

City of Billings Zoning Commission Meeting Minutes October 6, 2020

The City of Billings Zoning Commission met on Tuesday, October 6, 2020, at 4:30 p.m in the Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, October 26, 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 |
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| Mike Larson | Chairman | 1 | 1 | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Daniel J. Brooks | Commissioner | E | 1 | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Jack King | Commissioner | 1 | 1 | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Greg McCall | Vice Chairman | 1 | E | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Trina White | Commissioner | | - | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Wyeth Friday | Director, Planning & Community Services | - | - | - | - | - | - | - | - | - | - | - | - | |
| Monica Plecker | Division Planning Manager | - | - | - | - | - | - | - | - | 1 | - | - | - | |
| Nicole Cromwell | Planner Zoning Coordinator | 1 | 1 | - | - | - | 1 | 1 | 1 | 1 | 1 | | | |
| Tammy Deines | Planning Clerk | - | - | - | - | - | - | - | - | - | - | - | - | |
| Dave Green | Planner II | - | - | - | - | - | - | - | - | - | - | - | - | |
| Karen Husman | Planner I | 1 | 1 | - | - | - | 1 | - | 1 | 1 | 1 | | | |
| Robbin Bartley | Administrative Support | 1 | 1 | - | - | - | 1 | 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 | |
| | / | / | / | / | / | / | / | / | / | / | / | / | |
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| | 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 | 1 | 2 | 3 | | | 11 |
| Special Review | 0 | 1 | - | - | - | 0 | 2 | 2 | 0 | 2 | | | 7 |

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I, 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 September 1, 2020 meeting minutes.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve the September 1, 2020 meeting minutes.

| 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 5-0.

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 October 26, 2020.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 984 – 1219 12th Street West- from R-70 to RMF-R - A zone change request from Residential 7,000 (R-70) to Residential Multi Family-Restricted (RMF-R), on Block 2, Lot 6, Sunset Subdivision, a 10,056 square foot parcel of land. A pre-application neighborhood meeting was held on August 21, 2020, at Spring Creek Park. Tax ID: A16612

Recommendation

Planning staff is recommending approval and adoption of the findings for the 10 criteria for Zone Change 984.

Questions for staff:

Chairman Larson opened the Public hearing at 4:40PM

Applicant: Christian Helland, 432 Everett

The applicant wishes to improve and revitalize the area, the building will only change on the interior.

Favor: None

Opposed: None

Rebuttal: None

Public Hearing CLOSED at 4:44PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Zone Change 984 with staff recommendations and 10 criteria.

| 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 of City Zone Change 984 carried with a 5-0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 985 – 3121 & 3125 Boulder Ave- from R-60 to RMF-R - A zone change request from Residential 6,000 (R-60) to Residential Multi Family-Restricted (RMF-R)), on the East ½ of Lot 13 & the West ½ of lot 14, Wolf Subdivision, a 40,500 foot parcel of land. A pre-application neighborhood meeting was held on September 1, 2020, at 3125 Boulder Ave. Tax ID: A18660 & A18659

Recommendation

Planning staff is recommending approval and adoption of the findings of the ten criteria for Zone Change 985.

Questions for staff:

Commissioner Brooks asked if a background and history of this property. Why have sidewalks not been required since this was annexed in 1963. Staff replied the City is waiting for enough property owners to get an SID.

Public Hearing Chairman Larson opened the public hearing at 4:58PM and asked for anyone wishing to speak in favor or against **City Zone Change 985**.

Applicant: Rob Pasquarello, 2923 Brookway, Laurel, MT

The 2 houses are in poor condition, Inspection reports confirm this. These have been rentals since the 1960's. He has received many comments regarding the quality of tenants. He believes this reflects the condition of the property. He has every intention to do the sidewalks. It is a nice infill project and will improve the neighborhood.

Commissioner White inquired about the neighboring property. Were they contacted about being included in this project? Mr. Pasquarello replied the owners do not want to sell at this time. He plans to ask again in the near future.

