

**City of Billings Zoning Commission  
Meeting Minutes- June 4, 2013**

**The City of Billings Zoning Commission met on Tuesday, June 4, 2013 in the City Council Chambers, 2<sup>nd</sup> Floor City Hall 210 N 27<sup>th</sup> Street, Billings, Montana.**

In the absence of Chairman Leonard Daily, Vice Chairman Dan Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday, June 24, 2013**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change.

<b>Commission and Staff</b>		<b>01/02/2013</b>	<b>02/05/2013</b>	<b>03/05/2013</b>	<b>04/02/2013</b>	<b>05/07/2013</b>	<b>06/04/2013</b>	<b>07/02/2013</b>	<b>08/06/2013</b>	<b>09/04/2013</b>	<b>10/01/2013</b>	<b>11/06/2013</b>	<b>12/03/2013</b>
Leonard Dailey, Jr.	Chairman	1	1	1	-	1	E						
Barbara Hawkins	Commissioner	E	1	1	-	1	1						
Dan Wagner	Vice Chairman	1	1	E	-	1	1						
Bill Ryan	Commissioner	1	E	E	-	1	E						
Mike Boyett	Commissioner	1	1	1	-	1	1						
Candi Beaudry	Director, Planning & Community Services	-	-	-	-	-	-						
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1	1						
Tammy Deines	Planning Clerk	1	1	1	-	1	1						
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-						
Juliet Spalding	Planner II	-	-	-	-	-	-						
Lora Mattox	Planner II	-	-	-	-	-	-						
Karen Miller	Planning Assistant	-	-	-	-	-	-						

<b>Total Number of 2013 Applications</b>	<b>01/02/2013</b>	<b>02/05/2013</b>	<b>03/05/2013</b>	<b>04/02/2013</b>	<b>05/07/2013</b>	<b>06/04/2013</b>	<b>07/02/2013</b>	<b>08/06/2013</b>	<b>09/04/2013</b>	<b>10/01/2013</b>	<b>11/06/2013</b>	<b>12/03/2013</b>	<b>TOTAL</b>
<b>Zone Change</b>	0	1	1	-	1	3							6
<b>Special Review</b>	1	0	0	-	3	1							5

Vice Chairman Wagner introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

**Others in Attendance:**

Marshal Phil, BlueLine Engineering, Inc.; Gerald Watson, Darryl Wilson, River Crossing Real Estate

**Public Comment**

Vice Chairman Wagner called for public comments. There were no public comments. Dan Wagner closed the public comment portion of the meeting.

**Approval of Minutes: May 7, 2013**

Vice Chairman Wagner called for approval of the March 5, 2013 minutes.

**Motion**

**On a motion by Commissioner Hawkins seconded by Commissioner Boyett and approved with a 3-0 voice vote, the minutes of May 7, 2013.**

**Disclosure of Conflict of Interest**

Vice Chairman Wagner called for disclosures of conflict of interest. There was none.

**Disclosure of Outside Communication**

Vice Chairman Wagner called for disclosure of ex parte communication. There was none.

**Public Hearings:**

Vice Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and asked Ms. Cromwell to open the next agenda item. Ms. Cromwell read aloud the legal notice and gave a short presentation of the staff report.

**Item #1: Special Review #906 – 900 S 24<sup>th</sup> Street West – Units 2 & 3 – Beer & Wine with gaming – A special review request to allow the location of a beer & wine license with gaming in a CI zone on Lot 5A1, Block 3, Midland Subdivision 3<sup>rd</sup> Filing Tax ID: A28359A. Lamplighter**

Lounge, Inc & R.S. Land Company LLC, owners and Blueline Engineering, Inc. Marshall Phil, P.E., Rob Veltkamp Brokerage, agents.

