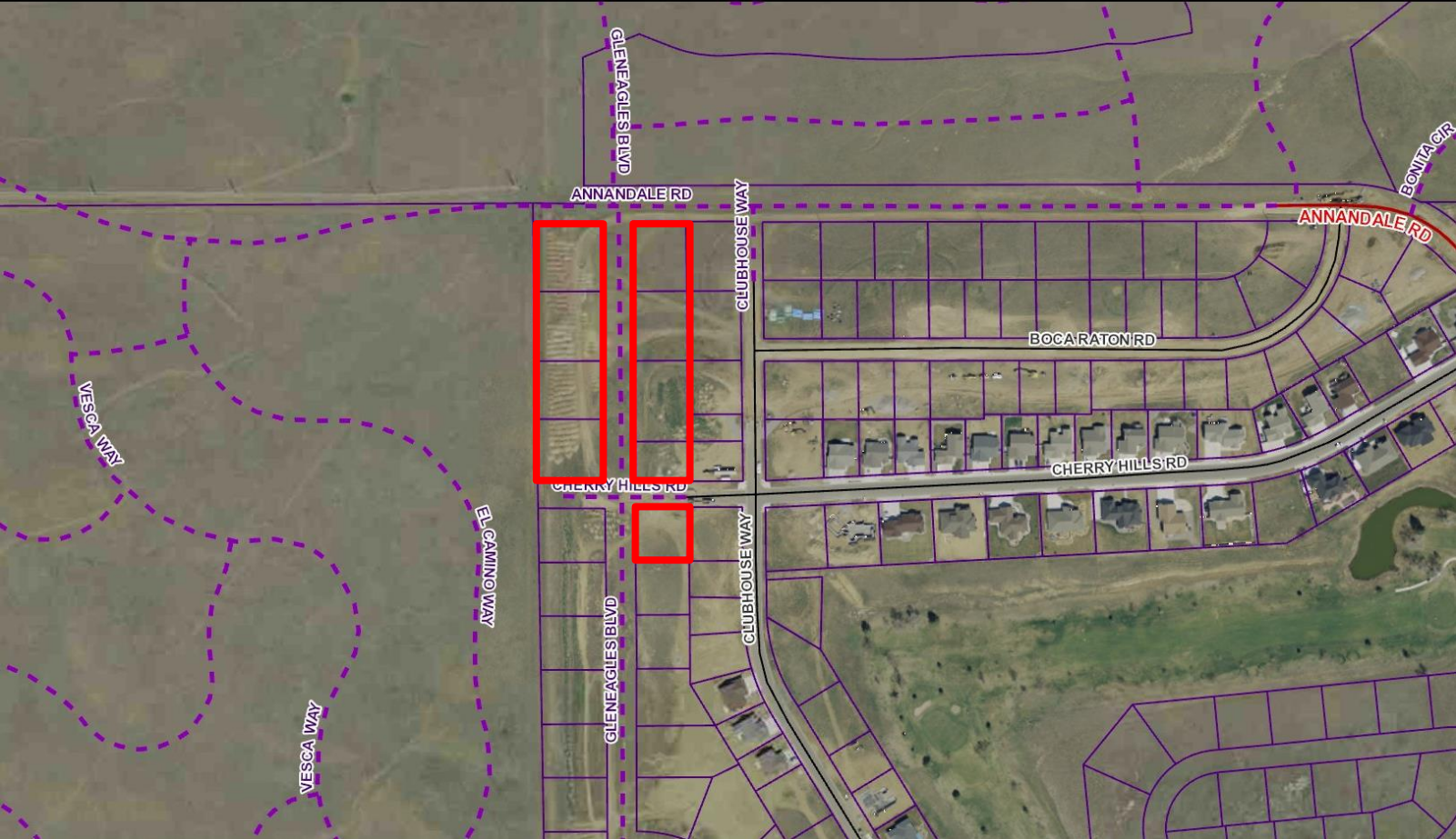
Proposed Findings of the Review Criteria

Additional photos

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Zone Change 949



Subject Properties



Subject Property



View west across deadend of Clubhouse Way



View south at intersection of Clubhouse Way & Cherry Hills Drive



View south east to Cherry Hills Drive

## Applicant letter and pre-application meeting notes Zone Change #949 – 2300 block Gleneagles Blvd

Answer the following questions:

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The 2008 Growth Policy encourages the support of in-fill development and development of existing platted lots in subdivisions. The lots proposed are in-fill lots that have been platted since 1957. The Growth Policy also asks for housing that is fit for the elderly and special needs. 11 lots are designed to be single level housing that would be a good solution for each demographic. On page 38 of the Heights adopted growth plan is a map showcasing the zoning areas. The majority of Lake Hills was originally going to be R-6000 zoning. Most of this has been eliminated and has created a need for townhome housing. I have been a proud member of the Heights since 1992 and look forward to improving this area of Billings.

B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The need for the intended zone change is going to be the construction of high end town homes to create housing consistent with the neighborhood. Each lot will consist of two townhomes. An example of the goal of this project are the townhomes that exist at the beginning of Gleneagles Boulevard. Under the existing zoning, it only allows for one dwelling per lot.

These homes will be sold individually and will have high end finishes consistent with the neighborhood. Directly south of the applied zone change is a residential multi-family restricted lot. To the east, are two large community commercial lots that are 18,600 square feet and 18,620 square feet. These community commercial lots will share a rear lot line with the lots we are purposing to rezone. Up until 2011 all of these lots were planned for and zoned community commercial. To the north and west is open field that is currently not platted. Nearby to the south, there is a large chunk of Residential Multi Family. The new zoning would be a lower use than these existing nearby lots. They would also be a lower use than the neighboring RMF lot and community commercial lots.

Meeting Notice

1. 8-10-16, 5:30 PM, located at the corner of Clubhouse Way and Cherry Hills Road.
2. Legal Description – A22235, A22236, A22237, A22238, A22239, A22240, A22241, A22242, A22191



3. Trent Parks  
1001 North 22<sup>nd</sup>, Billings, MT 59105

Matt Stewart  
5234 Golden Hollow Road, Billings, MT 59101

4. The zone change consists of two parcels that are 69,561 square feet and 69,547 square feet. And one parcel that is 14,400 square feet. The zone change would change the current zoning from R6000-R to R5000. The need for the intended zone change is going to be the construction of high end town homes to create housing consistent with the neighborhood. Each lot will consist of two townhomes. An example of the goal of this project are the townhomes that exist at the beginning of Gleneagles Boulevard.



# Neighborhood Meeting Notes

Date 8/10/16

Time 5:30 PM

<u>Attendee List</u>	<u>Phone</u>	<u>Email</u>
Trenton Parks <i>Paul Park</i>	406.208.4146	Parkst@gmail.com
Jesson Lillia <i>Jesson Lillia</i>	406-670-7314	Heiplitstaskforce
Brenda Hill <i>Brenda Hill</i>	406-860-1769	brendahill@gmail.com chair

## Meeting Notes

There were some concerns about R-6000 zoning and the number of units that could be constructed. The layout of duplex town homes with a maximum of two homes per lot was well received and supported by all attendees. Ron<sup>Hill</sup> who did not attend, did mention this type of housing worked great on the other end of Gleneagles Blvd. Based on this information we have requested R-5000 zoning to better serve the community and city.



Zone Change #949 – 2300 block Gleneagles Blvd

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important.

The proposed zoning would allow this developer to offer a new housing choice in this neighborhood. This will ensure those with mobility concerns have housing choices in the neighborhood since the units are proposed as single level.

- Strong Neighborhoods: Implementation of the Infill Policy to encourage development of underutilized properties.

