



**CITY ZONING COMMISSION
AGENDA
210 N. 27th Street, 2nd Floor City Council Chambers
Billings, Montana**

Tuesday, April 5, 2011, 4:30 P.M.

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

- I. Call the meeting to order.**
- II. Introduction of City Zoning Commission Members and Planning Department Staff.**
- III. Public Comment**
- IV. Approval of Minutes:**
The minutes of the Board meeting of March 1, 2011
- V. Disclosure of any Conflict of Interest-Members of the Commission and Staff**
- VI. Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**
 - a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.**
- VII. Regular Business:**
 - A. Opening of public hearings.**
 - B. Reading of rules for the procedure by which the public hearings will be conducted.**
 - C. Reading of notices of the public hearings on the following items:**

Public Hearings:

Item #1: City Zone Change #874 – 327 Cook Avenue; 3919 Montana Avenue – A zone change from Community Commercial (CC) to Highway Commercial (HC) on Lots 1 through 17, Block 14, Suburban Subdivision, a 65,175 square foot parcel of land, Tax IDs A15984 & A15981; Mike D. Dimich Sons and Gene & April Staudinger, owners and Mike Dockery & Jamie Wells, Crowley Fleck PLLP, agents.

Item #2: City Zone Change #875 – Lake Hills Subdivision – multiple lots – A zone change from Community Commercial (CC), Public (P), Residential 6,000 (R-60) and Residential Multi-Family (RMF) to Residential 9,600 (R-96) and Residential 6,000 Restricted (R-60-R) on Lots 10 through 12, Block 16; Lot 15, Block 17; Lots 1 through 4, Block 18; Lots 1 through 4 and 7 & 8, Block 19; Lots 25 through 27, Block 45; Lots 12A, 12B, 13A and 14 through 17, Block 46; Lots 8 through 13, Block 47; and proposed new Lots A through G to be created from golf course land, a total of 12.651 acres of land. Tax IDs A22190, A22191, A22192, A22233, A22235, A22236, A22237, A22238, A22239, A22240, A22241, A22242, A22245, A22246, A22582, A22583, A22584, A22596, A22596A, A22597, A22598, A22599, A22600, A22601, A22619, A22620, A22621, A22622, A22623, A22624 & Parts of D11957 (proposed lots in golf course); Ron Hill, owner and Marshall Phil, Blueline Engineering, agent.

Item #3: City Special Review #889 – 4040 Parkhill Drive – Tenderest Assisted Living – A special review request to allow the modification of a previously approved site plan for Special Review #885 to allow the addition of a 2-story office building to accommodate the assisted living management and administrative offices and the re-orientation of the parking and one of the assisted living structures on the Shiloh Road frontage. The property is in a Residential Multi-Family-Restricted (RMF-R) and Residential 7,000 (R-70) zone described as Lots 5 & 6, Block 6 Rush Subdivision 2nd Filing and Tract 2 of Rush Acreage Tracts Subdivision a 1.562 acre parcel of land. Tax IDs: C02242A, C02240A, C02241, RK Development, owner and Eggart Engineering, agent.

The City Council has designated **Monday, April 25, 2011**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the above-mentioned items. As provided in Montana Code Annotated, Section 76-2-305(2) (1999), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots one hundred fifty (150) feet from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of the present and voting members of the City Council. The protest petition must be received in the Planning Department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the City Council. Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

VIII. Other Business

IX. Announcements

X. Adjournment