

City of Billings Zoning Commission Meeting Minutes March 6, 2018

The City of Billings Zoning Commission met on Tuesday, February 6, 2018 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 February 26, 2018** 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		01/03/2018	02/06/2018	03/06/2018	04/03/2018	05/01/2018	06/05/2018	07/03/2018	08/07/2018	09/04/2018	10/02/2018	11/06/2018	12/04/2018
Dan Wagner	Chairman	1	1	1									
Dennis Ulvestad	Commissioner	1	1	E									
Mike Boyett	Vice Chairman	1	1	1									
Michael Larson	Commissioner	1	1	1									
James Mariska	Commissioner	1	1	1									
Wyeth Friday	Director, Planning & Community Services	-	-	-									
Monica Plecker	Division Planning Manager	-	-	-									
Nicole Cromwell	Planner Zoning Coordinator	1	1	1									
Tammy Deines	Planning Clerk	-	-	1									
Dave Green	Planner II	-	-	-									
Karen Husman	Planner I	-	1	1									
Robbin Bartley	Administrative Support	1	1	-									

Total Number of 2016 Applications	01/03/2018	02/06/2018	03/06/2018	04/03/2018	05/01/2018	06/05/2018	07/03/2018	08/07/2018	09/04/2018	10/02/2018	11/06/2018	12/04/2018	TOTAL
Zone Change	2		1										3
Special Review	1	1	1										3

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Monica Plecker, Planning Division Manager, Karen Husman, Planner I and Tammy Deines, Planning Clerk.

In Attendance: Jeff Kanning, Collaborative Designs; Skip King, Ace Hardware; Bill Morgan, Sanderson Stewart; Roger Singh; applicant.

Public Comment

Chairman Wagner called for public comments. There were none.
Chairman Wagner closed the public comment portion of the meeting.

Approval of Minutes: February 6, 2018

Chairman Wagner called for approval of the February 6, 2018 meeting minutes.

Motion

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve the February 6, 2018 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 *-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				

Public Hearings:

At 4:50 p.m., 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 March 26, 2018. He then asked Nicole Cromwell to review the first agenda item.

Monica Plecker presented:

City Special Review #962- 896 S 29th St West, Suite E – All Beverage with Gaming – A special review request to allow the location of an existing All-Beverage Liquor License with Gaming in a Controlled Industrial (CI) zone on Lot 1J of Block 2, Midland Subdivision 4th Filing a 1.91-acre parcel of land. Suite E is @1,525 square feet in an existing 22,704 square foot multi-tenant building. Tax ID: A28821

RECOMMENDATION

Staff is recommending conditional approval based on the 3 criteria for special review.

1. The special review approval is limited to Suite E, not to exceed 1,525 square feet in the existing multi-tenant building on Lot 1J, Block 2, of Midland Subdivision, 4th Filing. The special review approval is for an all beverage license with gaming within the 1,525 square foot tenant space. No other use is intended or implied by this approval.
2. The re-modeling of the tenant space shall require compliance with all Building division and Engineering Division. This includes requirements for off-street parking lots and solid waste storage. Compliance with other commercial site development standards such as landscaping, storm water management, and building codes will be reviewed at the time of building permit submittal.
3. There will be no construction activity before 7am or after 8pm daily.
4. The site will be developed in conformance with all applicable zoning and site development regulations.
5. No fascia of the building may have internal illumination.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.
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.

****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.

Questions for Staff:

In response to a question by Commissioner Boyett, staff clarified and said there will be no outside patio activity or noise.

Public Hearing

Chairman Wagner opened the public hearing asked for the applicant of **Special Review #962**.

Jeff Kanning, 1008 Poly Drive, Billings, Montana

Mr. Kanning represents applicant, Mr. Roger Singh. He said explained this proposal includes no changes to utilities and the use is limited to this space. There will be no site work and the signage will be addressed with a sign permit. Construction will run during normal business hours. The project will begin once this application and the tenant improvement plans are approved. In response to question by Commissioner Mariska, Mr. Kanning stated security cameras will be installed.

Opposed

No one spoke in opposition to this application.

Chairman Wagner closed the public hearing and asked for a motion.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve **Special Review E962** with recommended conditions by staff.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad				A
Mike Larson	1			
James Mariska	1			

The motion carried with a unanimous verbal vote of 4-0.

Karen Husman presented:

City Zone Change #963 – 4130 State Avenue – R-96 to NC – A zone change request from Residential 9,600 (R-96) to Neighborhood Commercial (NC) on the easterly 195.83 feet of that part of Lot 2 of the Subdivision of Section 9, Township 1 South, Range 26 East, a 24,643 square foot parcel of land. A pre-application neighborhood meeting was held on January 29, 2018, at the Southside Community Center, 901 S 30th Street. Tax ID: D01590

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change #963.

Questions for Staff:

Per Commissioner Larson’s request, Staff confirmed the intent of this application is to construct building that is allowable in the proposed Neighborhood Commercial zoning.

Public Hearing

At 5:00 p.m. Chairman Wagner opened the public hearing and asked for anyone wanting to speak in favor or against Zone Change #963 4130 State Ave
Chairman Wagner asked for the applicant of **City Zone Change #963**.

Bill Morgan, Sanderson Stewart, 1300 N Trantech Way, Billings, Montana

Mr. Morgan stated this request is consistent with adjacent neighborhood commercial zoning. The applicant's plan is to initially clean up the site and provide a fence buffer to prepare for economic development. This application fits the growth criterion with the new growth element adopted in 2016. He said there are no current plans for development of this parcel and thanked staff for their presentation. Commissioner Mariska commented this will address the blighted property issues. Nicole Cromwell stated this property has been the subject of several code enforcement cases. Commissioner Mariska noted the absence of a grocery store in this neighborhood. He asked regarding safe and essential services, if there anything that may come to mind as to the best use of the property.

Skip King 734 Indian Trail, Billings, Montana

Mr. King is the property owner of King's Ace Hardware State Avenue. He explained there are multiple reasons for failure of the former grocery store, and stressed the importance of maintaining businesses as a community stop with good customer service and conveniences. Mr. King wishes to have more parking for his business. In response to Commissioner Mariska, he there has been some collaborative discussion of need for a grocery store and he is meeting with the representatives of the Tax Increment Funding District to discuss feasibility. Commissioner Wagner asked if Mr. King is planning on means of securing the lot. Mr. King said clearing the property will be a deterrent to malicious activity. He hopes to make this property better for State Avenue and the community.

Opposed

No one spoke in opposition to City Zone Change #963.

Motion

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve **City Zone Change #963** with recommended conditions by staff.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad				1
Mike Larson	1			
James Mariska	1			

The motion carried with a unanimous verbal vote of 4-0.

Other Business:

The next meeting will be April 3, 2018.

Adjournment: The meeting adjourned at **5:15 p.m.**

DRAFT: To be approved by a motion: **April 3, 2018.**

ATTEST:

Tammy Deines, Planning Clerk