

**City of Billings Zoning Commission
Meeting Minutes- July 1, 2014**

The City of Billings Zoning Commission met on Tuesday, July 1, 2014 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Leonard Dailey called the meeting to order at 4:30 p.m. The City Council has designated Monday, July 28, 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		01/02/2014	02/04/2014	03/04/2014	04/01/2014	05/06/2014	06/03/2014	07/01/2014	08/05/2014	09/02/2014	10/07/2014	11/07/2014	12/02/2014
Leonard Dailey, Jr.	Chairman	1	1	1	1	1	-	1					
Barbara Hawkins	Commissioner	1	1	1	1	1	-	-					
Dan Wagner	Vice Chairman	1	E	1	1	1	-	1					
Dennis Ulvestad	Commissioner	1	1	1	1	1	-	1					
Mike Boyett	Commissioner	1	E	1	1	1	-	1					
Candi Millar	Director, Planning & Community Services	-	-	-	1	-	-	-					
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1	1	1					
Tammy Deines	Planning Clerk	1	1	1	1	-	1	1					
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-	-	-	-
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-	-	1	-	-		-	-	-	-

Total Number of 2014 Applications	01/02/2014	02/04/2014	03/04/2014	04/01/2014	05/06/2014	06/03/2014	07/01/2014	08/05/2014	09/02/2014	10/07/2014	11/07/2014	12/02/2014	TOTAL
Zone Change	1	-	-	1	1	-	1						4
Special Review	1	1	-	-	-	-	-						2

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:

Chairman Dailey called for approval of the May 6, 2014 meeting minutes.

Motion

Mike Boyett made a motion and Dan Wagner seconded to approve the May 6, 2014 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 were none.

Disclosure of Outside Communication

Chairman Dailey called for disclosure of ex parte communication. Nicole Cromwell distributed copies of a Tuesday, July 1, 2014 e-mail from William Cole, Cole Law Firm regarding Lenhardt Square Special Review #917.

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 an overview of the application and staff's recommendation.

Item #1: Special Review #917 – Lenhardt Square – Assisted Living – A special review request to allow a 100-unit assisted living facility on Lot 1, Block 1 Lenhardt Square 1st Filing, in a Planned Development (PD)

REQUEST

This is a special review request to allow the location of a nearly 100-unit assisted living facility located at the southeast corner of S 44th Street West and Monad Road in the Lenhardt Square Planned Development. The property is zoned MF-R that allows multi-family developments but requires special review for any assisted living facility for more than 8 residents. The property is legally described as Lot 1, Block 1, Lenhardt Square Subdivision, 1st Filing. The lot is a total of 8.327 acres and the assisted living facility includes a Phase 1 building with 98 units and a Phase 2 addition with an undetermined number of units. The owner is Stock-Naughton, LLP and the agent is Sanderson Stewart.

RECOMMENDATION

The Planning Division recommends conditional approval.

1. The special review approval is for the construction of an assisted living facility with 100 units in a first phase. The second phase, shown on the site plan, will require additional special review approval when the number of units in that phase is finalized.
2. The approval is limited to Lot 1, Block 1 of Lenhardt Square Subdivision, 1st Filing, generally located on S 44th Street West.
3. Increases in the number of units or the number of off-street parking spaces greater than 10% of the numbers shown on the site plan will require additional special review approval.
4. The site will be developed in substantial conformance with the submitted site plan dated 6-06-14. Minor modifications to the site plan are acceptable. The proposed Phase 2 shown on the plan will be subject to additional special review approval.
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.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Dan Wagner asked about the timeframe for construction. Nicole Cromwell deferred this question to the engineer. In response to a question by Dennis Ulvestad, Nicole Cromwell said they plan to attach the second phase of construction to the primary building. Leonard Dailey asked for clarification on Condition of Approval #7, “The developer shall obtain the Reviewer’s written consent in accordance with Article IV.G. of the Planned Development Agreement for Lenhardt Square.”, and it was given by Nicole Cromwell. Leonard Dailey noted a discrepancy on page 1 of

the staff report. Nicole Cromwell stated the request is for 100 units but the site design denotes 98 units, and commented memory care facilities generally have single rooms.

Leonard Dailey asked if there will be a connection from Monad Road. Nicole Cromwell said the developer is preparing to submit the final plat of the subdivision which will include the roadways, walks, and utilities.

Leonard Daily asked about the census projections which were obtained from a website, CEIC. He commented the statics for an aging generation is partially what is driving this application. He asked about traffic control at the intersection at 44th Street West and King Avenue. Nicole Cromwell explained that 44th Street West will not function well as a two way stop intersection and developers are considering other solutions. She said the traffic impact is much less as the inhabitants will not be driving.

Dan Wagner asked about the required spacing for roundabouts. Nicole Cromwell said 150 feet is the standard between traffic signals but the City does not have a standard for roundabouts. Leonard Dailey commented on page 5 of the Staff report and the consideration for traffic controls.

Public Hearing

At 4:55 p.m. Chairman Dailey opened the public hearing and called for proponents of City Special Review #917.

Pat Davies, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Mr. Davies is the representative for owner Stock-Naughton, LLP. He stated the City requires a traffic study update. He said the memory care facility will have substantially less traffic use as the units are single bed units and the tenants do not drive. A signal is planned for 44th Street West and King Avenue as a roundabout might be difficult to construct due to the current development in the area. The project's construction is planned for the Spring of 2015. This development will be required to develop Monad Road on the north of the property and the traffic study update will address this improvement.

In response to a question by Dan Wagner, the construction will take 8-10 months and the contracts have not been let at this time. Mike Boyett asked about proposed Condition of Approval #7. Pat Davies said the applicant has already had discussions with the Founders, and have no issues with this request. Leonard Daily asked for clarification on the ingress and egress with this property. Pat Davies said Monad Road will connect at the roundabout at Shiloh Road as a secondary access point.

Bill Cole, Cole Law Firm, 3860 Avenue B, Billings, Montana

Mr. Cole represents the Founders, the Lenhardt Family. He has worked with them for close to ten years on the development of these properties. He commented on several documents and contracts that come into play with this development. He asked that Condition of Approval #7 be included as a part of

the recommendation. Mr. Cole mentioned the Reviewer does not anticipate any problems but believes that better pedestrian and bicycle connections and traffic connectivity to the south is needed. Mr. Cole stated this a part of Lenhardt Square Master Plan. In response to a question by Leonard Daily, Mr. Cole explained the language says the Founders select the reviewer for this property, who will give consent under the Planned Development Agreement and the Covenants and Restrictions.

Opponents.

There were none.

Chairman Dailey asked if there was anyone else wishing to speak in favor or against City Special Review #917. There were none. Chairman Dailey closed the public hearing at 5:08 p.m.

Motion

Barbara Hawkins made a motion and Mike Boyett seconded to forward a recommendation to City Council of approval of City Special Review #917 with the additional Condition of Approval #7: “The developer shall obtain the Reviewer’s written consent in accordance with Article IV.G. of the Planned Development Agreement for Lenhardt Square.

Discussion

Chairman Dailey called for discussion on the motion. Barbara Hawkins stated this will be a good project. Leonard Dailey noted the developers’ desire to be a benefit to this community.

The motion to approve City Special Review #917 carried with a unanimous voice vote, 5-0.

Other Business:

The next City Zoning Commission meeting will be held on Tuesday, August 5, 2014

Adjournment: The meeting adjourned at 5:10 p.m.

ATTEST:

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk