

**City of Billings Zoning Commission Meeting  
January 5, 2010  
Approved as submitted on February 2, 2010**

**The City of Billings Zoning Commission met on Tuesday, January 5, 2010 in the City Hall Council Chambers at 210 N. 27<sup>th</sup> Street, 2<sup>nd</sup> Floor.**

Chairman Leonard Dailey, Jr. 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, January 25, 2010**, at 6:30 p.m. in the City Council Chambers.

<b>Commission and Staff</b>		<b>01/05/2010</b>	<b>02/02/2010</b>	<b>03/02/2010</b>	<b>04/06/2010</b>	<b>05/04/2010</b>	<b>06/01/2010</b>	<b>07/06/2010</b>	<b>08/03/2010</b>	<b>09/07/2010</b>	<b>10/05/2010</b>	<b>11/02/2010</b>	<b>12/07/2011</b>
Barbara Hawkins	Commissioner	1											
VACANT		-											
Edward Workman	Commissioner	1											
Chairman Dailey, Jr.	Chairman	1											
Commissioner Krivonen	Commissioner	1											
Candi Beaudry	Director	-											
Nicole Cromwell	Planner II, Zoning Coordinator	1											
Tammy Deines	Planning Clerk	1											
Wyeth Friday	Planning Division Manager	-											
Juliet Spalding	Planner II	-											
Lora Mattox	Planner II	1											

<b>Total Number of 2009 Applications</b>	<b>01/05/2010</b>	<b>02/02/2010</b>	<b>03/02/2010</b>	<b>04/06/2010</b>	<b>05/04/2010</b>	<b>06/01/2010</b>	<b>07/06/2010</b>	<b>08/03/2010</b>	<b>09/07/2010</b>	<b>10/05/2010</b>	<b>11/02/2010</b>	<b>12/07/2010</b>	<b>Total</b>
<b>Zone Change</b>	<b>1</b>												<b>1</b>
<b>Special Review</b>	<b>1</b>												<b>1</b>

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Chairperson Dailey introduced the Planning Department Staff and Commission:

Nicole Cromwell, Planner II/Zoning Coordinator  
 Tammy Deines, Planning Clerk  
 Lora Mattox, Planner II

**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: December 1, 2009**

**On a motion by Commissioner Workman, seconded by Commissioner Hawkins and approved with a 4-0 voice vote the minutes of December 1, 2009 were approved as submitted.**

**Public Hearings:**

At 4:38 p.m. Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

**Item #1: City Zone Change #860 – 439 S Billings Blvd** – A zone change request from Residential 6,000 (R-60) to Controlled Industrial (CI) on the North 2 acres of Lot 5 in Section 9, 1 South, 26 East (unplatted), a 2 acre parcel of land. A pre-application neighborhood meeting was held on November 30, 2009 at 6:00 pm at Hanser’s Wrecking, 430 S Billings Blvd. Tax ID D01572. Hanser Properties, owner and Ralph Hanser, agent.

Ms. Cromwell read the legal description, and Lora Mattox presented the staff recommendation. The power point presentation was not available due to equipment failure in the Council Chambers. The Planning Division is recommending approval of this zone change.

**REQUEST**

This is a zone change request from Residential 6,000 (R-60) to Controlled Industrial (CI) on the North 2 acres of Lot 5 in Section 9, 1 South, 26 East (unplatted), located at 439 South Billings Boulevard. The property has been cleared of debris and currently has two buildings located on it. The applicant is Hanser Properties, LP and is represented by Ralph Hanser.

## **RECOMMENDATION**

The Planning Division is recommending approval.

### **Discussion:**

Chairman Dailey asked the members of the Commission for questions and discussion. Chairman Dailey noted that the South West Corridor Task force is in favor of this request. Ms. Mattox pointed out that the task force minutes and the letter of support was included in the packets.

### **Proponents:**

At 4:43 p.m. Chairman Dailey called for proponents for City Zone Change #860.

### **Applicant**

#### **Ralph Hanser, 1565 Westwood Circle, Billings, Montana**

Mr. Hanser explained that they recently purchased this parcel which adjoins their property and said that it would behoove them to have the same zoning classification on this parcel. He said that there was no opposition received from the task force regarding this proposal. Chairman Dailey noted that the application stated this parcel came up for sale suddenly. Mr. Hanser said that they did not anticipate doing this for another year but it worked out. He said there is only one remaining parcel nearby but the owner has made no indication of selling it. Chairman Dailey asked about the neighborhood meeting and noted that following the meeting, the concerned neighbor signed a statement in favor of the application. Mr. Hanser said they have had good neighbor relations.

#### **Scott Hanser, 3020 Donegal Court, Billings, Montana**

In response to a question by Commissioner Workman, Mr. Hanser stated they plan to utilize the land for a “pick-a-part area”. He said this parcel will provide a nice parking area and additional security will be available with the modular on this site.

### **Opponents**

At 4:48 p.m. Chairman Dailey called for opponents of City Zone Change #860. There were none. Chairman Dailey closed the public hearing.

### **Motion**

*On a motion by Commissioner Hawkins seconded by Commissioner Workman and approved with a 4-0 voice vote a recommendation to approve the zone change request from Residential 6,000 (R-60) to Controlled Industrial (CI) on the North 2 acres of Lot 5 in Section 9, 1 South, 26 East (unplatted), located at 439 South Billings Boulevard.*

### **Discussion**

Chairman Dailey called for discussion on the motion. There was none. Chairman Dailey commented this is a good use for the area.