Favor:

Travis, McDowell, 2829 Forest Park Drive

Nice property, great infill project, the neighborhood will improve

Brem Fellman, 4847 Cedar Ridge

The houses are in tough shape, this is a nice project and will increase safety for families.

Opposed:

Bethany Schatzke, 3133 Boulder Ave

She believes the project can be completed without a Zone Change. 10 multifamily units is enough. This would be a challenging change for the neighborhood.

Jack Kuntz, 3139 Boulder Ave

The current zoning allows 10 units. We are concerned with the density and traffic. It took 25 years to get the roadway overlaid. Until there is a sidewalk no additional units should be allowed.

Rebuttal: Rob Pasquarello

He agrees that sidewalks are needed and necessary and will put them in. At the recent neighborhood meeting, all persons in attendance want sidewalks, but noone wants to pay for them. He wants to improve the area for the kids, the proposed easement will help with the traffic flow on Boulder Ave.

Public Hearing CLOSED at 5:16PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Commissioner Brooks appreciates the applicant improving the area and sidewalks.

Commissioner White appreciates the proposed building and citizen comments.

Chairman Larson used to live 4 blocks away and agrees any improvement is welcome.

Motion

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve City Zone Change 985 with Staff recommendations and 10 criteria.

| 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 Zone Change 985 with a 5-0 vote.

Item #3

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 986 – 3340 Sagegrass Dr. & 1310 30th St. W – Cardwell Ranch PD

Amendment - A Planned Development zone change request to amend the Master Plan Map to move Lot 15A, Block 2, from Planning Area 1 (Commercial) to Planning Area 2 (Commercial or Multi-family), and amend the text of the Planned Development Agreement to eliminate the

additional special review requirements (Article IV.B & D). Lot 4A and 15A, Block 2, new Planning Area 2, will comprise a 10.051 acre parcel of land. A pre-application neighborhood meeting was held on September 1, 2020, at 3100 Meadow View Dr. Tax ID: A34327 & A34337

Staff included questions and answers to the City of Billings engineering department regarding the traffic lights, and flows.

A petition was submitted in regards this Zone Change. There are not enough signatures to validate this petition.

Recommendation

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 986.

Questions for staff:

Commissioner Brooks asked for clarification regarding the PD with underlying CC Zoning. They are wanting to take away self imposed restrictions from 12 years ago.

Public Hearing Chairman Larson opened the public hearing at 5:35PM and asked for anyone wishing to speak in favor or against **City Zone Change 986**.

Applicant: Charlie Yegen, 184 Lonesome Pine, Park City, MT

This will expand the marketing possibilities. Mr. Yegen's great grandfather purchased this property in 1889. The restrictions self-imposed then were in the best interest at that time.

Commissioner White asked about the elimination of a street in the Cardwell Ranch. Mr. Yegen is not eliminating any streets. There was a boundary line adjustment.

Favor: None

Opposed:

Cynthia Belfeori, 2942 Belvedere Drive

A group of callers in opposition to this zone change. The first concern is the traffic that will be traveling thru the multifamily area. Also, only 2 of the signatures were within 150 feet?

Staff explains there are 10 properties within 150 feet. The school and the church and others all owned by Yegen.

Rebuttal

Public Hearing CLOSED at 5:45PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Commissioner McCall chooses to abstain from this vote. He is very much in favor.

Motion

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 986 with Staff recommendations and 10 criteria.

| 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 Zone Change 986 with a 4-1-0 vote.

Item #4

Nicole Cromwell read aloud the legal notice for this application:

City Special Review – 986 – 3189 King Ave. W. – For Beer & Wine with Gaming – A special review request to allow a beer and wine license with gaming for a 2,500 square foot tenant space within a 7,913 multi-tenant building, in a Community Commercial (CC) zone, on Block 17A, Lot 2, Lampman Sub., a 39,907 square foot parcel of land. Tax ID: C07979.

