



**CITY ZONING COMMISSION
AGENDA
210 N. 27th Street, 2nd Floor City Council Chambers
Billings, Montana
Tuesday, May 7, 2013, 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 March 5, 2013.
- 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: Special Review #903 – 4809 Grand Avenue – Grace Montessori School – A special review request to amend previous conditions of approval for a new elementary school in an R-96 zone, Zimmerman Acreage Tract Subdivision, a 1.83 acre parcel of land. Tax ID: C02304, Grace Montessori Academy, owner and Eggart Engineering, agent.

Return Item #2: Zone Change #909 – Lenhardt Square Planned Development – A zone change request to amend an existing Planned Development (PD) to allow an increase in the maximum density from 15 dwelling units per acre to 20 dwelling units per acre on Tract 3A of C/S 2063 with an underlying zoning of PD- MF-R. A pre-application neighborhood meeting was conducted on February 25, 2013. A Preliminary Review meeting is scheduled for March 27, 2013. Tax ID: D00514B, Stock Land Properties, Inc. owner and Sanderson Stewart, agent.

Item #3: Special Review #904 – 1802 16th Street West – Plaza Pool Apartments – A special review request to allow two 4-plexes and four 6-plex multi-family dwellings in an R-60 zone on lots 1 through 9A of Block 10, Partington Park Subdivision, 8th Filing and 87,335 square foot parcel of land. Tax ID: A12668. McDonald Land Holdings, LLC, owner and AT Architecture is the agent.

Item #4: Special Review #905 – 3140 Broadwater Ave – Apostles Evangelical Lutheran Church Expansion – A special review request to expand an existing church in a R-96 zone on Parcel 2 of C/S 1161, a 5-acre parcel of land. Tax ID: D00314. Apostles Evangelical Lutheran Church, owner and Carl Rose and Durward Sobek, agents.

VIII. Other Business

IX. Announcements

X. Adjournment

The City Council has designated **Tuesday, May 28, 2013**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special reviews and zone change.

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), 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 or units, as defined in MCA 70-23-102, 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 (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner

City of Billings
Zoning Commission
Agenda, May 7, 2013
Page 3 of 3

seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the planning department office by 5:00 p.m. on the Friday preceding (April 19, 2013) the first reading of the amendment by the City Council.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special review zone change. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 510 North Broadway, Parmlly 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