

City of Billings Zoning Commission Meeting November 3, 2010

The City of Billings Zoning Commission met on Tuesday, November 3, 2010 in the City Hall Council Chambers at 210 N. 27th Street, 2nd Floor.

Chairman Leonard Dailey, Jr. called the meeting to order at 4:30 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, November 22, 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	1	1	1	1	1	1	
Matt Krivonen	Commissioner	1	1	1	-	A	A	1	1	1	E	1	
Barbara Hawkins	Commissioner	1	E	E	-	1	1	E	1	1	1	1	
Dan Wagner	Commissioner	-	-	1	-	A	1	1	1	1	1	1	
Edward Workman	Commissioner	1	1	1	-	1	1	1	1	1	1	1	
Candi Beaudry	Director, Planning & Community Services	-	-	-	-	-	-	-	-	1	-	-	
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1	1	1	1	1	1	1	
Tammy Deines	Planning Clerk	1	1	1	-	1	1	1	1	1	-	1	
Wyeth Friday	Planning Division Manager	-	-	1	-	-	-	-	-	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	3	0	0	2	0	1		11
Special Review	1	0	0	0	1	0	2	2	2	2	0		10

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

Public Comments:

Chairman Dailey called for public comment at 4:35 p.m. There was none. Chairman Dailey closed the public comment portion of the meeting.

Approval of Minutes October 5, 2010

Commissioner Wagner called for a correction on the voice vote to 4-0 instead of 5-0.

Motion

On a motion by Commissioner Workman, seconded by Commissioner Wagner and approved with a 4-0 voice vote, the minutes of October 5, 2010 are approved as corrected.

Disclosure of Conflict of Interest

There was no disclosure of any conflict of interest by the members of the Commission.

Disclosure of Outside Communication

There was no disclosure of any exparte communication.

**Comissioner Hawkins arrived at 4:39 p.m.

Public Hearings:

At 4:40 p.m. Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted. Nicole Cromwell read aloud the legal description below and opened a PowerPoint presentation.

Item #1: City Zone Change #869-412 Hallowell Lane - A request for a zone change from Public to Residential 6,000 on a 7,500 parcel of land described as a 50 foot by 150 foot lot in the Northeast corner of Lot 3 in Section 9, T1S, R26E, Tax ID #D01626. The subject property is located at 412 Hallowell Lane.

REQUEST

This is a zone change request from Public (P) to Residential 6,000 (R-60) on a 50 foot by 150 foot lot in the northeast corner of Lot 3 in Section 9, T1S, R26E located at 412 Hallowell Lane. The property is owned by Lean 2, LLP and the agent is Marshall Phil of Blueline Engineering. The owners conducted a pre-application neighborhood meeting on September 27, 2010 at 7:00 pm at the residence on the subject property.

RECOMMENDATION

The Planning Division is recommending approval.

Discussion:

At 4:50 p.m., Chairman Dailey asked the members of the Commission for questions and discussion. Chairman Dailey noted that even though the zone change request is approved the applicant will have to apply for a variance to comply with current lot coverage and setback regulations.

Proponents:

At 4:51 p.m., Chairman Dailey called for proponents for City Zone Change #869.

Applicant

Marshal Phil, Blueline Engineering, Billings, Montana

Mr. Phil is the agent for Lean 2 LLP, owner. He stated that the existing structure was built in the late '80's as a triplex and it has been used as a rental property. He said that at this point, the property could not be rebuilt as is without the variance. He explained that for the last two years it has been under contract; and now that permanent financing is needed the financing company is requesting that a zone change and a variance be approved. Mr. Phil stated that this property has had public zoning for as long as can be determined. He said that it would have made more sense to have put this property into a residential zoning as it fits with the nature of the neighborhood. In response to a question by Commissioner Krivonen, Mr. Phil said that they are not planning on rebuilding the structure. He said that this issue came to the light once the financing was in place. In response to a question by Chairman Dailey, Nicole Cromwell gave historical information on the City Board of Adjustment's approval of lot area variance requests.

Discussion

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Zone Change #869. There was none. Chairman Dailey asked if there was anyone else wishing to speak against City Zone Change #869. There was none. Chairman Dailey closed the public hearing at 4:49 p.m. and called for a motion.

Motion

Commissioner Hawkins made a motion and it was seconded by Commissioner Wagner to forward a recommendation to City Council of approval of City Zone Change #869 as presented by staff.

Discussion

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

Motion carries, 5-0.

The City Council has designated **Monday, November 22, 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.

There was no other business.

Announcements:

- The next City Zoning Commission meeting will be held on Tuesday, December 7, 2011 at 4:30 p.m. in the City Council Chambers.

Adjournment:

The meeting was adjourned at 5:00 p.m.

ATTEST:

Chairman Dailey, Chairman

Tamara L. Deines, Planning Clerk