

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

JUNE 12, 2018

Approved by a motion on June, 26 2018

Project Re:Code Kickoff "Meet & Greet" Session, *SAFEBuilt Studios*: The City/County Planning Board and the Project Re:Code Steering Committee is invited to meet with members of the *SAFEBuilt Studios* Consultant Team and their project partners on **June 12th from 5:00 pm to 5:45 pm** in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana. The consultant team is scheduled to be in Billings, June 12, 13 and 14, 2018 to begin work on Project Re:Code, a major revision to the City/County zoning codes.

In the event a quorum of the Board is present during this informal session, no official business decisions will be made. **The Planning Board meeting will immediately follow and held as legally advertised and announced at 6:00 pm in the Miller Building Conference Room, Agenda Item (10a), "Project Re:Code, Presentation and Discussion", will be opened and conducted as denoted below.**

Attending: Mike Boyett; Woody Woods; Dennis L. Cook; Troy Boucher; Pat Davies; Randy Hafer; Mark Noennig; Jan Rehberg; Melissa Henderson; Greg McCall; Darell Tunncliff; John Thompson; Matt Macrow; Jerry Williams; Dave Goodridge; Elizabeth Garvin, *SAFEbuilt Studios*; Leslie Oberholtzer; Codametrics; Craig Dalton, Performance Engineering

Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, May 22, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunncliff called for introductions of the members of the Planning Board and staff.

Attending Planning staff members: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk

Approval of the June 12, 2018 Agenda

Motion:

Board member Cook made a motion and it was seconded by Board member Boucher to approve the June 12, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: May 22, 2018.

Motion

Board member Cook made a motion and Board member Woods seconded the motion to approve the May 22, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Comment: President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments.

Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no Conflicts of Interest and no Ex Parte Communications reported by the Board.

NEW BUSINESS

Plat Review. Board Discussion. Zimmerman Home Place Subdivision, 2nd filing. A 34.66 acre, 17-lot City major subdivision generally located west of the intersection of Zimmerman Trail and Grand Avenue. Performance Engineering, agent. Billings Opportunities, owner. Dave Green, Planner II presenting. (PZ-18-00054)

INTRODUCTION

On May 1, 2018, Performance Engineering, LLC, agent for Billings Opportunities, LLC, owner, applied for preliminary major plat approval for Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5. The proposed subdivision creates 16 new lots for commercial development. The subject property is generally located on the northwest corner of the intersection of Grand Avenue and Zimmerman Trail. The property is zoned Community Commercial (CC) and Neighborhood Commercial (NC). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on May 22, 2018.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5 to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably

minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize effects on local services and enable more useable roadways, prior to final plat approval the applicants submitted TIS will be reviewed and approved by City of Billings Engineering Division outlining any additional requirements that developer needs to be responsible to construct. This review will also confirm or correct the contributions for street improvement from the developer listed in the SIA.
2. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
3. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion

President Tunncliff asked the Board for questions or discussion. He asked if there is a full access/left turn from this parcel onto Zimmerman Lane. Dave Green referred to a posted plat map and pointed out the location of an existing opening and island near Ace Hardware. President Tunncliff asked for presentation by the applicant.

Craig Dalton, Performance Engineering, 7100 Commercial Ave, Ste 4, Billings, Montana

Mr. Dalton had no further comments.

A public hearing for Zimmerman Home Place Subdivision, 2nd Filing will be held during the next Planning Board meeting on Tuesday, June 26, 2018. City Council action on July 23, 2018.

OLD BUSINESS: There is no Old Business.

OTHER BUSINESS/ANNOUNCEMENTS

Presentation: Project Re:Code Kickoff. Nicole Cromwell, Zoning Coordinator. SAFEbuilt Studios, presenting.

Zoning Coordinator Nicole Cromwell introduced the consultant team for Project Re: Code: Elizabeth Garvin, SAFEbuilt Studios; Leslie Oberholtzer, Codeametrics; and Randy Hafer, High Plains Architects. They are here in an introductory capacity to glean information from the governing bodies and various city and county community groups. The estimated timeline for this project is approximately 18 months. Elizabeth Garvin, gave a brief biography and stated she is an attorney and has about 25 years of experience in rewriting zoning code. Leslie Oberholtzer introduced herself and stated she worked with staff to develop the EBURD code and is excited to return to Billings for this project. Randy Hafer stated he is serving as the local representative of this team and initially worked with staff to put together the consultant team to consider the zoning in a comprehensive way. He stated he is excited about this opportunity for the community.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Elizabeth Garvin began with a on overview of the project task sequencing:

1. Project Overview- Kickoff: document review, organization meetings, public outreach.
2. Code Audit; Analyze current regulations, identify best practices, prepare Code Audit.
3. Drafting: Districts and Uses, Development Standards, Procedural Regulations.
4. Adoption: Full draft updated regulations, public review process.