The proposed zoning will allow the developer to fully utilize these parcel and support the cost of extending infrastructure to these parcels.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The existing parcels are vacant and new infrastructure for roads, utilities, sidewalks and utilities will need to be installed prior to building the proposed townhomes. The proposed zoning would allow the developer to market these housing units to a broad range of buyers including older residents, and those who need or desire a single level living space. The slight increase in density will help support the needed infrastructure for this development.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

- Transportation: The proposed zoning will have little impact on the surrounding transportation systems.
- Water and Sewer: The City will provide water and sewer to the property. The water service will be through Billings Heights Water District. There will be no additional impacts to the system from the proposed zoning.
- Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change.
- Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorized transportation?*  
The new zoning will have no effect on vehicle and pedestrian traffic. The City Engineering Division will determine the required street, utility and sidewalk improvements required for the development of these lots. The costs of these improvements will be the responsibility of the developer.
7. *Will the new zoning will promote compatible urban growth?*  
The new zoning does promote compatibility with urban growth. The proposed zoning will allow a greater variety of housing choices in this growing area of Billings Heights.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*  
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. Townhomes are compatible with the existing homes in the area.
9. *Will the new zoning conserve the value of buildings?*  
The property is currently un-developed. The value of existing buildings should not be affected by the proposed zoning and townhome development.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*  
The proposed zoning will allow a new housing choice in this part of the Lake Hills Subdivision. This is an appropriate location for the zoning to allow additional density on a principal arterial street.

Zone Change 949 – 2300 block Gleneagles Blvd  
Additional photos

Google Maps Annandale Rd



Most recent aerial photo – Google Maps



Townhomes in Grand Peaks Subdivision – R-50 zoning



Twin Oaks Subdivision – R-50 zoning



## City Zoning Commission

**Meeting Date:** 10/04/2016

**SUBJECT:** Special Review # 949 - 331 Calhoun Lane - Parking Lot

**THROUGH:** Wyeth Friday

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**Item #2: City Special Review 949:** This is a special review request to locate a public parking lot in a Residential 7,000 (R-70) zone, on Lot 2, Cowley Subdivision, a 7,500 square foot parcel of land. The overall redevelopment of property that necessitated application for this special review includes Lot 1, Cowley Subdivision which is zoned Neighborhood Commercial. The proposed re-use of the building on Lot 1 requires additional parking. Tax ID: A34623

#### RECOMMENDATION

The Planning Division is recommending conditional approval.

#### APPLICATION DATA

OWNER: Niko B&W LLC

AGENT: Emarie Skelton - High Plains Architects

LEGAL DESCRIPTION: Lot 2, Cowley Subdivision

ADDRESS: 311 Calhoun Lane

CURRENT ZONING: R- 70

EXISTING LAND USE: Vacant

PROPOSED USE: Parking Lot

SIZE OF PARCEL: 7,500

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

**Subject Property** – A zone change from NCL to Neighborhood Commercial on Lot 1, Cowley Subdivision was granted 02-23-1981.

#### Surrounding Properties

Four special reviews have been granted in the surrounding neighborhood. Two have been for Beer and Wine licenses and two for commercial automotive related businesses. There have been numerous zone changes and variances in the surrounding neighborhood as well.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential 6000 (R-60)  
Land Use: Vacant Land

SOUTH: Zoning: Community Commercial (CC) and R-70  
Land Use: Commercial and Residential

EAST: Zoning: R-70  
Land Use: Residential

WEST: Zoning: R-60  
Land Use: Residential

## BACKGROUND

This is a special review request to construct a parking lot on a vacant lot that is zoned Residential 7000, generally located on the northeast corner of Calhoun Lane and Vaughn Lane. This parcel has been vacant for many years and has not been developed into housing as have properties to the east and south. North of this property and west, there are large open fields with a minimum of development on them. Farther north is a mix of commercial and residential development. Directly to the west, commercial uses have developed. On the southeast corner of Calhoun Lane and Vaughn Lane is a commercially zoned lot with an active commercial business. Calhoun Lane was recently rebuilt to have sidewalks, curb and gutter on both sides of the street. This improvement to the neighborhood will improve the drainage and access in the area as well as improve the overall appearance of the area.

The applicant is proposing to redevelop the buildings that are existing on Lot 1, directly on the northeast corner of Calhoun Lane and Vaughn Lane. The redevelopment of the existing buildings will be a positive improvement to the surrounding neighborhood. It will clean an area that has been overgrown with vegetation for several years with the buildings also being left to deteriorate. Lot 2 directly east has not been developed and is zoned Residential 7000. This lot in recent years has been overgrown with vegetation. In an effort to re-develop the existing buildings, the developer will need to be able to have some off street parking to meet the requirements of site development.

