

**City of Billings Zoning Commission
Meeting Minutes June 7, 2016**

The City of Billings Zoning Commission met on Tuesday, June 7, 2016 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday June 27, 2016** 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		01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016
Dan Wagner	Chairman	1	1	-	1	1	1						
Dennis Ulvestad	Commissioner	1	1	-	1	1	1						
Mike Boyett	Vice Chairman	E	1	-	1	1	E						
Michael Larson	Commissioner	1	1	-	1	1	1						
James Mariska	Commissioner	1	1	-	1	1	1						
Candi Millar	Director, Planning & Community Services	-	-	-	-	-	-						
Wyeth Friday	Division Planning Manager	-	-	-	-	-	-						
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	1	1	1						
Tammy Deines	Planning Clerk	-	-	-	-	-	-						
Dave Green	Planner II	1	-	-	-	-	-						
Karen Husman	Planner I	1	1	-	-	-	-						
Robbin Bartley	Administrative Support	1	1	-	1	1	1						

Total Number of 2016 Applications	01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0							2
Special Review	2	1	-	4	1	1							9

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

In Attendance:

Jason Smith, 6770 S. 900 E. Ste#102, Midvale, UT 84047
 Matt Johnson

Public Comment

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

Approval of Minutes: May 3, 2016

Chairman Wagner called for approval of the May 3, 2016 meeting minutes.

Motion

Commissioner Mariska made a motion and Commissioner Larson seconded the motion to approve the May 3, 2016 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett				x
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

The motion for approval then carried with a unanimous voice vote 4-0

Chairman Wagner called for disclosures of conflict of interest. There were none.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett				x
Dennis Ulvestad		x		
Mike Larson		x		
James Mariska		x		

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett				x
Dennis Ulvestad		x		
Mike Larson		x		
James Mariska		x		

Chairman Wagner called for disclosure of ex parte communications. There were none.

Public Hearings:

Chairman Wagner reviewed the rules and the procedures by the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on June 27, 2016. He then asked Nicole Cromwell to review the first agenda item. Nicole Cromwell presented:

City Special Review #943 – 741 S 24th St West – Service Station – A special review request to allow the construction of a service station (Jiffy Lube) in a Neighborhood Commercial (NC) zone on a 13,068 square foot parcel of land described as Lot 9A, Block 2, Justiss Subdivision, 1st Amended. Tax ID: C01676.

RECOMMENDATION

Planning staff recommends conditional approval and adoption of the findings of the 3 criteria for **Special Review #943**.

Discussion

Commissioner Mariska asked if Condition #6 (one bicycle staple installed) is mandatory. Staff indicated all conditions are suggestions to the Commission and may be approved, modified or other conditions may be added. Commissioner Mariska does not see the need for Condition #6. Chairman Wagner believes a bicycle rack would not take a lot of space. Commissioner Mariska understands the concept of a bicycle rack and appreciates it but does not feel it is a necessary condition. Chairman Wagner asked about lot usage and measurements. The building foot print uses 50 percent of the lot. Chairman Wagner expressed concerns about traffic flow and direction when turning off Rosebud into the service station bays. Staff explained and deferred to the owner.

Chairman Wagner asked for the applicant of **Special Review #943**.

Jason Smith, Terra Form Companies

Mr. Smith stated he appreciates the opportunity to meet with the Commission and thanked staff for the presentation. Jiffy Lube is new to the Heights area and is excited to serve the community and offer jobs. A west end location will also meet these needs. He then addressed the access concerns voiced by Chairman Wagner. They will be marked with directional signage to help with the traffic flow both on the property and on the building. The proposal is a 3 bay building not a 4 bay building and the photos are correct regarding the color scheme and will be used at this site. Commissioner Mariska asked about the building elevations. Mr. Smith pointed out the actual differences to the printed information and designated bay would be eliminated. He also asked if the land is purchased or leased. The land was purchased. The question was asked regarding other Jiffy Lubes in Billings and in the State of Montana. There are others in the state and just one other location in Billings on Main Street. A third and possibly a fourth station are being considered in the Billings area. Commissioner Mariska asked whether a traffic count at the corner of Henesta and 24th Street West was done and how did Jiffy Lube determine where to build. Mr. Smith stated no independent traffic study was done, and the City of Billings traffic map was used as well as population and income demographics to choose this location. Mr. Smith stated a 3-mile radius is the focus. Mr. Mariska asked if Terra Form has observed the traffic at rush hours. Commissioner Mariska expressed concerns about the stack up of traffic at this location during rush hour. Chairman Larson explained the traffic preferences. Mr. Smith stated a really good Jiffy Lube services 30 customers a day. When this is compared with a fast food use, 30 cars is nothing.

Matt Johnson, 33 years as a Franchisee

The Heights Jiffy Lube does approximately 28 cars a day. Service needs vary from day to day. On a very busy day a serviced vehicle is leaving approximately every 10-20 minutes. Employees will be ready to mediate traffic exiting the site. The Commissioners expressed their concerns about State employees and local car dealerships in the area and the traffic created Monday thru Friday at 5pm. Mr. Johnson reiterated the 10-20 minute intervals cars from this shop would be exiting and does not anticipate a problem. Commissioner Mariska asked if soil studies have been done for hazardous materials, stating the previous user was a dry cleaner. Mr. Johnson stated a phase one analysis done. Fortunately this was a pick up and drop off location and no actual dry cleaning was done and no contaminants were found. Commissioner Mariska asked how Jiffy Lube processed the oil and such which is removed from the vehicles being serviced. Jiffy Lube has no floor drains. All fluids are picked up and properly disposed of. Commissioner Mariska then asked who is responsible for landscaping at the facility. Mr. Johnson stated no agreement for landscaping and maintenance is currently in place. It will be the responsibility of the Jiffy Lube Franchisee to engage a landscaper. Chairman Wagner asked when the building construction will start. Mr. Johnson stated the goal is to begin construction Mid-September and will take 105 days to completion. He stated there will be 8 employees, 3-6 at a time depending on the shift. Commissioner Mariska asked if there will be adequate employee parking off street. The current site plan includes 8 parking stalls. Customers vehicles are in the service bays. Commissioner Ulvestad expressed his concerns about parking. Mr. Johnson stated Jiffy Lubes are located throughout the region with much more challenging traffic environments. They have not had any substantial issues and feel well equipped to mitigate traffic.

Chairman Wagner asked for a motion.

Commissioner Larson made a motion and Commissioner Mariska seconded the motion to conditionally approve **Special Review #943**, with applicants option of Condition #6.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett				x
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

The motion carried with a unanimous verbal vote of 4-0.

Other Business:

**The next meeting is scheduled for Tuesday, July 5, 2016.
Commissioners Mariska, Ulvestad, and Wagner confirmed their attendance.
Commissioner Larson will not be attending.**

Adjournment: The meeting adjourned at **5:12 p.m.**

DRAFT: To be approved by a motion: **July 5, 2016.**

ATTEST:

