

City of Billings Zoning Commission Meeting August 5, 2008

The City of Billings Zoning Commission met on August 5, 2008 in the City Council Chambers at 210 N. 27th Street, 2nd Floor.

Leonard Dailey, Jr., Chairman called the meeting to order at 4:28 p.m. Chairman Dailey said the recommendations of the Zoning Commission on the items heard tonight will be forwarded to the City Council to be heard at their meeting during a public hearing scheduled for Monday, August 25, 2008 at 6:30 p.m.

Commission and Staff		01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008
Barbara Hawkins	Commissioner	1	1	1	1	1	1	1	1				
Thomas Grimm	Commissioner	1	1	A	1	1	1	1	1				
Michael Larson	Vice-Chair	1	1	1	1	A	1	1	1				
Edward Workman	Commissioner	1	1	1	1	1	A	1	1				
Leonard Dailey, Jr.	Chairman	1	1	1	1	1	1	1	1				
Candi Beaudry	Director	-	-	-	-	-	-	-	-				
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1	1	1	1				
Elizabeth Allen	Clerk	1	1	1	1	1	1	1	1				
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-				
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-				
Aura Lindstrand	Planner II	-	1	-	-	-	-	-	-				
Lora Mattox	Planner II	-	-	-	-	1	-	-	-				
Dave Green	Planner I	1	-	1	1	1	1	-	-				

Total Number of 2008 Applications	01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008	Total
Zone Change	3	5	1	1	2	2	2	1					
Special Review	0	3	0	2	3	3	2	0					

Chairperson Dailey introduced the Planning Department Staff and Commission:
 Nicole Cromwell, Planner II/Zoning Coordinator
 Elizabeth Allen, Planning Clerk

Public Comments:

Marion Shop, 145 Washington, lived there 33 years. She is speaking in regard to 131 Washington. She would like to make a matter of record that she is against any zone change or variance on this property that would allow it to be turned into a mobile home court. The current mobile homes that have been moved on to the property are sub standard and degrade the surrounding neighborhood.

Linda Pentagle, 140 Washington, the current mobile homes at 131 Washington create a danger to the neighborhood. They are unsafe. She is angry that the realtor was allowed to move these sub standard mobiles onto this property. They have worked hard for their neighborhood and it is unfair to see it blighted in this way.

Approval of Minutes:

On a motion by Commissioner Larson, seconded by Commissioner Workman and approved with a 4-0 voice vote the minutes of July 1, 2008 were approved.

Public Hearings:

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

Item #1: City Zone Change #847– **5816 Grand Avenue** – A zone change from Residential 9,600 (R-96) to Residential 6,000-Restricted (R-60-R) on a 75.751 acre parcel of land south of Grand Avenue and west of 56th Street West, legally described as Tracts 1 & 2 of C/S 3139, Tract 1-B of C/S 2379 and an unplatted parcel in the NE1/4 of Section 5, Township 1 South, Range 25 East, Tax IDs D00376, D00376A, D00376B & D12829. Dorn-Wilson Development, Douglas & Deborah Frank, and Ronald Frank, owners and Engineering, Inc. is the agent.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is denial. **Ms. Cromwell** explained to the commission that the agent has requested a 30 day delay in this commission's decision. She also told the commission that a valid protest has been received against this petition.

Commissioner Grimm arrived at 4:39 p.m.

Discussion:

Commissioner Dailey asked what percent of property owners need to sign a protest petition in order for it to be valid. **Ms. Cromwell** stated that 25% are required.

Commissioner Dailey asked what type of zoning staff is looking for in this area. **Ms. Cromwell** stated that they are looking for lower densities in this area, more similar to R-15 and R-96.

Commissioner Dailey asked if the Bierly Drain is for storm water drainage as well. **Ms. Cromwell** stated that discharge into the drain is allowed by permit only.

Applicant:

Will Ralph, 1300 N Transtech Way, they would like to delay this hearing and meet with planning staff and the surrounding neighbors and try to find a compromise that is happy for everyone involved. They are not planning on using the Vintage Estates sewer system, they are planning on using a low pressure sanitary sewer system and going up to Grand.

Rod Wilson, he would also like to have a 30 day delay for this property. On Friday they found out about the valid protest and they would like to meet with the neighbors and planning staff and find a compromise on this project. They would be looking at 4 lots to the acre for this subdivision. They feel that this could be a good density for this area. They were planning on having a 50X 50 structures on each parcel, with a 20' front and rear setback. They would like to see 2 car garages and 1500 square foot footprints.

Commissioner Workman asked what the price point in the subdivision would be. **Rod Wilson** stated that if they are able to zone R-60 they would sell the lots at about \$52,000.

Proponents:

There were none.

Opponents:

Greg Smith, they are opposed to the proposed zoning because all the property in the area is large lot development. Most lots are over an acre with many lots over 10 acres. They are concerned that this will lower their property value. He doesn't believe that this proposal fits with any of the 12 zoning criteria. He doesn't understand how you can have 10 acre lots and agriculture next to 6000 square foot lots. He asked **Ms. Cromwell** what the notification for annexation is. **Ms. Cromwell** explained that annexations are posted with a sign. There is also at least one public hearing held before the City Council where people can speak for or against. They are not trying to stop progress, however, they do feel that this is inappropriate for the area.

Commissioner Dailey asked how many 10 acre parcels there are in this area. **Greg Smith** stated that there are six 10 acre parcels and three or four one acre sites.

Bonnie Bickler, owns a one acre site in the area. Most of the homes in the area have a buffer between 56th and the actual home site. They understand that there will be development in this area. They just feel that this is too much density in this area.

Mindy Baker, most of the residents in this area have over 2 acres. There is a lot of livestock and horses in this area. They like to have open space and would like to continue having that. They would prefer to have homes on one acre tracts in this area.

Rebuttal:

Will Ralph, they appreciate the comments from the neighbors and they would like to have some time to speak with the neighbors and the planning staff.

Rod Wilson, they want to work with the neighbors to find a plan that works for this area. They are looking at a build out time of 10-12 years.

Public hearing closed at 4:40 p.m.

Motion:

On a motion by Commissioner Larson, seconded by Commissioner Hawkins, and approved by a 5-0 voice vote the commission vote to allow a 30-day delay.

Other Business:

Adjournment:

The meeting was adjourned at 5:30 p.m.

Leonard Dailey, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk