

City of Billings Zoning Commission Meeting Minutes July 7, 2020

The City of Billings Zoning Commission met on Tuesday, July 7, 2020 in the Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, July 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	1	-	-	-	1	1						
Daniel J. Brooks	Commissioner	E	1	-	-	-	1	1						
Jack King	Commissioner	1	1	-	-	-	1	1						
Greg McCall	Commissioner	1	E	-	-	-	1	1						
Trina White	Commissioner		-	-	-	-	1	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	-	-	-	-	-	-	-	-	-	-	-	-	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	1	1	-	-	-	1	-						
Robbin Bartley	Administrative Support	1	1	-	-	-	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	
	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	0	-	-	-	1	2						5
Special Review	0	1	-	-	-	0	2						3

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, and Robbin Bartley, Administrative Assistant.

In Attendance :

Public Comment

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

Approval of Minutes:

Chairman Larson called for approval of the June 2, 2020 meeting minutes.

Motion

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve the June 2, 2020 meeting minutes with changes as noted.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The motion for approval then carried with a unanimous voice vote 4-0.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Trina White		X		

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Trina White		X		

Public Hearings:

Chairman 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 July 27, 2020.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 982- 2244 Grand Ave - Expansion of bar and casino– A special review request to allow expansion of an existing bar and casino, Gordy’s at 2244 Grand Avenue, to expand by 2,160 square feet for a total area of 4,520 square feet, on Block 2, Lot 8, Arnold Sub. 1st Filing, a 12,280 square foot parcel of land.

Recommendation

Planning staff is recommending conditional approval of the special review request. The recommendation is based on the findings for the review criteria presented in the Summary section of this report with proposed conditions.

- ✓ In a zone district that allow all beverage service and gaming by special review approval
 - ✓ Consistent with the 2016 Growth Policy:
 - Safe and attractive neighborhoods
 - Retaining and supporting local businesses that sustain a healthy economy
 - ✓ Screen and separated from adjacent uses
 - Proposing to continue previous conditions of approval
 - ✓ No letters of objection or concern received from surrounding property owners
-
1. Limited to expansion of 2,160 sf existing interior space at this location
 2. Continuous maintenance of buffer along south property line.
 3. No outdoor seating, music or public announcement system.
 4. Any new lighting will have full cut-off shields
 5. The proposed development shall comply with all other city codes that apply
 6. Limitations on expansion in 27-613 apply.

Questions for staff:

None

Commissioner McCall rejoined the virtual meeting at 4:38pm.

Public Hearing

Chairman Larson opened the public hearing at 4:43PM and asked for anyone wishing to speak in favor or against **City Special Review 982**.

Applicant, G Rock Building LLC

Gordy Roma, Agent, 2248 Grand Ave

He is requesting expansion because of the COVID19 scare.

Commissioner King asked if he is planning any upgrades on the exterior. Mr. Roma said he would enjoy that and would like to repaint as it has been 8 years. Commissioner King indicated trees or the like would help with the entire street appearance.

Favor:

NONE

Opposed:

NONE

Public Hearing CLOSED AT 4:46PM.

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner King made a motion and Commissioner White seconded the motion to approve City Special Review 982 with conditions proposed.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall	X			
Trina White	X			

The Motion carried with a 5-0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 983– 926 Grand Avenue – To allow an All Beverage Liquor License with gaming, including a waiver of the 600 foot separation distance to a church – A special review to allow the location of an all beverage liquor license with gambling and for a waiver of the 600 foot separation from a church (Church of Christ of Billings, 1016 Alderson Ave) to allow the remodel of an existing restaurant into a restaurant, bar and casino, on Block 2, Lot 11A-12A Amd., a 21,976 square foot parcel of land.

Recommendation

The Planning Division recommends denial based on the criteria for Special Review and recommends denial of waiver for 600 ft separation to church

- ✓ In a zone district that allow all beverage service and gaming by special review approval
- ✓ 14 existing locations for food and alcohol within walking distance
- ✓ Six casinos within walking distance
- ✓ Sustainability of another location in this corridor is tenuous
- ✓ Not consistent with the 2016 Growth Policy:
 - Access to alley shared with residential neighborhood will cause conflict
 - Previous cabaret beer & wine license for restaurant had limited conflict
 - Proposal includes increasing height of building and use of an outdoor patio space with music – may impact adjacent residential homes
- ✓ Screened and separated from adjacent uses
 - No proposal to close customer access to alley

- No proposal to improve site development – landscaping, screening
- ✓ Three letters of objection or concern received from surrounding property owners
 - Eckroth Music – 922 Grand Avenue
 - Dr. Ken Brown (Animal Clinic of Billings) – 1414 10th St W
 - Fred & Tara Barthel – 929 Alderson Avenue
- ✓ 600 ft separation to church
 - No direct line of site, no direct sidewalk connection
 - Waiver is discretionary

Staff informed the Commission of the applicants desire to withdraw the application for City Special Review 983.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to allow withdrawal of City Special Review 983.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall	X			
Trina White	X			

The Motion carried with a 5-0 vote. City Special Review 983 is withdrawn.

Item #3

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 978 – 4160 King Ave. West- ELI to HC - A zone change request from Entryway Light Industrial (ELI) to Highway Commercial (HC), on Block 1, Lot 2, Montana Sapphire Subdivision, an 8.536 acre parcel of land. A pre-application neighborhood meeting was held on May 26, 2020 at 6:00 PM, in a virtual format.

- ✓ Proposed zoning would allow residential uses – single family, two-family and multi-family – in an area close to services, retail and employment centers.
- ✓ Proposed development is similar to Long Beach Apartments to the south west and Hoop Dreams to the west of 44th St West

Recommendation

Planning staff is recommending approval based on the findings of the 10 criteria for Zone Change 978.

- ✓ Proposed zone is in conformance with 2016 Growth Policy and 2001 West Billings Neighborhood Plan.
- ✓ Developing mixed use neighborhood with access to transportation options, open space, housing and employment opportunities.
- ✓ Existing city services to the area can accommodate the proposed use.

Questions for staff:

Commissioner White asked if there are any known traffic issues. Staff replied there have been some on street parking, City police cannot enforce parking as it is a private road. This road was originally developed for heavy truck usage and is very wide. Additional residential usage should not have an impact.

Commissioner King asked if this has been discussed with the Zoning Commission before. Is there enough parking? Staff replied the Affinity of Billings and the Longbeach Apartments both had Zone Changes in order for those projects to proceed. The proposal was to zone Highway Commercial because it allows multi-family uses whereas Entryway does not. Every new multi-family development has to provide off street parking. The parking code is enforced thru the City Engineering office. Currently it is 1 parking space for a 1 bedroom or studio and 1.5 parking spaces for 2 or more bedrooms. Visitor spaces are lacking in the area.

Commissioner McCall asked if the new zoning by RE:Code will be NX3. When the project begins, they are locked into the current code.

Public Hearing Chairman Larson opened the public hearing at 5:03PM and asked for anyone wishing to speak in favor or against **City Zone Change 978**.

Applicant

Scott Aspenlieder, Performance Engineering, 608 N 29th, Billings, MT

The applicant is looking to matchup the residency of Montana Sapphire Subdivision. In answer to Commissioner McCall the applicant will likely request NX3 zoning. Very similar to the west and south.

Favor:

NONE

Opposed:

NONE

Public Hearing CLOSED AT 5:05PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner McCall made a motion and Commissioner Wite seconded the motion to approve City Zone Change 978 with conditions proposed.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall	X			
Trina White	X			

The Motion to approve City Zone Change 978 with conditions proposed carried with a 5-0 vote.

Item #4

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 979 – North of Mission Oaks Dr., between Morocco Dr. and Matador Ave. – R-70-R to R-50 - A zone change request from Residential-7000- Restricted (R-70-R) to Residential-5000 (R-50), on Block 31, Lots 17-25, High Sierra Sub 16th Filing (proposed), a 2.4 acre parcel of land. A pre-application neighborhood meeting was held on May 26, 2020 at 5:30 PM, in a virtual format.

Recommendation

Planning staff recommends approval of the zone change to CC based on the findings of the 10 review criteria.

