

## City of Billings Zoning Commission Meeting Minutes- November 3, 2015

The City of Billings Zoning Commission met on Tuesday, November 3, 2015 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana

Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday, November 23, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/01/2015	10/06/2015	11/03/2015	12/01/2015
Leonard Dailey, Jr.	Chairman	1	1	1		1	1		1	1	1	1	
Barbara Hawkins	Commissioner	1	1	1		1	1		1	1	1	1	
Dan Wagner	Vice Chairman	1	1	1		E	1		1	1	1	1	
Dennis Ulvestad	Commissioner	1	E	1		1	1		1	1	1	1	
Mike Boyett	Commissioner	1	1	1		1	E		1	1	1	1	
Candi Millar	Director, Planning & Community Services	-	-	-		--	-	-	-	--	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1		1	1		1	1	-	1	-
Tammy Deines	Planning Clerk	1	1	1		-	1			1	1	-	-
Wyeth Friday	Planning Division Manager	-	-	-		-	-	-	1	--	1	-	-
Dave Green	Planner II	-	-	-		-	-	-	-	-	1	1	-
Karen Husman	Planner I	-	-	-		-	-	1	-	-			
Jeannette Vieg	Planning Assistant					1			1	-		1	

Total Number of 2015 Applications	01/06/2015	02/03/2015	03/03/2015	04/07/2015	05/05/2015	06/02/2015	07/07/2015	08/04/2015	09/01/2015	10/06/2015	11/03/2015	12/01/2015	TOTAL
Zone Change	2	2	2	0	0	0		2	0	0	4		12
Special Review	1	1	3	0	3	2		1	1	2	1		15

Chairman Dailey introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II; and Jeannette Vieg, Planning Assistant

**In Attendance:**

Dave Hawkins, Frank Kroll, Karen Zup, Bruce Kobertern, Mike Yakawich, Kevin MacIntyre, Pat Davies, Laura Boyer, Marilyn Harmon, Al Jordan, Sean Johnson, Daily McGraw, Patrick Parker, Scott Lindell, Jill Lindell, Mark Dawson, Paul Goldammer

**Public Comment**

Chairman Dailey called for public comments. There were no public comments. Chairman Dailey closed the public comment portion of the meeting.

**Disclosure of Conflict of Interest**

Chairman Dailey called for disclosures of conflict of interest. Commissioner Hawkins recused herself from City Special Review #934 and Commissioner Boyett recused himself from City Zone Change #942.

**Disclosure of Outside Communication**

Chairman Dailey called for disclosure of ex parte communication. City Zoning received 2 letters regarding City Special Review #934; the letters are in the Ex Parte Binder for viewing. Hawkins, Dailey, Wagner & Ulvestad received a voice mail regarding City Special Review #934, but did not return the call.

**Approval of Minutes: October 6, 2015**

Chairman Dailey called for approval of the October 6, 2015 meeting minutes.

**Motion**

**Commissioner Wagner made a motion and Commissioner Hawkins seconded the motion to approve the October 6, 2015 meeting minutes as submitted.**

**The motion carried with a unanimous voice vote.**

**Public Hearings:**

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted, and asked Mr. Green to review the first agenda item.

**Item #1. Motion/Recommendation to City Council. Special Review #934, Dave Green, Planner II** - This is a special review request to an all beverage liquor license with gaming for American Foods of Montana in a 12,000 square foot building currently developed as the Geysers Park amusement park in an Entryway General Commercial zoning district (EGC). The property is on Lot 1A, Block 1, Geysers Park Subdivision, a 3.215 acre parcel of land.

**RECOMMENDATION**

The Planning Division is recommending conditional approval based on the findings of the 3 review criteria for Special Review #934.

**Discussion**

Chairman Dailey called for questions and discussion from the members of the Commission. Discussion with staff regarding this request.

**Applicant/Agent**

Chairman Dailey asked for presentation by the applicant.

**Dave Hawkins, Agent, 2617 Westfield Drive, Billings, Montana, 59106**

Mr. Hawkins represents owners John and Rebecca Williamson. Mr. Hawkins will be in charge of the construction and discussed the site plan. Answered questions regarding the site plan and construction time frame.

**Public Hearing:**

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #934.

**Sean Johnson, 8448 Laurel Rd., Billings, Montana, 59101**

Current owner of the Bayou and the liquor license associated with the Bayou, who will be moving the liquor license to 4910 Southgate Drive. Discussed the need for a family oriented restaurant in the South Side neighborhood.

