

**CITY BOARD OF ADJUSTMENT**

MINUTES June 1, 2022

Name	Title	01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	
David Mitchell	Member	1	-	1	E	E	E							
Dave Hagstrom	Member	1	-	1	1	1	1							
George Warmer	Member	-	-	1	1	1	E							
Jeff Bollman	Vice Chair	P	-	1	1	E	1							
Oscar Heinrich	Chair	1	-	1	1	1	1							
Chris Hayes	Member	-	-	-	1	1	1							
Josh Sayer	Member	-	-	-	1	1	1							
<b>TOTAL NUMBER OF APPLICATIONS 2022</b>		<b>01/05/2022</b>	<b>02/02/2022</b>	<b>03/02/2022</b>	<b>04/06/2022</b>	<b>05/04/2022</b>	<b>06/01/2022</b>	<b>07/06/2022</b>	<b>08/03/2022</b>	<b>09/07/2022</b>	<b>10/05/2022</b>	<b>11/02/2022</b>	<b>12/07/2022</b>	<b>TOTAL</b>
<b>Variance</b>		<b>2</b>	<b>-</b>	<b>3</b>	<b>1</b>	<b>*2</b>	<b>1</b>							<b>7</b>

- 1 Returning variance

Chair Heinrich called the meeting to order at 6:08 p.m. Technical difficulties.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Assistant.

**Attending:** Brad Brown, Charles Yegen, Jonny Arbuckle, Max Arbuckle, Grayden Arbuckle

**Public Comment**

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none.

## Approval of Meeting Minutes

Meeting minutes for May 4, 2022. Chair Heinrich postponed the approval having received them late.

Staff stated Board members Mitchell and Warmer are proprietors of Caldwell Banker and have a conflict of interest and are not in attendance.

## Public Hearings

**City Variance 1346 – 1310 30<sup>th</sup> St. W –Increase building height to 46 feet and reduce required off-street parking penalty for assigned spaces** - A variance from the Cardwell Ranch East 80 Planned Development, Article VI.C.3 requiring a 40-foot maximum height for multi-family structures to allow 46 feet and from Section 27-1302.B.7 requiring provision of 20% more off-street parking when some of the off-street parking spaces are assigned on Lot 15A, Block 2 Cardwell Ranch Subdivision 1<sup>st</sup> Filing, a 6.88-acre parcel of land. The purpose of the variance is to allow an increase in maximum height for Cardwell Ranch Apartment Homes to develop a roof design that complies with the aesthetic intent of the Cardwell Ranch Design Standards and to allow the proposed 406 off-street parking spaces to be allowed for the proposed 249 dwelling units. The off-street parking code would otherwise require 479 spaces applying the 20% penalty for some assigned spaces. The proposed parking ratio (spaces/unit) is 1.63 and the required parking ratio with the 20% penalty is 1.92.

## Recommendation:

Planning staff has reviewed this application & is recommending *conditional approval* of Variance 1346 for the *height* & recommending *denial* of the request for *reduction in parking* based on the proposed findings of the review criteria.

- Applicant intention is to build a high-end apartment within Cardwell Ranch, a 4-story building, while still providing adequate room for architectural roof elements consistent with development requirements of Cardwell Ranch. "Cardwell Ranch Commercial Design Guidelines," which specify a maximum height of 40' limits the developer ability to meet the architectural guidelines
- Although there are not any special circumstances that exist in this situation other than the Planned Development Design Guidelines restrict building height to 40 feet. The PD agreement in this case makes allowances for building height and design with a variance approval. Staff agrees that the additional 6 feet would not significantly affect the development or surrounding properties.
- A Variance has approved within the Cardwell Ranch for height as well as height variance for other property in the district

## Recommended Conditions:

1. The approval is for a variance from Cardwell Ranch PD (Design Guidelines) under Article VI.C.3 to allow 46 feet, No other variance is intended or implied with this approval.
2. Lot 15A, Block 2, Cardwell Ranch Subdivision, 1st Filing, located at 1310 30th St. W.
3. A landscaping buffer will be provided on the south property line adjacent to the school property to the south, but pedestrian connectivity is encouraged.

4. Shall meet all other city code requirements as well as Cardwell Ranch Planned Development requirements with the exception of this variance.
5. Submit a building permit within 3 years of Board approval & complete construction within 5 years of the first building permit approval.
6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.
  - There are not any special circumstances that exist in this situation.
  - The area surrounding this proposed development contains a developed neighborhood, a church, and Will James Middle School.
  - The traffic in this neighborhood has consistently been a challenge for the neighborhood.
  - Adding the potential for additional overflow on-street parking will exacerbate an already challenging traffic pattern caused by the school and lack of good traffic management on Grand Avenue at the intersection of 30th St West.
  - Staff concurs with the Engineering Division staff concerns there would be an abundance of new overflow parking on the streets in the neighborhood near Will James Middle School. There would be no way for the city to mitigate the overflow parking in the neighborhood without implementing on street parking permit requirements.

### **Questions for staff:**

Board member Bollman asked what the zoning is for this project. Staff responded the Zoning Commission and City Council updated the PD to allow multi-family.

Board member Bollman asked about the 40-foot height variance. Is this part of the design? Yes.

Board member Bollman asked about the streets to the north. They are private, do they allow on street parking? Staff replied on street parking is not allowed. Upon further discussion staff indicated on street parking is allowed but is not counted as part of the required parking because they are public streets. There are some private streets further west. None of the streets are signed no parking. They are public streets. Further discussion about on street parking. More discussion about assigned parking in Planned Developments.

Chair Heinrich asked about the staff recommendations. Staff indicated the applicant may find other solutions to the parking issue. Shared offsite parking agreement, 20 percent transit passes are other options.

Board member Hayes asked how many parking spaces are lacking. Staff replied 406 spaces are showing and the requirement is 479 spaces.

The transit pass option is intended to not need parking for a vehicle. This may or may not be the case. It would be considered an offset.

### **Public Hearing opened at 6:30PM**

**Applicant:**

**Brad Brown, 1708 E 5550 S, Ogden, Utah 89903**

Representing Steward Land Company. They are excited to start a project in Billings. The PD is a strong document, a 4 story interior corridor, with elevator and more amenities. The height and Parking were two issues. Parking needs may or may not meet. A higher ratio than expected. Garages are in demand in this market. The height variance is necessary for a good roof cap design. The design must meet Yegen’s CCR’s and approval. It is a nice development and keeps its value over time.

**Questions for applicant:**

Board member Bollman asked if the garages are bundled. The garage rental is an option for any renter.

Board member Hagstrom suggested the possibility of ending up with empty garages? The market study indicates people in Billings want a garage.

**In Favor:**

**Charlie Yegen**

He is looking forward to working with Steward Land. Design guidelines are very specific and are not varied from. It would be amazing if the garage spaces were not rented. He encouraged the Board to consider the parking variance and the height.

Board member Bollman asked if the offsets were considered. Brad Brown stated the transit passes were being investigated but the shared parking is harder to achieve.

**Public Hearing closed at 6:57PM**

**Discussion**

Chair Heinrich suggested a continuance.

**Motion**

Board Member Sayer made a motion and Board Member Hagstrom seconded the motion to continue **City Variance 1346 for 30 days.**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>NOT PRESENT</b>
David Mitchell				<b>x</b>
Dave Hagstrom	<b>x</b>			
George Warmer				<b>x</b>
Jeff Bollman	<b>x</b>			
Oscar Heinrich	<b>x</b>			
Chris Hayes	<b>x</b>			
Josh Sayer	<b>x</b>			

The motion to approve City Variance 1343 passed with a 5-0 vote.

**Other Business:**

**ADJOURNMENT:** The meeting adjourned at 7:24PM.

**ATTEST: DRAFT. APPROVED AUGUST 3, 2022**

*Robbin Bartley, Administrative Assistant.*

