

City of Billings Zoning Commission Meeting Minutes November 7, 2018

The City of Billings Zoning Commission met on Wednesday, November 7, 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 November 26, 2018** at 5:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
		1	2	3	4	5	6	7	8	9	0	1	2
		/	/	/	/	/	/	/	/	/	/	/	/
		0	0	0	0	0	0	1	0	0	0	0	0
		3	6	6	3	1	5	0	7	4	2	7	4
		/	/	/	/	/	/	/	/	/	/	/	/
		2	2	2	2	2	2	2	2	2	2	2	2
		0	0	0	0	0	0	0	0	0	0	0	0
		1	1	1	1	1	1	1	1	1	1	1	1
		8	8	8	8	8	8	8	8	8	8	8	8
Dan Wagner	Chairman	1	1	1	1	1	1	1	1	1	-	1	
Dennis Ulvestad	Commissioner	1	1	E	1	1	1	A	1	1	-	1	
Mike Boyett	Vice Chairman	1	1	1	1	1	E	1	1	1	-	1	
Michael Larson	Commissioner	1	1	1	E	1	1	1	E	1	-	1	
James Mariska	Commissioner	1	1	1	1	E	1	1	1	1	-	1	
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	1	1	-	-	-	-	-	1	
Nicole Cromwell	Planner Zoning Coordinator	1	1	1	1	1	1	1	1	1	-	1	
Tammy Deines	Planning Clerk	-	-	1	1	-	-	-	-	-	-	-	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	-	1	1	1	-	1	1	1	1	-	-	
Robbin Bartley	Administrative Support	1	1	-	-	1	1	1	1	1	-	1	

Total Number of 2018 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L
	1	2	3	4	5	6	7	8	9	0	1	2	
	/	/	/	/	/	/	/	/	/	/	/	/	
	0	0	0	0	0	0	1	0	0	0	0	0	
	3	6	6	3	1	5	0	7	4	2	7	4	
	/	/	/	/	/	/	/	/	/	/	/	/	
	2	2	2	2	2	2	2	2	2	2	2	2	
	0	0	0	0	0	0	0	0	0	0	0	0	
1	1	1	1	1	1	1	1	1	1	1	1		
8	8	8	8	8	8	8	8	8	8	8	8		
Zone Change	2		1	2	0-R	2	2	0	1		1		11
Special Review	1	1	1	1	0	3	0	2	1				10

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

In Attendance: Mike Schmechel, Ty Schmechel, John Woods, Terra Pierce, Brandon Zielinski, Patricia Kramer. Tiffany Wardell

Public Comment

Chairman Wagner called for public comments.
Chairman Wagner closed the public comment portion of the meeting.

Approval of Minutes September 4, 2018

Chairman Wagner called for approval of the September 4, 2018 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the September 4, 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 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		

Nicole Cromwell advised the board and attendees of the 3 ring binder containing all of the Public Comments received prior to the staff report.

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 26, 2018. He then asked Nicole Cromwell to review the first agenda item.

Monica Plecker presenting:

Return Item - Special Review 970 – 1595 Grand Avenue Suite 235 – Beer and Wine License with gaming – Applicant has Requested Withdrawal - A special review request to allow the location of a beer and wine license with gaming and a waiver from the required 600 foot separation – measured property line to property line – from a church (Central Christian Church @ 1221 16th St W) and from a public park with playground equipment (Evergreen Park @ 15th St W and Avenue D) . The APPLICANT has requested WITHDRAWAL.

Discussion

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve **The withdrawal of City Zone Change 970.**

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 vote to allow withdrawal, 5-0.

Nicole Cromwell presented:

City Zone Change 971 – Hawk Creek Avenue and Chy Way - Planned Development - A zone change request from Neighborhood Commercial (NC) to Planned Development with underlying NC, to allow 1 microbrewery license and 1 restaurant beer & wine license (no gaming) on Lot 4, Block 1 of MK Subdivision, a 3.6 acre parcel of land. A pre-application neighborhood meeting was held on August 27, 2018, at Grace Montessori School. A Preliminary Review meeting was held on Wednesday September 26, 2018 at 5:30 pm Tax ID: A31805C

RECOMMENDATION

Planning Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 971.