**Item #2: City Special Review #880 – 439 S Billings Blvd** – a special review request to allow a vehicle wrecking facility in a proposed CI zone (see ZC #860) on the North 2 acres of Lot 5 in

Section 9, 1 South, 26 East (unplatted), a 2 acre parcel of land. Tax ID D01572. Hanser Properties, owner and Ralph Hanser, agent.

Ms. Cromwell read the legal description, and Lora Mattox presented the staff recommendation. The Planning Division is recommending conditional approval of this special review.

### **REQUEST**

This is a special review request to allow a vehicle wrecking facility at 439 South Billings Boulevard in a proposed Controlled Industrial (CI) zone. The parcel is approximately 2 acres and known as the North 2 acres of Lot 5 in Section 9, 1 South, 26 East (unplatted). The property owner is Hanser Properties, LP. and Ralph Hanser is the agent.

### **RECOMMENDATION**

The Planning Division is recommending conditional approval. The conditions are as follows:

1. The special review approval shall be limited to the North 2 acres of Lot 5 in Section 9, 1 South, 26 East (unplatted) generally located at 439 South Billings Boulevard.
2. Development of the site shall be as shown on the submitted site plan and consist of screening fencing, sight-obscuring gates, landscaping and parking area. Modifications to the site that show additional area greater than 10% of the proposed area will require additional special review approval.
3. All outdoor lighting of the salvage yard area shall be equipped with full cut-off shields so that the lighting does not spill onto surrounding properties.
4. All inoperable vehicles shall be stored within the fenced area and shall not be stacked in such a way that they are visible above the fence line.
5. Business hours shall be limited to between 7:00 am and 7:00 pm.
6. A state Motor Vehicle Wrecking License shall be obtained within six months of the approval of this special review. A copy of the license shall be provided to the Planning Department. There will be special restrictions placed on the state licensure during the written document period of the state application process, which can take up to 120 days, specifying that there shall be no crushing of vehicles. They shall be hauled to a licensed wrecking yard when no longer needed.
7. All storm water shall be retained on-site, and not discharged into the City's storm drain line, unless otherwise approved by the City of Billings. Approval of the storm water management plan for the site shall be received by the City and/or MDEQ, whichever is appropriate, prior to City sign-off on the state license.
8. 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.
9. 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 Commission for questions and discussion. In response to a request by Chairman Dailey Ms. Mattox clarified Condition of Approval #2. She said the modular indicated by Scott Hansen already exists. Chairman Dailey asked about the need for a salvage license. Ms. Mattox said State Law requires the license be modified to reflect the addition of the new parcel.

### **Proponents:**

At 4:53 p.m. Chairman Dailey called for proponents for City Special Review #880.

### **Applicant**

#### **Ralph Hanser, 1565 Westridge Circle, Billings, MT**

Mr. Hanser said the license will have to be expanded to reflect the new parcel. He said they have submitted a project plan to the City of Billings. He stated there should not be any way for contaminants to drain from this property and he explained the collection points and containment areas. He said this property will be strictly for removal of parts and a “pick-a-part” area. Commissioner Workman asked how the water separator functions and Mr. Hanser explained the process. He said they will place trees along the property line to enhance the visual aesthetics of the property. Chairman Dailey asked about the stormwater map. Lora Mattox said the site plan in the packet refers specifically to this property.

#### **Scott Hanser, 3020 Donegal Court, Billings, Montana**

Mr. Hanser asked for approval of this request. He said this operation should be running with a full lot in eight months. He said the regular business hours will be from 7:00 a.m.-7:00 p.m. Monday through Saturday; and they will have winter hours in the “pick-a-part” area. Mr. Hanser said the modular will house the security personnel.

### **Opponents**

At 4:56 p.m. Chairman Dailey called for opponents of City Special Review #880. There was none. Chairman Dailey closed the public hearing.

### **Motion**

*On a motion by Commissioner Workman seconded by Commissioner Krivonen to recommend conditional approval with a 4-0 voice vote to approve the special review request to allow a vehicle wrecking facility at 439 South Billings Boulevard in a proposed Controlled Industrial (CI) zone with the conditions recommended by Staff.*

### **Discussion**

Chairman Dailey called for discussion on the motion. There was none.

### **Other Business**

- Nicole Cromwell stated there is one vacancy on this commission and applications may be submitted to the Mayor's office. She said the appointments will be made by City Council on February 8.

- Elections:

**A motion was made by Commissioner Hawkins and seconded by Commissioner Krinoven to nominate Commissioner Ed Workman as Vice Chairman of the City Zoning Commission.**

**Motion carried unanimously.**

**A motion was made by Commissioner Hawkins and seconded by Commissioner Workman to nominate Commissioner Dailey as Chairman of the City Zoning Commission.**

**Motion carried unanimously.**

- Discussion was held on consideration of moving the meeting to the Parmly Library, as there are fewer zoning application submittals. It was decided by the members of the Commission that meetings will continue to be held at the City Hall Council Chambers at 4:30 p.m.

**Announcements:**

- The next City Zoning Commission meeting will be held on February 2, 2010 and there will be one application to review. Barbara Hawkins will not be able to attend this meeting.

**Adjournment:**

*The meeting was adjourned at 5:17 p.m.*

**ATTEST:**

**Chairman Dailey, Chairman**

**Tamara L. Deines, Planning Clerk**