

City of Billings Zoning Commission Meeting May 4, 2010

The City of Billings Zoning Commission met on Tuesday, May 4, 2010 in the City Hall Council Chambers at 210 N. 27th Street, 2nd Floor.

Chairman Leonard Dailey, Jr. called the meeting to order at 4:30p.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 **May 24, 2010**, at 6:30 p.m. in the City Council Chambers.

Commission and Staff		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	12/07/2011
Leonard Dailey, Jr.	Chairman	1	1	1	-	1							
Matt Krivonen	Commissioner	1	1	1	-	A							
Barbara Hawkins	Commissioner	1	E	E	-	1							
Dan Wagner	Commissioner	-	-	1	-	A							
Edward Workman	Commissioner	1	1	1	-	1							
Candi Beaudry	Director, Planning & Community Services	-	-	-	-	-							
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1							
Tammy Deines	Planning Clerk	1	1	1	-	1							
Wyeth Friday	Planning Division Manager	-	-	1	-	-							
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	4 (2-return items)	0	0								7
Special Review	1	0	0	0	1								1

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

Public Comments:

Chairman Dailey called for public comments at 4:34 p.m. There were none. Chairman Dailey closed the public comment portion of the meeting.

Approval of Minutes March 2, 2010

On a motion by Commissioner Workman, seconded by Commissioner Hawkins and approved with a 3-0 voice vote, the minutes of March 2, 2010 are approved as submitted.

Disclosure of Conflict of Interest

There was no one on the Commission wishing to disclose any conflict of interest.

Disclosure of Outside Communication

There was no one on the Commission wishing to disclose any outside communication.

Public Hearings:

At 4:36 p.m. Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

Ms. Cromwell read the legal description for this property and continued with a PowerPoint presentation.

Item #1:

REQUEST

This is a special review request to allow a three-plex multifamily dwelling on a 10,114 square foot in a Residential 6,000 (R-60) zone, on Lots 7-12, Block 238, Billings Original Town. Larry & Marlene Thiel are the owners and Dave Hagstrom is the agent. The applicant is proposing

to move in an older 4-bedroom dwelling, and remodel the structure to install two, 2-bedroom apartments in a new basement, and restore the first floor to a 4-bedroom apartment. The property is addressed as 902 S 32nd Street.

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Lots 7-12, Block 238, Billings Original Town as shown on the site plan dated April 5, 2010.
2. This special review approval is for the construction of 1, three-plex multifamily dwelling and no other use or expansion of this use is approved or implied with this conditional approval.
3. Development of the site shall be in substantial conformance with the site plan dated April 5, 2010, unless specifically modified by these conditions. Deviations from the approved site plan that change the location of buildings or increase the number of dwelling units will require additional special review approval.
4. This approval shall be limited to 3 dwelling units in 1 structure as shown on the site plan dated April 5, 2010.
5. Any expansion of the gross floor area of the building(s) or number of parking stalls greater than 10% will require an additional special review approval as required by Section 27-613(c) of the Unified Zoning Regulations.
6. At least 1 deciduous tree will be planted along each street frontage including S 32nd Street, 9 Avenue South and State Avenue. The remaining lot area will be landscaped with 75% living material and as required by Section 27-1100, of the Unified Zoning Regulations.
7. Any outside storage of solid waste receptacle(s) shall be shielded with a 6-foot high sight-obscuring enclosure on all sides.
8. These conditions of special review approval shall run with the land described in this special review approval and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
9. 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 regulations that apply

Discussion:

At 4:55 p.m., Chairman Dailey asked the members of the Commission for questions and discussion. In response to a question by Barbara Hawkins, Nicole Cromwell explained the circumstances under which this structure could be moved onto this property without a special review. She continued and said that they could have built up to four units on the 10,114 square foot lot, but there are setback issues in the clear vision areas. She pointed out there are requirements for accessibility for four units. In response to a question by Leonard Dailey, Nicole Cromwell clarified the requirements for an up-down duplex. She stated that this lot is not able to be subdivided. Nicole Cromwell said that since this property does not have an alley, a garbage collection would be curb side. She stated the

area must be enclosed and shielded if the receptacles are stored outside. She said that MDT is doing a safety project on State Avenue which may be reduced to three lanes from the existing four lanes and that this was done in response to traffic volumes and speeds.

Proponents:

At 5:00 p.m. Chairman Dailey called for proponents for City Special Review #881.

