

City of Billings Zoning Commission Meeting Minutes- May 7, 2013

Note: the Tuesday, April 2, 2013 meeting agenda items were delayed to this meeting as a quorum of Commission members were not in attendance.

The City of Billings Zoning Commission met on Tuesday, May 7, 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, May 28, 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 | | 01/22/2013 | 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 | - | 1 | | | | | | | |
| Barbara Hawkins | Commissioner | E | 1 | 1 | - | 1 | | | | | | | |
| Dan Wagner | Vice Chairman | 1 | 1 | E | - | 1 | | | | | | | |
| Bill Ryan | Commissioner | 1 | E | E | - | 1 | | | | | | | |
| Mike Boyett | Commissioner | 1 | 1 | 1 | - | 1 | | | | | | | |
| Candi Beaudry | Director, Planning & Community Services | - | - | - | - | - | | | | | | | |
| Nicole Cromwell | Planner II, Zoning Coordinator | 1 | 1 | 1 | - | 1 | | | | | | | |
| Tammy Deines | Planning Clerk | 1 | 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 | - | 1 | | | | | 3 | | | 4 |
| Special Review | 1 | 0 | 0 | - | 3 | | | | | | | | 4 |

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

Others in Attendance:

Lester Pust; Terry Padgett; Jean Shelp; Jan Rehberg; Clay & Gerry Buttman; Len & Bonnie Rienarss; Kourtney Kienbaum; Susan Gilbertz Barrow; Bruce Barrow; Michelle (Cormier) Lee; Travis McDowell; Jerry Jones; Carl Rose; Carla Johnson; Lance Egan; Tom Mutchler; Jane Kukes-Penney

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: March 5, 2013

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

Motion

On a motion by Commissioner Boyett seconded by Commissioner Wagner and approved with a 4-0 voice vote, the minutes of March 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.

Return Item #1: Special Review #903 – 4809 Grand Avenue – Grace Montessori School – A special review request to amend previous conditions of approval for a new elementary school in an R-96 zone, Zimmerman Acreage Tract Subdivision, a 1.83 acre parcel of land. Tax ID: C02304, Grace Montessori Academy, owner and Eggart Engineering, agent.

REQUEST

This is a request to amend the conditions and site plan for a special review previously approved (Special Review #900) to allow the construction of a new private elementary school of 20,058 square feet with 7 classrooms, 49 parking spaces, a fenced playground, landscaping and area for future expansion of classrooms, a gymnasium and additional parking in a Residential 9,600 (R-96) zoning district on Zimmerman Acreage Tracts, a 3.83-acre parcel of land located at 4809 Grand Avenue. The property is owned by Grace Montessori Academy and Eggart Engineering Company is the agent. The public hearing scheduled for April 2, 2013 was delayed to May 7, 2013, due to the lack of quorum of the Commission members.

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Zimmerman Acreage Tracts as amended and generally located at 4809 Grand Avenue.
2. The special review approval is for the construction of a new school building of 20,058 gross square feet and no other use is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking including the future expansion area 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 new drive approaches 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. The school will be allowed one (1) monument sign not larger than 32 square feet and may have external illumination.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations.
10. 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.

11. 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 why the property is not faced off of 48th Street West rather than Grand Avenue. Nicole Cromwell explained 48th Street West will not be developed until additional parcels are annexed into the City. Leonard Dailey asked for clarification on Condition of Approval #7, and Nicole Cromwell stated that it is applicable daily. In response to a question by Leonard Dailey, Nicole Cromwell stated there are about 4,500 vehicle trips per day.

