

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 1st Floor Conference Room, 2825 3rd 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

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

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, 2nd 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.

Commissioner	YES	NO	ABSTAINED	ABSENT
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.**

Commissioner	YES	NO	ABSTAINED	ABSENT
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**.

Commissioner	YES	NO	ABSTAINED	ABSENT
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