## **REQUEST**

This is a request for a special review to place a beer and wine license with gaming in a Controlled Industrial (CI) zone at 900 S 24<sup>th</sup> Street West, a multi-tenant building. The property is legally described as Lot 5A1 of Block 3, Midland Subdivision 3<sup>rd</sup> Filing, 1.32 acre parcel of land. The 2 units are 3,712 square feet within an existing 10,950 square-foot multi-tenant building. The location will not require a waiver of the 600 foot separation from this location as there are no churches, schools or public parks with playground equipment within 600 feet of this property.

## **RECOMMENDATION**

The Planning Division is recommending conditional approval.

## **PROPOSED CONDITIONS**

1. The special review approval shall be limited to Lot 5A1, Block 3 of Midland Subdivision, 3<sup>rd</sup> Filing.
2. The special review approval is for the location of a beer and wine license with gaming and no other use is intended or implied.
3. Any expansion of the interior space greater than 372 square feet will require an additional special review approval. The addition of an outdoor seating area will require an additional special review approval.
4. There shall be no outdoor public address system or outside announcement system of any kind.
5. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
7. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

## **Discussion**

Vice Chairman Wagner called for questions and discussion from the members of the Commission. In response to Barbara Hawkins' query, Nicole Cromwell explained her recusal is not needed as although she is a property owner in this neighborhood, she is outside of the 300 foot notification radius. Mike Boyett asked if the units will be combined. Nicole Cromwell clarified and pointed out that although the site plan depicts a wall, it is an open space.

Vice Chairman Wagner called for presentation by the applicant.

**Applicant:**

**Marshal Phil, Blueline Engineering, 2110 Overland Ave, Billings, Montana**

Mr. Phil is the local representative for the owner, Lamplighter Lounge, Inc. & R.S. Land Company, LLC. He stated this is a straightforward application; the applicant has no concerns with the staff recommended conditions; and is asking for approval of this request.

Dan Wagner asked if there is going to be any unique lighting. Mr. Phil noted there are covenants and conditions on this subdivision; the only lighting proposed other than outside lighting is for signage.

**Rob Veltkamp, PO Box 20791, Billings, Montana**

Mr. Veltkamp is the agent for owner, Lamplighter Lounge, Inc. & R.S. Land Company, LLC. He explained the signage design will be a typical “Dotty’s” sign.

**Discussion**

Vice Chairman Wagner called for questions and discussion from the Commission. There was none.

**Public Hearing**

At 4:46 p.m. Vice Chairman Wagner opened the public hearing and called for proponents or opponents of City Special Review #906. There was none. Vice Chairman Wagner closed the public hearing at 4:49 p.m. and called for a motion.

**Motion**

**Member Mike Boyett a motion and it was seconded by Member Barbara Hawkins to recommend conditional approval of Special Review #906 with the conditions recommended by staff and adopt the findings of the ten criteria.**

**Discussion**

Chairman Dailey called for discussion on the motion. There was none.

**The motion carried with a unanimous voice vote, 3-0.**

**Item #2: Zone Change #910 –1005 Main Street** – A zone change request from Residential Manufactured Home (RMH) to Highway Commercial (HC) on Lots 10 and 11, Block 5, Wanigan Subdivision. A pre-application neighborhood meeting was conducted on April 16, 2013, at the Paint Doctor 1005 Main Street. Tax IDs: A19437 and A19438, Gerald Watson, owner and Darryl Wilson, River Crossing Real Estate, agent.

**REQUEST**

This is a zone change request from Residential Manufactured Home (RMH) to Highway Commercial (HC) on Lots 10 and 11, Block 5, of Wanigan Subdivision, a 22,082 square foot parcel of land. The property is owned by Gerald Watson (The Paint Doctor) and the agent is Darryl Wilson of River Crossing Real Estate. The property is used as a fenced storage yard for the Paint

Doctor business at 1005 Main Street. The owners conducted a pre-application neighborhood meeting on April 16, 2013.

## **RECOMMENDATION**

The Planning Division is recommending approval.