In the letter submitted by the applicant, they reference the new growth policy where it refers to housing and business options within neighborhoods to promote live-work environments, safety, and neighborhood character. The proposed use for two of the structures is for a day care facility. This would provide the area with a service within an established neighborhood.

There have been other parking lots that have gone through special review in the City to allow them on land that is zoned residential. A few examples of other properties with parking on residentially zoned land include, 819 Grand Avenue, Off The Leaf, Residential 6000; 1045 Grand Avenue, Dairy Queen, Residential Multi-Family Restricted; 1403 Grand Avenue, Stockman Bank, Residential 6000; 2032 Grand Avenue, Dana Motors, Residential 6000; 4635 Simpson Street, Resource, Support and Development Inc., Residential 7000. There are also many Church buildings with parking lots on residentially zoned property. Section 27-305 BMCC allows parking lots to be places on residentially zoned land with a Special Review.

The Planning Division has reviewed this application and is recommending conditional approval.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated all residential zoning districts can have a parking lot on them as long as they go through the special review process. There are requirements for landscaping and screening from residential uses next to commercial uses within the zoning regulations.

The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 Growth Policy:

- Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective.

The proposed special review will promote redevelopment of existing buildings that have fallen into disrepair with overgrowth of vegetation on the edge of a residential neighborhood where there are already City services and infrastructure. This will provide an additional service to those residents within the neighborhood.

- Strong Neighborhoods and Essential Investments: Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed special review will clean up an eyesore in an established neighborhood and reuse existing buildings. By cleaning the lots and redeveloping the existing buildings it will promote more activity in them, be more attractive, safer and provide essential services to an established neighborhood.

- Prosperity: A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community.

The proposed special review will support a new business, provide employment opportunities at this location, and benefit the community with needed local services.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in a transitional area of Billings, with residential, community service type businesses and commercial uses next to each other. The development of this parcel into a parking lot would continue that mix and take a parcel that has historically been overgrown with vegetation and clean it up in this neighborhood. There are minimal impacts from the proposed location of the parking lot that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

## **RECOMMENDATION**

The Planning Division recommends conditional approval.

1. The special review approval is for the construction of a parking lot located at 331 Calhoun Lane on Lot 2, Cowley Subdivision, a 7,500 square foot parcel of land.
2. Increases in the number of parking spaces greater than 10% of the numbers shown on the site plan will require additional special review approval.
3. The site will be developed in conformance with all applicable zoning and site development regulations.
4. No construction can take place before 7 am or after 8 pm.
5. 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.
6. 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.

**\*\*NOTE\*\*** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit or zoning compliance permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The use and development of the property must be in accordance with the submitted site plan.

Zoning Commission Action

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.

