

**City of Billings Zoning Commission Meeting
June 2, 2009**

The City of Billings Zoning Commission met on June 2, 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 **Tuesday, June 22, 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 | - | A | 1 | | | | | | |
| Thomas Grimm | Commissioner | 1 | A | 1 | - | 1 | 1 | | | | | | |
| Michael Larson | Vice-Chair | 1 | 1 | A | - | 1 | 1 | | | | | | |
| Edward Workman | Commissioner | 1 | 1 | 1 | - | A | 1 | | | | | | |
| Leonard Dailey, Jr. | Chairman | 1 | 1 | 1 | - | 1 | 1 | | | | | | |
| Candi Beaudry | Director | - | - | - | - | - | - | | | | | | |
| Nicole Cromwell | Planner II, Zoning Coordinator | 1 | 1 | 1 | - | 1 | 1 | | | | | | |
| Tammy Deines | Planning Clerk | | | | - | 1 | 1 | | | | | | |
| Wyeth Friday | Planning Division Manager | - | - | - | - | - | | | | | | | |
| Juliet Spalding | Planner II | - | - | - | - | - | | | | | | | |
| Lora Mattox | Planner II | 1 | - | - | - | 1 | | | | | | | |

| 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 | 0 | 0 | 2 | | | | | | | |
| Special Review | 3 | 1 | 1 | 0 | 2 | 0 | | | | | | | |

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

Public Comments:

Commissioner Dailey called for public comments at 4:31 p.m. There were none. Commissioner Dailey closed the public comment portion of the meeting.

Approval of Minutes: May 5, 2009

On a motion by Commissioner Larson, seconded by Commissioner Grimm and approved with a 4-0 voice vote the minutes of May 5, 2009 were approved.

*****Commissioner Barbara Hawkins arrived at 4:37 p.m.***

Public Hearings:

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

Item 1) Re-submitted City Zone Change #851 - South East Corner of 54th Street West and Rimrock Road – A zone change from Residential 9,600 (R-96) & Public (P) to Planned Development with underlying zoning districts of Residential 9,600 (R-96), Residential 7,000 (R-70), Residential 7,000-Restricted (R-70-R), Residential 6,000 (R-60), Residential Multi-Family-Restricted (RMF-R)Residential Multi-Family (RMF) & Public (P) on a 60.4 acre parcel of land directly east of 54th Street West and south of Rimrock Road, Tract 1 of C/S 2054 with the exception of the 4.29 acres in the north west corner (tbk as Block 1, Mont Vista Subdivision), Tract 2 C/S 2054, and Yerger Heights Park (aka Cynthia Park) Tax IDs D04700, D04701 and C03434A. Proposed Mont Vista Subdivision, Krutzfeldt Ranch LLC, owner and William Krutzfeldt is the agent. Council Ward IV, Planner: Nicole Cromwell 247-8662

Ms. Cromwell read the legal description and presented a brief power point presentation and gave the staff recommendation. Staff is recommending approval based on the 12 criteria for zone changes. Ms. Cromwell noted the previous zoning plan that was submitted and later withdrawn by this

applicant. She commented on the concerns that were voiced on the previous application. She said that Cynthia Park is included with the current application and that the park is more interconnected with this submittal. She reviewed the new zoning plan for this parcel that was submitted in April, 2009. She stated that there has been significant involvement with the neighborhood which has resulted in a much better application.

Discussion:

Commissioner Dailey asked the members of the Commission for questions and discussion. In response to a question by Commissioner Grimm, Nicole Cromwell stated that there is a concurrent subdivision application for Mont Vista Subdivision. In response to a question by Commissioner Workman, Ms. Cromwell said that the ditch will remain intact and will not be covered. Commissioner Grimm asked if Cynthia Park was previously dedicated. Nicole Cromwell pointed out Yerger Park and said that the ownership has been transferred from the County to the City. She explained that the plan is to do a land swap. She said that there have not been any registered objections from Mr. Sean Brady, an adjacent property owner. Commissioner Workman was given clarification on the plat boundaries.