### **Discussion**

Dan Wagner called for questions and discussion from the members of the Commission. In response to Mike Boyett, Nicole Cromwell said the pre-application meeting notes were included with the staff report, and only the agent and the applicant attended the meeting.

### **Public Hearing-**

At 5:06 p.m. Dan Wagner opened the public hearing and called for proponents or opponents of City Zone Change #910.

### **Applicant:**

#### **Darryl Wilson, River Crossing Real Estate, 404 N 31st St # 126, Billings, Mt 59101**

Mr. Wilson is the agent for the owner, Gerald Watson. He said this property is owned by his brother-in-law and sister and this parcel has not changed since 1972. He pointed out the City Engineering Department noted there is a walkway between the two lots which dead ends at an irrigation ditch but there is no problem with the proposal for vacation.

### **Discussion**

Vice Chairman Wagner called for questions and discussion from the Commission. There was none. Vice Chairman Wagner closed the public hearing at 4:45 and called for a motion.

### **Motion**

**Member Barbara Hawkins made a motion and it was seconded by member Mike Boyett to recommend approval of City Zone Change #910 and adopt the findings of the ten criteria.**

### **Discussion**

Chairman Dailey called for discussion on the motion. There was none.  
**The motion carried with a unanimous voice vote, 3-0.**

**Item #3: Zone Change #911 –109 S 24<sup>th</sup> St West – Rimrock Mini-Mall** – A zone change request from Neighborhood Commercial (NC) to Community Commercial (CC) on Lots 1 through 8 (including Lots 6 & 7 in C/S 1716) , Block 15, Central Heights Subdivision 5<sup>th</sup> Filing. A pre-application neighborhood meeting was conducted on April 29, 2013 at 111 S 24<sup>th</sup> St West, Suite 14. Tax ID: A04891, Rimrock Mini-Mall LLC and Marshall Phil, P.E., Blueline Engineering, Inc., agent.

## **REQUEST**

This is a zone change request from Neighborhood Commercial (NC) to Community Commercial (CC) on Lots 1 through 8, including Lots 6 & 7 as C/S 1716, Block 15 of Central Heights Subdivision, 5<sup>th</sup> Filing, a 65,120 square foot parcel of land. The property is owned by Rimrock Mini-Mall LLC and the agent is Marshall Phil, P.E., of Blueline Engineering. The property is currently developed and is the north units of the Rimrock Mini-Mall at 109 S 24<sup>th</sup> Street West. The owners conducted a pre-application neighborhood meeting on April 29, 2013.

## **RECOMMENDATION**

The Planning Division is recommending approval.

## **Discussion**

Dan Wagner called for questions and discussion from the members of the Commission. In response to a question by Mike Boyett, Nicole Cromwell explained when South 24<sup>th</sup> Street West was developed there was debate as to whether should be more intense zoning along this street. She said almost all the lots on 24<sup>th</sup> Street West have commercial zoning.

## **Public Hearing**

Dan Wagner opened the public hearing and called for proponents or opponents of City Zone Change #911. Chairman Dailey called for presentation by the applicant.

## **Applicant:**

### **Marshal Phil, Blueline Engineering, 2110 Overland Ave, Billings, Montana**

Mr. Phil is the representative for the owner, Rimrock Mini-Mall LLC. He stated this zoning will provide continuity and blend in with the surrounding zoning. In response to Mike Boyett's query, Mr. Phil stated there is a vacancy where a Hawaiian Barbeque restaurant existed but there is no intent to vacate existing tenants.

## **Proponents**

### **Rob Veltkamp, PO Box 20791, Billings, Montana**

Mr. Veltkamp noted investments that have been made for improvements on this property. He stated the proposal is to provide continuity as it is one long contiguous business center. He commented the Hawaiian Barbeque space could potentially be another restaurant, and if approved this could help to raise lease ability.

## **Opponents**

There were no opponents.

