

## City of Billings Zoning Commission Meeting Minutes October 4, 2016

The City of Billings Zoning Commission met on Tuesday, October 4, 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 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 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	1		
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1	1	1		
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1	1	1		
Michael Larson	Commissioner	1	1	-	1	1	1	1	A	1	A		
James Mariska	Commissioner	1	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	1		
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-		
Dave Green	Planner II	1	-	-	-	-	-	-	1	1	1		
Karen Husman	Planner I	1	1	-	-	-	-	-	-	-	-		
Robbin Bartley	Administrative Support	1	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	1			5
Special Review	2	1	-	4	1	1	1	2	2	1			15

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:**

Trent Parks, Dan Brocklebank, Tom Craighill, Mike Craighill, Rinney Fujiwara, Jason and Tiffany Vandever

**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: September 6, 2016**

Chairman Wagner called for approval of the September 6, 2016 meeting minutes.

**Motion**

Commissioner Mariska made a motion and Commissioner Boyett seconded the motion to approve the September 6, 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 3-0.**

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>		

Staff indicated a letter received, given to each commissioner and located in the Ex Parte notebook.

**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 October 24, 2016. He then asked Nicole Cromwell to review the first agenda item. Nicole Cromwell presented:

**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 and 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. Tax IDs: A22235 – A22242 & A22191

**RECOMMENDATION**

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

**Discussion**

Commissioner Boyett asked Staff if this proposal was truly compatible with the existing area. He only sees single family residences. Staff replied single family and two family homes, especially if they are built as townhomes, are compatible. Construction of townhomes is the intent of the builder and appraise with the same criteria, they blend well and hold their value. Commissioner Mariska asked if there were any objections from surrounding property owners. Staff replied no phone calls were received and one letter today from Mr. Hill was received and is in the binder. Mr. Hill owns 6 adjacent lots. Commissioner Boyett asked about the Community Commercial zoning. Staff replied the interesting thing about Community Commercial zoning is there is residential development in it and it would be treated as a residential zoned area. Commissioner Mariska asked what could go in at Community Commercial zoned property. Staff replied everything from a gas station, a liquor store, retail, a coffee shop, a daycare or a church. Commissioner Mariska mentioned that the property in question is a long way from anything. Is anything more than roof tops proposed? Staff explained the current limitations in each direction.

Chairman Wagner asked for the applicant of **City Zone Change 949**.

**Trent Parks, owner, 1001 North 22<sup>nd</sup>, Billings, MT**

His intention is to build twin homes with a price range of \$225,000 to \$250,000. Commissioner Mariska asked regarding Ron Hill’s opposition to the zoning on the southwest lot. Mr. Parks and Mr. Hill are considering changing the zoning on this lot from RMF to R5000.

**Opposed**

**Tom Craighill, 2242 Clubhouse Way, Billings, MT**

This lot was purchased in March 2016 with the assumption this will be single family zoning. His objection is the single lot and how it is zoned.

**Mike Craighill, 2118 Lakehills Drive, Billings, MT**

He objects to this zoning proposition. He wants single family area for real estate values. Commissioner Mariska asked if he was invited to the pre-application meeting. No, he was not. Commissioner Ulvestad asked where his property is in relation to the zone change. He is ¼ mile from the proposed zone change.

**REBUTTAL**

Mr. Parks explained the surrounding property is zoned Residential Multi-Family or Community Commercial and he feels this is the best use of the land.

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion to recommend approval and adoption of the findings of the 10 criteria and Commissioner Ulvestad seconded the motion.

**Discussion**

Commissioner Mariska asked about buffer and staff identified the opposition’s property location. Staff explained the recommendations of the County vs. City Attorneys on approving or denying zone change requests in whole or in part.

**Commissioner Boyett made a motion to amend the original motion to exclude Lot 11, Block 16 of Lake Hills Sub 15<sup>th</sup> Filing. The motion was seconded by Commissioner Mariska. The vote to amend the motion was 3 in favor and 1 opposed (Commissioner Ulvestad). The Commission voted 4-0 in favor of the amended motion and the exclusion of Lot 11, Block 16, Lake Hills Subdivision 15<sup>th</sup> Filing (Tax ID A22191) from the recommendation.**

<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			

Nicole Cromwell read the legal description, Dave Green presented:

**City Special Review 949 – 331 Calhoun Lane** – 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 property includes Lot 1, Cowley Subdivision which is zoned Neighborhood Commercial. The proposed re-use of the building requires additional parking. Tax ID: A34623

**RECOMMENDATION**

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

**Discussion**

Chairman Wagner confirmed the lot square footage is 7500.

Commissioner Boyett asked how many cars theoretically could be parked here. Staff replied 9.

Commissioner Boyett confirmed fencing and screening as requirements.

Commissioner Mariska inquired if there had been a residential meeting. Staff replied that a meeting is not required for Special Reviews. Staff did not receive any calls regarding this review.

Chairman Wagner asked for the applicant of **City Special Review 949**.

**Dan Brocklebank, owner, 3815 Fairmeadow Drive, Billings**

Mr. Brocklebank feels this is the best use of the property and has no immediate plans to sell.

Commissioner Boyett asked if Mr. Brocklebank had spoken to any of the neighbors. He replied the neighbors to the east are favorable.

Commissioner Mariska asked how long he has owned the property. He replied possibly a year.

Commissioner Mariska then asked who is going to be running the daycare. Mr. Brocklebank indicated the person who is licensed is in the audience.

**Opposed**

None

**Discussion**

Commissioner Ulvestad stated he likes the use of the land.

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to recommend conditionally approval and adoption of the findings of the 3 criteria for **City Special Review 949**.

<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 4-0.**

**Other Business:**

**Next meeting will be November 1, 2016.**

**Adjournment:** The meeting adjourned at **5:32 p.m.**

**DRAFT:** To be approved by a motion: **November 1, 2016.**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**