** Commissioner Hawkins arrived at 4:30 p.m. Chairman Dailey called for presentation by the applicant.

Applicant:

Quentin Eggart, Eggart Engineering, 2 South 7th Street West, Billings, Montana

Mr. Eggart is the local representative for the owner, Grace Montessori Academy. He stated 48th Street West is not dedicated at this time and pointed out the building is set further back from Grand Avenue. He said the applicant has negotiated a two acre purchase to make room for future expansion as the school is at capacity; and the additional acreage will allow for more play area. Mr. Eggart said they poured the footings today and are asking for approval of the special review in order to move forward. He said the school intends to open in January 2014. Mike Boyett commented there were no representatives from the school during the previous public hearing.

Discussion

Chairman Dailey called for questions and discussion from the Commission.

Public Hearing

At 4:46 p.m. Leonard Dailey opened the public hearing and called for proponents or opponents of City Special Review #903. There was none. Chairman Dailey closed the public hearing at 4:46 p.m. and called for a motion.

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

Motion

Member Mike Boyett a motion and it was seconded by member Dan Wagner to recommend conditional approval of Special Review #903 with the conditions recommended by staff.

Discussion

Chairman Dailey called for discussion on the motion. Bill Ryan asked if there is any issue with the school not having an outdoor announcement system.

The motion carried with a unanimous voice vote.

Return Item #2: Zone Change #909 – Lenhardt Square Planned Development – A zone change request to amend an existing Planned Development (PD) to allow an increase in the maximum density from 15 dwelling units per acre to 20 dwelling units per acre on Tract 3A of C/S 2063 with an underlying zoning of PD- MF-R. A pre-application neighborhood meeting was conducted on February 25, 2013. A Preliminary Review meeting is scheduled for March 27, 2013. Tax ID: D00514B, Stock Land Properties, Inc. owner and Sanderson Stewart, agent.

REQUEST

This is a zone change request to amend an existing Planned Development (PD) to allow an increase in the maximum density from 15 dwelling units per acre to 20 dwelling units per acre on Tract 3A of C/S 2063 with an underlying zoning of PD -MF-R in the Lenhardt Square PD. The subject property is 25.186 acres in area. The area used for calculating the average density does not include any of the open space or pathways shown on the Lenhardt Square Master Plan. The current maximum density for the net area of Tract 3A is 289 dwelling units. The proposed amendment would increase this maximum density to 386 dwelling units. The property is owned by Stock Land Properties, Inc. and the agent is Sanderson Stewart. The agents and owner conducted a pre-application neighborhood meeting on February 25, 2013 and a preliminary review meeting was held by city staff on March 27, 2013. The public hearing scheduled for April 2, 2013 was postponed to May 7, 2013, due to a lack of quorum of the Commission members.

RECOMMENDATION

The Planning Division is recommending approval to amend the Planned Development agreement.

Discussion

Leonard Dailey called for questions and discussion from the members of the Commission. Mike Boyett asked regarding the potential for increased traffic, and Nicole Cromwell said MDT will require improvements to the intersection. Leonard Dailey noted the Development Agreement that limits the water available and Nicole Cromwell provided clarification on the agreement. She said it is still under the cap that is in the annexation agreement.

Applicant:

Rick Leuthold, Sanderson Stewart, Billings, Montana

Mr. Leuthold is the local representative for the owner, Mike Stock, Stock Land Properties. He stated this is more of an administrative move according to the development. He distributed copies of an exhibit to the Commission, and explained Mr. Stock has worked with the Rehbergs to gain an alignment with the existing units. He said a neighborhood meeting has held but no public input was received. Mr. Leuthold stated the principal accesses into the subdivision will address the increased traffic from the additional 100 units. He noted this is under MDT's control, and said as warrants are met for improvements there will be some widening to allow for left turn bays onto

South 44th Street West. He said the Emmanuel Baptist Church and St Vincent's Foundation is interested in the completion of Monad Road which will provide a secondary access for transportation purposes. Mr. Leuthold continues and stated they have been monitoring the water use and it has been lower than initially projected. The reservoir contract is under design and this consideration will be released by Public Works with regard to a cap.

Discussion

Chairman Dailey called for questions and discussion from the Commission. Leonard Daily commented on the adjacent parcels to the east of this parcel. Mr. Leuthold said there is a proposal for 320 units on 15 acres which will be under construction and occupied later this year. He said the developers' intent is to systematically move through all of the facilities, as there is a great demand for rental properties. With that in mind, Mr. Stock would be inclined to move forward with these projects and an 18-36 month project build-out. Mr. Leuthold noted the tremendous growth in the business sector now. I

In response to a question by Mike Boyett, Mr. Leuthold said units typically are rented from \$800-\$1200 per month.

Public Hearing-

At 5:06 p.m. Leonard Dailey opened the public hearing and called for proponents or opponents of City Zone Change #909.

Proponents

Janice Rehberg, 4401 Highway 3, Billings, Montana

Ms. Rehberg pointed out the Lenhardt Square has Master Plan guidelines for the area in Tract 3A. She commented this is in a preliminary state and may have some minor modifications by the Design Review Committee.

Opponents

There was none.

Chairman Dailey closed the public hearing at 4:45 and called for a motion.

Motion

Member Barbara Hawkins made a motion and it was seconded by member Mike Boyett to recommend approval of City Zone Change #909 and adopt the findings of the ten criteria.

Discussion

Chairman Dailey called for discussion on the motion. Barbara Hawkins stated this is a necessary project due to the current market demands.

The motion carried with a unanimous voice vote.

Item #3: Special Review #904 – 1802 16th Street West – Plaza Pool Apartments – A special review request to allow two 4-plexes and four 6-plex multi-family dwellings in an R-60 zone on lots 1 through 9A of Block 10, Partington Park Subdivision, 8th Filing and 87,335 square foot parcel of land. Tax ID: A12668. McDonald Land Holdings, LLC, owner and AT Architecture is the agent.

REQUEST

This is a request to allow multi-family dwellings in an R-60 zoned on property located on the north side of Avenue E between 16th Street West and 17th Street West. The property is legally described as Lots 1 through 9A of Block 10, Partington Park Subdivision, 8th Filing, a 2-acre parcel of land. The property is owned by McDonald Land Holdings, LLC and the agent is AT Architecture. The applicant proposes to construct two 4-plexes and four 6-plex multi-family buildings (32 dwelling units). The former Plaza Pool Apartments consisted of 10 duplexes (20 dwelling units).

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. Lots 1 through 9A of Block 10, Partington Park Subdivision, 8th Filing generally located at 1802 16th Street West.
2. The special review approval is for the construction four 6-plex dwellings and two 4-plex dwellings for a total of 32 dwelling units and no other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed buildings 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, including security lighting above garage doors, 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 outdoor areas shall be 15 feet above grade. Exceptions to this requirement are allowed for porch or entry doorway lighting.
5. The proposed new drive approaches shall be reviewed and approved by the City Traffic Engineer.
6. The applicant shall consult with adjacent property owners north of the alley to coordinate the timing of the alley improvements. The applicant/owner will replace any or all fencing on the north side of the alley at the discretion of the adjacent property owner including any fencing that may be damaged during construction activities. The adjacent property owner may choose not to have fencing replaced or repaired by the applicant. If the adjacent owner agrees to allow the fencing to be repaired or replaced by the applicant/owner, the adjacent owner may choose any style or type of fencing material allowed by the zoning regulations for the new or repaired fencing.
7. No construction or demolition activity will occur before 7 am or after 8 pm daily.
8. Any new sign will require sign permit approval from the Planning Division. The property will be allowed one (1) monument style sign not larger than 12 square feet in sign area

not including the support structure and may have external illumination. No banner signs will be allowed on the exterior of any of the buildings or on the property.

9. The applicant/owner will install 24 trees of at least 8 feet in height and 1.5 inch caliper at the time of planting. The trees will be installed in the substantial conformance with the submitted site plan. The trees shall not be any of the following species: Carolina poplar, Canadian poplar, other populus subspecies including any variety of aspens, elms, Lombardy poplar, silver leaf poplar, weeping willow, or box elder. The trees will be continuously maintained and replaced as necessary by the owner.
10. Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
11. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations.
12. 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.
13. 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.

Nicole Cromwell noted a letter received from neighbors on the north side of the property that was included in the staff report.

Discussion

Leonard Dailey called for questions and discussion from the members of the Commission. In response to Barbara Hawkins, Nicole Cromwell stated the alley will be paved to withstand the traffic from the proposed dwelling units and others accessing the alley from the north side.

Mike Boyett asked about garbage collection and Nicole Cromwell replied there may be an option for curbside collection on Avenue E.

Dan Wagner asked why construction starts at 7:00 a.m. on this application. Nicole Cromwell stated the City is in the process of adopting a 7:00 a.m. construction start time and all the existing units have been vacated. Leonard Dailey asked if the height limitation of 34 feet will be met with the new structures. Nicole Cromwell stated the buildings will be less than the maximum height. Leonard Dailey commented on the projected 96 vehicle trips per day. Nicole Cromwell said the level of service will not be decreased. Leonard Daily noted the R-6000 zoning for the tract. Nicole Cromwell stated special review approval is required for anything over a duplex in R-6000 zoning.

Chairman Dailey called for presentation by the applicant.

Applicant:

Travis McDowell, AT Architecture, 848 Main Street, Suite 7, Billings, Montana

Mr. McDowell is the local representative for the owner, McDonald Land Holdings, LLC. He stated the applicant wishes to build a nicer product with a lower density than would be allowed by special review. The peak of the buildings is 24'10". They have been working with the Sanitation Department regarding the dumpsters. The alley access is needed to keep the living activities in the backyard.

In response to Leonard Daily, Mr. McDowell clarified the access points for the units. He said they will replace some of the trees with new plantings. The applicant is targeting working professionals who are willing to pay upper level rents.

Mike Boyett said this project does not lend itself to children. Mr. McDowell said there is a park like area along 17th Street West. He noted the statement dealing with fencing in Condition of Approval #6, "...The applicant/owner will replace any or all fencing on the north side of the alley at the discretion of the adjacent property owner including any fencing that may be damaged during construction activities. . ." He said the applicant would repair fencing but not replace them. Nicole Cromwell explained staff has recommended this condition where uses are adjacent to residential uses or if there is a need to screen or buffer between uses. She said this condition was included to ensure buffering for the adjacent owners to the north. Bill Ryan said he was unsure this could be legally required and Nicole Cromwell provided several examples. She said the condition is to screen the proposed regular traffic use in the alley that only has intermittent use now. She commented it is likely the fences on the north side may sustain some damage during the construction period. In response to a question from Mike Boyett, Mr. McDowell said they have met with the neighbors.

Public Hearing-

Leonard Dailey opened the public hearing and called for proponents of City Special Review #904.

Proponents

Jerry Jones, Jones Construction, 123 Regal Street, Billings, Montana

Mr. Jones said this is an infill project for a blighted area, and the old buildings needed to come down. He commented on the benefits of developing infill projects and stated the new buildings are going to have quality construction and will be a great addition to the center core of Billings.

Greg McDonald, 620 Poly Drive, Billings, Montana

Mr. McDonald said the Plaza Pool complex was built in 1955. He said his family has explored three options, and finally decided to develop the property due to safety concerns. They have conducted a feasibility study for the property and wish to find the highest and best use for the property and wish to build high quality townhomes. Mr. McDonald stated they understand the angst of the neighbors. He stated they will work with the neighbors and wish to be cognizant of

their needs. In response to a question by Leonard Daily, Mr. McDonald said the intent is to rent the townhomes.

