

## City of Billings Zoning Commission Meeting February 2, 2010

**The City of Billings Zoning Commission met on Tuesday, February 2, 2010 in the City Hall Large Conference Room at 210 N. 27<sup>th</sup> Street, 2<sup>nd</sup> Floor.**

Chairman Leonard Dailey, Jr. called the meeting to order at 4:35 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, February 22, 2010**, at 6:30 p.m. in the City Council Chambers.

<b>Commission and Staff</b>		<b>01/05/2010</b>	<b>02/02/2010</b>	<b>03/02/2010</b>	<b>04/06/2010</b>	<b>05/04/2010</b>	<b>06/01/2010</b>	<b>07/06/2010</b>	<b>08/03/2010</b>	<b>09/07/2010</b>	<b>10/05/2010</b>	<b>11/02/2010</b>	<b>12/07/2011</b>
Barbara Hawkins	Commissioner	1	E										
VACANT													
Edward Workman	Commissioner	1	1										
Chairman Dailey, Jr.	Chairman	1	1										
Commissioner Krivonen	Commissioner	1	1										
Candi Beaudry	Director	-	-										
Nicole Cromwell	Planner II, Zoning Coordinator	1	1										
Tammy Deines	Planning Clerk	1	1										
Wyeth Friday	Planning Division Manager	-	-										
Juliet Spalding	Planner II	-	-										
Lora Mattox	Planner II	1	-										

Total Number of 2009 Applications	01/05/2010	02/02/2010	03/02/2010	04/06/2010	05/04/2010	06/01/2010	07/06/2010	08/03/2010	09/07/2010	10/05/2010	11/02/2010	12/07/2010	Total
Zone Change	1	2											3
Special Review	1	0											1

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

Others in attendance: Patty Nordlund, BSEDA  
 Marshall Phil, Blueline Engineering  
 Randy Hafer, Chair Parking Advisory Board

**Public Comments:**

Chairman Dailey called for public comments at 4:32 p.m. There were none. Chairman Dailey closed the public comment portion of the meeting.

**Approval of Minutes: January 5, 2010**

**On a motion by Commissioner Workman, seconded by Commissioner Krivonen and approved with a 3-0 voice vote the minutes of January 5, 2010 were approved as submitted.**

**Public Hearings:**

At 4:38 p.m. Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

**Item #1: City Zone Change #857 – Text and Map Amendment East Billings Parking Overlay District** – An amendment to the official map to create an overlay district and an addition to the regulations (New Section 27-1460) to encourage development and re-development in the EBURD Tax Increment Finance District by adopting off-street parking standards and traffic management within this district.

**REQUEST**

This is a zone change that will amend the City of Billings zoning map and amend the zoning regulations to create an overlay district to allow separate off-street parking regulations to apply within the East Billings Urban Renewal District (EBURD), a tax increment finance district east of the Central Business District. The EBURD Master Plan identifies existing parking requirements in this area as a major deterrent to future development. Current code establishes off-street parking

standards based on use. The requirements result in a substantial portion of the developable property to be set aside for parking. As a first step in implementing the EBURD Master Plan, the Planning Division requested the County Planning Board initiate this amendment and on July 28, 2009, the Board granted the request.

**RECOMMENDATION** Planning Staff recommends the Zoning Commission continue the public hearing to March 2, 2010, which will allow the Steering Committee and consultant to finalize all proposed changes to city code including Site Development (6-1203 Off Street Parking), and Parking (24-450 Districts).

Ms. Cromwell read the legal description and presented a brief power point presentation. She gave an overview of the review schedule, and noted the City/County Planning Board initiated an amendment to the zoning code in July 2009. She stated the primary recommendation is to eliminate the off street parking standards within this district. She explained to the members of the Commission there are several other pieces that would need to be adopted to make this work; including adoption of an on-street parking vacancy, set up of the mechanism in the City code to allow the creation of parking permit districts, and allowing revenues generated from parking to go back into this district. She stressed this does not mean there won't be any off street parking areas in this district. She commented on investigation of a multi-modal impact fee and noted there are some legal questions as to whether it can be assessed in that district. She said there was a public meeting held on January 21, 2010 but there was some concern some parts of the code amendment were not available. Ms. Cromwell stated she is suggesting to the members of the Commission their recommendation be delayed until the next Zoning Commission meeting on March 2, 2010 as this will allow for submittal of the remaining parts of the code amendment and the public and interested parties to consider the entire proposal. She reviewed an outline of the six recommended strategies, explained the development types in the area, and pointed out a rendering of what the district could look like in the future. She stated the overlay district would only apply to City properties and not to County islands in the district.

**Discussion:**

Chairman Dailey asked the members of the Commission for questions and discussion. In response to a question by Chairman Daily, Nicole Cromwell pointed out the existing County islands on a posted map. Chairman Daily noted the County owned properties may not have City services and he asked if the map is available in the packets. Nicole Cromwell said it is printed on page 5 of 32 in the Memorandum and is available on the Planning website. Chairman Dailey asked about the membership of the BIRD. Ms. Cromwell stated the committee consists of Patty Nordlund and staff from Big Sky EDA (BSEDA); Chris Mallow, City of Billings Parking Division; Randy Hafer; Wyeth Friday, Planning Division Manager; Chris Hertz, City Public Works Engineering Department; and Matthew McDonnell, who is representing the property owners in the district. Commissioner Dailey asked if the March 2, 2010 timeframe is feasible for completion of this amendment. Nicole Cromwell stated they hope to have it ready at that time. Commissioner Workman said the Master Plan did not cover on-street parking issues. Nicole Cromwell said it became an issue of importance to EBURD and BESEDA as GSA is

making recommendations for private office space. She said they wish to encourage developers to stay downtown. She pointed out BSEDA received a memo from GSA stating they are supportive of the changes.

