

## City of Billings Zoning Commission Meeting August 4, 2009

**\*\*The July 7, 2009 meeting was cancelled due to a lack of application submittals.**

**The City of Billings Zoning Commission met on August 4, 2009 in the City Council Chambers at 210 N. 27<sup>th</sup> Street, 2<sup>nd</sup> Floor.**

**Leonard Dailey, Jr., Chairman**, called the meeting to order at 4:35 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 24, 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	1	-	1				
Thomas Grimm	Commissioner	1	A	1	-	1	1	-	-				
Michael Larson	Vice-Chair	1	1	A	-	1	1	-	1				
Edward Workman	Commissioner	1	1	1	-	A	1	-	-				
Leonard Dailey, Jr.	Chairman	1	1	1	-	1	1	-	1				
Matt Krivonen	Commissioner								-				
Candi Beaudry	Director	-	-	-	-	-	-	-	-				
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1	1	-	1				
Tammy Deines	Planning Clerk	-	-	-	-	1	1	-	-				
Wyeth Friday	Planning Division Manager	-	-	-	-	-		-	-				
Juliet Spalding	Planner II	-	-	-	-	-		-	-				
Lora Mattox	Planner II	1	-	-	-	1		-	-				

Total Number of 2009 Applications	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	01/06/2009
Zone Change	0	0	0	0	0	2	0	1					
Special Review	3	1	1	0	2	0	0	1					

Chairperson Dailey introduced the Planning Department Staff and Commission:  
 Nicole Cromwell, Planner II/Zoning Coordinator  
 Karen Miller, Planning Assistant

**Public Comments:**

Chairman Dailey called for public comments at 4:37 p.m. There were none. Chairman Dailey closed the public comment portion of the meeting.

**Approval of Minutes: June 2, 2009**

*On a motion by Commissioner Barbara Hawkins, seconded by Commissioner Michael Larson and approved with a 3-0 voice vote the minutes of June 2, 2009 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 #856 – 2215 6<sup>th</sup> Avenue North** – A zone change request from Residential 6,000 (R-60) to Community Commercial (CC) on a 5,250 square foot parcel, East ½ of Lots 22-24, Block 272, Billings Original Town Tax ID A02004, George & Dorothy Wetstein, owners and Joyce Lunder, agent.

Ms. Cromwell read the legal description, presented a brief power point presentation, and gave the staff recommendation. Staff is recommending approval based on the 12 criteria for zone changes.

**Discussion:**

Chairman Dailey asked the members of the Commission for questions and discussion.

There was discussion regarding the proposed use and potential changes in use as well as development of the property. It was clarified that the existing residential dwelling could be

maintained as a single family dwelling, or could be brought back into compliance for use as a single family dwelling under the CC zoning designation if the proposed business were to change from that location.

The discussion continued regarding the small size of the lot. It was clarified that expansion of a business and development of the lot was limited due to the size of the lot. There would be limitations with regard to parking as well as landscaping requirements.

**Applicant:**

**Joyce Lunder, P.O. Box 100, Shepherd; agent for owners George & Dorothy Wetstein**

Ms. Lunder is the representative for the applicant. Ms. Lunder stated the North Park Task Force indicated the Community Commercial zoning is what they had proposed for that area. She indicated they were in favor of the proposed zone change.

There was a brief discussion regarding hours of operation and number of employees. It was determined they would only operate from 8am to 5pm, Monday through Friday and currently have 2 employees, but are anticipating up to 3 more.

**Proponents:**

At 4:53 p.m. Chairman Dailey called for proponents for City Zone Change #856. There were none.

**Opponents:**

At 4:54 p.m. Chairman Dailey called for opponents for City Zone Change #856. There were none.

*Chairman Dailey closed the Public Hearing at 4:55 p.m.*

**Motion:**

***On a motion by Commissioner Larson, seconded by Commissioner Hawkins and approved with a 3-0 voice vote a recommendation of approval City Zone Change #856 will be forwarded to the City Council on its meeting of August 24, 2009.***

**Discussion:**

There were none.

