

City of Billings Zoning Commission Meeting Minutes November 1, 2016

The City of Billings Zoning Commission met on Tuesday, November 1, 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 November 28, 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	11/01/2016	12/06/2016
Dan Wagner	Chairman	1	1	-	1	1	1	1	1	1	1	1	
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1	1	1	1	
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1	1	1	1	
Michael Larson	Commissioner	1	1	-	1	1	1	1	A	1	A	1	
James Mariska	Commissioner	1	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	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	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	11/01/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0	1	0	1	1	1		6
Special Review	2	1	-	4	1	1	1	2	2	1	0		15

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

In Attendance: Ed Hofmann, Bryan Alexander, Daniel N. Marich, Peto Bugon

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: October 4, 2016

Chairman Wagner called for approval of the October 4, 2016 meeting minutes.

Motion

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve the October 4, 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		

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 November 28, 2016. He then asked Nicole Cromwell to review the first agenda item. Nicole Cromwell presented:

City Zone Change 950 – 4240 Central Avenue – A zone change request from Agriculture-Open Space (A-1) to Residential 7,000 (R-70) on Tract 3 of C/S 1648, a total area of 15.107 acres of land. A pre-application neighborhood meeting was held at 1300 N Transtech Way on September 26, 2016. A concurrent annexation petition has been submitted. Tax ID: D00489

RECOMMENDATION

Staff recommends **approval and adoption** of the findings of the 10 criteria for Zone Change 950.

Discussion

Commissioner Boyett asked if the setbacks would be the same as on the Legends West development. Staff confirmed it will be the same.

Commissioner Mariska questioned what will be the envisioned final road to pass by this plat. Staff replied indicating it would be an arterial street, however, arterials come in many different configurations. The city has no plans for improvements on this section of Central Avenue in the 5 year plan.

Commissioner Ulvestad made some local comparisons and asked if they were similar to the plan. Staff answered the plan is to have enough right of way to handle the traffic. It is likely a feasibility study will need to be done.

Commissioner Boyett asked for an explanation as how the property will be developed. Staff explained that currently the original owner, Janet Bergman, has entered into an agreement to sell it to Marsich Development. Marsich is working with Sanderson Stewart. Their intent at this point is not to do a sub-division, which dedicates streets and those kinds of things. A unit ownership is the plan. All the land would be a common owner, similar to a patio home.

Commissioner Mariska stated that these streets would be private and not maintained by the City. Staff confirmed this and they would be maintained by the Homeowner’s Association. These streets, although not owned by the City, are built to City specifications.

Commissioner Boyett inquired where there are any other duplexes or twin homes in the area. Staff replied there are 4 in the Legends West development.

Commissioner Larson pointed out the entire edge of Morning Star is duplexes.
Commissioner Boyett asked what Morning Star is zoned. It is zoned R-96.

Chairman Wagner asked for the applicant of **City Zone Change 950**.

Brian Alexander, Sanderson Stewart

Mr. Alexander is the agent. They are seeking R-70 zoning for Unit ownership.
Commissioner Boyett asked if there will be parks or playgrounds. To which he replied they intend to have open spaces, not necessarily parks. There will be storm retention areas, available for recreation.

Chairman Wagner asked what size buildings are planned. There will be zero stair entry, and one level. 80x56, approximately 1400 square feet with 3 bedrooms.

Commissioner Mariska asked if city services are allowed on these private roads. This is all covered in the condominium agreements and bylaws. Solid waste will be handled by the City. The structures will have crawl spaces not basements. The area is not in a flood plain. Unit development allows for more control on finish grade. Water runoff is controlled within the development.

Chairman Wagner asked how high the water table is in this area. It varies, but it used to be 6 feet.

Mr. Hofmann, from the audience, stated it used to be 6 but is 11.5 now.

Commissioner Ulvestad asked how long before annexation and how long before project start. Staff replied annexation and a zone change are scheduled to occur at the same meeting. There is no time frame for a start date.

Opposed

Ed Hofmann, 4246 Central Ave

Mr. Hofmann stated he has lived out there since 1992.

I has no idea what is proposed. He was not invited to the neighborhood meeting. He is very concerned with the trespassing by Sanderson Stewart and Rimrock Engineering to access this property. His property is being torn up. He would like to know what is going on before going forward. He is quick to state that he has no issue with the development, only that he has not been rightfully informed or asked if his property could be used to provide access.

Commissioner Ulvestad asked what is the distance of letters to be sent out. Staff replied that any property owner within 300 feet of the property line involved should receive a letter. Staff does not know why Mr. Hofmann was not notified. His name does appear on the certified list.

Chairman Wagner asked where the 300 feet start. Staff explained it starts from the exterior property line. There are 88 names on the list.

REBUTTAL

Brian Alexander sent out the mailings for the pre-application meeting. He does not know why Mr. Hofmann was not notified. Mr. Alexander apologized and vowed to do differently in the future regarding communication and access concerns.

Chairman Wagner asked for a motion.

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to recommend approval and adoption of the findings of the 10 criteria for **City Zone Change 950**.

Discussion

Commissioner Larson encourages conversation with Mr. Hofmann. Commissioner Mariska and Commissioner Ulvestad agreed with Commissioner Larson.

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.

Other Business:

Next meeting will be December 6, 2016.

Adjournment: The meeting adjourned at **5:13 p.m.**

DRAFT: To be approved by a motion: **December 6, 2016.**

ATTEST:

Robbin Bartley, Administrative Assistant I