

## City of Billings Zoning Commission Meeting Minutes September 4, 2018

The City of Billings Zoning Commission met on Tuesday, September 4, 2018 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 September 24, 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	6	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			
Dennis Ulvestad	Commissioner	1	1	E	1	1	1	A	1	1			
Mike Boyett	Vice Chairman	1	1	1	1	1	E	1	1	1			
Michael Larson	Commissioner	1	1	1	E	1	1	1	E	1			
James Mariska	Commissioner	1	1	1	1	E	1	1	1	1			
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-			
Monica Plecker	Division Planning Manager	-	-	-	1	1	-	-	-	-			
Nicole Cromwell	Planner Zoning Coordinator	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			

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

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

**In Attendance:** Jeff Essman, Steve Zeier

**Public Comment**

Chairman Wagner called for public comments.

Chairman Wagner closed the public comment portion of the meeting.

**Approval of Minutes August 7, 2018**

Chairman Wagner called for approval of the August 7, 2018 meeting minutes.

**Motion**

Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to approve the August 7, 2018 meeting minutes.

<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 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 September 24, 2018. He then asked Nicole Cromwell to review the first agenda item.

Karen Husman presented:

**City Zone Change 970 – 2015 Blue Creek Road – NC to CC** - A zone change request from Neighborhood Commercial (NC) to Community Commercial (CC) on Tract 1C of C/S 566, a .91 acre parcel of land. A pre-application neighborhood meeting was held on July 30, 2018, at the Blue Creek Volunteer Fire Department Tax ID: D01951

**RECOMMENDATION**

Planning staff is recommending conditional approval and adoption of the findings of the 10 criteria of City Zone Change 970.

**Questions for Staff:**

Commissioner Boyett asked why what is wanted cannot be built with Neighborhood Commercial Zoning. Staff replied a mixture of development is wanted, not just offices. What controversial thing could be built in this area should the zone change be approved? Staff indicated restaurants with Alcohol licensing could be allowed.

**In favor**

**Jeff Essman, 3131 Mc Masters, agent**

Mr. Essman is the agent for the owners. There are many additional businesses allowed with Community Commercial not allowed with Neighborhood Commercial. The site is big enough for an approximately 5000 sq ft building. There is an existing water business on this location and it will continue.

Commissioner Ulvestad asked if any public inquiries had been received and if parking would be accommodated. A veterinary service has made inquiries. There will be 4 store fronts.

Commissioner Mariska asked about traffic counts. Mr. Essman does not believe a traffic count would be valid as most traffic is going to the City/County Landfill. The speed limit was considered. The owner has been approved for two approaches.

Chair Wagner asked if Adult Book Stores could locate there. The owner indicates there are those who he would not rent to. Staff indicated that Adult Book Stores are not allowed in either of these zones.

Commissioner Ulvestad asked if anyone had inquired about locating a Caberet License in this location. The owner said it was included in the possibilities listed on the neighborhood meeting invitation and no one with this interest attended.

**Opposed**

NONE

**Public Hearing - Closed at 4:48pm**

**Discussion**

**Chairman Wagner asked for a motion.**

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve **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 to approve carried with a unanimous verbal vote to approve, 5-0.**

Karen Husman presented:

**City Special Review 969 – 316 S 24<sup>th</sup> St W – Blaze Pizza – Beer and Wine License w/o gaming – request to waive the 600-foot separation distance** - A special review request to allow the location of a beer and wine license without gaming less than the required 600 feet – measured property line to property line – from a public park with a children’s playing field and playground (Stewart Park) and from a public school (Central Heights Elementary) . The license is proposed for a new Blaze Pizza restaurant in a vacant 2,700 square foot tenant space in the multi-tenant building at 316 S 24<sup>th</sup> St West on Parcel A1 of C/S 1136, 2<sup>nd</sup> amended, a 36.82 acre parcel of land located in a Community Commercial (CC). Tax ID: D00524

**RECOMMENDATION**

The Planning Division recommends conditional approval.

1. The special review is for 1 (one) beer and wine license with no-gaming to be located in the 2,700 sq.ft. tenant space located at 316 South 24th Street West located at the southeast corner of C/S 1136 Parcel A1 Amended. No other special review use is intended or implied.
2. The maximum floor area for the special review use is limited to 2,700 square feet. Increases of 10% or less are allowed under this special review approval. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
3. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
4. 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..
5. The proposed development shall comply with all other limitations of Section 27-613

of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

**\*\*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:**

Commissioner Larson asked if beer is being served at Stewart Park? Yes.  
There is no easy walking access from school or playground.  
He also clarified no gaming license is included with this application.  
Commissioner Ulvestad – was dos machos and the cattle company in this area? Yes.

**In favor**

**Steve Zeier, P.O. Box 21462, agent**

This is the first Blazes Pizza in Montana. Blazes is a well known Pizza establishment.  
Commissioner Ulvestad how will pizza and beer be served in this business. Pizza will be cooked while you fill your drink.  
He then asked how Lucky Lils got their waiver. Staff replied the waiver was granted inside the mall by the City Council if the entrance faced 24th Street West since 1972.

**Matthew Colbank, 3031 Grand Ave Suite 100**

Chair Wagner asked how it differs from other like businesses.  
Mainly 5 percent of sales will be beer and wine. 2700 square feet, employing 32 persons. Open for business October 5, 2018.  
Commissioner Ulvestad asked what size the pizza will be. 12 inches only.

**Opposed**

NONE

**REBUTTAL**

NONE

**Public Hearing was closed at 5:05 pm.**

**Discussion**

**Chairman Wagner asked for a motion.**

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve City Special Review 969 including the waiver.

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

The motion to approve carried with a unanimous verbal vote to approve, 5-0.

**Other Business:**

The next meeting will be October 2, 2018.

**Adjournment:** The meeting adjourned at 5:10 p.m.

**DRAFT:** To be approved by a motion October 2, 2018.

**ATTEST:** Robbin Bartley, Administrative Support