



**CITY ZONING COMMISSION  
AGENDA  
210 N. 27<sup>th</sup> Street, 2<sup>nd</sup> Floor City Council Chambers  
Billings, Montana  
**Tuesday, July 2, 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 June 4, 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:**

**Item #1: Special Review #907 – 1525 Broadwater – Patio Expansion** – A special review request to allow the expansion of an existing outdoor patio from 1,200 square feet to 1,575 square feet in a CC zone on Lots 2-4, Block 1 Van Ornum Subdivision, a 1.079 acre parcel of land. Tax IDs: A17346A and A17345. Jeff & JoLynne Flatness and Paul DeVerniero, owners and A & E Architects, agent.

**Item #2: Special Review #908 – 111 (aka 109) S 24<sup>th</sup> St West Suite #14** – A special review request to locate a beer and wine licensing with gaming in a proposed CC zone on Lots 1 through 8 (including Lots 6 & 7 in C/S 1716) , Block 15, Central Heights Subdivision 5<sup>th</sup> Filing. Suite #14 is 2,000 square feet of floor area for the proposed Jack Rabbit Red’s Casino. The applicant is requesting a waiver of the 600-foot separation to a school (Central Heights Elementary) Tax ID: A04891, Rimrock Mini-Mall LLC and Marshall Phil, P.E., Blueline Engineering, Inc., agent

**Item #3: Zone Change #913 –441 Josephine Drive** – A zone change request from Community Commercial (CC) to Residential Manufactured Home (RMH) on Lot 13, Kuhlman Subdivision. A pre-application neighborhood meeting was conducted on May 22, 2013, at the subject property. Tax ID: A09952, Duane and Carol Long, owners and Heather Long, agent.

**Item #4: Zone Change #914 –Falcon Ridge Subdivision 2<sup>nd</sup> Filing** – A zone change request from Residential 9,600 (R-96) to Residential 8,000 (R-80) on proposed Lot, Block 4, Falcon Ridge Subdivision 2<sup>nd</sup> Filing, a 1.67 acre parcel of land. A pre-application neighborhood meeting was conducted on May 23, 2013, at the Yellowstone Country Club, 3200 Paul Allen Way. Tax ID: None assigned, Falcon Ridge II, LLC, owner and Dennis Buscher, agent.

## **VIII. Other Business**

### **IX. Announcements**

### **X. Adjournment**

**The City Council** has designated **Monday, July 22, 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 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 (July 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, Parmly Library 4<sup>th</sup> 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](mailto:deinest@ci.billings.mt.us)