Board member Thompson asked about the timeline for phases. Ms. Garvin said typically it is her practice to start slowly with a code update of this scale. She acknowledged the preliminary work staff has done with the steering committees. Her best guess is another week in the kickoff phase; 3 months for the code audit, and 3 months in drafting. A project calendar will be drafted with adoption prior to the end of the project. Time is built into the schedule in anticipation of road blocks and need for discussion. The public outreach is done to obtain input from a cross section of the community, and the Open House is an informal gathering to share thoughts. Ms. Garvin opened the discussion session with the questions below, requesting participation from all in attendance.

1. What is your favorite place in Billings? Is this place an example of Billings' unique character? Comments:

- The rim rocks-defining natural feature that ties us to Billings. Physical sense of place.
- Yellowstone River, Rose Park, Pioneer Park, views of the Beartooth and Pryor mountains
- Downtown, area retail draws such as larger stores, (“Costco”, “Scheels”), Medical Corridor community, oil and gas industries, farming, banking, universities, airport location
- Proximity to agricultural uses; refinery lights at night; older parts of town-tree lined streets;
- Location. Triangulated location between Seattle, Denver, Minneapolis.

2. What is a place or area you have visited that you liked and think would fit in Billings or Yellowstone County? Comments:

- Jon Thompson-Fort Collins street shapes, urban planning, good sense of place.
- Melissa Henderson-Tucson, Arizona-distinct entry ways to build neighborhood character and sense of place.

Page 5 of 10

PlnBMinutes_2018_06_12_APPROVED

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CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

- Nicole Cromwell-markets with diverse wares from small retailers. Street Fare. "Hay Market" in Boston
- Vancouver-ability to be up on Grouse Mountain or able to access mountains.
- Jon Thompson-Calgary-ties to parks and trails within the community. Open space preserved. Ability to catch large trout downtown.
- Wyeth Friday: Missoula-walkability. Energy and activity level downtown. Allentown Pennsylvania
- Jan Rehberg-Old European city squares-vehicles outside the square and are pedestrian oriented projecting the feeling of wanting to sit and watch.
- Santa Fe-feeling of being.
- Wyeth: Expanded on the need for sense of safety, shade, architecture, separation from cars, and comfortable, inviting spaces. Need to bring this to the commercial areas.
- Oak Park, Chicago. Ability to walk year round.
- Other Cities: Salt Lake City Utah; Boise, Idaho; Burlington Vermont; Bozeman, Montana-good Building design standards and character. San Antonio, Texas-river walk; Denver, Colorado-16th Street Mall; Farmington City, Utah-town square with parking on the outside.

What do you think is the biggest barrier to development projects that help the City and County achieve their current goals? Comments:

- Railroad tracts blocking the north and south of Billings
- Zoning Code rigidity with no room for discretion in the districts, making it difficult to be innovative. The current zoning code is reflective of the community attitude at the time it was written, "Keep it simple--we are doing fine". "We don't need that fancy stuff".
- The need to show investment in the community in a lot of different ways. Currently the community is overly cautious in some areas, i.e. parks, streetscape, transit, and the airport. Need to be moving forward with the economic and internal investment visible. In the past, Billings was lacking or slow in investment. "It's more than just the building".

