

**City of Billings Zoning Commission
Meeting Minutes- January 2, 2013**

The City of Billings Zoning Commission met on Wednesday, January 2, 2013 in the City Council Chambers, 2nd Floor City Hall 210 N 27th Street, Billings, Montana.

Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated **Monday, January 28, 2013** at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against this special review application.

Commission and Staff		01/02/2013	02/05/2013	03/05/2013	04/02/2013	05/07/2013	06/04/2013	07/02/2013	08/06/2013	09/04/2013	10/01/2013	11/06/2013	12/03/2013
Leonard Dailey, Jr.	Chairman	1											
Barbara Hawkins	Commissioner	E											
Dan Wagner	Vice Chairman	1											
Bill Ryan	Commissioner	1											
Mike Boyett	Commissioner	1											
Candi Beaudry	Director, Planning & Community Services	-											
Nicole Cromwell	Planner II, Zoning Coordinator	1											
Tammy Deines	Planning Clerk	1											
Wyeth Friday	Planning Division Manager	-											
Juliet Spalding	Planner II	-											
Lora Mattox	Planner II	-											
Karen Miller	Planning Assistant	-											

Total Number of 2013 Applications	01/02/2013	02/05/2013	03/05/2013	04/02/2013	05/07/2013	06/04/2013	07/02/2013	08/06/2013	09/04/2013	10/01/2013	11/06/2013	12/03/2013	TOTAL
Zone Change													
Special Review	1												1

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

Others in Attendance:

Alex Tommerup, A.T. Architecture, Katharin A. Kelker; James L Iverson, Richard Clark, Ron McClenning, Ron Pecarina, Neil Morchk

Leonard Dailey called for public comments. There were no public comments. Leonard Dailey closed the public comment portion of the meeting.

Approval of Minutes: December 4, 2013

Leonard Dailey called for approval of the December 4, 2012 minutes.

Motion

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

Disclosure of Conflict of Interest

Leonard Dailey called for disclosures of conflict of interest. There was none.

Disclosure of Outside Communication

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

Public Hearings:

Leonard Dailey 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.

Ms. Cromwell read aloud the legal notice and gave a short presentation of the staff report.

Special Review #902 – 1108 24th Street West – Lutheran Church of the Good Shepherd – A special review request to remodel and add approximately 23,000 square feet to an existing church and add a parking lot on Lots 1-7 & 15, Block 1 Lillis Subdivision 2nd Filing, Tracts 1 & 2, C/S 3112 in a Residential 7,000 (R-70) zone on a 114,528 square foot parcel of land. Tax ID: A10202 & A10210, Lutheran Church of the Good Shepherd, owners and A.T. Architecture, agent.

REQUEST

This is a request for a special review to allow the demolition and reconstruction of a major portion of an existing church and installation of a new parking lot at 1108 24th Street West. The demolition will remove 11,974 square feet and the new construction will add 23,051 square feet to the north. In the place of the demolished building a new 47-space parking lot will be developed. The additional building area will be configured to accommodate office space, pre-school and nursery area, Sunday school classrooms, storage, meeting space, and a choir room. The property is located in a Residential 7,000 (R-70) zoning district on Lots 1-7 & 15, Block 1, Lillis Subdivision 2nd Filing, and Tracts 1 & 2, C/S 3112, totaling 2.63 acres of land. The property is owned by the Lutheran Church of Good Shepherd and AT Architecture, Alex Tommerup, AIA is the agent.

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Lots 1-7 & 15, Block 1 Lillis Subdivision 2nd Filing, Tracts 1 & 2, C/S 3112 a 2.63 acre parcel of land generally located at 1108 24th Street West.
2. The special review approval is for the construction of a new church addition of 23,051 gross square feet and the construction of a new 47-space parking lot. No other use is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the parking or outdoor play areas shall be 20 feet above grade.
5. The proposed two-way traffic pattern for a portion of the alley north of Lewis Avenue shall be reviewed and approved by the City Traffic Engineer.
6. No outdoor announcement system is allowed on a permanent or temporary basis.
7. No construction or demolition activity will occur before 8 am or after 8 pm daily.
8. Any new sign will require sign permit approval from the Planning Division.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building location.
10. The exits from the new parking lot will be signed “Left Turn Only”.

11. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12. 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 of Billings regulations and ordinances that apply.

Discussion

Leonard Dailey called for questions and discussion from the members of the Commission. Dan Wagner asked about the plan notation for an “optional basement” and Nicole Cromwell stated this consideration is cost related. In response to a question by Dan Wagner, Nicole Cromwell said the alleyway will be paved and she explained the right of way acquisitions. Leonard Daily commented the alleyway serves the adjacent residential properties and the church property only. He noted those traveling Arnold Lane could access the alleyway at that point. He pointed out the trip study in the staff report. Dan Wagner asked about the 35 mph speed limit. In response to Leonard Dailey’s question, Nicole Cromwell stated the building heights have been addressed. She referenced a posted site plan to clarify the third story setback requirement.

Public Hearing-

At 4:46 p.m. Leonard Dailey opened the public hearing and called for proponents or opponents of City Special Review #902.

