

**City of Billings Zoning Commission Meeting
January 2, 2008**

The City of Billings Zoning Commission met on January 2, 2008 in the City Council Chambers at 210 N. 27th Street, 2nd Floor.

Leonard Dailey, Jr., Vice-Chairman called the meeting to order at 4:33 p.m. Vice-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, January 14, 2007 at 6:30 p.m.

Commission and Staff		01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008
Barbara Hawkins	Commissioner	1											
Thomas Grimm	Commissioner	1											
Michael Larson	Commissioner	1											
Edward Workman	Commissioner	1											
Leonard Dailey, Jr.	Vice-Chair	1											
Candi Beaudry	Director	-											
Nicole Cromwell	Planner II, Zoning Coordinator	1											
Elizabeth Allen	Clerk	1											
Wyeth Friday	Planning Division Manager	-											
Juliet Spalding	Planner II	-											
Aura Lindstrand	Planner II	-											
Lora Mattox	Planner II	-											
Dave Green	Planner I	1											

Total Number of 2007 Applications	01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008	Total
Zone Change	3												
Special Review	0												

Vice-Chair Dailey introduced the Planning Department Staff and Commission:

Nicole Cromwell, Planner II/Zoning Coordinator
 Dave Green, Planner I
 Elizabeth Allen, Planning Clerk

Public Comments:

There were none.

Approval of Minutes:

On a motion by Commissioner Workman, seconded by Commissioner Grimm and approved by a 5-0 voice vote the minutes of December 4, 2007 were approved.

Public Hearings:

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

Item #1 - City Zone Change #829-4345 King Ave West, proposed Lenhardt Square Planned Development – A zone change request from Agriculture Open Space to Planned Development with multiple underlying zoning classifications on Tracts 1 through 5 of C/S 2063 a 113.29 acre parcel of land. Tax IDs D00514, D00514A, D00514B, D00514C & D00514D. Lenhardt Property LP, owner and Engineering, Inc. agent.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is denial. The applicant has asked to continue the public hearing.

Discussion:

Commissioner Workman asked for clarification as to the capacity of city services, he asked if there were any other issues other than fire and the heights of the buildings. Ms. Cromwell stated that fire only has one truck that can reach 104 feet but it is stationed downtown and it is not manned. There is a crew on call but it would be very far away from the buildings. Buildings this tall and mixed use would have to have sprinklers and it would have to be fire rated in case of emergency. This will be in

Zone 3 for water which is currently over subscription for its water tanks. There is a plan to update those tanks but not until 2009. The Planning Department estimates that this property could have 3800 dwelling units if developed to its maximum. Even if it was less densely developed it would put considerable strain on the water resources. The annexation committee will meet 2 more times this month and if the annexation of this property is denied then this zone change will be moot.

Commissioner Workman asked what building height would be better. **Ms. Cromwell** stated that a building height maximum of 50 to 60 feet would be much better.

Commissioner Dailey asked when the Village Subdivision to the East will be developing. **Ms. Cromwell** stated that it should be developing this spring. **Commissioner Dailey** asked for the amount of units per acre on the surrounding properties. **Ms. Cromwell** stated that the surrounding properties have about 10 units an acre max.

Commissioner Workman asked if the hospital was developed with a building 120 feet tall would it change planning's recommendation on this application. **Ms. Cromwell** did not have an answer for that question at this time.

Applicant:

Rick Leuthold, 1300 N. Transtech Way, they would like a postponement of the decision. They feel they can make changes to the PDA agreement to address the concerns of the Planning Department. They have owned this property since the turn of the century and now would like to develop it. It is no longer a viable farming parcel. They would like to have a denser development than the surrounding properties. They would like to have a mixed use development such as is being developed in metropolitan areas like Denver and Washington. The West Billings Plan calls for more density in this area. They are planning on fine tuning their plan and that will help make this more viable. The urban planning study does address the amount of traffic that they are planning on seeing. They believe that this would generate around 15,000 trips per day from this development once it is fully developed. There are currently 5 parcels on this property that would require future subdivision and traffic accessibility studies. In regard to the water levels, the Zone 3 levels have been under capacity for quite some time, but the city has a lot of pumping capacity in Zone 3. There is a lot of pressure and a large ability to pump this area. There is a project in line for 2009 to increase the reservoir levels. This is a multiyear project and they believe that it will dovetail well with the intended upgrades. They are already in the BUFSA district and are already being served by the Fire Department. This area is going to be a commercial center and higher density will be more appropriate.

Commissioner Dailey asked about clarification about the amount of trips they believe will be generating. He asked if the 15,000 trip a day was calculated using the current proposed density. Rick stated that is correct.