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

- Existing zoning does provide the right devices to push forward the development needed.
- The current code starts the decision making process with a list of things you cannot do, and encourages battles. Need to change focus to what *can* we do? Staff noted the zoning process was changed to address this with a requirement for a pre-application meeting prior to submittal for a zone change application.
- The current zoning code puts neighborhoods in a reactive position. There is a lack of planning in development and the review process is not at the global neighborhood level.
- There is a need for collective leadership and vision as a community working together in consensus. There are enclaves of passionate people, and masses of people that do not get engaged unless there is a large issue. Community fragmentation with similar goals. The code should be written to “make the good, easy”. Need for community based conversation and consensus.
- A more level playing field is needed in the fringe areas with requirements and expectations closer to being the same across jurisdictions. More interface is needed between the City and the County. The current zoning boundary line should be address as the City is moving towards the zoning boundary limits. The boundary line should be redrawn to solve problems with development standards between the County and the City and promote coordination between jurisdictions.
- Address Public Health and safety. Balance impacts on growth as it moves towards the County.
- Focus on ways to get the same look with reasonable cost factors. Provide clear expectations to developers, giving them the ability to cost out what the City and County is looking for.
- Need to “raise the bar” with developments such as Shiloh Crossing and the redevelopment of the West Park Promenade.
- Developers are surprised how easy the development process is in Billings. Need to be careful not to make the process difficult and onerous due to the development standards. Currently developers are local but there is national interest coming to the radar due to the national economy.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Do you have any comments about how the development review and approval process works in Billings/Yellowstone County? Comments:

- The current Planning staff and review process is really good; much better than other places. There are some hurdles presented by other departments that may catch an applicant by surprised
- Notification to the public to ensure people are notified. Use quality notification process versus quantity. Billings is a "Big Small Town" with an expectation of personal notifications. The current notification system is antiquated and uses traditional practices.
- Funding for neighborhood planning and a planner? Should there be more neighborhood groups? This can be grown organically but neighborhood planner updates neighborhoods prior to the public hearing process.
- There is concern from the development with loss of institutional knowledge due to long term staff retiring.
- More interdepartmental communication is needed within the process.
- The review process should be standardized- "mechanical not working off of opinions".
- Education: constant attempt to educate the community on the review process. Expectations are set early in the project. How are educational documents and information distributed? Need to start thinking of Billings in a way that *is* Billings. How to scale up Billings to reflect where you are going?

What do you hear about development-good or bad-in Billings or Yellowstone County? Comments:

- Older citizens prefer quieter neighborhoods with less traffic and millennials wish to live downtown.
- Good Development with a need to "raise the bar". Examples of good development: Shiloh Crossing, West Park Promenade, Brosovich Park.
- The current code allows for "bad" development. There are some cheaply built buildings.
- Need the ability to meet the affordable housing niche. A recent downtown study pointed challenges for those in the \$30-000: 60,000 income range.

Page 8 of 10

PlnBMinutes_2018_06_12_APPROVED

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CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

- Recently, several big box stores have emptied in key retail areas of the City: "Sears", "Sports Authority", "Kmart", "Herbergers", "Toys R Us", and "Big Bear". Disruption in brick and mortar retail. The code needs to provide the tools to help with redevelopment with the disruption in brick and mortar retail developments. Possibly creation of a zone for horizontal and mixed use development.

The zoning code must _____ : Comments:

- Be simplified.
- "Make the good easy". "Black and white".
- Historical knowledge written into the code.
- Not too wide open. Suggestion was made to create an online decision tree. "Choose your own adventure".
- Code needs to be more visual using diagrams and charts.
- User friendly with plain language.
- Must be adoptable.
- Improve quality life in the community economically, socially. Catalyst to be a better place.
- Forward looking with a vision for what may come forward in 5-10 years.
- Be adaptable and empower the community to make changes when appropriate.

What does a successful zoning code update project look like to you? Comments:

- Important to interface and tie into the County. Cannot be Linear based.
- Consider context based.
- Grassroots interest in the code update working with the consultant. Need for both elements. Expectation for outside perspective. Expectation for best practices.
- Need to be adoptable.
- Local ownership is critical.
- Something that can be updated "without waiting forty years" without going through a cumbersome process.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Ms. Garvin thanked the attendees for their input and patience with the meeting duration. The next steps include summarizing the input and creating a feedback report. The code auditing phase will follow to look into big picture issues; character area analysis; and a best practices study to create a code audit draft and revised study draft.

Discussion sessions will be held on Wednesday, June 13. The Project Re: Code Kickoff Open House will be held Wednesday, June 13, 2018, 5:00 with an open invitation to the community. Thursday is scheduled with discussion meetings with local community groups and City departmental staff.

9b. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.

There were no items announced by staff or members of the Board.

ADJOURNMENT: 7:55 p.m.

Approved by a motion on June 26, 2018

