



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

Tuesday, August 7, 2012, 4:30 PM

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 the July 3, 2012.
- 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 Exparté 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:

Return Item #1: City Zone Change #901 – East Billings Urban Renewal District (EBURD)
Form-Based Code – Map Amendment and Text Amendment – A zone change from Controlled Industrial (CI), Heavy Industrial (HI), Community Commercial (CC), Neighborhood Commercial (NC), Residential 6,000 (R-60) and Highway Commercial (HC) to Railspur Village (EBURD RSV); Railspur Village Main Street (EBURD RSVMS); Central Works (EBURD CW); 13th Street Main Street (EBURD 13th) and Industrial Sanctuary (EBURD IS) and add a **new Section 27-1800** to the Unified Zoning Regulations titled East Billings Urban Revitalization District (EBURD) code.

Item #2: City Special Review #900 – 4809 Grand Avenue – Grace Montessori School – A special review request to locate a new private school of 17,868 square feet with 6 classrooms, 25 parking spaces, a fenced playground and landscaping in a Residential 9,600 (R-96) – upon annexation – zoning district on Zimmerman Acreage Tracts a 2 acre parcel of land. Tax ID C02304, John Clifford Zimmerman, owner and Eggart Engineering Company, agent.

Item #3: City Zone Change #902 – 807, 821 and 823 Bench Boulevard – A zone change request from Neighborhood Commercial (NC) and Residential Multi-family-Restricted (RMF-R) to Community Commercial (CC) on Lots 1 through 5 of Brittain Acres Subdivision, a 4.189 acre parcel of land. Tax IDs: C00163, C00165 & C00166. Big Sky Floral Supply LLC, Chuck and Mick Gainan.

Item #4: City Zone Change #903 – 4110 and 4120 Montana Sapphire Drive – A zone change request from Entryway Light Industrial (ELI) to Highway Commercial (HC) on Lots 6 and 7, Block 1, Montana Sapphire Subdivision a 3.57 acre parcel of land. Tax IDs: C13959 and C13960. Montana Sapphire LLC, owner and Keith James, Gemstone Properties, agent.

Item #5: City Zone Change #904 – 1026, 1032 and 1040 Bench Boulevard – A zone change request from Residential Manufactured Home (RMH) to Community Commercial (CC) on Tract 1, C/S 2537 and the North 2 acres of the South 10.41 acres East of the lateral and a Fraction of the S1/2NESE1/4 (73.42 X 890 feet) in the NESE1/4 of Section 22, Township 1 North, Range 26 East a 4.77 acre parcel of land. Tax IDs D05280, D05279 and D05278, Lee Steffanich, owner and Sanderson Stewart, agent.

VIII. Other Business

IX. Announcements

X. Adjournment

The City Council has designated **Monday, August 27, 2012**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special review and zone changes.

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.

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 24, 2012) by the City Council.

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The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed zone change. 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. Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us