

## City of Billings Zoning Commission Meeting Minutes November 7, 2012

The City of Billings Zoning Commission met on Wednesday, November 7, 2012 in the City Council Chambers, 2<sup>nd</sup> Floor City Hall 210 N 27<sup>th</sup> Street, Billings, Montana.

In the absence of Chairman Leonard Dailey and Vice Chairman Dan Wagner, Proteome Barbara Hawkins called the meeting to order at 4:42 p.m. The City Council has designated **Monday, November 26, 2012**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against this zone change application.

Commission and Staff		01/03/2012	02/07/2012	03/06/2012	04/03/2012	05/01/2012	06/05/2012	07/03/2012	08/07/2012	09/04/2012	10/09/2012	11/06/2012	12/04/2012
Leonard Dailey, Jr.	Chairman	1	1	1	1	1	E	1	1	1	-	E	
Matt Krivonen	Commissioner	A	A	E	R	-	-	-	-	-	-	-	-
Barbara Hawkins	Commissioner	E	E	1	E	1	E	1	1	E	-	1	
Dan Wagner	Commissioner	1	1	1	1	1	E	E	E	1	-	E	
Bill Ryan	Commissioner	1	1	1	1	1	E	E	A	E	-	1	
Mike Boyett	Commissioner							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	
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-	-	-	
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Lora Mattox	Planner II	-	-	-	-	-	-	1	1	-	-	-	
Karen Miller	Planning Assistant	-	-	-	-	1	-	-	-	-	-	-	
Steve Zeier	TIF'D Coordinator	-	-	-	-	-	-	1	1	-	-	-	

<b>Total Number of 2012 Applications</b>	<b>01/03/2012</b>	<b>02/07/2012</b>	<b>03/06/2012</b>	<b>04/03/2012</b>	<b>05/01/2012</b>	<b>06/05/2012</b>	<b>07/03/2012</b>	<b>08/07/2012</b>	<b>09/04/2012</b>	<b>10/02/2012</b>	<b>11/06/2012</b>	<b>12/04/2012</b>	<b>TOTAL</b>
<b>Zone Change</b>	2	2	8	3	5	1	3	4	1	0	2		31
<b>Special Review</b>	1	0	1	0	2	0	0	1	1	0	0		6

Barbara Hawkins introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk

**Others in Attendance:**

Applicant William R. Lane; Applicant Ed Lane; Citizen Brittany Evans; Agent Rick Leuthold, Sanderson Stewart

**Public Comments:**

Barbara Hawkins called for public comments. There were no public comments. Barbara Hawkins closed the public comment portion of the meeting.

**Approval of Minutes: September 4, 2012**

Mike Boyett called for approval of the September 4, 2012 minutes.

**Motion**

**On a motion by Commissioner Boyett seconded by Commissioner Hawkins and approved with a 3-0 voice vote, the minutes of September 4, 2012.**

**Disclosure of Conflict of Interest**

Barbara Hawkins called for disclosures of conflict of interest. There was none.

**Disclosure of Outside Communication**

Barbara Hawkins called for disclosure of ex parte communication. There were no disclosures of outside communication by the Commission.

The Commission agreed to amend the agenda order as requested by Zoning Coordinator Nicole Cromwell to hear City Zone Change #906 first as staff received a letter from Sanderson Stewart requesting a 30-day delay for the public hearing on this application. Nicole Cromwell stated staff has received several letters of interest which will be forwarded to the Commission in the December packets. Ms. Cromwell read the letter below aloud.

November 5, 2012

Ms. Nicole Cromwell, AICP  
Zoning Coordinator  
Planning and Community Services Department  
510 North Broadway, 4th Floor  
Billings, MT 59101

Reference; City Zone Change #906  
3225 Rosebud Drive (Pickle Barrel)

Dear Ms. Cromwell:

After review of the various comments submitted to date and the discussions at the staff review meeting, the decision was made to further evaluate the traffic concerns that already exist in the proximity of this proposed business and whether additional mitigation is warranted.

