

**City of Billings Zoning Commission
Meeting Minutes- March 5, 2013**

The City of Billings Zoning Commission met on Tuesday, March 5, 2013 in the City Council Chambers, 2nd Floor City Hall 210 N 27th Street, Billings, Montana.

Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, March 25, 2013**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change.

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	1	1									
Barbara Hawkins	Commissioner	E	1	1									
Dan Wagner	Vice Chairman	1	1	E									
Bill Ryan	Commissioner	1	E	E									
Mike Boyett	Commissioner	1	1	1									
Candi Beaudry	Director, Planning & Community Services	-	-	-									
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1									
Tammy Deines	Planning Clerk	1	1	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	0	1	1										2
Special Review	1	0	0										1

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

Others in Attendance:

Citizen Sharon Quarnburg Ingraham; Agent Marshal Phil, Blueline Engineering;
Citizen Emerson Phil

Public Comment

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

Approval of Minutes: February 5, 2013

Leonard Dailey called for approval of the February 5, 2013 minutes.

Motion

On a motion by Commissioner Boyett seconded by Commissioner Hawkins and approved with a 3-0 voice vote, the minutes of February 5, 2013.

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 was none.

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.

Zone Change #908 – 1228 and 1236 Mullooney Lane – A zone change request from Agriculture Open-Space (A-1 County) to Highway Commercial (HC) on a fraction of the North ½ Southeast ¼ of Section 18, Township 1 North, Range 26 East a 63.32 acre parcel of land. A concurrent petition for annexation into the City of Billings has been submitted and a pre-application neighborhood meeting was conducted on January 24, 2013. Tax IDs:D01911, Elizabeth Zeiler, owner and Plante Moran Cresa, Ben Smith, agent.

REQUEST

This is a zone change request from Agriculture Open-Space (A-1) to Highway Commercial (HC) on an un-platted 63.32 acre parcel of land. The property is located south of the King Ave West interchange with Interstate 90 at 1228 and 1236 Mullooney Lane. Portions of the property are already zoned HC, but the majority is zoned A-1. The property is owned by Elizabeth Zeiler and Ben Smith of Plante Moran Cresa is the agent. The owner conducted a pre-application neighborhood meeting on January 24, 2013 at the Kelly Inn at 5610 South Frontage Road. The pre-application meeting notes are included as Attachment D. The owner has submitted a concurrent request for annexation of the property.

RECOMMENDATION

The Planning Division is recommending approval.

Discussion

Leonard Dailey called for questions and discussion from the members of the Commission. Leonard Dailey noted the vehicle trips for Mullooney Lane and the interchange. Mike Boyett asked if Mullooney Lane will have to expand at some point. Nicole Cromwell stated a waiver will have to be signed for improvements to address additional traffic. Leonard Dailey noted the location of Elysian School and discussed the influx of students from this area. Nicole Cromwell pointed out several areas that may have future annexation requests.

Marshal Phil, 2110 Overland Avenue, Suite 199 B, Billings, Montana

Mr. Phil is the local representative for the applicant, Mr. Smith. He stated this is a contiguous development to the City; the lot is already zoned; and some of the services already exist in Mullooney Lane. The applicant feels this is a good location for commercial expansion. Regarding widening Mullooney Lane, Mr. Phil stated the northern portion is built as a collector status and it is projected to retain this status. He noted there is 12' water main located in Mullooney Lane but no sewer line, as it would need to be extended. Mr. Phil commented on the infrastructure improvements that will have to happen in this area.

Discussion

Chairman Dailey called for questions and discussion from the Commission. In response to a question by Leonard Dailey, Mr. Phil stated the property owner Ms. Zeiler has relocated to Michigan to be closer to her family, and Blueline Engineering was hired to do a topographic survey of the property. He stated there are no development plans at this time for this parcel.

Public Hearing-

At 4:41 p.m. Leonard Dailey opened the public hearing and called for proponents or opponents of City Zone Change #908. There were none. Chairman Dailey closed the public hearing at 4:45 and called for a motion.

Chairman Dailey closed the public hearing and called for a motion.

Motion

Member Barbara Hawkins made a motion and it was seconded by member Mike Boyett to recommend approval of the Zone Change #908-1228 and 1236 Mallowney Lane and adopt the findings of the ten criteria.

Discussion

Chairman Dailey called for discussion on the motion. He commented on future industrial park developments.

The motion carried with a unanimous voice vote.

Other Business

B. The next City Zoning Commission meeting will be held on Tuesday, April 2, 2013. Commissioner Mike Boyett will be absent. Hearings will be held for applications for a zone change and a special review.

Adjournment: *The meeting was adjourned at 5:42 p.m.*

ATTEST: APPROVED BY A MOTION ON April 2, 2013

Leonard Daily, Chairman

Tamara L. Deines, Planning Clerk