Alex Tommerup, AT Architecture, 847 Main Street, Suite 7, Billings, Montana

Mr. Tommerup is an agent for the applicants, Lutheran Church of the Good Shepherd. He gave a brief overview of the project and said there are a number of issues that merit the demolition of the buildings. He pointed out it was logical to place the parking to the south side of the building as it would bring people to the south entry and the parking on the opposite side would do the same. He said the proposed plan will minimize expenses and costs to do the addition; increase security measures; increase visibilities of the sanctuary; and relocate the play area. They would consider installation of a noise mitigating fence for the play area to increase security.

In response to a question by Mike Boyett, Mr. Tommerup stated they have not met with the residents but they are in attendance this evening. Leonard Daily asked about access points to the building. Alex Tommerup pointed them out on the proposed building site plan. Leonard Daily asked when the plan was started and if security has been heightened due to recent current events. Alex Tommerup said this plan was started earlier and security is one of their primary concerns. Nicole Cromwell stated per the zoning requirements, the fence would meet the height criterion and be constructed with standard fencing materials. Dan Wagner asked about construction dates.

Proponents/Opponents:

Leonard Dailey asked if there was anyone wishing to speak in favor or against City Special Review #902 and opened the public hearing at 4:56 p.m.

Katharin Kelker, 2438 Rimrock Road, Billings, Montana

Ms. Kelker is a member of this church. She said this is not a hasty building project. She explained the effort was lengthy although the plans were recently drawn. Security is a primary concern with this design. Ms. Kelker explained preschool classes are held for three and four year olds, usually with a maximum of twenty children. The classrooms will be in the north section with the new design which will promote safer drop off and pick up areas for the children.

Neil Morck, 4150 Audubon Way, Billings, Montana

Mr. Morck stated he has been a member of this church for about twenty years. He stated they are an aging congregation and an elevator is needed. He explained the property behind the church on the north end was purchased by the church from a member of the church. He noted the church has been looking forward to this opportunity for a number of years.

Ron McClenning, 1203 25th Street West, Billings, Montana

Mr. McClenning is in opposition of the proposal. He said fencing the play area will help to mitigate noise. He is concerned with the construction process as previous construction in the alleyway loosened his fence posts and required repair. He would like someone to be liable other than himself for these types of damages. He would like the three story building setback further from his property. He asked if speed bumps should be installed in the alleyway as the weekend traffic is dangerous.

Richard Clark, 1207 25th Street West, Billings, Montana

Mr. Clark is in opposition of this proposal. He said the 6-foot fencing should be included as a condition of approval. He stated he is not enthused with having a three story building across from his house. He said they have had kids parked and partying in the parking lot during the weekend. He suggested installation of “no parking” signage. His primary concern is the location of the three story building near his back yard.

Chairman Dailey called for rebuttal.

Rebuttal

Alex Tommerup, AT Architecture, 847 Main Street, Suite 7, Billings, Montana

Mr. Tommerup said he is in agreement with a condition of approval for installation of a six-foot fence around the play area. He said the building was designed with lower eave space and the windows are meant for day lighting purposes. He described the effort being made to address the neighbors and the massing of the building. He pointed out the dormers are not meant for visibility, and the appearance to the neighbors would be more of a one story building.

Leonard Dailey noted Mr. Clark’s suggestion for speed bumps in the alley. Nicole Cromwell said generally these issues come before the City Traffic Control Board; the City does not install speed bumps but uses speed tables instead. She said she is unsure what could be done other to assign more patrol to that particular alley and noted signage would be enforced. Dan Wagner asked if the

new building will be a daylight basement. Alex Tommerup said it will not, as the site is really tight on space.

Chairman Dailey closed the public hearing at 5:17 p.m. and entertained a motion from the Commission.

Motion

Commissioner Wagner made a motion and it was seconded by Commissioner Boyett to forward a recommendation of conditional approval to City Council for City Special Review #902 with the conditions recommended by staff.

Discussion

Leonard Dailey called for discussion on the motion. Bill Ryan said the design seems reasonable. Mike Boyett commented on the need for security for children. The Commission discussed signage and noted a “no trespassing” sign may give the police authority for enforcement. Dan Wagner said consideration should be made for replacement of damaged fencing during construction. Nicole Cromwell pointed out construction companies have liability insurance for these properties.

Motion

Commissioner Daily made a motion and it was seconded by Commissioner Boyett to amend the original motion to add a condition of approval to require a six foot fence around the play area; and proper “no parking” signage be installed in the parking lots.

Chairman Daily called for a vote on the amended motion.

The motion carried with a unanimous voice vote.

Chairman Daily called for a vote on the original motion.

The motion carried with a unanimous voice vote.

Other Business

A. 2013 Officer Elections

Motion

Mike Boyett made a motion and it was seconded by Bill Ryan to nominate Leonard Dailey City Zoning Commission Chairman and Dan Wagner to serve as City Zoning Commission Vice Chairman for the 2013 term.

The motion carried with a unanimous voice vote.

B. The next City Zoning Commission meeting will be held on Tuesday, February 5, 2013.

Adjournment: *The meeting was adjourned at 5:35 pm.*

ATTEST: APPROVED BY A MOTION ON February 5, 2013

Leonard Daily, Chairman

Tamara L. Deines, Planning Clerk