### **Proponents:**

At 5:00 p.m. Chairman Dailey called for proponents for City Zone Change #857.

### **Randy Hafer, 631 North 26<sup>th</sup> Street, Billings, Montana**

Mr. Hafer is on the Steering Committee and the Parking Advisory Board. He asked for a favorable response from this Commission. He gave two examples of businesses that incurred a hardship due to the current parking standards, including the “Mr. Thrifty Store”. He said the current regulations are a huge disincentive when these types of obstacle exist. Mr. Hafer said this zone change and the additional recommendations are a critical move that will enhance this neighborhood. Chairman Daily asked if it would have been easier for the “Mr. Thrifty” business with this zone change in place. Mr. Hafer gave further explanation stating that it would have been much easier as they could have chosen what would have fit comfortably with less hassle. Chairman Dailey asked how much parking would be required for the First Interstate building and Mr. Hafer said they would be able to choose from several scenarios. Chairman Dailey said the current code seems to be forcing land owners into horizontal parking and noted it may depend on density. Mr. Hafer concurred and said in the mean time, the First Interstate Bank is not large enough to drive a parking garage by itself.

### **Patty Nordlund, 1810 Camden Drive, Billings, Montana.**

Ms. Nordlund said they first started meeting with property owners in the EBURD in 2004 and they have continued to meet with them in order to lay out some steps to move forward. She said this request has been property owner driven. Ms. Nordlund stated the city property owners have formed BIRD and have met with the County property owners. She said that Matt McDonnell has shared the minutes of meetings and the Nelson Nygard memo with the property owners’ group. Ms. Cromwell stated that 582 notices were mailed into the district and no negative responses were received.

### **Opponents**

At 5:13 p.m. Chairman Dailey called for opponents of City Zone Change #857. There were none. Chairman Dailey closed the public hearing.

### **Motion**

*On a motion by Commissioner Workman seconded by Commissioner Krivonen and approved to continue the public hearing for City Zone Change #857 until the City Zoning Commission meeting on March 2, 2010. The Commission’s recommendation will be forwarded at that time.*

### **Discussion**

Chairman Daily called for discussion on the motion. Chairman Daily said it would be nice to have some information from BIRD. Nicole Cromwell stated she will invite Matt McDonnell to attend the

next meeting. Ms. Nordlund said all of the Master Plan meetings were very well attended by the public. Commissioner Workman concurred with this statement and said the vast majority of property owners were in favor of going forward with this plan. He commented there are several “pieces of the puzzle” to be brought together, including the zoning and the infrastructure.

**Motion carried unanimously, 3-0.**

**Item #2: City Zone Change #861 – 2302 Meadowood Street** – A zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) to allow an existing duplex structure to remain and be re-built if necessary on the Lot 8, Block 1 of Meadowood Subdivision, a 9,836 square foot parcel of land. Tax ID A10940. Mark Dawson, owner and Blueline Engineering, agent.

**REQUEST**

This is a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 8, Block 1 of Meadowood Subdivision located at 2302 Meadowood Street. The property is owned by Mark Dawson and BlueLine Engineering, represented by Marshall Phil, is the agent. The owner and agent conducted a pre-application neighborhood meeting on December 28<sup>th</sup>, 2009 at 6:00 pm at the Century 21 office at 1605 Shiloh Road.

Ms. Cromwell read the legal description and stated she received a request from the applicant Mark Dawson to continue the public hearing until March 2, 2010 as he was unable to attend tonight’s public hearing. She distributed copies of Mr. Dawson’s request to the members of the Commission.

**Discussion:**

Chairman Dailey asked the members of the Commission for questions and discussion. The members of the Commission asked Ms. Cromwell wait with the Staff presentation until the March 2, 2010 hearing.

**Proponents:**

Chairman Dailey called for proponents for City Zone Change #861. There was none.

Chairman Dailey called for opponents of City Zone Change #861. There was none. Chairman Dailey closed the public hearing at 5:19 p.m.

**Motion**

***On a motion by Commissioner Workman seconded by Commissioner Krivonen and approved with a 3-0 voice vote a recommendation to approve delaying recommendation for City Zone Change #861 until March 2, 2010 as requested by applicant Mark Dawson.***

**Discussion**

Chairman Daily called for discussion on the motion. There was none.

**Other Business**

- A. **Board and Commission Vacancies:** Nicole Cromwell stated there is one vacancy on the City Zoning Commission and applications are being taken at the Mayor's office. She stated the appointments will be reviewed and considered by City Council on February 22, 2010.

**Announcements**

The next City Zoning Commission meeting will be held on March 2, 2010.

**Adjournment:**

*The meeting was adjourned at 5:26 p.m.*

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**Chairman Dailey, Chairman**

**ATTEST:**

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**Tamara L. Deines, Planning Clerk**