

City of Billings Zoning Commission Meeting Minutes January 7, 2020

The City of Billings Zoning Commission met on Tuesday, January 7, 2020 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, January 27, 2020 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 | 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 | |
| | | 7 | 4 | 3 | 7 | 5 | 2 | 7 | 4 | 1 | 6 | 4 | 1 | |
| | | / | / | / | / | / | / | / | / | / | / | / | / | |
| | | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| | | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Mike Larson | Commissioner | 1 | | | | | | | | | | | | |
| Daniel J. Brooks | Commissioner | E | | | | | | | | | | | | |
| Jack King | Commissioner | 1 | | | | | | | | | | | | |
| Greg McCall | Commissioner | 1 | | | | | | | | | | | | |
| Vacant | Commissioner | | | | | | | | | | | | | |
| Wyeth Friday | Director, Planning & Community Services | - | - | - | - | - | - | - | - | - | | | | |
| Monica Plecker | Division Planning Manager | - | - | - | - | - | - | - | - | - | | | | |
| Nicole Cromwell | Planner Zoning Coordinator | 1 | | | | | | | | | | | | |
| Tammy Deines | Planning Clerk | - | | | | | | | | | | | | |
| Dave Green | Planner II | - | - | - | - | - | - | - | - | - | | | | |
| Karen Husman | Planner I | 1 | | | | | | | | | | | | |
| Robbin Bartley | Administrative Support | 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 | |
| | 7 | 4 | 3 | 7 | 5 | 2 | 7 | 4 | 1 | 6 | 4 | 1 | |
| | / | / | / | / | / | / | / | / | / | / | / | / | |
| | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | | |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Zone Change | 2 | | | | | | | | | | | | 2 |
| Special Review | 0 | | | | | | | | | | | | 0 |

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

In Attendance : Alicia Christenson, Richard Miller, Scott Aspenlieder, Bill Morgan

Public Comment

Chairman Pro Tem Larson called for public comments. There were no public comments. **Chairman Pro Tem Larson** closed the public comment portion of the meeting.

Approval of Minutes:

Chairman Pro Tem Larson called for approval of the November 5, 2019 meeting minutes.

Motion

Commissioner King made a motion and Commissioner McCall seconded the motion to approve the November 5, 2019 meeting minutes.

| COMMISSIONER | Yes | No | ABSTAINED | ABSENT |
|---------------------|------------|-----------|------------------|---------------|
| Mike Larson | X | | | |
| Daniel J. Brooks | | | | X |
| Jack King | X | | | |
| Greg McCall | X | | | |
| Vacant | | | | |

The motion for approval then carried with a unanimous voice vote 3-0.

Disclosure of Conflict of Interest

| COMMISSIONER | Yes | No | ABSTAINED | ABSENT |
|---------------------|------------|-----------|------------------|---------------|
| Mike Larson | | X | | |
| Daniel J. Brooks | | | | X |
| Jack King | | X | | |
| Greg McCall | | X | | |
| Vacant | | | | |

Disclosure of Outside Communication

| COMMISSIONER | Yes | No | ABSTAINED | ABSENT |
|---------------------|------------|-----------|------------------|---------------|
| Mike Larson | | X | | |
| Daniel J. Brooks | | | | X |
| Jack King | | X | | |
| Greg McCall | | X | | |
| Vacant | | | | |

Public Hearings:

Chairman Pro Tem Larson reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on January 27, 2020.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 975 – SW corner of S 46th St. W & King Ave W - Modification to the Western Sky Planned Development - A zone change request to amend the Planned Development Agreement (PDA) for Western Sky Subdivision, more specifically the underlying Neighborhood Commercial (NC) allowed uses to include certain light

manufacturing, ancillary warehousing and preparation facilities. The amendment also clarifies offices and manufacturing facilities shall conform to the setbacks in the Billings zoning code for all NC zone districts, however, any ancillary warehouse facilities shall be set back a minimum of 40 feet from the front property line along King Avenue West. Mini storage facilities will continue to be set back a minimum of 150 feet from the King Avenue West property line. The amendment includes an allowance for a 45-foot building height limit in the NC zone district. The amendment applies to Lots 2 & 3, Block 1, Western Sky Subdivision Amended, a 9.128 acre parcel of land. A pre-application neighborhood meeting was held on November 25, 2019, at the offices of Sanderson Stewart, 1300 N. Transtech Way. Tax ID: C15620 & D00614

Recommendation

Planning staff recommends approval of **Zone Change 975** for an amendment to the Planned Development agreement for Western Sky Subdivision.

Questions for staff:

Commissioner King asked if there are any landscaping specifications by staff. Staff replies regarding the existing landscaping requirements of the Planned Unit Development.

Public Hearing Chairman Pro Tem Larson opened the public hearing and asked for anyone wishing to speak in favor or against **City Zone Change 975**.

Favor:

Bill Morgan, Sanderson Stewart, agent

This is meant only to be an amendment. A possible purchase may require these additional uses. The height is allowable on adjacent properties. The building faces east. The truck movement is on the south side.

Questions: Commissioner King asked what kind of landscaping is to be expected. Compliance with all requirements.

Opposed:

NONE

Public Hearing CLOSED AT 4:49

Discussion

Chairman Pro Tem Larson called for questions and discussion from the Board.

Motion

Commissioner McCall made a motion and Commissioner King seconded the motion to approve City Zone Change 975.

| COMMISSIONER | Yes | No | ABSTAINED | ABSENT |
|------------------|-----|----|-----------|--------|
| Mike Larson | X | | | |
| Daniel J. Brooks | | | | X |
| Jack King | X | | | |
| Greg McCall | X | | | |
| Vacant | | | | |

The Motion carried with a 3- 0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application: Karen Husman presenting:

City Zone Change 976 – 727 Lincoln Lane - from R-70 to HC- A zone change request from Residential-7000 (R-70) to Highway Commercial (HC), on Lots 1 & 2, Block 2 Bede Subdivision, a 25,200 square foot parcel of land. A pre-application neighborhood meeting was held on November 21, 2019, at 231 Main Street. Tax ID: A29430

Recommendation

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 976.

Discussion

Chairman Pro Tem Larson called for questions and discussion from the Board.

Public Hearing

Chairman Pro Tem Larson opened the public hearing and asked for anyone wishing to speak in favor or against **City Zone Change 976**.

Scott Aspenlieder, Performance Engineering, agent

There is an existing warehouse on this parcel. Existing zoning does not allow building permits. The owner would like to improve this structure.

Questions:

Commissioner McCall asked if there is a proposed use that could be made public. Mr. Aspenlieder replied the intent of the owner is to remain private.

Favor: NONE

Opposed: NONE

Chairman Pro Tem Larson closed the public hearing and called for a motion.

PUBLIC HEARING CLOSED AT 4:55pm

Motion

Commissioner King made a motion and Commissioner McCall seconded the motion to forward a recommendation to City Council to conditionally approve with the conditions recommended by staff for City Zone Change 976.

Discussion There was no discussion on the motion.

| COMMISSIONER | Yes | No | ABSTAINED | ABSENT |
|---------------------|------------|-----------|------------------|---------------|
| Mike Larson | X | | | |
| Daniel J. Brooks | | | | X |
| Jack King | X | | | |
| Greg McCall | X | | | |
| Vacant | | | | |

The Motion carried with a 3- 0 vote.

The City Council has designated **Monday, January 27, 2020** 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

Adjournment: The meeting adjourned at 5:00 p.m.

ATTEST: Approved by a motion at the next scheduled meeting, February 4, 2020.