4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

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### **Attachments**

Zoning Map and Site Photos  
Site Plan and Applicant Letter

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# Surrounding Zoning



Site Photos



Subject Property ★

Site Photos



Subject property from Calhoun Lane looking east



Looking north across existing buildings



Looking south from subject property across Vaughn Lane to existing business



Looking south west across Calhoun Lane to AlSCO



Looking west from subject property across Calhoun Lane



Looking north of subject property



Picture of center building to be re-developed

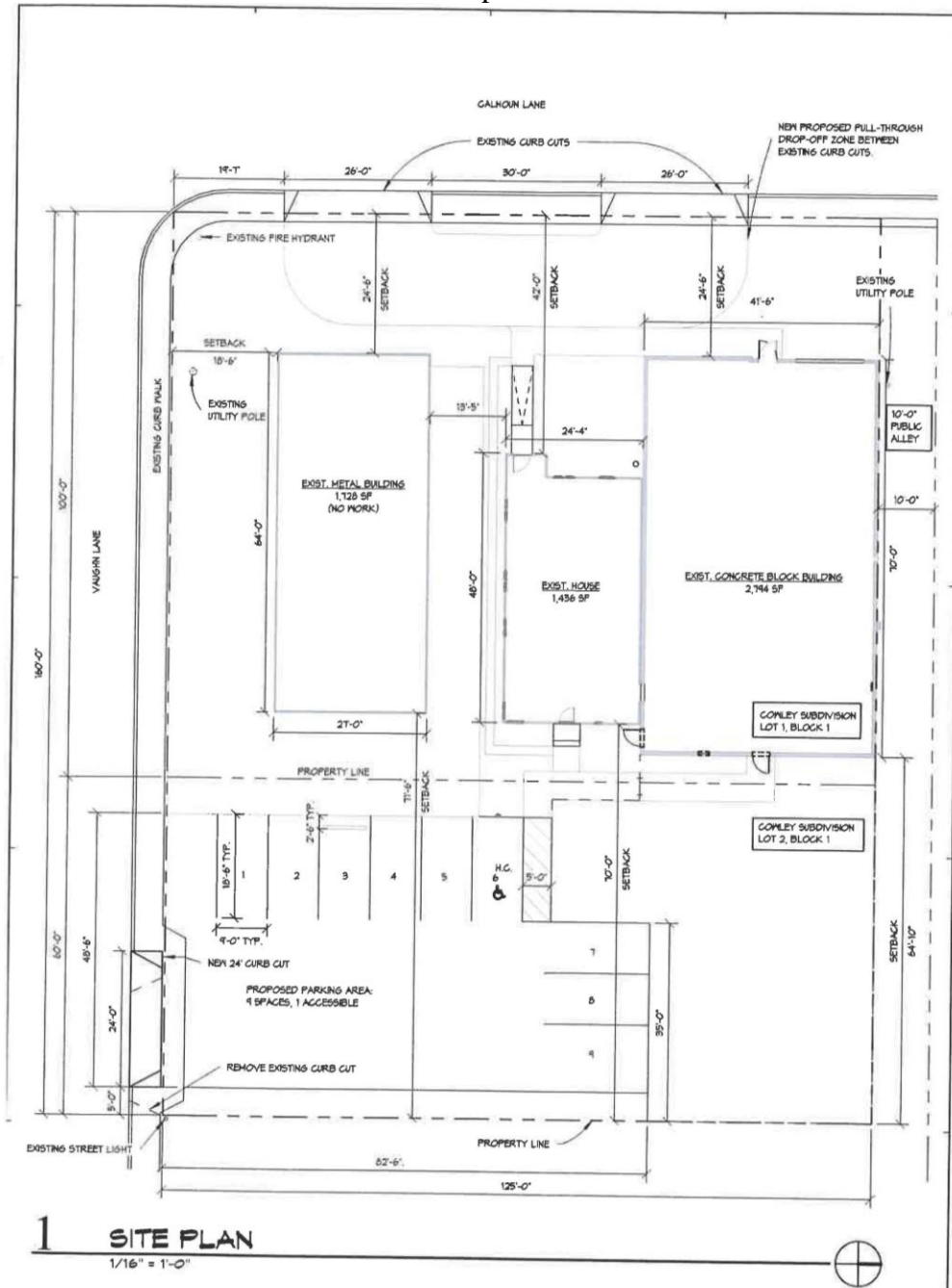



Subject property, Lot 2 behind existing buildings, proposed parking lot location



Looking east next from subject property along Vaughn Lane

# Site plan



DRAWN BY: <u>ESB</u> PROJECT#: <u>21804</u> DATE: _____ REVISION: _____ <b>A</b>	 <b>HIGH PLAINS</b> ARCHITECTS <small>1000 W. 10th Street, Suite 100          Oklahoma City, Oklahoma 73106          Phone: (405) 241-1111          Fax: (405) 241-1112          www.highplainsarchitects.com</small>	DRAWING: <u>SITE PLAN SPECIAL REVIEW</u> PROJECT: <u>351 CALHOUN REMODEL</u> OWNER: <u>NIKO ENTERPRISES</u>
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Applicant Letter



**331 CALHOUN PROPOSED SITE**  
Legal Description: Cowley Subdivision, S09, T01 S, R26 E, Lot 1  
**SPECIAL REVIEW APPLICATION**

**Project Contacts:**

Emarie Skelton, AIT, High Plains Architects: 384-0144, [eskelton@highplainsarchitects.com](mailto:eskelton@highplainsarchitects.com)  
Ed Gulick, Architect, High Plains Architects: 896-0250, [egulick@highplainsarchitects.com](mailto:egulick@highplainsarchitects.com)  
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**1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?**

The Adopted Growth policy prioritizes housing and business options within neighborhoods to promote live-work environments, safety, and neighborhood character. Adaptive reuse of vacant structures is also specifically prioritized. The proposed parking lot will provide the off-street parking required to revitalize two vacant structures on the neighboring, corner lot as a day care center. Safer streets and convenient services will be provided by transforming these lots at the edge of the Cowley Subdivision into a viable small commercial property.