Applicant:

Stacy Robinson, Land Design, (no address given)

Mr. Robinson is the representative for the applicant and architect for this project. Mr. Robinson pointed out a grove of trees on the plat that offers wildlife habitat. He said that they have worked with the City Parks Department and the City/County Planning Department regarding the parkland swap. He pointed out the proposed trail systems throughout the plat. He said that the curvilinear design of this plat will reduce the overall hardscape and protect the tree line. Mr. Robinson posted a copy of the conceptual landscape Master Plan for the members of the Commission. Commissioner Dailey asked if the trees are accurately depicted and Mr. Robinson said that there is a good stand of trees on the property.

Butch Krutzfeldt, 2714 Pearl, Miles City, Montana

Mr. Krutzfeldt is the applicant for this submittal. He noted a June 1, 2009 article that was printed in the Billings Gazette, "Gazette Opinion: Bike trails, sidewalks lead to better health". He commented on portions of the article, "... trails and walkable streets move cities toward economic-development goals. In fact, research by the National Association of Home Builders identified trails as the top-ranking outdoor community asset, an amenity that 57 percent of new homebuyers surveyed would like to see in their new community." Mr. Krutzfeldt stated that he appreciated the efforts of this Commission. He said the concept of this development is to be able to walk around the facility and feed people into Cottonwood Park when it is developed. He commented that there is already a lot of use of the Heritage Trail along Rimrock Road.

Proponents:

At 4:53 p.m. Commissioner Dailey called for proponents for City Zone Change #851.

Dan Mazel, 2811 Helen Lane, Billings, Montana

Mr. Mazel said that he was in opposition to the previous submittal last fall along with the neighbors in Yerger subdivision and Yellowstone Country Club. Mr. Mazel said that since then, Mr. Krutzfeldt, Tom Llewellyn and Land Design have worked to come up with a development that is worthwhile for everyone. He said that the neighbors have given very positive responses to this application. He submitted a list of the wildlife that is on the property to the members of the Commission and said that he is working with Mr. Krutzfeldt to clean up the property. He stated that that the land swap is key to this project.

Karen Michaud, 3036 Lloyd Mangrum Lane, Billings, Montana

Ms. Michaud asked if the developer plans to develop housing in the near future for the area designated for single family housing located on the northwest corner of this parcel. She said that she likes the design and the idea of the parkland. Commissioner Dailey pointed out that the northwest corner parcel is not part of this zone change request.

Opponents:

At 5:08 p.m. Commissioner Dailey called for opponents for City Zone Change #851. There were none.

Commissioner Dailey closed the Public Hearing at 5:08 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Larson and approved with a 5-0 voice vote a recommendation of approval City Zone Change #851 will be forwarded to the City Council on its meeting of June 22, 2009.

Discussion:

Commissioner Larson commended the applicant for their work on this project. Commissioner Dailey said that this will be a significant addition to the northwest Billings area. Commissioner Hawkins concurred.

Item 2) City Zone Change #855 – 2123 1st Avenue North – A zone change request from Controlled Industrial (CI) to Central Business District (CBD) on a 24,500 square foot parcel, Lots 18 – 24, Block 86 Billings Original Town Tax ID A00573, Yellowstone Valley Brewing & Enterprise Rent-A-Car, Robert D. Schaak, owner and Jay Shearer, agent. Council Ward I, Planner: Nicole Cromwell 247-8662

Ms. Cromwell read the legal description and presented a brief power point presentation and gave the staff recommendation. Staff is recommending approval based on the 12 criteria for zone changes. Ms. Cromwell pointed out that this parcel is part of the East Billings Tax Increment Finance District (TIFD). She said that there has been no concern shown with the proposed expansion of the Central Business District to this area on North 22nd Street. She pointed out that the area west of the rail crossing it is more oriented to Central Business District uses. In response to a request by

Commissioner Dailey, Nicole Cromwell pointed out the location of the rail spur on the plat map. She said that there were no negative comments received from the surrounding neighbors on this application.

