

**City of Billings Zoning Commission Meeting  
January 4, 2011**

The City of Billings Zoning Commission met on Tuesday, January 4, 2011 in the City Hall Council Chambers at 210 N. 27<sup>th</sup> Street, 2<sup>nd</sup> Floor.

Chairman Leonard Dailey, Jr. called the meeting to order at 4:30 p.m.

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

<b>Total Number of 2009 Applications</b>	<b>01/04/2011</b>	<b>02/01/2011</b>	<b>03/01/2011</b>	<b>04/05/2011</b>	<b>05/03/2011</b>	<b>06/07/2011</b>	<b>07/05/2011</b>	<b>08/02/2011</b>	<b>09/05/2011</b>	<b>10/04/2011</b>	<b>11/01/2011</b>	<b>12/06/2011</b>	<b>TOTAL</b>
<b>Zone Change</b>	<b>1</b>												<b>1</b>
<b>Special Review</b>													<b>0</b>

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

**Public Comments:**

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

**Approval of Minutes December 7, 2010**

**Motion**

**On a motion by Commissioner Workman, seconded by Commissioner Wagner and approved with a 5-0 voice vote, the minutes of December 7, 2010 are approved as submitted.**

**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 one disclosure of ex parte communication. Nicole Cromwell noted that there was a letter of support for ZC #870 received from Beartooth Bank. A copy was provided to the Commission and placed in the notebook on the table in the public seating area.

**Public Hearings:**

At 4:35 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 #870 – The Village Subdivision – Planned Development**

**Amendment** – A Planned Development zone change request to allow a mixture of commercial, cultural, medical, clinical and residential uses in a Planned Development on a 111.91 acre parcel of land described as Blocks 1 through 5, The Village Subdivision, Tax IDs A31914 through A31952; Sisters of Charity of Leavenworth Health Systems, owner and Will Ralph, P.E., Sanderson Stewart, and Doug James, Moulton Bellingham PC, agents.

**REQUEST**

This is a zone change request to allow a mixture of commercial, cultural, medical, clinical and residential uses in a Planned Development on a 111.91 acre parcel of land described as Blocks 1 through 5, The Village Subdivision. The property is located on the northwest corner of the intersection of Shiloh Road and King Avenue West. A concurrent subdivision has been filed to re-align the right of ways and lots and will be named St. Vincent Healthcare Subdivision. The property has an existing Planned Development approved in 2004 that allows primarily commercial, medical and residential uses with specific design standards for each area. The proposed changes would eliminate most residential uses and allow commercial and medical uses in an underlying zoning of Entryway Light Industrial (ELI). The owners propose to apply the existing Shiloh Corridor Overlay District site development standards to all lots within the Planned Development in addition to site specific standards. The property is owned by the Sisters of Charity of Leavenworth Health Systems (St. Vincent’s Healthcare) and is represented by Will Ralph of Sanderson Stewart and Doug James of Moulton Bellingham PC. The owners and agents conducted a pre-application neighborhood meeting on July 20, 2010, and a preliminary meeting with city staff and surrounding property owners was held on December 8, 2010.

**RECOMMENDATION**

The Planning Division is recommending approval.

**Discussion:**

At 4:47 p.m., Chairman Dailey asked the members of the Commission for questions and discussion. Chairman Dailey commented that the traffic map included in the packets indicates that the traffic count on King Avenue is 7,700, which may not be accurate since Shiloh Road was under construction at that time. Nicole Cromwell concurred and stated that the numbers are low from previous years for the same sections of roadway. Chairman Dailey pointed out that the Transportation Plan indicates congestion at this intersection in 2035. Nicole Cromwell stated that this is the best estimate at this time. Chairman Dailey noted that the Shiloh Overlay District is located 500 feet from the centerline of Shiloh Road and covers a portion of the lots in this Planned Development.

**Applicant**

Chairman Dailey called for presentation by the applicant.

