

City of Billings Zoning Commission Meeting Minutes May 7, 2019

The City of Billings Zoning Commission met on Tuesday, February 5, 2019 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, May 28, 2019** 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	0	0	0	0	0	0
		3	5	5	2	7	4	2	6	3	1	5	3
		/	/	/	/	/	/	/	/	/	/	/	/
		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
		9	9	9	9	9	9	9	9	9	9	9	9
Dan Wagner	Chairman	-	E	1	-	1							
Dennis Ulvestad	Commissioner	-	1	1	-	1							
Mike Boyett	Vice Chairman	-	E	1	-	1							
Michael Larson	Commissioner	-	1	1	-	1							
James Mariska	Commissioner	-	1	1	-	E							
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	-	1							
Robbin Bartley	Administrative Support	-	-	1	-	1							

Total Number of 2019 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	0	0	0	0	0	0	
	3	5	5	2	7	4	2	6	3	1	5	3	
	/	/	/	/	/	/	/	/	/	/	/	/	
	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	
9	9	9	9	9	9	9	9	9	9	9	9		
Zone Change	0	-	-	-	-								
Special Review	0	1	1	-	2								4

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:

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: March 5 2019.

Chairman Wagner called for approval of the March 5, 2019 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the March 5, 2019 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 4-0.

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 May 28, 2019.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 975 – 149 Shiloh Road - Restaurant Beer & Wine License (no gaming) Waiver of 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 property used for a religious institution. The proposed restaurant space is 4,000 square feet are within a 15,000 square foot building, on Lot 2, Block 1, Shiloh Commons Sub, a 1.42-acre parcel of land located in Community Commercial (CC) zone. Tax ID: A36378

Planner Karen Husman presenting:

Recommendation

The Planning Division recommends conditional approval.

1. The special review approval is limited to Lot 2, Block 1, Shiloh Commons Sub. The special review approval is for a beer and wine license with no gaming located less than 600 feet from a religious institution.
2. The approval is limited to the proposed restaurant space of 4,000 square feet, within a 15,000 square foot building generally located at 149 Shiloh Road. No other use is intended or implied by this approval.
3. Outdoor seating shall be enclosed with a solid fence or wall with closing gates, and outdoor announcement system shall be operated so it is not audible beyond property lines.
4. 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.
5. 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.

Discussion

Chairman Wagner called for questions and discussion from the Board. There were none.

Public Hearing

Chairman Wagner opened the public hearing and asked for anyone wishing to speak in favor or against **City Special Review #975**.

Michael Stock, Agent

Mr. Stock referred to a letter received from the neighboring church expressing no opposition. There is no direct access to the church. There will be no gaming. Several pages of declarations regarding this development were made available to the Board for review. This is a 4000 square foot area with vertical mixed uses. Parking on the ground floor, retail on the upper floors with 3 floors of apartments and a rooftop amenity. Construction would begin in about 45 days. Complete by 1st week of September. Jobs are being brought to Billings and the west end.

Opposed - NONE

Discussion

Chairman Wagner called for questions and discussion from the Board. There were none.

Motion

Commissioner Ulvestad made a motion and Commissioner Larson seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Special Review #975.

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 4 - 0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 976 – 3970 Pierce Parkway - Microbrewery manufacturing more than 1,500 31-gallon barrels per year and an All Beverage Liquor license (no gaming) –
A special review request to allow a microbrewery and distillery that will manufacture more than 1,500 31-gallon barrels per year and to locate an all beverage liquor license with no gaming for the proposed location of Meadowlark Brewing. The property is located in an Entryway Light Industrial (ELI) zone and within the Shiloh Corridor Overlay District, on Lot 1A, Block 2, William D Pierce Subdivision, a 2.617-acre parcel of land. Tax ID: C13950A

Recommendation

The Planning Division recommends conditional approval.

1. The special review approval is limited to Lot 1A, Block 2, William D Pierce Subdivision. The special review approval is for an all beverage liquor license with no gaming a microbrewery and distillery that will manufacture more than 1,500 31-gallon barrels per year. The approval is limited to the proposed restaurant generally located at 3970 Pierce Parkway. No other use is intended or implied by this approval.
2. Outdoor seating shall be enclosed with a solid fence or wall with closing gates, and any outdoor announcement system shall be operated so it is not audible beyond property lines.
3. The site will be developed in conformance with all applicable zoning and site development regulations, and substantial conformance to the submitted site plan.
4. No construction shall take place before 7 am or after 8 pm.
5. A building permit must be obtained within one year of approval and construction must be completed within three years.
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.

Discussion

Chairman Wagner called for questions and discussion from the Board. There were none.

Public Hearing

Chairman Wagner opened the public hearing and asked for anyone wishing to speak in favor or against **City Special Review #976**.

Nik Zuhlsdorf, Morton Buildings

Mr. Zuhlsdorf discussed elevations. An outside seating area is planned. Occupancy will be about 300, 100 parking spaces. The truck traffic will be approximately 1 or 2 times a week. This will be an eating establishment with the micro brewery. Family friendly. Member Ulvestad asked where did you obtain liquor license. It was previously owned in Billings. Most of the revenue will be beer distribution. Currently distributing to 9 states and Canada. Chair Wagner asked about a time frame for construction and completion. Started by July 1, complete by January 2020. He also inquired as to the peak times for truck traffic. The best access is off of Pierce.

Gary Pippin, 2240 SE Shiloh Rd

Mr. Pippin lives on the neighboring property and asked regarding hours of operation. The hours were not clearly defined as it is a restaurant and does not fall under the same criteria as a microbrewery. It was explained the truck traffic would enter off Pierce Parkway and not SE Shiloh. The perimeter fencing will match the nice vertical fence currently in place by Pierce Homes. Member Larson stated that iff operating under restaurant rules and regulations microbrewery limits do not apply.

Opposed – NONE

Motion

Commissioner Larson made a motion and Commissioner Boytt seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Special Review #976.

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 4 – 0 vote.

The City Council has designated **Monday, May 28, 2019** at **5:30** p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Other Business. There is no Zoning Commission meeting for the month of June.

Adjournment: The meeting adjourned at 5:07 p.m.

ATTEST: Approved by a motion September 3, 2019