Discussion:

Commissioner Dailey asked the members of the Zoning Commission for questions or discussion. In response to a question by Commissioner Dailey, Nicole Cromwell stated that the Master Plan for the TIFD should be completed in July of 2009. She said that the Billings Industrial Revitalization District (BIRD) is working with BSEDA and a private consultant to develop the Master Plan which consists of design and preferred land uses within the entire district. She said that it does not include any County parcels at this time, but this may be addressed by the Annexation Committee. She stated that when this is completed it will be presented to City Council and a public hearing will be held. She noted that once it is in place redevelopment of properties will be addressed in light of the adopted Master Plan; and recommendations will be made on capital improvement plans and for a specialized zoning plan for this area.

Commissioner Dailey referred to page 1 of the staff report and the reference to a domestic distillery. He asked if this needs a special review. Nicole Cromwell stated that due to the size of the distillery, a special review not required. She gave clarification on State licensing requirements and reviews. She referred to the Unified Zoning Regulations and noted the triggers for special review. Commissioner Workman said that the Master Plan will be presented on July 13, 2009 and that there is another public forum prior to this meeting. He encouraged the Commission members to attend this meeting as he feels that the plan is very exciting for the City of Billings.

Applicant:

Jay Shearer (no address given)

Mr. Shearer is the agent for the applicant, Riverside Farms, Inc. Robert D. Schaak. He commented that when they occupied this location, it triggered SIDs and they installed curb, gutter and sidewalk. He noted the locations of four similar businesses. He said that the application is a natural extension of the current Central Business District. Commissioner Workman asked about the business' working hours. Mr. Shearer stated that they are limited by the State as they are a microbrewery and have to close at 8:00 p.m.

Proponents:

At 5:37 p.m., Commissioner Dailey called for proponents of City Zone Change #855.

Lee Stadtmiller, 2502 Howard, Billings, Montana

Mr. Stadtmiller said that he chairs the building committee for this building and has interviewed the businesses within 300 feet of the building and the neighboring residents. He said that he received either positive or neutral comments on this application.

George Moncure, 3216 40 West Billings, Montana

Mr. Moncure is the manager for the distillery. Mr. Moncure stated that it is a micro-distillery and occupies very little space. He said that they are limited by law to two 2 oz. samples per person per day. He said that this business will be an attraction and will draw people to the downtown area. Commissioner Dailey asked about the State application for the domestic distillery. In response to a question by the Commissioners, he said that they have obtained approval from the Federal Government; and tentative approval from the State of Montana, who is waiting for approval from the City Building and Fire Departments.

Gordon Tryan, 2361 Crimson Lane, Billings, Montana

Mr. Tryan said that this lot is located across the street from the Central Business District and that the zone change should not create any complications. He said that BIRD is in support of this zoning request. He clarified and said that the TIFD Master Plan is governed by BSEDA and not BIRD, and that the only public meeting left is the final presentation of the final draft. He suggested that the members of the Commission refer to the website for more information. He said that BIRD is aware of the financial and staff shortages in the City/County Planning Department and that they working to obtain funds to fund a position to work with the Planning Department on the form based planning for this area. Commissioner Workman commended Mr. Tryan for his work in the community.

Discussion

Commissioner Dailey asked Mr. Moncure if the product is used in the distilling of vodka. Mr. Moncure clarified the alcohol extraction process. He said that there is no noise produced during the process as it is completely enclosed and that there is no hazard to the public or neighbors. He said that they plan to implement some construction changes to the building this summer and then they will be ready to go. He said that the name of his company is "Free Sprit Distilling" and that their product will be named "Frostbite"

Opponents:

At 5:46 p.m., Commissioner Dailey called for opponents of City Zone Change #855. There were none.

Commissioner Dailey closed the Public Hearing at 5:47 p.m.

Motion:

On a motion by Commissioner Grimm, and seconded by Commissioner Hawkins and approved with a 5-0 voice vote a recommendation of approval City Zone Change #855 will be forwarded to the City Council on its meeting of June 22, 2009.

Other Business:

There was none.

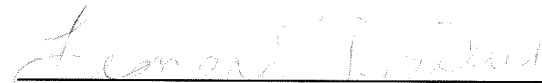
Announcements:

Ms. Cromwell stated that there will be no Zoning Commission meeting on July 7, 2009 as no applications were submitted for review.

There was none.

Adjournment:

The meeting was adjourned at 5:54 p.m.



Leonard Dailey, Chairman

ATTEST:



Tamara Deines, Planning Clerk