

**City of Billings Zoning Commission
Meeting Minutes- October 1, 2013**

The City of Billings Zoning Commission met on Tuesday, October 1, 2013 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Leonard Daily called the meeting to order at 4:54 p.m. The City Council has designated **Monday, October 28, 2013**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

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

| Total Number of 2013 Applications | 01/02/2013 | 02/05/2013 | 03/05/2013 | 04/02/2013 | 05/07/2013 | 06/04/2013 | 07/02/2013 | 08/06/2013 | 09/04/2013 | 10/01/2013 | 11/06/2013 | 12/03/2013 | TOTAL |
|-----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------|
| Zone Change | 0 | 1 | 1 | - | 1 | 3 | 2 | 1 | 0 | 0 | | | 8 |
| Special Review | 1 | 0 | 0 | - | 3 | 1 | 2 | 2 | 1 | 1 | | | 9 |

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

Public Comment

Chairman Dailey called for public comments. There were no public comments. Chairman Dailey closed the public comment portion of the meeting.

Approval of Minutes: August 6, 2013, September 3, 2013

Chairman Dailey called for approval of the August 6, 2013 and September 3, 2013 meeting minutes.

Motion

Dan Wagner made a motion and it was seconded by Barbara Hawkins to approve the August 6, 2013 and September 3, 2013 meeting minutes.

The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

Chairman Dailey called for disclosures of conflict of interest. There was none.

Disclosure of Outside Communication

Chairman Dailey called for disclosure of ex parte communication.

Public Hearings:

Chairman Dailey 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.

Special Review #912 –3969 Grand Avenue – Expansion of existing casino - A special review request to allow the increase in floor area for an existing casino at the Town Pump from 1,339 square feet to 2,224 square feet in a CC zone on Lot 1A, Block 1 Circle Fifty Subdivision, a 1.43 acre parcel of land. Tax ID: A26424, Townhouse Inns of Conrad, Inc. and Kestle Architects, agent.

REQUEST

This is a special review request to allow the expansion of an existing casino, the Lucky Diamond, from 1,339 square feet to 2,224 square feet in a CC zone on Lot 1A, Block 1, Circle Fifty Subdivision. The existing casino is part of the gas station and convenience store on the property operated by Town Pump. The lot is 1.43 acres and is generally located at 3969 Grand Avenue on the northeast corner of the intersection of Shiloh Road and Grand Avenue. The owner is Townhouse Inns of Conrad, Inc. and the agent is Charles Kestle, AIA, of Kestle Architects.

RECOMMENDATION

The Planning Division recommends conditional approval with the following conditions:

1. The special review approval shall be limited to Lot 1A, Block 1 of Circle Fifty Subdivision, generally located at 3969 Grand Avenue
2. Development of the site shall be in substantial conformance with the site plan submitted with this application and shown in this staff report. Deviations from the approved site plan that show additional on-premise alcohol service area greater than 10% of the total approved 2,224 square feet will require additional special review approval.
3. The applicant must provide drawings at the time of building permit submittal showing the property can meet the required parking for the additional 885 square feet.
4. 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.
5. 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

Chairman Dailey called for questions and discussion from the members of the Commission. Leonard Dailey asked for clarification on the traffic count notations in the staff report. Nicole Cromwell said the count is a three year average; the thought is to show trends. She pointed out this is the first year beyond a construction year. She replied to Dan Wagner's query and said in this Shiloh Overlay District compliance review was done by the Planning office when the first building permit was submitted. Dan Wagner asked about signage and fencing for this property. Nicole Cromwell stated any change in the signage would have to comply with the Shiloh Overlay District; the only fencing on the property would be the surround for the garbage dumpster which was already reviewed by the Building Department.

Chairman Dailey called for presentation by the applicant.

Dan Sampson, Town Pump, PO Box 6000, Butte, Montana

Mr. Sampson explained the intent of this proposal is to make the space more comfortable. He stated they do not expect increased occupancy as they are only allowed 20 gaming machines. He said the said the fencing will be around the dumpster for screening purposes. He commended

Zoning Coordinator Nicole Cromwell for her staff presentation. Leonard Dailey asked about customer demographics for this business. Mr. Sampson said they have a middle aged demographic and this facility sees its best numbers during the daytime. Mr. Sampson stated they expect to begin construction in mid December.

Public Hearing

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #912.

Proponents:

Charles Kestle, AIA, of Kestle Architects, (no address given)

Mr. Kestle is the architect for Townhouse Inns of Conrad, Inc. He stated he is in attendance to answer questions relative to the project design. He added the Shiloh Overlay Corridor District requirements were reviewed and approved by Planner Dave Green. He explained they plan to resubmit the building plans to ensure approval following approval of this request. Dan Wagner asked if they have experienced issues with the flat roofs. Mr. Kestle said they had not had issues. He explained they always request a total systems warranty to protect the owner from the manufacture as well as the installer. He said he is confident they are meeting the parking requirements.

Opponents:

There were no opponents.

Discussion

Chairman Dailey called for discussion. There was none. Chairman Dailey closed the public hearing and called for a motion.

Motion

Barbara Hawkins made a motion and it was seconded by Dan Wagner to forward a recommendation to City Council of conditional approval of City Special Review #912 with the conditions recommended by staff and adopt the findings of the criteria.

Discussion

Leonard Dailey commented on the confidence of the applicant with this proposal.

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

Other Business

- A. The next City Zoning Commission meeting will be held on Tuesday, November 5, 2013.

Adjournment

The meeting was adjourned at 5:19 p.m.

ATTEST: Approved by a motion November 5, 2013

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk