

## City of Billings Zoning Commission Meeting Minutes May 4, 2021

The City of Billings Zoning Commission met on Tuesday, May 4, 2021 at 4:30 p.m. in a Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, May 24, 2021 at 5:30 p.m.**, second reading **Monday June 14, 2021 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
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		1	1	1	1	1	1	1	1	1	1	1	1
Mike Larson	Chairman	1	1	E	1	1							
Daniel J. Brooks	Commissioner	1	1	1	1	1							
Jack King	Commissioner	1	1	1	1	1							
Greg McCall	Vice Chairman	E	1	E	E	E							
Trina White	Commissioner	1	1	1	A	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	-	-							
Robbin Bartley	Administrative Support	1	1	1	1	1							

Total Number of 2021 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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	5	2	2	6	4	1	6	3	4	5	2	7		
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	2	2	2	2	2	2	2	2	2	2	2	2		
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	2	2	2	2	2	2	2	2	2	2	2	2		
	1	1	1	1	1	1	1	1	1	1	1	1		
	Zone Change	-	2	1	1*	1								5
	Special Review	2	-	-	-	-								2

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

- Zone change application withdrawn.

**In Attendance** : Rick Leuthold, Jan Rehberg, Allen Lenhardt, Lorraine Newman

**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:**

Approval of April 6, 2021.

**Motion**

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve the April 6, 2021 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 4-0.

**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		

*Trina White stated she does know Allen Lenhardt but has no conflict.*

**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		

*Staff stated, for the record, several emails were received in favor of ZC 991. The emails will not be read, but are a part of the permanent record.*

**Public Hearings:**

**City Zone Change 991 – Lenhardt Square Planned Development Amendment** - A zone change to amend the Lenhardt Square Planned Development to eliminate the MF-4 underlying zone district, place Tracts 2A and 5A-1 of C/S 2063 in the MFR underlying zone district, increase the density allowed in the MFR underlying zone district, describe building height in stories instead of height in feet, and increase maximum average dwelling unit density in the MF-R and MU underlying zoning from 20 to 21 for MF-R district and from 20 to 35 for the MU district. All other provisions in the Planned Development Agreement will remain in place except for minor editing for consistency and updating. The zone change will apply to all lands within the original Planned Development including all lots and blocks within Lenhardt Square Subdivisions (First, Second and

Third Filings), and C/S 2063, Tracts 2A1 and 5A1, a total of approximately 114 acres of land north of King Avenue West near the intersection of S 44<sup>th</sup> St West. A pre-application neighborhood meeting was held on Monday, March 29, 2021, in a virtual on-line format. Tax IDs: D00514, A34363, A34362, A34361, A36053, D00514B, D00514A, D00514D, A34456 & D00514C.

### **Recommendation**

Planning staff recommends approval of the zone change to amend the Lenhardt Square PD based on the findings of the 10 review criteria.

- Meets the Growth Policy and West Billings Neighborhood Plan
- Increase in density will be minor across the entire 114-acre parcel but will help keep the housing choices economically attainable
- Adjacent uses and zoning compatible with proposed amendments
- Increases housing choices and building types

### **Zone Change Review Criteria**

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 affect 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.

### **Questions for staff:**

Commissioner White asked if the County island to the east was part of this Zone Change.

### **Applicant: Rick Leuthold, agent, Sanderson Stewart**

The Amen family owns the "county island". Over the last 13 years there have been changes occurring in the PD needing updates. Changes in demographics and how things are constructed. Old regulations are tedious. Many variances are being requested. A comprehensive update is necessary. Staff has indicated none of the proposed changes are major or significant. The fundamentals of Lenhardt Square are not being changed. Compliance to the new RE:Code is necessary. The density is not changing significantly, the parking is not being reduced but rather shifting some of the ratios in structured versus canopy parking. Traffic congestion, this is a process of development. There are steps needing to be achieved. Access is being considered, impact statements are being considered. The next projects will bring the completion of a connection between Monad and Shiloh. At the north end is Georgina, there are 8-10 homes there. They are concerned about increased traffic. There is no intention to trigger a connection.

**FAVOR:** None

**OPPOSED:**

**Sara Creeden, 4733 Georgina Drive** – No plans for density increase, stress on Police and Fire. There needs to be a City plan for the increased density. Apartment buildings adjacent to 1 acre plots is not conducive to the current quality of life.

**Sharon Wetsch, 4625 King Ave West** – She was not informed of the neighborhood meeting. She does not want to be part of the city. She agrees with Ms Creeden and she wants to know why she was not included in the neighborhood meeting. They bought their forever home there last year and does not want increased density.

**Rebuttal:** Rick Leuthold addressed the concerns regarding Police and Fire. The responders would prefer the calls were less spread out over the city. Yes there are more people, the City will continue to grow and need responders and infrastructure. The costs are less when more persons live in a smaller area. King Ave was a 2 laned road. It is growing with the needs. A certified mailing list was obtained for ¼ mile out. Letters were sent to all those addresses announcing the Neighborhood meeting. The development going forward has been in the works for 13 years. It is not new. Going forward it is the City’s wish to develop that coexists side by side. Not sprawling, which increases infrastructure costs and other difficulties. This is in line with the Billings Growth Policy.

**Motion**

**Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 991.**

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 991 with a 4-0 vote.**

**Other Business: 1 item to be heard June 1, 2021.**

**Adjournment: The meeting adjourned at 5:20PM.**

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