Commissioner Dailey asked about the time frame for this project. Rick stated that Parcel B would be complete in 2009 after about an 18 month build out. He believes that they are looking at about 5 to 7 years for most of the project and then about 10 years for mixed use development.

Proponents:

Bill Cole, works with the Lenhardt Family. They don't believe that they will meet the density that they have proposed in this first application. The West End Plan encourages urban like development

and density in this area. Billings has expanded greatly to the west. 50 years from now this area of Shiloh will be the middle of town. High density, vertical development is the type of development we need. This will help develop Billings as a city. This will be a high density, mixed use, walkable community that will provide housing for the 1000's of jobs that will be generated in this area. The reactions of neighbors to this development have been very good so far. The benefits of this type of planned development is much better and a chopped up piece by piece development.

Opponents:

Rebuttal:

Motion:

On a motion by Commissioner Larson, seconded by Commissioner Workman and approved with a 5-0 voice vote to continue the public hearing until the meeting of February 5, 2008 was approved.

Item #2 - City Zone Change #830- City Zone Change #830 – 946 N 22nd Street – A zone change request from Residential 7,000 to Residential 6,000 on the North Fraction 100 ft by 150 ft in Block 305 Billings 1st Addition and Sunnyside Subdivision 3rd Filing a 15,000 square foot vacant parcel of land. Tax ID A16455, Steve Kerns, owner.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Applicant:

Steve Kerns, 3275 Castlepines Dr, purchased the lot 1 year ago. He would like to build 2 duplexes on this property. He will continue to own the property and manage the property once it is built. He sent out 47 letters for a surrounding property meeting. He and Aura Lindstrand were the only attendees. He would like to start this project in March and have it complete in July.

Proponents:

Opponents:

Rebuttal:

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Motion:

On a motion by Commissioner Hawkins, seconded by Commissioner Larson and approved with a 5-0 voice vote a recommendation of approval of Zone Change #830 will be forwarded to the City Council on its meeting of January 28, 2008.

Item #3 - City Zone Change #831- City Zone Change #831 – Expansion of the Central Business District Zoning – A zone change initiated by the City Council for multiple parcels of land from the east side of North 25th Street to North 20th Street south of 6th Avenue North. Tax IDs A01947, A01946, A01945, A01944, I00250B, A00072, A00073, A01943, A00071, A01941, A01939, A01940, A01942, A01933B, D12044, A00075, A00074, A01938, A01937, A01936, A01935, A01934, A01926, A01932, A01933, A01933A, A00075A, A00075B, A01925, A01924, D12044, A01921, A01922, A00076, A01919, A01918, A01916 and A01915. City Council Initiated.

Ms. Cromwell read the legal description. **Dave Green** gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Applicant:

Proponents:

Opponents:

Gordon Tryan 2361 Crimson Lane, president of the BIRD, he is not in opposition to the expansion but he feels that it is being expanded for only one applicant. They are trying to revitalize this district and develop a plan for this area. He feels that there should be a plan before any changes are made to zoning in this area. CBD does not require any parking and that is going to debilitate this area.

Commissioner Workman asked if this is already part of the TIF. Gordon Tryan stated it is already in the TIF. There are no parking requirements in the CBD. He is worried that other land owners are going to request this type of zoning so they will not have to have any zoning. Once they are able to raise the money for the Federal Grant they are hoping to develop master plan for this area. They have raised about \$110,000 and they need a total of \$150,000 in matching grant money. He feels that this is a good project for the Salvation Army and for Billings. He just doesn't feel this should be a hodgepodge development. **Commissioner Dailey** asked how soon the master plan would be finished. Gordon hopes that it would be done at this time next year.

Rebuttal:

Discussion:

Commissioner Dailey asked if this was initiated by the City Council to help the Salvation Army.

Ms. Cromwell stated that there are several properties in the area that were having problems, the Salvation Army chief among them. If planning had only requested a change in zoning for the Salvation Army property it would have been spot zoning. That is why planning has brought forth all of these properties. This zone change fits within the 12 criteria.

Mr. Green stated that this was brought before the North Park task force and they had no objection to this Zone Change.

Commissioner Workman has problems with the fact that this will harm the plans of BIRD and that this zone change has been brought forth for the good of a single applicant.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Larson and approved with a 5-0 a recommendation of denial of Zone Change #831 will be forwarded to the City Council on its meeting of January 28, 2008.

Other Business:

Election of Officers:

By affirmation Commissioner Dailey was elected as Chairman

By affirmation Commissioner Larson was elected as Vice Chairman

Adjournment:

The meeting was adjourned at 5:55 p.m.

Leonard Dailey, Vice-Chairman

ATTEST:

Elizabeth Allen, Planning Clerk