Jane Kukas, PO Box 19, Molt Montana

Ms. Kukas stated they canvassed Avenue F as well as the surrounding businesses and offices, and they have letters asking for approval of this project. She stressed the neighbors are important and they wish to work with them. She said they started canvassing April 4th, after the first renderings were completed.

Tom Mutchler, Rainbow Property Management, 1417 13th Street West, Billings, Montana

Mr. Mutchler stated the new units will rent from \$900-\$1200 per unit. He said he is in favor of this area being cleaned up and it will benefit the neighborhood.

In response to a question by Barbara Hawkins, Mr. Mutchler said the previous units were renting for \$650 per month, and he expects a high demand for the new units due to the centralized location.

Lance Egan, Prudential Realtors, 1550 Poly Drive, Billings, Montana

Mr. Egan stated the applicant has hired a reputable architect and they will be nice units. He said this project should not hurt the values of the neighboring properties, and these units will cater to longer term residents. Mr. Egan stated this property is in transition; the key is a good product that will bring pride to the neighborhood.

Chairman Dailey called for opponents to Special Review #904.

Opponents

Les Pust, 1815 17th Street West, Billings, Montana

Mr. Pust stated he opposes this request. He said there is not adequate parking in the alley now. He related past instances of homicides and loud parties in the existing complex. He said he tried to contact property owner Sam McDonald to voice his concerns, and the City removed the hedge, as there was no response to his requests. Mr. Pust stated there is no room for a second vehicle in the alley; and he was not made aware of the alley units until he received information from the City County Planning office. Mr. Pust stated there are issues with sanitation. In addition, he noted the Rose Park School crossing which was located at 17th Street West and Avenue F has been moved to Parkhill Drive, which could be a safety issue for school children crossing from the alley. He said he feels they should keep the same number of apartments and the driveways should come off of Avenue E. He said construction is starting at 6:15 a.m. and there has been no regard for the neighbors across the alley. He said has owned his property since 1979. He stated the applicant seems to think they are exempt from the rules.

Terry Padgett, 1632 Avenue F, Billings, Montana

Mr. Padgett has been at this residence for seventeen years. He said he called the Planning office in Sioux Falls regarding this project, and spoke with Tom Berkland, who works as an engineer. Mr. Berkland personally thought the concerns with the loss of privacy and traffic in the alley were valid and said he would professionally be concerned with public safety with the rear access. Mr. Padgett asked how emergency crews will know where to go if the primary access is at the rear. He said he worked in the medical field and minutes can be critical for emergency crews. He related Mr. Berkland told him a member of their Fire Department always attends meetings like this so they can give input. Mr. Padgett said the property owners have already violated City ordinances and have demonstrated a lack of concern for adjacent neighbors. He voiced concern this will not change. He stated he does not want the two story buildings or the rear access in the alleyway.

Susan Barrow, 1546 Avenue F, Billings, Montana

Ms. Barrow said there are a lot of problems with this development. She noted the proposed buildings are 15 feet apart, and the open areas are smaller than what they are used to with the current site. She said she is worried with the potential traffic in the alleyway due to the low visibility. She said she is concerned with the increased density of this development, and pointed out there are 96 more units going in at West Park Plaza. Ms. Barrow stated this will jeopardize the neighborhood; and they need to have something of substance to assure them this is a safe development.

Brenda Binstock, 1636 Avenue F, Billings, Montana

Ms. Binstock said paving the alley will change the ability for utility improvements. She said her children attend Rose Park School. She related two children have been hit at the crossing on Parkhill Drive. She said children cross at Avenue E to get across 17th Street West. She voiced concern with the additional alley traffic and more children crossing to get to school. She commented on the private community area. She stated her back yard privacy will be jeopardized and it will take away everything she values in her home. She said she finds this upsetting, and she did not learn what was intended until she received a letter. Ms. Binstock said there was never a meeting with the neighbors, and developing the alley with two story buildings is not the way to do this.