Vice Chairman Wagner asked if there was anyone else wishing to speak in favor or against Special Review #911. There was none. Vice Chairman Wagner closed the public hearing and called for a motion.

### **Motion**

**Member Mike Boyett made a motion and it was seconded by Member Barbara Hawkins to recommend approval of City Zone Change #911 and adopt the findings of the ten criteria.**

### **Discussion**

Chairman Dailey called for discussion on the motion. There was none.

**The motion carried with a unanimous voice vote, 3-0.**

**Item #4: Zone Change #912 –Western Sky Subdivision** – A zone change request from Public (P) and Residential 5,000 (R-50) to Residential Multi-family-Restricted (RMF-R) and Public (P) on portions of Lot 1A and 2A of Block 1, Western Sky Subdivision. A pre-application neighborhood meeting was conducted on March 25, 2013 at 4305 Laguna Beach, Unit #4. Tax IDs: C15619 & C15618, King Meadows, LLC and Pemberton, LLC, owners and Marshall Phil, P.E., Blueline Engineering, Inc., agent.

### **REQUEST**

This is a zone change request from Residential 5,000 (R-50) and Public (P) to Residential Multi-family-Restricted (RMF-R) and Public (P) on portions of Lots 1A and 2A, Block 1, Western Sky Subdivision west of the intersection of 44<sup>th</sup> Street West and south of King Avenue West. The property is owned by King Meadows, LLC and Pemberton LLC and Marshall Phil, P.E., of Blueline Engineering is the agent. The owner conducted a pre-application neighborhood meeting on March 25, 2013.

### **RECOMMENDATION**

The Planning Division is recommending approval.

### **Discussion**

Vice Chairman Wagner called for questions and discussion from the members of the Commission. He asked about the proposed five acre park and Nicole Cromwell provided clarification on a posted zoning classification map.

Mike Boyett asked if a traffic signal or a roundabout will be placed at 44<sup>th</sup> Street West. Nicole Cromwell stated a decision will be made when it is warranted by the traffic counts. She noted MDT has been involved in the subdivision development applications.

### **Public Hearing-**

Vice Chairman Wagner opened the public hearing and called for proponents of Special Review #905.

### **Applicant:**

**Marshal Phil, Blueline Engineering, 2110 Overland Ave, Billings, Montana**

Mr. Phil offered an explanation for the shape of the parkland area. He said there was a 5-lot subdivision developed to the north, and the zone change request is following suit to mimic these

regions. He stated this will be a private park; the five acre piece will allow for private access and installation of services. He distributed a preliminary plat of the southern piece of the property. Mr. Phil said there has been a request for the green space along Hogan's Slough to be dedicated to the City. He stated 44<sup>th</sup> Street West will be completed to Hogan's Slough and there will be a contribution for the crossing.

Vice Chairman Wagner asked if there was anyone else wishing to speak in favor or against City Zone Change #912. There was none. Vice Chairman Wagner closed the public hearing at 5:15 p.m. and called for a motion.

**Motion**

**Member Barbara Hawkins made a motion and it was seconded by Member Mike Boyett to recommend approval of City Zone Change #912 and adopt the findings of the ten criteria.**

**Discussion**

Chairman Dailey called for discussion on the motion. There was none.

**The motion carried with a unanimous voice vote, 3-0.**

**Other Business**

- A. The next City Zoning Commission meeting will be held on Tuesday, July 2, 2013
- B. Member Bill Ryan will not be available for the June or July City Zoning Commission meetings.
- C. Notice: The Planning and Community Services Department will be moving from August 19-23, 2013 and will have limited services during this time. Our new physical address is 2825 3rd Avenue North, 4th Floor, Billings, MT 59101.

*The meeting was adjourned at 5:20 p.m.*

**ATTEST: APPROVED BY A MOTION ON JULY 2, 2013**

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Dan Wagner, Vice Chairman

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Tamara L. Deines, Planning Clerk