**Rick Leuthold, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana**

Rick Leuthold is the agent for this applicant. He presented Dave Irion, Foundation President, Doug James of Moulton Bellingham PC, and Will Ralph, P.E., Sanderson Stewart to answer questions as needed. He thanked Nicole Cromwell and said that her presentation covered this application well. Mr. Leuthold stated that there is a different market today and the dynamics of this area has changed. He noted that Bonaventure moved in to the north which took much of assisted living needs and there has been residential development around this area. He stated that the higher use was to go back to medical facility uses. He said that commercial uses are planned along King Avenue but nothing is specifically planned in this area right now. Mr. Leuthold commented that inquiries have occurred since Shiloh Road is complete; and demand will dictate these lots for development. He said that the Shiloh Overlay applies to the entire property not just the 500 feet as the overlay was incorporated before and is now included by reference. He stated that they are re-platting the property to provide flexibility for the needs of the project but alignments of lots now allow for pedestrian accesses. He said that this plan has more of a campus type of feel.

**Discussion**

Chairman Dailey called for discussion and questions by the members of the Board. Ed Workman asked if the parking will be incorporated with each building and lot. Mr. Leuthold stated that internal parking systems will be addressed as development occurs. Ed Workman noted that the revised plan has two roundabouts and the original plan had five and asked why this was changed. Mr. Leuthold stated that they changed accesses and pedestrian access was added with developments to the west. He commented that the open dialogue with the developers of the Lenhardt property is continuing. He stated that the proposed roundabout on the Shiloh Road project was dropped due to the proximity of the Monad access. Ed Workman asked about the potential for traffic stacking at the first round-a-bout off of Shiloh Road. Mr. Leuthold explained that there is a deceleration lane on Shiloh Road when making a right turn into the access, so there a substantial amount of room for stacking as leaving Shiloh and entering to the roundabout. He said that there is about 300-feet of stacking space between Shiloh Road and the roundabout which would allow for about fifteen cars. Ed Workman stated that there may not be that much room for that many cars. Mr. Leuthold stated that this is a platting issue but from a transportation viewpoint they do not expect this to be an issue. Chairman Dailey noted that this Commission has not seen the proposed subdivision but there will be six commercial lots and nineteen lots for medical uses. He pointed out that the Shiloh Drain is located to the north of Monad Road. Mr. Leuthold said that they have provided a public buffer for it. Chairman Dailey asked if the drain is to remain open and un-obstructed as an agricultural waste drain and a future storm drain facility. Mr. Leuthold stated that it will remain open and functioning with some landscaping improvements. Dan Wagner asked if the City is responsible for Drain maintenance. Mr. Leuthold stated that the City is responsible for the Shiloh Drain maintenance but St. Vincent is concerned about upkeep and feel of the open space areas. He commented that he expects more work will be done by the hospital as well. Chairman Dailey asked if the Emmanuel Baptist Church to the north is okay with this project. Mr. Leuthold stated that a church representative is here tonight and they have been supportive of the project and he is unaware of any specific opposition to this project.

### **Public Hearing**

Chairman Dailey opened the public hearing and called for proponents of City Zone Change #870-The Village Subdivision Planned Development Agreement.

### **Doug James, Moulton Bellingham PC, 27 N 27<sup>th</sup> Street, Billings, Montana**

Mr. James explained some of the characteristics of the subdivision plat and stated that a campus environment is planned for the development. He said that horseshoe shaped lots are planned with pedestrian paths between the lots and access to the park spaces in the development. Mr. James stated that King Avenue was rebuilt to the south of this property; a bike path was constructed on King Avenue and Shiloh Road; and a bike path will go along Monad Road. He commented that they have been at this a very long time and have received some excellent input from City staff. Mr. James said that they have reduced the Planned Development document by referencing the Shiloh Overlay District and not putting it all in the Planned Development verbatim. He said that the Shiloh Overlay is only 500-feet from center line but this entire development will include the Shiloh Overlay. Mr. James pointed out that the subdivision has been renamed and will be called the St. Vincent's Healthcare Subdivision in order to retain the hospital's identity with this campus. He stated that this will be a high-end medical campus with plenty of landscaping and green space. He said that this development will be considered a significant landmark to Billings along Shiloh Road.

### **Ed Hudson, Emmanuel Baptist Church, 4119 Palisades Drive, Billings, Montana**

Mr. Hudson stated that it has been a very pleasant experience working on this project with St. Vincent's and Sanderson Stewart. He said that City staff has been helpful on keeping them informed and everyone looking forward to future development of this project.

Chairman Dailey called for opponents of City Zone Change #870-The Village Subdivision Planned Development Agreement. There was none. Chairman Dailey closed the public hearing and asked for a motion.