**Al Jordan, Billings, 312 S 31<sup>st</sup> St., Billings, Montana, 59101**

Is in favor of a sit down restaurant in the South Side neighborhood.

**Marilyn Harmon, 344 Meadowlark Lane, Billings, Montana, 59101**

Is in favor of a sit down restaurant in the South Side neighborhood.

Chairman Dailey asked if anyone else wanting to speak in opposition of City Special Review #934. There was none. Chairman Dailey called for rebuttal. There was none.

Chairman Dailey closed the public hearing at 5:05 p.m. and called for a motion.

### **Motion**

**Commissioner Boyett made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of conditional approval of Special Review #934 with the conditions recommended by staff.**

### **Discussion**

Chairman Dailey called for discussion on the motion. The Commissioners discussed approval of the Special Review #934.

**The motion carried with a unanimous voice vote, 4-0-1 with Commissioner Hawkins abstaining.**

**Item #2 - Motion/Recommendation to City Council. City Zone Change #940 – Silver Creek Estates, Nicole Cromwell, Zoning Coordinator.** – A zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on Lots 1 & 2, Block 3 and Lot 8, Block 5, Silver Creek Estates Subdivision, a 7.99 acre parcel of land. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at 2211 West Hollow Brook Drive.

### **RECOMMENDATION**

The Planning Division is recommending approval and adoption of the findings of the 10 criteria for Zone Change #940.

### **Discussion**

Commissioner Dailey called for questions and discussion from the Commission. The Commissioners discussed the proposed re-zoning of the subdivision and impact, if any, on the surrounding subdivisions.

### **Public Hearing**

Chairman Dailey opening the public hearing at 5:20 p.m. and asked if there is anyone wishing to speak in favor or against City Zone Change #940.

### **Laura Boyer, 2810 central ave, Billings, Montana**

Ms. Boyer represents Boyer Land LLC. Discussed and answered questions regarding the zone change.

### **Rebuttal**

Chairman Dailey called for rebuttal. There was none.

Chairman Dailey asked if there was anyone else wanting to speak in favor or against Zone Change #940 There was none. Chairman Dailey closed the public hearing at 5:28 p.m. and called for a motion.

**Motion**

**Commissioner Boyett made a motion and Commissioner Ulvestad seconded the motion to forward a recommendation to City Council of approval and adoption of the findings of the 10 criteria for Zone Change #940 as presented by staff.**

**Discussion**

Chairman Dailey called for discussion on the motion. The Commissioners discussed benefits of the Zone Change.

**The motion carried with a unanimous voice vote, 5-0.**

**Item #3 -Motion/Recommendation to City Council. City Zone Change #941 – 2724 Shiloh Road, Nicole Cromwell, Zoning Coordinator – A zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 2A1 of Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land. The applicant conducted a pre-application neighborhood meeting on July 27, 2015 at 2429 Mission Way. Tax ID: C01755**

**RECOMMENDATION**

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change #941.

**Discussion**

Commissioner Dailey called for questions and discussion from the Commission. The Commissioners discussed the change of Zone Change impact on the neighborhood.

**Public Hearing**

Chairman Dailey opening the public hearing at 5:45 p.m. and asked if there is anyone wishing to speak in favor or against City Zone Change #941.

**Patrick Parker, Owner, 2303 Elea Drive, Billings, Montana, 59016**

Mr. Parker discussed the reason for the Zone Change request and answered questions.

**Frank Kroll, 4007 Wildridge Meadow Dr., Billings, Montana, 59102**

Mr. Kroll is not sure if he is for or against this business. Discussed his reasons with the Commissioners.

**Paul Goldammer, 1138 N 31st St., Billings, Montana, 59101**

Mr. Goldammer discussed the credibility of Mr. Parkers work.

**Mark Dawson, 4010 Wildridge Meadow Dr., Billings, Montana, 59102**

Mr. Dawson discussed the property conditions in relation to the Zone Change request.

**Rebuttal**

Chairman Dailey called for rebuttal.

**Patrick Parker, Agent, 2303 Elea Dr., Billings, Montana, 59106**

Mr. Parker discussed the concerns brought up during the public hearing.

Chairman Dailey asked if there was anyone else wanting to speak in favor or against Zone Change #941 There was none. Chairman Dailey closed the public hearing at 6:10 p.m. and called for a motion.

**Motion**

**Commissioner Hawkins made a motion and Commissioner Wagner seconded the motion to forward a recommendation to City Council of approval and adoption of the findings of the 10 criteria for Zone Change #941 as recommended by staff.**

**Discussion**

Chairman Dailey called for discussion on the motion. The Commissioners discussed the approval of this Zone Change request.

