

City of Billings Zoning Commission Meeting Minutes- December 3, 2013

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

Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, Monday, January 13, 2014**, 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	1	1
Barbara Hawkins	Commissioner	E	1	1	-	1	1	1	E	1	1	1	1
Dan Wagner	Vice Chairman	1	1	E	-	1	1	1	1	1	1	1	1
Bill Ryan	Commissioner	1	E	E	-	1	E	E	1	E	R	R	R
Mike Boyett	Commissioner	1	1	1	-	1	1	1	1	1	1	1	1
Candi Beaudry	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1	1	1	1	1	1	1	1
Tammy Deines	Planning Clerk	1	1	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	0	1	9
Special Review	1	0	0	-	3	1	2	2	1	1	1	1	13

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

Attending: Thomas Dennis; Diane R Burke; Lois Morrison; Wayne Schuster; Scott Heard

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: November 5, 2013

Chairman Dailey called for approval of the November 5, 2013 meeting minutes.

Motion

Dan Wagner made a motion and it was seconded by Mike Boyett to approve the November 5, 2013 meeting minutes as submitted.

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.

In order to allow more time for the applicant/agent for agenda #1 to arrive, it was the consensus of the Zoning Commission to reorder the agenda to hear agenda item #2 first.

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.

Item #2: City Zone Change # 917 – Lampman Park – A zone change request from Public (P) to Residential 7,000 Restricted (R-70-R) on Lampman Park, a 5.9-acre parcel of land within the Lampman Subdivision south of Monad Road and east of 32nd Street West. Tax ID: C08071, City of Billings, owner and Mark Jarvis, Park Planner is the agent.

REQUEST

This is a zone change request from Public (P) to Residential 7,000-Restricted (R-70-R) on a 5.9-acre parcel known as Lampman Park within the Lampman Subdivision south of Monad Road, east of 32nd Street West. The property is owned by the City of Billings, and managed by the Parks, Recreation and Public Lands Department (PRPL). The City Council, through a public process with PRPL, has declared this park land to be excess and set in motion a process to sell the land to the highest bidder. The City Council has also requested the land be re-zoned prior to the sale to ensure only single family homes can be developed on the property. The owner conducted a pre-application neighborhood meeting on October 24, 2013, at Big Sky Elementary School.

RECOMMENDATION

The Planning Division is recommending approval.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Barbara Walborn asked about provisions for garbage services for the houses located beyond the alleyway. Nicole Cromwell stated the developer will have the choice of a layout with either public streets or an internal private street and they will address garbage services.

Leonard Dailey pointed out the accesses to Monad Road will be limited and commented a loop such as Stonegate Circle may be used instead. He asked why R-7000 zoning was selected for this parcel. Nicole Cromwell said the question will be deferred to Mark Jarvis, City Parks & Recreation Department.

Nicole Cromwell provided clarification between the allowable units between the proposed R-7000 and R-6000 zoning. Leonard Dailey noted that more units would be allowable for a different zoning. He commented the subdivision across the street with more density was well received. Nicole Cromwell explained Monad Road is a dividing line as it is an arterial street. She said City Council's initiative was for single family detached units.

Applicant/Agent: City of Billings, Mark Jarvis, Parks & Recreation Department, 390 N. 23rd Street, Billings, Montana

Mr. Jarvis is representing the City of Billings. He opened with a PowerPoint presentation and gave an overview of the history of parkland sales. The Council initiative was forwarded in August 2007 to research feasibility of selling Lampman Park. In January 2010, City Council requested PRPL Staff to study procedures to evaluate parkland for potential disposal and a subcommittee was formed. Lampman Park has been in existence since 1955. Staff and the subcommittee's recommendation was to develop both parks and if no support was received to create an SID and sell

the property. The initial neighborhood meeting was held on January 24, 2013 with neighboring property owners who were amenable to development but they wanted to know potential costs. The neighborhood meeting results were unanimous to rezone the property R-7000R. After a public hearing on September 23, 2013, City Council moved to sell Lampman Park. Council directed staff to rezone the park prior to sale to preserve the character of the subdivisions.

Discussion

Jim Olson pointed out the surrounding neighborhood character has R-9600 zoning and asked why this was not continued. Mr. Jarvis said he felt the property owners were willing to go with a higher density but were opposed to duplexes. Per request of Leonard Dailey, Mr. Jarvis pointed out the residential zoning district comparisons and noted the funds needed to move towards development of the Lampman Strip Park. He said this parcel is master planned and it would be used for more passive recreational activities. Public meetings will be held prior to development.