Recommendation

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 986. With the following conditions:

1. Approval is for the proposed Beer & Wine license & gambling into a 2,500 square foot unit at 3189 King Ave. W. No other use is intended or implied.
2. No outdoor seating, music or announcement systems.
3. New exterior & parking lot lighting shall have full cut-off shields.
4. The applicant will comply with all other codes that may apply.
5. All other limitations on expansion shall apply.
6. These conditions shall run with the land described.

Questions for staff:

Commissioner White asked if there is gaming across the street. Yes, there is a small casino in the gas station.

Public Hearing Chairman Larson opened the public hearing at 5:54PM and asked for anyone wishing to speak in favor or against **City Special Review – 986**.

Applicant: Josh Benson, 3112 Falcon Ridge

There is gaming at the gas station across the street. My partners and I own 6 other casinos in Billings. They are extremely clean, we are very involved. We can bring something to the corner that is tastefully done. The signage is different than other casino signs.

Doug Jenkins owns the property. He is looking for a new use for the property. The signage is in good taste with minimal impact and provides signage for other tenants in the building.

Commissioner Brooks asked if this Special Review were done after Re:Code, it would be out of compliance if more than 10 gaming machines are used. How many machines do you plan? If we were to propose a limit on machines, would you be agreeable? Mr Benson said no, the partnership with Pie Guys, the revenue projected is based on 20 machines.

Favor:

John Atkinson, 5514 Audubon Way

He is the architect. He is supportive and thinks it seems fitting to the area. The exterior will have no change. It is mutually beneficial for Pie Guys.

Evan Joda of Pie Guys stated the building has been vacant over a year. The size is not big enough for just a stand alone restaurant. It will be additional dining area.

Opposed: None

Rebuttal

Public Hearing CLOSED at 6:21PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Commissioner Brooks stated he appreciates new ideas, due to the location, close to residences, he will be voting in opposition.

Motion

Commissioner White made a motion and Commissioner King seconded the motion to approve City Special Review – 986 with Staff recommendations and 3 criteria.

| 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– 986 with a 4-1 vote.

Item #5

Nicole Cromwell read aloud the legal notice for this application:

City Special Review – 987 – 2499 Gabel Road - Relocation of an all Beverage License with Gaming – A special review request to allow an existing all beverage liquor license to relocate from 1911 King Avenue West, Unit 10, to 2499 Gabel Road, a 3,128 square foot building, on Block 4, Lot 3, Cenex Park Sub., an 68,520 square foot parcel of land. Tax ID: A26159

Recommendation

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 987. With the following conditions:

1. Approval is for an existing all beverage liquor license to relocate to 2499 Gabel Road, no other use is intended or implied.
2. No outdoor seating, music or announcement systems.
3. New exterior & parking lot lighting shall have full cut-off shields.
4. The applicant will comply with all other codes that may apply.
5. These conditions shall run with the land described.

Questions for staff: Commissioner King asked if the church is active and is it a conflict. Staff replied the separation requirement depends how much of the building the church occupies. The church occupies less than one third of the building. A 600-foot separation is not required. The building labeled church is actually the area being remodeled into the casino.

Public Hearing Chairman Larson opened the public hearing at 6:15PM and asked for anyone wishing to speak in favor or against **City Special Review – 987.**

Applicant: Jason Palogi, 2931 Stillwater Drive

It is a former church, it has been vacant for over one year. He is relocating because his current location has been purchased and he needs to move.

Favor: None

Opposed: None

Rebuttal

Public Hearing CLOSED at 6:18PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Commissioner King asked how this will be effected by Re:Code and will the applicant be willing to accept requirements. Staff replied if the Code is adopted as it is written, it is conforming.

Commissioner White believes there are no other casinos in the area.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve City Special Review – 987 with Staff recommendations and 3 criteria.

| 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– 987 with a 5-0 vote.

Other Business: November meeting cancelled, no applications. A special meeting on October 14, 2020 via ZOOM. It is a final public hearing for the Code redraft. Commissioner McCall will be late. Commissioner King has requested an overview of Accessory Dwellings.

Adjournment: The meeting adjourned at 6:25PM.

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