**The motion carried with a unanimous voice vote, 5-0.**

**Item #4 - Motion/Recommendation to City Council. City Zone Change #942** – 5640 Grand Avenue, Nicole Cromwell, Zoning Coordinator – A zone change request from Agriculture Open (A-1) to Public, on S5, T1 S, R25 E, E2 Government Lot 1, a 38.83 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at the City of Billings Fire Station No. 7, 1501 54<sup>th</sup> Street West. Tax ID: D12579. There is a concurrent application for annexation of this property that will be heard by the City Council on November 9.

**RECOMMENDATION**

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change #942.

**Discussion**

Commissioner Dailey called for questions and discussion from the Commission. The Commissioners discussed the validity of the Zone Change.

**Public Hearing**

Chairman Dailey opening the public hearing at 6:25 p.m. and asked if there is anyone wishing to speak in favor or against City Zone Change #942.

**Pat Davies, Sanderson Stewart, 1300 N Transtech Way, Billings, Montana**

Mr. Davies represents School District #2. Discussed the site plan design and potential street upgrades.

**Paul Goldammer, A & E Artichets, 1138 N 31st St., Billings, Montana, 59101**

Mr. Goldammer discussed the site plan design in regards to parking.

**Lew Anderson, Facilities Coordniator, School District #2, 101 10th St W., Billings, MT**

Mr. Anderson discussed the potential student body growth.

**Rebuttal**

Chairman Dailey called for rebuttal. There was none.

Chairman Dailey asked if there was anyone else wanting to speak in favor or against Zone Change #942 There was none. Chairman Dailey closed the public hearing at 6:40 p.m. and called for a motion.

**Motion**

**Commissioner Wagner made a motion and Commissioner Hawkins seconded the motion to forward a recommendation to City Council of approval and adoption of the findings of the 10 criteria for Zone Change #942 as recommended by staff.**

**Discussion**

Chairman Dailey called for discussion on the motion. The Commissioners discussed the approval of the Zone Change #942.

**The motion carried with a unanimous voice vote, 4-0-1, with Comissioner Boyett abstaining.**

**Item #5 - Motion/Recommendation to City Council. City Zone Change #943 – Southeast intersection of Bench Boulevard and Barrett Road, Nicole Cromwell** – A zone change request from Residential 7000 (R-70) to Public, on S14, T1 N, R26 E, E2 NWSW Less COS 931, a 16.2 acre parcel of land. This application is for the new Middle School for Billings School District #2. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at Bitterroot Elementary School, 1801 Bench Boulevard. Tax ID: C05144A and C05144B. There is a concurrent application for annexation of this property that is to be heard by the City Council on November 9.

**RECOMMENDATION**

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change #943.

**Discussion**

Commissioner Dailey called for questions and discussion from the Commission. The Commissioners discussed Zone Change #943.

### **Public Hearing**

Chairman Dailey opening the public hearing at 6:45 p.m. and asked if there is anyone wishing to speak in favor or against City Zone Change #943.

### **Pat Davies, P.E., Sanderson Stewart, 1300 N Transtech Way, Billings, Montana**

Mr. Davies represents School District #2. Discussion regarding the street upgrade.

### **Paul Goldammer, A & E Artichets, 1138 N 31st St., Billings, Montana, 59101**

Mr. Goldammer discussed the site plan and the water retention pond.

### **Lew Anderson, Facilities Coordinator, School District #2, Billings, Montana**

Mr. Anderson discussed the school capacity for student body size and future use of the retention pond.

### **Rebuttal**

Chairman Dailey called for rebuttal. There was none.

Chairman Dailey asked if there was anyone else wanting to speak in favor or against Zone Change #943 There was none. Chairman Dailey closed the public hearing at 6:50 p.m. and called for a motion.

### **Motion**

**Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to forward a recommendation to City Council of approval and adoption of the findings of the 10 criteria for Zone Change #943 as recommended by staff.**

### **Discussion**

Chairman Dailey called for discussion on the motion. The Commissioners discussed the approval of Zone Change #943.

**The motion carried with a unanimous voice vote, 5-0.**

### **Other Business:**


Nicole Cromwell announced the next meeting is scheduled for December 1, 2015.

**Adjournment: The meeting adjourned at 6:55 p.m.**



**APPROVED BY A MOTION December 1, 2015.**

**ATTEST:**

  
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Leonard Dailey, Chairman

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**Robbin Bartley, Administrative Assistant**