Barbara Walborn voiced the need for a barrier next to the canal.

Public Hearing

At 5:13 Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #917, Lampman Park. There was none. The public hearing was closed at 5:15 p.m.

Motion

Jim Olson made a motion and it was seconded by Dan Wagner to forward a recommendation to City Council of approval of City Zone Change #917 with the findings of the 10 criteria for this zone change.

Discussion

Leonard Dailey asked what will take place when this zone change is accepted by City Council. Marc Jarvis stated he will be working with the City Finance Department to move forward with the sale process for Lampman Park. He said sealed bids will be taken at some point. Nicole Cromwell said any sale of real property will require appraisal and the appraised value will be the minimum.

The motion carried with a unanimous voice vote, 4-0.

Item #1: Special Review #914 - 1603 Grand Ave, Suite 105 – Umi in Billings Restaurant – All Beverage Liquor License - A special review request to allow an all-beverage liquor license in a CC zone on Lot 2A1, Partington Park Subdivision, 5th Filings, a 15.94-acre parcel of land . The new restaurant will be located in Suite 105 approximately 7,700 square feet in area within the West Park Shopping Center. Tax ID: A12621, West Park Shopping Center, LLC (Robert D. McDonald), and Scott Heard and Andy Chan, agents.

REQUEST

This is a special review request to allow the location of an all-beverage liquor license in a new tenant space of 7,700 square feet in the West Park Plaza Shopping Center for a new restaurant, Umi

in Billings, Inc. The property is zoned Community Commercial (CC) and is legally described as Lot 2A1, Partington Park Subdivision, 5th Filing. The lot is a total of 15.94 acres and is generally located at 1603 Grand Avenue. The owner is West Park Plaza Shopping Center, LLC and the agents are Scott Heard and Andy Chan.

RECOMMENDATION

The Planning Division is recommending conditional approval and a waiver of the 600-foot separation distance from a church and a public park.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Lot 2A1, Partington Park Subdivision 5th Filing, in Suite 105 of the building located at 1603 Grand Avenue.
2. Development of the restaurant 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 7,700 square feet will require additional special review approval.
3. There shall be no outdoor seating area without additional special review approval of the City Council.
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. Nicole Cromwell pointed out the current tenants on an aerial photo and on an accurate representation of the West Park Plaza layout. Barbara Hawkins asked why outdoor patio seating is not allowed and Nicole Cromwell explained this would have to have been part of the applicant's request. Leonard Dailey asked if the 18 area special reviews listed in the packet were similar to this request. Nicole Cromwell said they were conditionally approved for several types of liquor licenses.

Applicant/Agent: Scott Heard, 3936 Avenue B, Suite C, Billings, Montana

Mr. Heard is the agent for applicant who is the potential tenant. He said the applicant has made a substantial investment and hopes to obtain an all beverage liquor license.

Discussion

In response to Leonard Dailey, Mr. Heard stated the applicant has invested in a long term lease. He stated his primary engagement was for the procurement of a liquor license. He said construction is not yet underway. Leonard Daily commented according to the proposed layout, this seems to be a serious applicant.

Public Hearing

At 5:33 Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #914, 1603 Grand Avenue, Suite 105. There was none. The public hearing was closed at 5:34 p.m.

Motion

Dan Wagner made a motion and it was seconded by Barbara Hawkins to forward a recommendation to City Council of conditional approval of City Special Review #914 with the conditions recommended by staff and adopt the findings of the criteria and the waiver of the 600-foot separation distance from a church and a park.

Discussion

The Board noted there was no opposition here tonight. Discussion followed on the separation distance waiver and it was felt there is enough separation. Leonard Dailey noted the distances listed in the staff report. Barbara Hawkins commented they will not have an outdoor patio. As a point of information, Leonard Dailey stated West Park Plaza was created in 1963. He said there are a number of rooftops to make this type of business feasible.

The motion carried with a unanimous voice vote, 4-0.

Ms. Cromwell read aloud the legal notice and gave a short presentation of the staff report.

Other Business

- A. The next City Zoning Commission meeting will be held on Tuesday, January 7, 2014. She said there may public interest in a zone change on Stephens Lane and Hallowell Lane. There will be a special review request for a Starbucks Drive through at the old JB's restaurant located on Grand Avenue.
- B. The mayor's recommendation for Commission appointments forwarded to City Council for approval on Monday, December 9.

The meeting was adjourned at 5:40 p.m.

ATTEST: TO BE APPROVED BY A MOTION ON JANUARY 7, 2014

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk