

**City of Billings Zoning Commission Meeting
May 5, 2009**

The City of Billings Zoning Commission met on May 5, 2009 in the City Council Chambers at 210 N. 27th Street, 2nd Floor.

Leonard Dailey, Jr., Chairman, called the meeting to order at 4:30 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 Tuesday, May 26, 2009 at 6:30 p.m.

Commission and Staff		01/06/2009	02/03/2009	03/03/2009	04/07/2009	05/05/2009	06/02/2009	07/07/2009	08/04/2009	09/01/2009	10/06/2009	11/03/2009	12/01/2009
Barbara Hawkins	Commissioner	1	1	A	-	A							
Thomas Grimm	Commissioner	1	A	1	-	1							
Michael Larson	Vice-Chair	1	1	A	-	1							
Edward Workman	Commissioner	1	1	1	-	A							
Leonard Dailey, Jr.	Chairman	1	1	1	-	1							
Candi Beaudry	Director	-	-	-	-	-							
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1							
Tammy Deines	Planning Clerk				-	1							
Elizabeth Allen	Clerk	1	1	1	-	-							
Wyeth Friday	Planning Division Manager	-	-	-	-	-							
Juliet Spalding	Planner II	-	-	-	-	-							
Aura Lindstrand	Planner II	-	-	-	-	-							
Lora Mattox	Planner II	1	-	-	-	1							
Dave Green	Planner I	-	-	-	-								

recommendation. Ms. Cromwell stated that this has been done previously on two separate occasions with applications that involved demolitions. In response to further question by the Commission, she said that there has been some difficulty with dust control near the residential areas due to the demolitions. She pointed out that the City has regulated construction hours.

Applicant:

Rob Velcamp 3754 Arlene Circle, Billings, Montana

Mr. Velcamp stated that he is representing owner Michael Stock as Mr. Stock is out of town. Mr. Velcamp said that Mr. Stock is cognizant of the City approved construction hours. He stated that they plan to have the coffee shop be a smaller version of the "Off the Leaf" coffee shop which is located on Grand Avenue. Mr. Velcamp stated that Mr. Stock will replace the old building with a new building. Mr. Velcamp noted the site plan for this property and stated that there is a high demand for 700 square foot office spaces on the west end of Billings. He said that these spaces would be filled by office tenants. Regarding the time frame for construction, Mr. Velcamp stated that they have notified the existing tenants that they are considering October 1, 2009 or November 1, 2009 for a demolition time. He said that the new spaces would not be available for lease until March or April 2009.

Proponents:

At 4:53 p.m. Commissioner Dailey called for proponents for Special Review #876. There were none.

Opponents:

At 4:53 p.m. Commissioner Dailey called for opponents for Special Review #876. There were none.

Commissioner Dailey closed the Public Hearing at 4:54 p.m.

Motion:

On a motion by Commissioner Larson, seconded by Commissioner Grimm and approved with a 3-0 voice vote a recommendation of approval City Special Review #876 will be forwarded to the City Council on its meeting of May 26, 2009 with the following conditions:

PROPOSED CONDITIONS

1. The special review approval for a drive through window shall be limited to Lots 25-27, Block 5, Central Heights Subdivision as shown on the site plans submitted with this application.
2. Any new lighting within the parking lot or drive through areas shall have full cut-off shields so light is directed to the ground and not onto adjacent property. Lighting standards are limited to 18 feet in height from finished grade.
3. The drive through location shall be constructed as shown on the submitted site plan.
4. The landscaping and parking shall be installed as shown on the submitted site plan, including a sight-obscuring dumpster enclosure on all sides.

they are in the process of timing the lights on 24th Street West. She said that she assumes that the timing of the Grand Avenue and 24th Street West light will be adjusted when the traffic study is completed. Commissioner Daily asked about the 2-space parking requirement shortage. Ms. Cromwell pointed out the possibility of addressing this issue by creating another parking area instead of doing landscaping as this applicant has met the landscaping requirements. Commissioner Grimm noted the proposed building on Lot 2. Ms. Cromwell stated that the only condition that would apply for this building would be parking and landscaping. Members of the Commission commented that exiting this property would be reduced to a right-in right-out during peak traffic hours. Commissioner Dailey requested clarification on the cross through traffic control violation and it was given by Ms. Cromwell. He asked if signage could be required through a condition of approval. Mitigation suggestions were given by Ms. Cromwell, including installation of a speed bump or a speed table.

Applicant:

Kevin Jacobson, Morrison Maierlie, 2880 Technology Boulevard, Bozeman, Montana

Mr. Jacobson thanked Ms. Cromwell for her thorough review of this application. Regarding the shortage of required parking spaces, he said that he has discussed this with Wayne Ware, City Engineering Division. He explained that this site does meet the parking requirements but he is waiting for a confirmation response from Mr. Ware. Mr. Jacobson commented on the traffic accessibility study for the site and said that a traffic impact study will be completed as a requirement of the site plan. Regarding the issue of the potential for cut-through traffic, Mr. Jacobson said that he has discussed the right turn lane project with Traffic Engineer Terry Smith. He stated that he thought that this project would be moved up on the priority list as the land is now available to construct the turn lane. Commissioner Larson asked if the traffic accessibility study will address the internal cut through traffic. He strongly urged the applicant to give some thought in terms of impact of using mitigation of impact of the cut through traffic with a speed bump or other device.

Proponents:

At 5:26 p.m., Commissioner Dailey called for proponents of Special Review #877. There were none.

Opponents:


At 5:26 p.m., Commissioner Dailey called for opponents of Special Review #877.

Ms. Michelle McMann and Mr. Michael McMann, 2511 Arnold Lane, Billings, Montana

Ms. McMann asked where the 6-foot fence will be placed and Ms. Cromwell responded that it would be placed at the property line at the alley. She pointed out that it will be aligned to allow for view around the fence. Ms. McMann stated that she concurred with Commissioner Larson's concern for the potential for cut-through traffic. She requested that mitigation measures be used to avoid increased alley traffic. She voiced concern that this may depreciate what they experience in their back yards. She suggested that larger trees be planted to block the light, the area be policed, or the building for the Burger King be moved to the proposed retail site near Grand Avenue.


Adjournment:

The meeting was adjourned at 6:00 p.m.



Leonard Dailey, Chairman

ATTEST:



Tamara Deines, Planning Clerk