

## City of Billings Zoning Commission Meeting Minutes August 4, 2020

**The City of Billings Zoning Commission met on Tuesday, August 4, 2020 in the Virtual Zoom meeting,**

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, August 24, 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	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	1				
Daniel J. Brooks	Commissioner	E	1	-	-	-	1	1	1				
Jack King	Commissioner	1	1	-	-	-	1	1	1				
Greg McCall	Commissioner	1	E	-	-	-	1	1	1				
Trina White	Commissioner		-	-	-	-	1	1	1				
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	-	-
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	-	-	1	1	1				
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-	-	-
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planner I	1	1	-	-	-	1	-	1				
Robbin Bartley	Administrative Support	1	1	-	-	-	1	1	1				

<b>Total Number of 2019 Applications</b>	0	0	0	0	0	0	0	0	0	1	1	1	<b>T O T A L</b>
	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	
<b>Zone Change</b>	2	0	-	-	-	1	2	1					6
<b>Special Review</b>	0	1	-	-	-	0	2	2					5

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

**In Attendance** : Dusty Sims, Russ Cherry, Kevin Iffland

**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 July 7, 2020 meeting minutes.

**Motion**

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve the July 7, 2020 meeting minutes. Correct Commissioner White’s misspelled name on page 8.

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
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 5-0.**

**Disclosure of Conflict of Interest**

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

**Disclosure of Outside Communication**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
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 August 24, 2020.

**Item #1**

Nicole Cromwell read aloud the legal notice for this application:

**City Special Review 984– 1804 Grand Avenue - New Billboard** – A special review request to allow placement of a 372 square foot billboard sign, using a single sign face credit for a billboard removed at 1943 Main Street, but less than 200 feet from a residential zone, in a Community Commercial (CC) zone, on Block 1, Lots 19-24, Tietz Sub., a 21,267 sf parcel of land. Tax ID: A17066.

Applicant has requested a withdrawal of this application.

**Questions for staff:**

None

**Discussion**

Chairman Larson called for questions and discussion from the Board.

**Motion**

**Commissioner King made a motion and Commissioner Brooks seconded the motion to allow Withdrawal of City Special Review 984.**

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

**The Motion to allow withdrawal of City Special Review 984 carried with a 5-0 vote.**

**Item #2**

Nicole Cromwell read aloud the legal notice for this application:

**City Special Review 985 – 446 Grand Ave - Drive Through Service** – A special review request to allow a drive through service for a new 860 square foot coffee shop, in a Neighborhood Commercial (NC) zone, on Block 35, Lot 24A, & Lt 25-28 & the W ½ of Lot 29 Suburban Homes Addition, a 17,837 sf parcel of land. Tax ID: A18200

**Recommendation**

The Planning Division recommends conditional approval , per Section 27-1503, based on the criteria for Special Review, with the following conditions:

1. Approval is limited to Blk 35, Lt 24A, & Lt 25-28 & the W ½ of Lot 29 Suburban Homes Addition, generally located at 446 Grand.
2. For the construction & operation of a drive through service window on the east side of a coffee shop restaurant. No other use
3. The drive through service window will not be open 24-hours a day.
4. Any outdoor announcement system shall not be audible at any property line
5. No internally illuminated signage will be placed parallel to the south property
6. A sight obscuring fence shall be placed on the south property line to buffer residents across the alley.

7. The proposed development shall comply with all other limitations of the Zoning Regulations all other City regulations and ordinances that apply.
8. These conditions shall run with the land described.

**Questions for staff:**

Commissioner Brooks asked if the 6am to 10pm hours condition is a standard condition or arbitrary. Staff replied it is a standard condition that can be amended in the motion. Commissioner Brooks thinks 5am to 10pm is more appropriate.

Commissioner White expressed concerns for traffic and a Q traffic study. Staff replies engineering will certainly address the traffic concerns. Commissioner McCall explains the double Q line and probable right turn only restrictions from engineering. Staff did explain in the presentation engineering will be requiring a Q analysis because of their concerns about access in this busy intersection.

**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 985**.

**Applicant:**

Lawrence Smith, 435 Clark Ave

It is a blighted site. They will be improving the site tremendously and making it community friendly. It will be drive thru and walk up only. With careful consideration of foot traffic crossing any vehicle lanes.

**Favor:**

Jared Smith, 1131 North 27<sup>th</sup> Street

Mr. Smith indicated they would appreciate the earlier opening of the store. There will be no sit down accomodations. City Brew is committed to fast service.

Commissioner King asked if they anticipate a high number of customers thereby making a traffic problem and stated this will be a nice upgrade to the area. He emplots them to do as much appropriate landscaping and set a good example for the rest of Grand Avenue businesses.

Mr. Smith stated the customers themselves will regulate. If there is a problem with speed, flow or convenience they will, statistically, motor on to find better convenience.

James Kordonowy, A&E Design

Esthetics are paramount. This is more than just a drive thru kiosk. It is a building with design. They are committed to safety for traffic and pedestrians. There is some outdoor seating options. Retaining walls if necessary to protect pedestrians.

**Opposed:** NONE

Public Hearing CLOSED at 4:58PM

**Discussion**

Chairman Larson called for questions and discussion from the Board.

