



**CITY ZONING COMMISSION
AGENDA
1st Floor Conference Room, Miller Building
2825 3rd Ave North
Billings, Montana**

Tuesday, September 3, 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. Introduction of City Zoning Commission Members and Planning Department Staff.**
- II. Public Comment**
- III. Approval of Minutes:**
The minutes of the Board meeting of August 6, 2013-delayed
- IV. Disclosure of any Conflict of Interest-Members of the Commission and Staff**
- V. 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.**
- VI. 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 #911 – 25 Hilltop Road – Trinity Church of the Nazarene - A special review request to allow the addition of 1,500 square feet to an existing 2,880 square foot church and provide areas for future building and parking lot expansions in an R-96 zone on Lot 28, Block 2, Howard Heights Subdivision, a 3.5 acre parcel of land.

Tax ID: A20680, Trinity Church of the Nazarene, J.D. Shanahan, and Durward Sobek, agents.

Item #2: Zone Change #916 –3203 Henesta Drive – Planned Development Amendment - A zone change request to amend the Planned Development for Harvest Subdivision from Planned Development - Neighborhood Commercial (PD-NC) to PD-NC with an allowance for 1 beer and wine license with gaming to allow a casino in an existing structure on Lot 6, Block 34, Harvest Subdivision 4th Filing, a 16,231 square foot parcel of land. A pre-application neighborhood meeting was conducted on July 25, 2013, at the Johnny Carino's Restaurant at 3042 King Avenue West. Tax ID: C09825, Century Warehousing, Inc, owner and Travis Woltermann, agent.

VII. Other Business

VIII. Announcements

IX. Adjournment

City Council has designated **Monday, September 23, 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 (September 20, 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, 2825 3rd Avenue North, 4th Floor, Miller Building, 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