Sanderson Stewart has begun compiling data for this purpose, but it is evident that we will not be ready to present this to staff and have a reasonable chance to discuss it prior to the meeting on Wednesday. With that in mind, and on behalf of our client, we are requesting a delay of the hearing so that the Zoning Commission can consider all of the data, testimony, and staff recommendation at the December 4, 2012 commission meeting.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact me directly.

Sincerely



Rick Leuthold, PE, CDP, LEED AP  
Chairman/Director of Business Development

RDL/hg

c: Dick McComish  
Tim Ludewig

1300 North Transtech Way  
Billings, Montana 59102  
Phone 406.656.5255  
Fax 406.656.0967  
[www.sandersonstewart.com](http://www.sandersonstewart.com)

## **Motion**

**A motion to delay the public hearing for City Zone Change #906 for thirty days until December 4, 2012 was made by Barbara Hawkins and it was seconded by Mike Boyett.**

**The motion carried with a unanimous voice vote.**

## **Public Hearings:**

Proteome Hawkins reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and asked Ms. Cromwell to open the next agenda item.

**Agenda Item: City Zone Change #905** City Zone Change #905 – 1001 Main Street – Tire-Rama – A zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) on Lots 12, 13, 14 and 15A of Block 5, Wanigan Subdivision a 64,456 square foot parcel of land. A pre-application neighborhood meeting was held on Sept 18, 2012. Tax IDs: A19441, A19440 and A19439

Ms. Cromwell gave a short presentation of the staff report.

## **REQUEST**

This is a zone change request from Residential Manufactured Home (RMH) to Highway Commercial (HC) on a 1.48 - acre parcel described as Lots 12, 13, 14 and 15A of Block 5 of Wanigan Subdivision. The property is owned by BEL, LLC and William Lane is the agent. The owners conducted a pre-application neighborhood meeting on September 18, 2012. The Planning Division is recommending approval.

## **Discussion**

Barbara Hawkins called for questions and discussion from the members of the Commission. Mike Boyett asked if this lot has been used for anything over the years and Nicole Cromwell said to her knowledge it has been vacant. In response to a question by Bill Ryan, Nicole Cromwell stated the applicant owns all three properties.

## **Public Hearing-**

At 4:54 Barbara Hawkins opened the public hearing and called for proponents or opponents of City Zone Change #905.

## **William Lane, PO Box 56, Townsend, Montana**

Mr. Lane is the agent for the applicant, BEL LLC. He said they have no plans to build a structure of any kind on these vacant lots as they plan to use it for storage or parking. Commissioner Ryan asked if they would lease the lots to TireRama. Mr. Lane replied they would welcome that option if presented but do not have any plans at this time. He explained they wished to change the zoning to be consistent with the other properties in the area. Mike Boyett asked if they have spoke with other property owners. Mr. Lane said he spoke with adjacent property owners regarding their plans for fencing and the adjacent business “The Paint Doctor” will share a portion the cost.

**Proponents/Opponents:**

Barbara Hawkins asked if there was anyone wishing to speak in favor or against City Zone Change #905. There was none. At 4:59 p.m. Barbara Hawkins closed the public hearing and called for a motion.

**Motion**

**Commissioner Ryan made a motion and it was seconded by Commissioner Boyett to forward a recommendation of approval as recommended by staff to City Council for City Zone Change #905.**

**Discussion**

Barbara Hawkins called for discussion on the motion. There was none.

**The motion carried with a unanimous voice vote, 3-0.**

**Other Business**

- A. The next City Zoning Commission meeting is scheduled for Tuesday, December 4, 2012, at 4:30 p.m., in the City Council Chambers.

**Adjournment: *The meeting was adjourned at 5:32 pm.***

**ATTEST: APPROVED BY A MOTION ON DECEMBER 4, 2012**

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**Barbara Hawkins, Chairman Proteome**

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**Tammy Deines, Planning Clerk**