**Motion**

**Commissioner Brooks made a motion and Commissioner King seconded the motion to approve City Special Review 985 with Staff recommendations, changing Condition #3 to 5am-10pm.**

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

**The Motion carried to approve City Special Review 985 with a 5-0 vote.**

**Item #3**

Nicole Cromwell read aloud the legal notice for this application:

**City Zone Change 980 – 759 Newman Lane & 766 Calhoun Lane - from EGC to NC -** A zone change request from Entryway General Commercial (EGC) to Neighborhood Commercial (NC), on Block 5, Lot 1, (less N 110 ft & less 7,847.3 ft for King Ave.), Pinnick Sub. 3<sup>rd</sup> Filing, and Lot 24 (S 310 ft) of Sugar Subdivision, a 4.418 acre parcel of land. A pre-application neighborhood meeting was held on Monday, June 29, 2020 at 7:00 pm, at 759 Newman Lane. Tax ID: A20196 & D01587

**Recommendation**

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

- ✓ The proposed zone change is compatible with existing development in the immediate neighborhood.
- ✓ Is Consistent with 2016 Growth Policy
- ✓ Essential Investments: Upgrade of site, infill development, near existing infrastructure
- ✓ Community Fabric: New development on the site with new landscaping will be more visually appealing
- ✓ Existing city services to the area can accommodate the proposed use.

**Questions for staff:** NONE

**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 980**.

**Applicant: Kieth Myhre, 234 Yellowstone Ave**

Shares the proposed site plans.

**Favor:**

**Michael Verseman, 613 Agate Ave**

He is a congregation member and officer of the church.

**Opposed:**

NONE

Public Hearing CLOSED AT 5:08PM

**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 980 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 980 with conditions proposed carried with a 4-0 vote.**

**Item #4**

Nicole Cromwell read aloud the legal notice for this application:

**City Zone Change 981 – 750 Broadwater Ave. – Yellowstone PD-NC – add auto sales - A zone change request to add auto sales as an allowed use in the Yellowstone Planned Development - Neighborhood Commercial zone, on Block 4, Lot 27-31 & 26A 26B (1<sup>st</sup> Add to Blk 4)(Less 50 SF Street)of the Yellowstone Addition Subdivision, a 24,450 sf parcel of land. A pre-application**

neighborhood meeting was held on Monday, June 29, 2020 at 5:30 pm at 750 Broadwater. Tax ID: A18912

- Planned development zone changes allow developers and owners to customize a proposed zoning to allow flexibility in uses, enforce design criteria, and place limitations on future uses the “standard” zoning districts might allow
- An applicant can choose an underlying zoning district and set standards based on the underlying zoning
- The proposed amendment to the Yellowstone Addition PD, will allow auto sales as an additional use
- Car rental, a car wash and auto repair are also approved uses on this property
- These agreements and stipulations, if approved, are enforceable by City of Billings as zoning regulations
- This PD, if amended, cannot be modified administratively to include additional uses or change setbacks or building heights without another zone change application

### **Recommendation**

Planning staff recommends approval of the requested amendment to the Planned Development – Neighborhood Commercial zone to allow auto sales at 750 Broadwater Avenue and adoption of the findings of the 10 criteria.

Planning staff recommends approval of the zone change request based on the findings of the 10 review criteria

- Proposed zone is in conformance with 2016 Growth Policy and 1999 Central Terry Neighborhood Plan
- Draft PD amendment has protections and agreements in place to protect adjacent and nearby residences and businesses
- Draft PD has stipulations for continuous improvements over time

### **Questions for staff:**

Commissioner Brooks showed concerns for security lighting at the site.

Commissioner King stated most used car lots are not very pleasing to the eye and is hoping Mr. Sims will do better in landscaping and esthetics. He also asked how many cars will be on the lot. He expressed appreciation for the small and very tidy appearance of Mr. Sims current location.

**Public Hearing** Chairman Larson excused himself and Vice Chair McCall opened the public hearing at 5:19PM and asked for anyone wishing to speak in favor or against **City Zone Change 981**.

### **Applicant, Dusty Sims, 3514 Stone Brook Drive**

Mr. Sims is excited to own and maintain this new location for his business. Having once owned a landscaping business, he, also is concerned with the appearance and will be painting and landscaping the property. He would also like to put a fence on the alley side. In regards the lighting concerns, there will be upgrades to that as well. Currently he may have as many as 10-12 cars on site and projects a maximum of 20-30 cars at this location.

Commissioner Brooks then reiterated his concerns for additional security lighting and commented on Mr. Sims business model and his current location aesthetics. He stated the neighbors were likely to be pleasantly surprised with this car sales lot.

**Favor:**

**Russ Cherry, current owner, 601 Luther Circle**

Mr. Cherry has owned this for many years, it has always been involved in auto business. The neighbors are great and Mr. Cherry is very happy Mr. Sims is purchasing this property.

**Opposed:**

NONE

Public Hearing CLOSED AT 5:28PM

**Discussion**

Vice Chairman McCall called for questions and discussion from the Board.

**Motion**

**Commissioner Brooks made a motion and Commissioner King seconded the motion to approve City Zone Change 981.**

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 4- 0 vote.**

**Other Business:**

Deputy City Administrator Kevin Iffland gave a presentation regarding the upcoming Public Safety Mill Levy. The powerpoint is attached.



PSML  
presentation.pptx

**Adjournment:** The meeting adjourned at 5:48PM.

**APPROVED:** September 1, 2020