Applicant

Dave Hagstrom, (no address given)

Mr. Hagstrom stated that he is the agent and owner of this property. In response to a question by Barbara Hawkins, Mr. Hagstrom said that the house would be re-sided and will meet all building codes. Mr. Hagstrom said that this is very labor intensive project and explained that he hires those that are currently unemployed for these job opportunities. He stated that an architect and several engineers will have to be hired, and that this will be slightly less expensive than building new. Mr. Hagstrom said that it is a well built house structurally. Leonard Dailey noted a petition submitted by the neighbors during the setback variance process that were against a four-plex. Mr. Hagstrom stated that he found the house prior to finding the land and had not intended to build a four-plex. He said that he will comply with Staff's recommendation for the garbage receptacles and may house them in the shed that will come along with the house. Mr. Hagstrom said that he plans to complete this project in less than a year.

Jackie Ziegler 812 South 32nd Street, Billings, Montana

Ms. Ziegler stated that she is concerned with the truck traffic on State Avenue. She said that it is not the amount of traffic on State Avenue but the size of the trucks which run four to six months out of the year. She said that it is her opinion that the lot is large enough for this size of house. Ed Workman asked if Ms. Ziegler testified at the Board of Adjustment meeting, and Ms. Ziegler replied that she had, with the same concerns.

Renee Hettinbaum, 812 South 32nd Street, Billings, Montana

Ms. Hettinbaum asked about the accesses in and out of the house. She voiced concern that there have been trucks and vehicles on this lot.

Opponents

At 5:15 p.m. Chairman Dailey called for opponents of City Special Review #881. There were none. Chairman Dailey closed the public hearing.

Rebuttal

Chairman Dailey called for rebuttal.

Dave Hagstrom, (no address given)

Mr. Hagstrom said that they have insurance to address any issues with trucks on the property. He noted the posted site plan and pointed out the two accesses to the structure, and the sidewalk around the house. He said that there will be no back door access on the main level. Mr. Hagstrom stressed that they will meet all of the City regulations and that this project will go through the City Planning Department and Building Department review.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against Special Review #881. There was no one wishing to speak. Chairman Dailey closed the public hearing at 5:07 p.m.

Motion

Commissioner Hawkins made a motion and it was seconded by Commissioner Workman to forward a recommendation to City Council of conditional approval of City Special Review #881 with the Conditions presented by staff.

Discussion

Chairman Daily called for discussion on the motion. Barbara Hawkins said that the lot is large enough to accommodate this structure and commented that the trucks may have used the lot as previously there were no existing structures. Ed Workman said that he is in favor of this project as he is in favor of in fill development, and that it is a simple “garage logic kind of thing”. Chairman Dailey noted that a letter was received from the South Side Task Force in favor of this application as it provides housing for low to moderate income levels.

Motion carried unanimously, 3-0.

The City Council has designated **Monday, May 24, 2010**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the above-mentioned item.

Other Business:

- A. **Request to Initiate Zoning Text Amendment 27-1505(f)—City Board of Adjustment letter dated April 13, 2010.** Nicole Cromwell explained that the City Zoning Commission can initiate a zoning text amendment on the request of any body. She said that this text needs clarification as this language is unusual and has created some confusion in the past. She said that the City Board of Adjustment is requesting removal of the language from the Code. In response to a question by Leonard Dailey, Nicole Cromwell stated that this language was created in May of 1972. She said that this issue has returned to the Board of Adjustment several times. And that the current language is unclear as to what is considered a “change of circumstance.”

Motion

A motion was made by Ed Workman and seconded by Barbara Hawkins to Initiate Zoning Text Amendment regarding 27-1505(f)—as requested by City Board of Adjustment letter dated April 13, 2010. The last two lines of text will be stricken to allow better understanding.

Discussion

Chairman Dailey called for discussion on the motion. Ed Workman commented on the complexity of the text and said, “We don’t need a belt with suspenders; we just need a belt”. Nicole Cromwell concurred.

Motion carried unanimously, 3-0.

Announcements:

- A. The next City Zoning Commission meeting will be held on Tuesday, June 1, 2010. A special review, two zone changes, and a text amendment will be under consideration at that time.

Adjournment:

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

Approved as submitted by a unanimously motion on June 1, 2010

Chairman Dailey, Chairman

ATTEST:

Tamara L. Deines, Planning Clerk