- ✓ The proposed zoning is conforming to the 2016 Growth Policy and the 2006 Billings Heights Neighborhood Plan
- ✓ The existing zoning is restricted to single family only housing choice on lots of at least 7,000 square feet
- ✓ The proposed zoning will allow a two-family townhome on lots of at least 8,000 square feet. Increase from allowed units (14 SFR) to proposed 18 townhome units is a small increase in density.
- ✓ Letters of opposition or objection were received from:
 - Ron Hill, 142 Annadale Road (Specialized Construction, Lake Hills)
 - Susan Pogue, 1980 Morocco Drive
 - Ed & Crystal Hellier, 2000 Greenbriar Rd
 - Lauren & Barb Scholten, 2050 Vesca Way

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **city zoning commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

THE LETTER FROM RON HILL IS NOT APPLICABLE TO THIS ZONE CHANGE, PLEASE DISREGARD THIS LETTER.

Questions for staff:

Commissioner King asked who “we” is regarding encouragement of different options. Staff replied “we” is the Growth Policy adopted in 2016 which made a guidance statement indicating housing choices should be available in all parts of the City. Citizens should have options. “We” refers to the City of Billings and the adopted Growth Policy.

Commissioner King asked if the new zoning has the same criteria and expectations. Staff replied the Growth Policy was used as a guide.

Commisioner White asked about R9600 on Glen Eagles Blvd. How big are the lots? Staff replied there is R8000 zoning to the south, multi-family areas.

Public Hearing Chairman Larson opened the public hearing at 5:18PM and asked for anyone wishing to speak in favor or against **City Zone Change 979**.

Applicant, High Sierra II

Gary Owen, Sanderson Stewart, 1300 N Transtech Way, Billings, MT

Wishes to limit the area to 2 family units, not multi-family. There are other 2 family units in the area. All storm water is directed to the north and will not impact anything to the south.

Favor:

Trent Parks, developer, 2344 Glen Eagle Blvd

Building homes since 2012. He wishes to continue building high quality homes to retirees who are looking to downsize.

Commissioner King asked if the current single family residents would be opposed to these new 2 family units. Mr. Parks replied the units being constructed will be Townhomes with a 3 car garage and covered patio.

Commissioner White asks what the price range will be for the new units being the school district area is unpredictable for usage in the future. Mr. Parks replied the recommended price for the new units is \$285,000.

Staff shared the floor plans and elevations of the proposed units.

Commissioner White asked the distance between each unit. Mr Aspenlieder replied 10 feet between each garage unit. 5 foot the property line.

Landy Leep, 175 N 27th Suite 900, Billings, MT

We have contracted with Trent Parks. I am very happy with the quality of the project. A variance was approved recently to increase lot coverage. These units sell quickly. This will be a nice addition to the High Sierra II. It is about a 400 acre project. We are also building many single family homes. Full disclosure will be available to all regarding 2 family units being built in the area.

Commissioner King commented on an excellent presentation, and stated his opinion had been swayed favorably.

Opposed:

NONE

Public Hearing CLOSED AT 5:35PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve City Zone Change 979 with conditions proposed.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall	X			
Trina White	X			

The Motion carried with a 5- 0 vote.

Commissioner McCall wished to state for the record, an opinion on mixed uses and housing choices. Commissioner McCall stated the fear of mixed use and housing choice is greater than the reality. He said the Commission should not continue to allow the “nimby” attitude (not in my back yard). Duplexes and other housing choices in the same area statistically do not radically reduce the value of others properties as feared. There are statistics that show mixtures of housing availability actually amplifies the values. Commissioner McCall stated as a commission we should expect to see more mixture of housing types and housing choices. It is important we have developers and builders who are making these considerations. Commissioner McCall stated monochromatic zoning with only single family is not the best way to build a neighborhood. He is very pleased to see others coming out with mixed housing options.

Commissioner White stated it will be a good development.

Chairman Larson stated his neighborhood is a direct reflection of the advantages of mixed housing.

Commissioner King stated Commissioner McCall’s opinions should have been given with the presentation and although he appreciated the comments, the rebuke is not appreciated.

Other Business:

July Public Re:Code will be held 7/21, 7/22, 7/23 in hybrid fashion. Zoom, FaceBook and public attendance will be used.

Chairman Larson will not be present at the July 21, 2020 meeting. He will be present 7/22 and 7/23. He may also miss the August 4, 2020 meeting.

The August 4 meeting will include 2 Zone Changes and 1 or 2 Special Review applications.

Adjournment: The meeting adjourned at 5:47PM.

ATTEST: To be Approved by a motion at the next scheduled meeting.