### **Motion**

**Commissioner Workman made a motion and it was seconded by Commissioner Hawkins to forward a recommendation to City Council of approval of City Zone Change #870 as presented by staff.**

### **Discussion**

Chairman Daily called for discussion on the motion. Ed Workman commented that in terms of the big picture of what Billings should look like, this development is a crown jewel and he hopes that others will follow this example. Matt Krivonen stated that it will be tough to match the architecture across King Avenue, as it is pretty varied with the artificial palm trees.

**Motion carries unanimously, 5-0.**

Nicole Cromwell read aloud the legal description below and opened a PowerPoint presentation.

**Item #2: City Zone Change #871 – 766 Calhoun Lane** – A zone change from Residential 9,600 (R-96) to Entryway General Commercial (EGC) on a 1.554 acre parcel of land described as the south 310 feet of Lot 24 of Sugar Subdivision less 4,194 square feet for King Avenue East right-of-way. Tax ID: D01587 Almon Blain, Jr. owner. The applicant held a pre-application meeting on November 29, 2010 and the applicant has submitted a concurrent petition for annexation.

### **REQUEST**

This is a zone change request from Residential 9,600 (R-96) to Entryway General Commercial (EGC) on a 1.554 acre parcel of land described as the south 310 feet of Lot 24 Sugar Subdivision, less 4,194 square feet for King Avenue East right-of-way located at 766 Calhoun Lane. The property is owned by Almon Blain, Jr. The owner conducted a pre-application neighborhood meeting on November 29, 2010. The pre-application meeting notes are included as Attachment D.

### **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 the staff report indicates that EGC (Entryway General Commercial) zoning allows auto sales rental and service stations. He stated that there were some concerns indicated in the staff report and neighborhood meeting notes. He asked if a service station is considered a gas station and Nicole Cromwell stated that it is. Chairman Dailey pointed out that EGC zoning requires a 10-foot buffer and 6-foot solid fence and setback adjacent to residential properties. Nicole Cromwell added that additional buffering could be needed for some uses in EGC zoning and clarified the buffering area. In response to further question by Chairman Dailey, Nicole Cromwell said that a portion of Calhoun Lane is entitled to the County. Wyeth Friday concurred and stated that it is about 10 feet of Calhoun adjacent to the property and some to the north. Chairman Dailey asked about the retaining wall. Nicole Cromwell stated that the property owner requested this when King Avenue East was constructed. Dan Wagner asked if the setback is variable or required. Nicole Cromwell stated that the 25-foot setback to the residential zone is required for all of the entry way zoning districts; and a 10-foot setback is needed to a non-residential zone. Regarding the buffering, she stated that the landscape standards include berming, and the planted buffer yard must be a minimum of 10 feet. She said that the landscape buffering is required in addition to the fence and wall. In response to a question by Dan Wagner, Nicole Cromwell stated that this must be installed at the time of the building permit. Chairman Dailey requested clarification on the buffer and landscaping setbacks and it was given by Nicole Cromwell.

### **Public Hearing**

Chairman Dailey opened the public hearing and asked for proponents of City Zone Change #871-766 Calhoun Lane.

**Al Blain, 3150 Lupine Drive, Billings, Montana**

Mr. Blain stated that he is here this evening representing the applicant Almon Blain, Jr. as he is unable to be present. Mr. Blain said that the applicant wants to put an office or a fast food restaurant that is compatible with the development in the area. He stated that the applicant has no specific plans for the property now, but thought it would be prudent to apply for the zone change ahead of time in order to be prepared for future opportunities.

**Discussion**

Chairman Dailey called for questions or discussion from the members of the Commission. There were no questions. Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Zoning Change #871-766 Calhoun Lane. There was none. Chairman Dailey closed the public hearing 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 the Zone Change #871-766 Calhoun Lane.**

**Discussion**

Chairman Dailey called for discussion on the motion. Ed Workman stated that this is "Garage Logic 101".

**Motion carries unanimously, 5-0.**

**Other Business/Announcements:**

- Nicole Cromwell stated that there are two openings on City Board of Adjustment and asked the Commission to notify their associates if they are interested.
- The next City Zoning Commission meeting will not be held until March 1, 2011 as a Planned Development application needs a department meeting prior to the hearing. (*This was later corrected to a Feb 1, 2011 meeting for one zone change application*)

**Adjournment:**

***The meeting was adjourned at 5:32 p.m.***

**ATTEST:**

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**Chairman Dailey, Chairman**

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**Wyeth Friday, Planning Division Manager**