

## City of Billings Zoning Commission Meeting Minutes September 3, 2019

The City of Billings Zoning Commission met on Tuesday, September 10, 2019 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 23, 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		01/03/2019	02/05/2019	03/05/2019	04/02/2019	05/07/2019	06/04/2019	07/02/2019	08/06/2019	09/03/2019	10/01/2019	11/05/2019	12/03/2019
Dan Wagner	Chairman	-	E	1	-	1	-	-	-	1			
Dennis Ulvestad	Commissioner	-	1	1	-	1	-	-	-	1			
Mike Boyett	Vice Chairman	-	E	1	-	1	-	-	-	E			
Michael Larson	Commissioner	-	1	1	-	1	-	-	-	1			
James Mariska	Commissioner	-	1	1	-	E	-	-	-	1			
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-			
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-			
Nicole Cromwell	Planner Zoning Coordinator	-	1	1	-	1	-	-	-	1			
Tammy Deines	Planning Clerk	-	1	-	-	-	-	-	-	1			
Dave Green	Planner II	-	-	-	-	-	-	-	-	-			
Karen Husman	Planner I	-	1	1	-	1	-	-	-	-			
Robbin Bartley	Administrative Support	-	-	1	-	1	-	-	-	-			

Total Number of 2019 Applications	01/03/2019	02/05/2019	03/05/2019	04/02/2019	05/07/2019	06/04/2019	07/02/2019	08/06/2019	09/03/2019	10/01/2019	11/05/2019	12/03/2019	T O T A L
Zone Change	0	-	-	-	-	0	0	0	0				
Special Review	0	1	1	-	2	0	0	0	2				6

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

**In Attendance** : Applicant Jerry T. Ray

**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:**

Chairman Wagner called for approval of the May 7, 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**

<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

**Disclosure of Outside Communication**

<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

**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 23, 2019.

**Item #1**

Nicole Cromwell read aloud the legal notice for this application:

**City Special Review # 977** – 4825 Midland Road– All beverage license with gaming – A special review request to locate an existing all beverage liquor license with gaming, on Block 1, Lot 2A Billings Operation Center Sub., 33,976 square foot parcel of land located in an Entryway General Commercial (EGC) zone, at 4825 Midland Road. No waiver of the 600-foot separation distance is required. Tax ID: A30490A.

Zoning Coordinator Nicole Cromwell stated the applicant, Jerry T. Ray, has requested withdrawal of this application.

**Recommendation**

The Planning Division recommends approval of the Applicant’s request to withdraw the application for Special Review #977.

**Discussion**

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

**Motion**

**Commissioner Larson made a motion and Commissioner Ulvestad seconded the motion to accept the applicant’s request to withdraw the application for City Special Review #977.**

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# 978 – 2018 Main Street** - All beverage license with gaming – A special review request to locate an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37-acre parcel of land located in a Highway Commercial (HC) zone, at 2018 Main Street. No waiver of the 600-foot separation distance is required. Tax ID: C00206.

**Recommendation**

The Planning Division is recommending conditional approval for an all beverage license with gaming with the following conditions:

1. This special review approval is to allow location of an existing all beverage liquor license with gaming, on Block 2, Lot 11, Chamberlin Sub., a 1.37-acre parcel of land located in a Highway Commercial (HC) zone, at 2018 Main Street, unit number one. No other use or development is intended or implied by this approval.

2. There will be no Electronic Message Display (EMD) signs allowed. LED illumination of the fascia of the structure will not be allowed.
3. 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.
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.

**\*\*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 #978**.

### **Favor:**

#### **Jerry T. Ray, rayrealtor2646@outlook.com (Billings, Montana)**

Mr. Ray is the applicant. He said he constructed this strip mall several years ago. He commented on the recent trend for losing leasers for this property. He pointed out there is a similar Casino business is located across the street. In response to a question by Commissioner Ulvestad, Mr. Ray said this property will be approved for a lease with a liquor license.

**Opposed:** No one spoke in opposition to Special Review #978.

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

### **Motion**

**Commissioner Larson made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Special Review #978.**

**Discussion** There was no discussion on the motion.



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, September 23, 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**

- The next City Zoning Commission meeting will be held on Tuesday, October 1, 2019 and two applications will be considered.
- Nicole Cromwell said Commission members will be notified of the upcoming Project Recode Meeting in October.

**Adjournment: The meeting adjourned at 4:45 p.m.**

**ATTEST: DRAFT** to be approved by a motion at the next scheduled meeting.

***Tamara L. Deines, Planning Clerk***