

City of Billings Zoning Commission Meeting
March 3, 2009
Approved by Motion on May 6, 2009

The City of Billings Zoning Commission met on March 3, 2009 in the City Council Chambers at 210 N. 27th Street, 2nd Floor.

Leonard Dailey, Jr., Chairman called the meeting to order at 4:30 p.m. Chairman Dailey said the recommendations of the Zoning Commission on the items heard tonight will be forwarded to the City Council to be heard at their meeting during a public hearing scheduled for **Monday, March 23, 2009** at 6:30 p.m.

| Commission and Staff | | 01/06/2009 | 02/03/2009 | 03/03/2009 | 04/07/2009 | 05/05/2009 | 06/02/2009 | 07/07/2009 | 08/04/2009 | 09/01/2009 | 10/06/2009 | 11/03/2009 | 12/01/2009 |
|-----------------------------|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Barbara Hawkins | Commissioner | 1 | 1 | A | | | | | | | | | |
| Thomas Grimm | Commissioner | 1 | A | 1 | | | | | | | | | |
| Michael Larson | Vice-Chair | 1 | 1 | A | | | | | | | | | |
| Edward Workman | Commissioner | 1 | 1 | 1 | | | | | | | | | |
| Leonard Dailey, Jr. | Chairman | 1 | 1 | 1 | | | | | | | | | |
| Candi Beaudry | Director | - | - | - | | | | | | | | | |
| Nicole Cromwell | Planner II, Zoning Coordinator | 1 | 1 | 1 | | | | | | | | | |
| Elizabeth Allen | Clerk | 1 | 1 | 1 | | | | | | | | | |
| Wyeth Friday | Planning Division Manager | - | - | - | | | | | | | | | |
| Juliet Spalding | Planner II | - | - | - | | | | | | | | | |
| Aura Lindstrand | Planner II | - | - | - | | | | | | | | | |
| Lora Mattox | Planner II | 1 | - | - | | | | | | | | | |
| Dave Green | Planner I | - | - | - | | | | | | | | | |

| Total Number of 2009 Applications | 01/06/2009 | 02/03/2009 | 03/03/2009 | 04/07/2009 | 05/05/2009 | 06/02/2009 | 07/07/2009 | 08/04/2009 | 09/01/2009 | 10/06/2009 | 11/03/2009 | 12/01/2009 | 01/06/2009 |
|-----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Zone Change | 0 | 0 | 0 | | | | | | | | | | |
| Special Review | 3 | 1 | 1 | | | | | | | | | | |

Chairperson Dailey introduced the Planning Department Staff and Commission:
 Nicole Cromwell, Planner II/Zoning Coordinator
 Elizabeth Allen, Planning Clerk

Public Comments:

There were none.

Approval of Minutes:

On a motion by Commissioner Workman, seconded by Commissioner Grimm and approved with a 3-0-2 voice vote the minutes of February 3, 2009 were approved.

Public Hearings:

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

Item #1: City Special Review #875 – 1667 Main Street – A special review to allow a beer & wine license with gaming in an existing building in a Planned Development zone (underlying Community Commercial (CC) zone) on a 1-acre parcel, Lot 2, Block 1 Walmart Subdivision. Tax ID A18559. The application will require a waiver of the 600 foot separation from a church, East Gate Wesleyan Church at 625 Mattson Lane. Rimrock II, LLC, owner and Shelby Waldron, agent.

Ms. Cromwell read the legal description and presented a brief power point presentation and gave the staff recommendation. Staff is recommending conditional approval.

Discussion:

Commissioner Grimm asked for the clarification on the elevations of the church and the subject property. **Ms. Cromwell** clarified that the church is on a higher grade and the buildings are separated by the Payless Shoe store. There is pedestrian access to the property but they are still physically separated by elevation. **Commissioner Dailey** asked if the waiver is based on a 600' distance from property to line to property line. **Ms. Cromwell** stated that he is correct. The state measures from the door of one property to the other property door. **Ms. Cromwell** stated that the Church has made no

protest to this application. **Commissioner Dailey** asked how many 600' waivers have been granted before. **Ms. Cromwell** stated that before 2004 there were more waivers asked for and granted but a regulation change was made in 2004. Since 2004 there have approximately 3 waivers approved.

Applicant:

Shelby Waldron, 1440 Teton Ave, agent for the seller. He would like to thank Planning for their work on the application. They have done a very good job. **Commissioner Workman** asked what the time line for opening this business is. Shelby stated that he is the agent for the sellers so he is unsure of the buyers time line.

Proponents:

There were none.

Opponents:

There were none.

Public hearing closed at 4:51 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Grimm and approved with a 3-0-2 voice vote a recommendation of approval City Special Review #875 will be forwarded to the City Council on its meeting of March 23, 2009 with the following conditions:

1. The special review approval shall be limited to Lot 2, Block 1, Wal-Mart Subdivision generally located at 1667 Main Street.
2. Development of the site shall consist of the existing building, landscaping and parking area. Modifications to the existing building or site that show additional square footage greater than 10% of the existing floor area, increase parking spaces greater than 10% or the addition of an outdoor patio will require additional special review approval.
3. 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.
4. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

Discussion:

There was none.

Other Business:

There was none.

Adjournment:

The meeting was adjourned at 4:51 p.m.



Leonard Dailey, Chairman

ATTEST:



Elizabeth Allen, Planning Clerk