- Proposed zone is in conformance with 2016 Growth Policy and 2001 West Billings Neighborhood Plan
- PD has special stipulations regarding a wide buffer yard along the entire north property line, signage & lighting restrictions, and outdoor activity restrictions
- Existing zoning could allow uses with more impact on adjacent neighbors including laundromats, auto repair & supply and EMD signs and similar lighting
- Draft PD has protections and agreements in place to protect adjacent and nearby residences and businesses

Questions for Staff:

Member Ulvestad asked if the same person owns all the lots. Staff confirmed and stated all restrictions apply to the entire property regardless if it is 1 lot or, as proposed, 3 lots.

Member Mariska asked if this is a new concept to controlled development and will we see more. Staff replied using our current Zoning Code, in order to use land in a zoned area that is not an allowed use, the owner must request a Zone Change. This particular request is trying to keep the NC in tack while allowing addition use and restricting other uses.

Member Boyett stated this is a 3 acre lot, only 1 acre in use, confinement will be required for outside drinking areas. Family entertainment will be offered outside. All outdoor activity will cease at 9pm.

Member Ulvestad asked if a traffic study has been completed. A traffic study was completed some time ago when the subdivision was done.

In favor

Scott Aspenlieder, Performance Engineering, agent

A PD was implemented to work with community and neighborhood concerns. The PD document will hold the developer accountable to that which is promised.

Member Ulvestad asked why this kind of business is moved to this area. This is a start to providing services close to home as the West end develops. Small businesses are aware they need to be where the roof tops are.

Member Ulvestad is concerned about this kind of development.

John Woods, 3521 Tommy Armor Circle

Mr. Woods welcomes good commercial businesses in the area.

Mike Schmechel, 1806 Poly Drive, owner

A Planned Development is a way to allow a brew pub, walkability is a concern is a trending concern. This will be very family friendly, it is not designed to be a bar but instead a restaurant with beer and wine, closing at 9pm.

Opposed

Terra Pierce, 3623 Quimet Circle, business owner directly to the south

A Micro brewery is not a bar however, Breweries act like a bar. She is an owner of a full liquor license which met with a tremendous amount of resistance from the locals. CC zoning allows liquor sales. They are wanting to change from NC to PD to allow this brewery. She believes that purchasing a lower cost property and changing the zoning is unethical. Approving this Zone Change will be setting the precedence to all coming applicants.

Tiffany Wardell, 1309 Daybreak

She is grateful for the notifications to the surrounding neighbors. Neighbors don't know what can be suggested for a PUD. She does not believe this sort of business fits the character of something she would like to see on that location. She is opposed to the zone change. The neighborhood does not agree with this kind of development in family friendly areas. She has no problem driving the distance to meet her retail and other needs.

REBUTTAL

Zoning decisions are difficult. The easy areas have been developed in Billings. There are people wanting closer services and others who like the distance. It is not good for our infrastructure to have rooftops only on the Westend with no commercial services. We have worked very hard to structure a proposal to meet the neighborhoods desires and concerns.

Chair Wagner stated he does not want commercial venues in his subdivision.

Ty Schmechel, owner

Mr Schmechel believes the opposition by Terra Pierce is simply competitive in nature. Regarding Ms. Wardell's comments, he states he grew up in Billings, MT and has seen first hand the positive results of Micro Breweries in development areas.

Public Hearing was closed at 5:34 pm.

Discussion

Chairman Wagner asked for a motion.

Member Larson was delighted when development came to his area at Grand and Rehberg. The PD is unique. He is concerned a PD is a way to get around the zoning issue of NC verses CC.

Member Ulvestad asked why not another lot. He is voting opposed.

Member Boyett believes that PD is the wave of the future. He is concerned that a precedence is being set with approval.

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve **City Zone Change 971.**

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

The motion to approve failed with a 4-0 vote.

Other Business:

The next meeting will be December 4, 2018.

Adjournment: The meeting adjourned at **5:40 p.m.**

DRAFT: Approved by a motion **December 4, 2018.**

ATTEST: Robbin Bartley, Administrative Support