**1B. Why is there a need for the intended use of the property at this location?**

Cowley Subdivision Block 1, Lot 1 and Lot 2 are owned by the same developer. While Lot 2 is empty, Lot 1 has three existing structures, all of which will be reused for business uses approved within its Neighborhood Commercial zoning status. With three existing buildings on the property, however, there is not enough space for the required off-street parking for these businesses on Lot 1. Providing off-street parking by creating a parking lot on Lot 2 will attract stable businesses to the available buildings on Lot 1 and keep the Vaughn and Calhoun Lane intersection safe by reducing on-street parking at the corner lot.

**1C. How will the public interest be served if this application is approved?**

The vacant properties at the end of Vaughn Lane in the Cowley subdivision have been an underutilized blight for years (See Site Photos, Brush Removal and Residence Before). Redeveloping both Lot 1 and Lot 2 to accommodate a day care center will erase the blight and introduce a convenient service for working parents to the neighborhood. A parking lot for the business away from Calhoun Lane is particularly important to maintain road safety and promote use of the bike lane that the city recently provided when Calhoun was updated. Redevelopment of Lot 2 will also contribute to the positive image of the community by replacing an uncared-for vacant lot with a well-maintained amenity. See Site Photos, Residence After, for an illustration of the owner's commitment to revitalize the property.

**1D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change of use of the property, and why the special review is being sought.**

The existing property, Block 1, Lot 1 of the Cowley Subdivision is a 0.3 acre lot zoned Neighborhood Commercial. The redevelopment of all three existing buildings on Lot 1 falls within the allowable uses



for that zoning district. However, Lot 2, which is a portion of the same property, is a 0.15 acre lot zoned R-7,000, and therefore requires a Special Review for the proposed parking lot.

No new construction, other than the parking lot, is proposed for either lot. Permitting is being sought for a change of use for two of the three existing buildings remaining on Lot 1. Change of use for these two buildings to accommodate a daycare, and/or any one of several other allowable uses under Neighborhood Commercial zoning will require off-street parking. Given the owner's intent to redevelop all three buildings on Lot 1, there is not sufficient space remaining on the lot to accommodate the required off-street parking, which is why this special review is sought for Lot 2.

The existing buildings on Lot 1 will not be expanded or change in elevation other than cosmetic updates. Some site work, such as a fenced play yard for the daycare and accessible sidewalks to entries, is planned for Lot 1 and is noted on the attached site plan. A drive-through drop-off loop between existing curb cuts on Calhoun is also proposed. Attached photos of existing conditions show that this area is already fully paved and will actually benefit from proper grading and curbing. Due to the pending change of use and the extent of paving for the proposed new parking area, a Comprehensive Drainage Plan for both lots will be prepared by a licensed civil engineer as required by the City of Billings Stormwater Manual.

A parking lot for 9 vehicles is planned for Lot 2, based on 8 parking stalls plus one staff spot. One of the proposed stalls will be accessible. Should the buildings on Lot 1 undergo change of use again in the future, room has been left on Lot 2 to accommodate parking lot expansion.

The landscaping is to be filled in once parking lot construction is finished. Portions of the site that are not paved will be lawn, with owner-selected, low-maintenance plantings in noted areas.

Please see attached Site Plan and Photographs for additional information on the proposed project.



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**SPECIAL REVIEW APPLICATION**  
**331 CALHOUN**  
BILLINGS, MONTANA  
AUGUST 2016



**SITE PHOTOGRAPHS**



BRUSH REMOVAL FROM LOT 1



RESIDENCE BEFORE



RESIDENCE AFTER