



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

Tuesday, August 2, 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 July 5, 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 Zoning Change #878 –4300 Montana Sapphire Drive –A zone change from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a parcel of land described as Lots 3 and 5, Block 1, Montana Sapphire Subdivision, a 12.99 acre parcel of land, Tax IDs C13956 and C13958; Montana Sapphire LLC, owner and Sanderson Stewart, agent.

Item #2: City Special Review #891 – 3133 Central Avenue – A special review request to allow a drive through service in a Neighborhood Commercial (NC) zone across the alley from a residential zone on a parcel of land described at Lots 6 and 7, Block 9, Central Acres Subdivision 5th Filing, a 25,226 square foot parcel of land, Tax IDs: C01864A and C01864. Gerald Neumann and Edward Jorden, owners.

Item #3: City Special Review #892 – 721 and 723 N 16th Street – A special review request to allow a 3-plex multi-family dwelling in a Residential 6,000 (R-60) zone on a parcel of land described as Lots 52 and 53, Block 1, North Park Subdivision, a 7,000 square foot parcel of land, Tax ID: A12035. Jonathan Kober, owner. A concurrent lot area variance has been filed with the Board of Adjustment.

The City Council has designated **Monday, August 22, 2011**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against these applications. 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 (August 19, 2011) 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.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed zone change and special review. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 510 North Broadway, Parmly Library 4th Floor, Billings, MT 59101 or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

VIII. Other Business

IX. Announcements

X. Adjournment