



**City of Billings Zoning Commission
Meeting Minutes November 2, 2021**

The City of Billings Zoning Commission met on Tuesday, November 2, 2021 at 4:30 p.m., 2825 3rd Avenue North in the Miller Building 1st Floor Conference Room. The public may attend in person or watch the meeting live on Facebook (see below). The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order they are received. Callers will be restricted to 3 minutes of testimony as is customary. Comments may be sent to **Board via email before 1:00 PM on Tuesday, November 2, 2021**. All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

The City Council has designated Monday, November 22, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and conduct a public hearing for the first reading of the ordinance for this zone change request. If approved on first reading, a second reading public hearing will occur on Monday, December 13, 2021 at 5:30 pm.

Commission and Staff		01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021
Mike Larson	Chairman	1	1	E	1	1	1	1	1	1	E	E	
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1	1	1	1	1	
Jack King	Commissioner	1	1	1	1	1	1	1	1	-	-	-	-
Greg McCall	Vice Chairman	E	1	E	E	E	E	1	E	1	1	1	
Trina White	Commissioner	1	1	1	A	1	1	1	1	1	1	1	
David Goss	Commissioner	-	-	-	-	-	-	-	-	-	-	1	
Wyeth Friday	Director, PCSD	-	-	-	-	-	1	-	-	-	1	-	
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	1	
Nicole Cromwell	Zoning Coordinator	1	1	1	1	1	1	1	1	1	1	1	
Tammy Deines	Planning Clerk	-	-	-	-	-	-	1	-	-	-	-	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	1	1	1	-	-	1	1	1	-	1	1	
Robbin Bartley	Administrative Support	1	1	1	1	1	1	-	1	1	1	1	

Total Number of 2021 Applications	01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021	TOTAL
Zone Change	-	2	1	1*	1	2	0	4	1	3	1		16
Special Review	2	0	0	0	0	0	1	0	0	0	1		4

Vice Chair McCall introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Monica Plecker, Planning Division Manager, Karen Husman, Planner I and Robbin Bartley, Administrative Assistant (Virtually)

Attending: Nick Fore

Public Comment

Vice Chair McCall called for public comments. There were no public comments. Vice Chair McCall closed the public comment portion of the meeting.

Approval of Minutes: October 5, 2021

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve the October 5, 2021 meeting minutes with corrections. The motion carried with a 3-0-1 voice vote, Commissioner Goss abstaining.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson				X
Daniel J. Brooks		X		
David Goss		X		
Greg McCall		X		
Trina White		X		

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson				X
Daniel J. Brooks		X		
David Goss		X		
Greg McCall		X		
Trina White		X		

Public Hearings:

The applicant is requesting a continuance because an annexation petition should accompany this Zone Change and was not submitted in time.

City Zone Change 1002 – 1938 Hawthorne – from N4 to N2 - A zone change request from Large Lot Suburban Neighborhood (N4) to Mid-Century Neighborhood Residential (N2), on Parcel 2A and 3 of Certificate of Survey 840, a 2.725 acre parcel of land. A pre-application neighborhood meeting was held on September 16, 2021 at 6:00 pm, at 1938 Hawthorne Lane. Tax ID: D05148 & D05150

Staff Recommendation:

Planning staff recommends approval of City Zone Change 1002 and adoption of the findings of the 10 review criteria.

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria for Zone Change 1002.

- (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.

Discussion

Moncia Plecker explained the annexation petition was not complete as there is a lift station design issue. From a jurisdictional standpoint, the annexation petition must accompany the zone change to be recommended to City Council. This Board's position is required to delay or continue. ReCode allowed for applications to be placed in an inactive status for up to 60 days. We are unsure which meeting this will come back to you for recommendation, but it will come back.

Public Hearing: 4:39PM

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to grant continuance of City Zone Change #1002, for lack of a complete submittal.

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

The Motion carried to CONTINUE City Zone Change #1002 with a 4-0 vote.

Public Hearings:

City Special Review – 992 – 4130 Kari Lane - Auto collision repair – A special review request to allow an automobile collision repair center greater than 5,000 square feet in a Corridor Mixed Use 2 (CMU2) zoned district, for a proposed 18,554 square foot building, on Lot 13, Block 1 Montana Sapphire Subdivision, a 2.187-acre parcel of land. Tax ID: C13966

Staff Recommendation:

The Planning staff recommends conditional approval, based on the proposed findings and recommended conditions of approval (BMCC 27-1623.D)

The proposed conditions are as follows:

1. The special review approval is limited to Lot 13, Block 1 Montana Sapphire Subdivision, a 2.187-acre parcel of land. Tax ID: C13966, generally located at 4130 Kari Lane.

2. The special review is for the construction and operation of an automobile collision repair center. No other use is intended or implied.
3. A minimum 6-foot high sight-obscuring fence and landscape buffer shall be placed on the south and east property lines to buffer the adjacent uses.
4. All outdoor lighting shall have a maximum height of 15' and full cutoff shields so no part of the fixture or lens projects below the cut-off shield. This is to attenuate light on the property and shield the neighboring property to the south and east.
5. With the exception of the above conditions, the site shall be developed in substantial conformance with the site plan submitted.
6. The proposed development shall comply with all other limitations of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
7. The applicant will submit a building permit application within 12 months of the City Council approval and complete construction within 3 years of City Council approval.
8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Discussion

Commissioner White asked if the fence encloses all of the site. Commissioner asked about parking outside the fence. Staff referred to use standards. Staff will revisit the code.

Applicant Presentation

Vice Chair McCall called for presentation by the applicant.

Nick Fore, CALIBER COLLISION, 9761 Kenwood Rd, Cincinnati, OH 45272

The fence will enclose the entire operation with a gate. It is a larger collision facility in the country. Usually replacing parts, minor repairs. East side of the building is customer parking, 25 spaces. Which is more than the requirement. The parking to the rear is project parking. Employees will park in the rear as well. No vehicles will be parked on the street. Monica asked if there may be an error in the parking calculation. Staff agrees the requirement may be wrong. Typically, the fence is chainlink with white slats. A sight-obscuring fence will meet code requirements. Commissioner Brooks expressed a concern about noise. He also inquired about a lighting evaluation to insure adequate lighting. He also appreciates the landscaping and improvement to the area. No public comment was received.

Public Hearing: 5:08PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Special Review #992. There were none.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Special Review #992 with staff recommendations and conditions.

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

The Motion carried to approve City Special Review #992 with a 4-0 vote.

Other Business: WELCOME DAVID GOSS.

There will be a December 7, 2021 meeting hearing 1 zone change and 1 special review.

Commissioner Brooks asked for a discussion regarding fencing and lighting requirements.

Adjournment: The meeting adjourned at 5:13PM.

ATTEST: Approved by a motion December 7, 2021

--Robbin Bartley, Administrative Assistant