

**City of Billings Zoning Commission  
Meeting Minutes May 3, 2016**

**The City of Billings Zoning Commission met on Tuesday, May 3, 2016 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana**

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday May 23, 2016** at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

<b>Commission and Staff</b>		<b>01/05/2016</b>	<b>02/02/2016</b>	<b>03/01/2016</b>	<b>04/05/2016</b>	<b>05/03/2016</b>	<b>06/07/2016</b>	<b>07/05/2016</b>	<b>08/02/2016</b>	<b>09/06/2016</b>	<b>10/04/2016</b>	<b>11/03/2016</b>	<b>12/06/2016</b>
Dan Wagner	Chairman	1	1	-	1	1							
Dennis Ulvestad	Commissioner	1	1	-	1	1							
Mike Boyett	Vice Chairman	E	1	-	1	1							
Michael Larson	Commissioner	1	1	-	1	1							
James Mariska	Commissioner	1	1	-	1	1							
Candi Millar	Director, Planning & Community Services	-	-	-	-								
Wyeth Friday	Division Planning Manager	-	-	-	-								
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	1	1							
Tammy Deines	Planning Clerk	-	-	-	-								
Dave Green	Planner II	1	-	-	-								
Karen Husman	Planner I	1	1	-	-								
Robbin Bartley	Administrative Support	1	1	-	1	1							

Total Number of 2016 Applications	01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0								2
Special Review	2	1	-	4	1								8

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Robbin Bartley, Administrative Support.

**In Attendance:** Travis McDowell, Bluewater Designs; Rob Morehead, Propriedad, LLC; and Larry Larson, developer.

**Public Comment**

Chairman Wagner called for public comments. There were no public comments. Chairman Wagner closed the public comment portion of the meeting.

**Approval of Minutes: April 5, 2016**

Chairman Wagner called for approval of the April 5, 2016 meeting minutes. Change the listing of Vice Chairman from Dennis Ulvestad to Mike Boyett before submitting to record.

**Motion**

Commissioner Mariska made a motion and Commissioner Boyett seconded the motion to approve the April 5, 2016 meeting minutes with the correction.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

**The motion for approval then carried with a unanimous voice vote 4-0.**

Chairman Wagner called for disclosures of conflict of interest. There were none.

**Disclosure of Conflict of Interest**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson				x
James Mariska		x		

### **Disclosure of Outside Communication**

Chairman Wagner called for disclosure of ex parte communications. There were none.

### **Public Hearings:**

Chairman Wagner reviewed the rules and the procedures by the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on May 23, 2016. He then asked Nicole Cromwell to review the first agenda item. Nicole Cromwell presented:

**City Special Review #942 – 2250 St. John’s Avenue – Multi-family** – A special review request to allow the construction of 1 four-plex multifamily dwelling in a Residential 6,000 (R-60) zone on a 13,200 square foot parcel of land described as Lot 1A, Block 13, Sweet Acres Subdivision, 4<sup>th</sup> Filing. Tax ID: A17011.

### **RECOMMENDATION**

The Planning Division recommends conditional approval based on the 3 criteria for special review: The proposed conditions of approval are:

- Limited to proposed 4-plex
- Limited to this legally described lot
- Substantial conformance with site plan
- Construct new fence on south and east property lines – wrought & pillars similar to existing apartment complex
- Maintain existing chainlike fence along west property line
- Preserve existing trees – branches may be trimmed with approval of adjacent owners
- Install 2 trees in buffer yard along street
- Full cutoff shields for exterior lighting
- No construction before 7 am or after 8 pm
- Centralized solid waste storage must be enclosed
- Conditions run with the land
- Comply with all other limitations in 27-613 and other city codes apply

Staff also recommended researching some kind of security as the neighboring properties are fully gated and totally enclosed. A second issue needs consideration; whether garbage collection would be curbside or a centralized enclosed dumpster. Alley service is not available in this area because there is no alley access. These two issues will need to be resolved before completion of the development.

Commissioner Larson arrived late at 4:38pm during the **Special Review #942** staff presentation.

### **Discussion**

Commissioner Ulvestad asked who owns the adjacent properties. Rimrock West Apartments owns the surrounding property. Chairman Wagner asked about student parking in front of this lot. Students park in this area because there is a shortage of school parking lot space. Staff answered the school district issues the parking permits to students and often issues more permits than they have spaces.

Chairman Wagner asked for the applicant of **Special Review #942**.

### **Travis McDowell, agent, 2029 Forest Park Drive, Billings**

Mr. McDowell identified himself as the agent and asked for any questions from the commissioners. Commissioner Boyett asked about garbage storage and stated curbside collection would not work here because of the students aggressive parking on the street. Mr. McDowell said it is still in the review process and it is being coordinated with the Solid Waste Division and assured the commission this garbage collection would be resolved by making additional room (moving the structure back) to accommodate pick up. Commissioner Boyett indicated the students in this area park regularly during school session and are aggressive and destructive when told they may not occupy space. He then asked what the surrounding property owners opinion was regarding the proposed project. Mr. McDowell replied he had not received any input from the adjacent or other neighbors. Chairman Wagner inquired as to the square footage of the 1 and 3 bedroom units and what the monthly rent would be. He also asked the square footage of the garages. Commissioner Boyett asked why they decided to build the 3 bedroom units. Mr. McDowell replied 3 bedrooms were more desirable as rentals and attracted families. The decision was a result of market survey. Developer Larry Larson interjected stating the prospect is single parents with children in school and the 1 bedroom units are to attract professionals, school teachers, new to the area.

### **Larry Larson, developer, 1550 Poly Drive, Billings**

This lot was originally sold as a six-plex site. We were looking at lower density and a different way to address the infill in Billings. There is a shortage of 1 bedroom apartments available in Billings. A single story one bedroom appeals to two different markets; single professional who works close by and the elderly. There is little provision for no stairs in the area. He believes there will be ample parking and only 30 feet will be used for the driveway. Commissioner Boyett asked about rental cost of these units. Mr. Larson explained these units were to be of finer quality and he anticipates rent to be \$1000.00 for the 1 bedroom and deferred to Rob Morehead regarding rent for the 3 bedroom. Chairman Wagner asked when the project would be completed. Mr. Larson hopes to start the project in July or August eliminating the parking issue during construction since school is not in session. Commissioner Ulvestad asked about the 3 bedroom units having multiple college students and each student having a car. Mr. Larson explained this area is out of the college corridor, you may see on the west end but not in this area. Commissioner Mariska asked about the lack of storage in the units and the possible overflow into the garage therefore displacing cars and again, creating a parking issue. He addressed the parking stating this is a significant problem in this area with squabbling neighbors and more during the school year.

**Rob Morehead, 1014 North 32nd Street, Billings**

Mr. Morehead showed a photo of a recent project completed on Terry Ave to demonstrate the quality of the units being proposed. He stated he had not built 1 bedroom units before but due to the market analysis find there is a need for 1 bedroom units.

Travis McDowell talked about the parking concerns. He has every intention of moving the building back to the maximum allowance.

Chairman Wagner closed the public hearing and asked for a motion.

Commissioner Michael Larson made a motion and Commissioner Boyett seconded the motion to conditionally approve **Special Review #942**.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson	x			
James Mariska	x			

**The motion carried with a unanimous verbal vote of 5-0.**

**Commissioner Boyett boldly recommended the applicants be more prepared to address questions regarding parking and garbage storage and collection. He also advised a revised drawing including the building relocation and garbage storage.**

**Meeting adjourned at 5:03pm.**

**Other Business:**

**The next meeting is scheduled for Tuesday, June 7, 2016. Nicole Cromwell listed the current Board openings.**

**Commissioner Boyett will not be here for the June 7, 2016 meeting.**

**Adjournment:** The meeting adjourned at **5:07 p.m.**

**DRAFT:** To be approved by a motion: **June 7, 2016.**

**ATTEST:**

**Robbin Bartley, Administrative Assistant I**

 **ROBBIN P. BARTLEY**  
**Admin. Support I**  
**APPROVED MINUTES**  
*Robbin P. Bartley*  
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Sign Date