Len Richards, 1801 16th Street West, Billings, Montana

Mr. Richards is concerned the alleyway will become a street if it is paved, and he voiced concern with safety. He suggested widening the alleyway accesses to lessen the chance of children being hit.

Carla Johnson, 5315 Rustic, Billings, Montana

Ms. Johnson stated she is in favor of a new development. She said the current proposal lacks proper road management, and feels it will create significant changes on 17th Street West and Avenue E. She said the proposed buildings are closer to the street and there will not be room for two vehicles, and she would like to see consideration for more off street parking. She said her concerns are the lack of common grounds and the buildings are closely spaced. She suggested the project be redesigned with lesser units, common grounds, and off street parking.

Michelle Cormier Lee, 1616 Avenue F, Billings, Montana

Ms. Lee is located north of the property. She said the neighbors understood the blighted property is being replaced but they were not aware of the increase in density or the intent of turning the alley into the street. Ms. Lees stated the loss of the alley will negatively affect their way of life and it was the sole purpose of purchasing their home. She said she is in agreement with other testimonies. She said this street will become the property of the applicant and she asked where they will have access when doing repairs. She said the majority of the cars will be in the alley where they spend their time. Ms. Lee stated she likes the look of the development but suggested it face Avenue E. She asked why the cohesive use should cost the loss of their back yards

Chairman Dailey called for rebuttal.

Rebuttal

Travis McDowell, AT Architecture, 848 Main Street, Suite 7, Billings, Montana

Mr. McDowell said he understands all of the concerns voiced this evening. He said the applicant is required by the City to pave the alley, and they worked with the Fire Department on the addressing issues on the site layout. He said the 32 units required 48 parking spaces but the proposal has 64 parking spaces on site. There will be parking in the driveway and “No Parking” signs will be placed in the alley.

In response to a question by Mike Boyett, Mr. McDowell explained the Fire Department issues new addresses through City Assistant Fire Chief Bill Tatum. Nicole Cromwell stated all projects are routed to all related City agencies including Police, Fire, and neighborhood task forces. She said staff received no negative comments on this proposal; the Fire Department is cognizant of this application and will address it appropriately.

Mr. McDowell stated a master plan meeting has been held. He said making utility repairs with the paving is not that big of a deal. He stated they will rely on the City Engineering Department to address children’s safety issues. Mr. McDowell said the clear vision requirements will have to be addressed with the fencing. Clarification was given by Nicole Cromwell. She said in similar applications with alley access staff has recommended conditions for signage for pedestrian crossings. Mr. McDowell continued and stated the units are 24 feet apart with large clear spaces, and they are underneath the required lot coverage.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against Special Review #904. There was none. 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 conditional approval of City Special Review #904 with the conditions recommended by staff along with an additional condition of approval to require alley pedestrian signage.

Discussion

Chairman Dailey called for discussion on the motion. Barbara Hawkins stated she feels condition of approval #6 is burdensome.

Motion

Barbara Hawkins made a motion and it was seconded by Dan Wagner to amend the original motion to edit Condition of Approval #6 and remove the words “at the discretion of the adjacent property owner”, to state, “...that may be damaged during construction activities.”

Chairman Dailey called for a vote on the amended motion.

The amended motion carried with a unanimous voice vote.

Motion

Mike Boyett made a motion and it was seconded by Bill Ryan to amend Condition of Approval #7 to follow City ordinances to state, “construction will occur as provided in section 1700 of the City code”.

Chairman Dailey called for a vote on the amended motion.

The amended motion carried with a unanimous voice vote.

Chairman Dailey called for discussion.

Discussion

Mike Boyett commented on the use of alleys as thoroughfares for business. Leonard Dailey said the burden of the paving is on the developer, and projects with alley loading garages have been well received. Mike Boyett commented these developments do not have the same type of traffic as proposed for this alley.

Chairman Dailey called for a vote on the original motion.

The original motion carried, 4-1, with Mike Boyett opposing.