**Item 2) City Special Review #878 – 3839 Grand Avenue, Suite #3** – A special review request to allow an all-beverage liquor license with gaming in a Community Commercial (CC) zone, in an existing tenant space of 1,673 square feet in a 5-unit building on Lot 6D, Block 2, Circle Fifty Subdivision, a 45,546 square foot parcel of land. Stock-Naughton LLP, owner and James Healow, agent.

Ms. Cromwell read the legal description, presented a brief power point presentation, and gave the staff recommendation. Staff is recommending **conditional approval**. The conditions are as follows:

1. The special review approval shall be limited to Lot 6D, Block 2, Circle Fifty Subdivision generally located at 3839 Grand Avenue.
2. Development of the site shall consist of the existing building, landscaping and parking area. Modifications to the existing building or site that show additional square footage greater than 10% of the existing floor area in Suite #3 (1,673 square feet), increase parking spaces greater than 10% or the addition of an outdoor patio will require additional special review approval.
3. There will be no outdoor events or music of any kind whether on a continuous or recurring basis or as a special occurrence.
4. 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.
5. 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:**

Chairman Dailey asked the members of the Zoning Commission for questions or discussion.

There was discussion regarding the site specific information and limitations for expansion. There would need to be an additional Special Review if there were any changes or expansion of the proposed use. The Commission was concerned that there may be an expansion without staff knowing. It was clarified that the state licensing requires compliance with local zoning regulations, therefore it could not be expanded without state approval, requiring local approval. It was clarified that the “site specific” meant this approval was for the specific suite number.

**Applicant:**

**James Healow, Agent for applicant, Stock-Naughton LLP**

Mr. Healow is the agent for the applicant, Stock Naughton, LLP. Mr. Healow reviewed the applicant proposal with regard to type of use and pointed out other similar types of businesses in the area. He indicated the applicant would accept all the conditions for approval, and agreed with Staff’s recommendation.

**Proponents:**

At 5:09 p.m., Chairman Dailey called for proponents of City Special Review #878.

Aaron Swain, 3798 Mt. Rushmore, expressed support for the application and noted the Bottles & Shots is in close proximity to this location and it was not clearly depicted on the zoning map in the presentation.

It was clarified, although it was not named specifically on the map, it was part of the approval for the Samurai Garden application.

**Opponents:**

There were none.

**Discussion**

There was discussion regarding this location and how it was appropriate for this use and license. The Commissioners agreed the market place was an ideal location for this type of business.

*Chairman Dailey closed the Public Hearing at 5:47 p.m.*

**Motion:**

*On a motion by Commissioner Hawkins, and seconded by Commissioner Larson and approved with a 3-0 voice vote a recommendation of conditional approval with the staff recommended conditions below of City Special Review #878 be forwarded to the City Council on its meeting of August 24, 2009.*

- 1. The special review approval shall be limited to Lot 6D, Block 2, Circle Fifty Subdivision generally located at 3839 Grand Avenue.*
- 2. Development of the site shall consist of the existing building, landscaping and parking area. Modifications to the existing building or site that show additional square footage greater than 10% of the existing floor area in Suite #3 (1,673 square feet), increase parking spaces greater than 10% or the addition of an outdoor patio will require additional special review approval.*
- 3. There will be no outdoor events or music of any kind whether on a continuous or recurring basis or as a special occurrence.*
- 4. 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.*
- 5. 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.*

**Other Business:**

Chairman Daily asked if there were other items for the next agenda.

Nicole Cromwell reviewed the applications that would be on the agenda for the next few months.

**Announcements:**

There were none.

**Adjournment:**

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

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**Leonard Dailey, Chairman**

**ATTEST:**

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**Karen Miller, Planning Assistant**

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