



**City of Billings Zoning Commission
Meeting Minutes April 4, 2023**

The City of Billings Zoning Commission met on Tuesday, April 4, 2023 at **4:30 p.m.**, 2825 3rd Ave North, 1st floor conference room of the Miller Building. 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, April 4, 2023**. 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://tinyurl.com/yckr478k>

The City Council has designated April 24, 2023, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the **Special Review** and hold a public hearing.

| Commission and Staff | | 01/03/2023 | 02/07/2023 | 03/07/2023 | 04/04/2023 | 05/02/2023 | 06/06/2023 | 07/05/2023 | 08/01/2023 | 09/05/2023 | 10/03/2023 | 11/07/2023 | 12/05/2023 |
|----------------------|---------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Mike Larson | Chairman | 1 | - | 1 | 1 | | | | | | | | |
| Daniel J. Brooks | Commissioner | E | - | 1 | 1 | | | | | | | | |
| Greg McCall | Vice Chairman | E | - | 1 | 1 | | | | | | | | |
| Trina White | Commissioner | 1 | | 1 | 1 | | | | | | | | |
| David Goss | Commissioner | 1 | - | 1 | 1 | | | | | | | | |
| Wyeth Friday | Director, PCSD | - | - | - | - | - | - | - | - | - | - | - | |
| Monica Plecker | Division Planning Manager | - | - | - | - | - | - | - | - | - | - | - | |
| Nicole Cromwell | Zoning Coordinator | 1 | - | 1 | 1 | | | | | | | | |
| Tammy Deines | Planning Clerk | - | - | - | - | | | | | | | | |
| Dave Green | Planner II | - | - | - | - | | | | | | | | |
| Karen Husman | Planner I | - | - | - | - | | | | | | | | |
| Robbin Bartley | Administrative Support | 1 | - | 1 | 1 | | | | | | | | |

| Total Number of 2022 Applications | 01/03/2023 | 02/07/2023 | 03/07/2023 | 04/04/2023 | 05/02/2023 | 06/06/2023 | 07/05/2023 | 08/01/2023 | 09/05/2023 | 10/03/2023 | 11/07/2023 | 12/05/2023 | TOTAL |
|-----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------|
| Zone Change | 1 | - | 1 | | | | | | | | | | 2 |
| Special Review | 1 | - | - | 1 | | | | | | | | | 2 |

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

*RETURNING AGENDA ITEM.

Attending: Cameron Colgan, Josh Gray via zoom

Chair Larson called the meeting to order at 4:30 pm.

Public Comment

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

Approval of Minutes:

Motion by Commissioner White and seconded by Commissioner Brooks to approve the January 3, 2023 and March 7, 2023 meeting minutes.

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

Disclosure of Conflict of Interest

| COMMISSIONER | DISCLOSED | NONE | ABSTAINED | ABSENT |
|------------------|-----------|------|------------|--------|
| Mike Larson | | x | | |
| Daniel J. Brooks | | x | | |
| David Goss | | | X – SR 996 | |
| 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 | | |

No Commissioners visited the City Special Review 996 location.

Public Hearings:

City Special Review 996 – 1010 Grand Avenue – Request to increase the height of a wireless communication facility (WCF) – A special review request to allow a 30-foot WCF height increase for an existing facility located at 1010 Grand Avenue, in a Corridor Mixed Use 1 (CMU1) zone district, on Lot 1A of Sunset Sub, 4th Filing and 7th Filing Amended, a .47 acre parcel of land. The lease area for the WCF is south of the principal structure and has an existing height of 46 feet. A pre-application neighborhood meeting was held on February 22, 2023.

Staff Recommendation:

Planning staff is recommending conditional approval, based on proposed findings and recommended conditions of approval.



Special Review 996

The Planning staff recommends conditional approval, based on the proposed findings and recommended conditions of approval (BMCC 27-1.023.D)

- ✓ Consistent with Zoning Policy statement for all WCF including:
 1. Allow for managed development to complete a network of WCF
 2. Reducing visibility to the max extent possible
 3. Encourage the location of WCF in non-residential areas
 4. Encourage co-location of antenna
 5. Locations that minimize adverse visual impacts
 6. Enhance ability of wireless providers to meet the community needs
- 2. Special Review will not endanger public health, safety, general welfare or morals.
 - Proposed site and off-site improvements will not endanger public health or safety
 - Conditions are recommended to improve safety
 - Not within 1-mile of another WCF over 50 ft in height
 - Closest residential use > 100 ft from WCF



Special Review 996 – criteria continued

- 3. Site is adequate in size and topography for the use.
 - The site is large enough for the WCF extension and addition of ground equipment
 - The site cannot support an addition of a living hedge and little aesthetic value is added at this location
- 4. Not injurious to adjacent property
 - Development of property tends to increase property values in the area.
 - All surrounding property fully developed and the 30-ft height increase will not impact adjacent property
- 5. Will not impede normal and orderly development of surrounding property
 - Lots in the area have been recently re-developed
 - Added tower height will not impede continued investment in surrounding land



Special Review 996 – criteria continued

- 6. Conditions can be established to protect public health & safety
 1. Approval is for the increase in tower height of 30 ft within the tower leased area of 1,600 and as shown on the site plan.
 2. Substantial conformance with submitted site plan.
 3. Any tower enclosure shall be a minimum of 6 ft in height; the use of barbed or sharp fence material requires a minimum fence height of 8 feet with the barbed or sharp material above the 8-ft fence.
 4. Submit a request for administrative relief from the required landscaping.
 5. Conditions run with the land and are binding on current and future owners.
 6. Right of building and occupancy permits are contingent on fulfillment of conditions of approval.

Discussion. Questions for staff:

Commissioner White asked if the site footprint and existing building will be bigger. There will be a larger fenced enclosure.

Applicant: Cameron Colgan, Powder River Development, 408 S. Eagle Rd, Eagle, Idaho
This is leased ground and the proposal full complies with all federal regulations and allows carriers to tag the towers eliminating multiple towers in a ½ mile radius.

Questions for applicant: None

Public Hearing: 4:55 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Special Review 996.

In Favor: None

Opposed: None

Public Hearing closed at 4:55PM

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve City Special Review 996 with staff findings, recommendation 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 passed to approve City Special Review 996 with a 4-0 vote.

Other Business:

Adjournment: The meeting adjourned at 4:58 PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.
--Robbin Bartley, Administrative Assistant