Item #4: Special Review #905 – 3140 Broadwater Ave – Apostles Evangelical Lutheran Church Expansion – A special review request to expand an existing church in a R-96 zone on Parcel 2 of C/S 1161, a 5-acre parcel of land. Tax ID: D00314. Apostles Evangelical Lutheran Church, owner and Carl Rose and Durward Sobek, agents.

REQUEST

This is a request for a special review to allow the expansion of an existing church at 3140 Broadwater Avenue. The new construction will add 11,288 square feet to the south east of the existing structure. The plans include future expansion for classrooms, a storage building and a future 24-space parking lot. Four years ago the church expanded its off-street parking. The property is located in a Residential 9,600 (R-96) zoning district on Parcel 2 of C/S 1161, a 5-acre parcel of land. The property is owned by the Apostles Evangelical Lutheran Church and Carl Rose and Durward Sobek are the agents.

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Parcel 2 of C/S 1161 a 5 acre parcel of land generally located at 3140 Broadwater Avenue. .
2. The special review approval is for the construction of an addition to an existing church. The addition to be constructed now is 11,288 square feet with 2 future additions for classroom space, a future storage building and a future 24-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, including the current a future expansion, 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 future parking lot or any new light pole will be 15 feet or less above grade.
5. The proposed future parking lot on the east property line shall require the installation of a 6-foot sight obscuring fence for the length of the proposed parking lot at the time of its construction.
6. No outdoor announcement system is allowed on a permanent or temporary basis.
7. No construction or demolition activity will occur before 7 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. 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.
11. 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.

Nicole Cromwell responded to Dan Wagner, and said Jones Construction is handling the project and has received an “at risk” permit pending approval of the special review.

Leonard Dailey asked about the traffic counts. Nicole Cromwell said the traffic averages are three year rolling averages taken during the summer. She noted the numbers are likely higher on any given school day.

Applicant:

Chairman Dailey called for presentation by the applicant.

Carl Rose, 2844 Colton Boulevard, Billings, Montana

Mr. Rose is the local representative for the owner, Apostles Evangelical Lutheran Church. He stated the current facility was built in 1971 and has inadequate meeting space and offices. The proposed addition will provide the needed room and spaces. Mr. Rose stated they do not anticipate any additional membership, and they have scaled back the plans due to financial considerations. He said they will do the shell and complete the classroom and administrative areas as the funds become available. Mr. Rose stated the church has 156 attendees with two services on Sunday and another 15-20 attendees on Monday. The exterior construction completion is anticipated for this fall. Leonard Dailey asked about the unique configuration of the original building. Mr. Rose explained the architect’s original intent was the design point to the triune God. He said although it has been a challenge, the proposed design for this project ties in well with the existing structure.

Public Hearing-

Chairman Dailey opened the public hearing and called for proponents of Special Review #905.

Jerry Jones, Jones Construction, 123 Regal Street, Billings, Montana

Mr. Jones said this project has been under consideration for the last twenty years, and the church has a large parcel which will allow for growth potential. Mr. Jones said they have a daycare; this is a good fit and a good project.

Chairman Dailey called for opponents of special Review #905. There was none. Chairman Dailey closed the public hearing and called for a motion.

Motion

Member Mike Boyett made a motion and it was seconded by member Barbara Hawkins to recommend conditional approval of City Special Review #905 with the conditions recommended by staff and modify Condition of Approval #7 to state, “construction will occur as provided in section 1700 of the City code”.

The motion carried with a unanimous voice vote.

Other Business

- A. The next City Zoning Commission meeting will be held on Tuesday, June 4, 2013
- B. Bill Ryan will not be available for the June or July City Zoning Commission meetings.

Adjournment: *The meeting was adjourned at 6:50 p.m.*

ATTEST: APPROVED BY A MOTION ON JUNE 4, 2013

Leonard Daily, Chairman

Tamara L. Deines, Planning Clerk