

**City of Billings Zoning Commission
Meeting Minutes- October 7, 2014**

The City of Billings Zoning Commission met on Tuesday, October 7, 2014 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, October 27, 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	1	1	1		
Barbara Hawkins	Commissioner	1	1	1	1	1	-	1	1	1	1		
Dan Wagner	Vice Chairman	1	E	1	1	1	-	1	1	1	1		
Dennis Ulvestad	Commissioner	1	1	1	1	1	-	1	1	1	1		
Mike Boyett	Commissioner	1	E	1	1	1	-	1	1	1	1		
Candi Millar	Director, Planning & Community Services	-	-	-	1	-	-	-	-	-	-		
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1	1	1	1	1	1		
Tammy Deines	Planning Clerk	1	1	1	1	-	1	1	-	1	1		
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-	-	-	-
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-	-	-	-
Karen Husman	Planning Assistant	-	-	-	-	1	-	-	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	2	3	1			10
Special Review	1	1	-	-	-	-	-	1	1	-			4

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: September 2, 2014

Chairman Dailey called for approval of the September 2, 2014 meeting minutes.

Motion

Mike Boyett made a motion and Dennis Ulvestad seconded to approve the September 2, 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 was none.

Disclosure of Outside Communication

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

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: Zone Change #926- 2707 13th St West – A City Council initiated zone change from Residential 9,600 (R-96) to Residential 6,000 (R-60) on Lots 21-24, Block 12, College Subdivision, 3rd Filing, a 14,000 square foot parcel of land. The City Council initiated the zone change at the request of the owner due to an error in re-zoning the parcel from R-3-R to R-96 in 1972. Tax ID: A05371.

REQUEST

The City Council initiated this map amendment and zone change at the request of the property owner to correct an error made in 1972 when the City undertook a city-wide re-zoning program. The property is currently zoned Residential 9,600 (R-96) but previously was zoned R-3-R, a zone analogous to the current Residential 6,000 (R-60) zoning district. The Council proposal is to change the zoning to R-60. The legal description of the property is Lots 21-24, Block 12, College Subdivision 3rd Filing, a 14,000 square foot parcel of land. The property is owned by Vaughn and Marla Rohrdanz.

RECOMMENDATION

The Planning Division is recommending approval.

The Planning Division has reviewed this application and is recommending approval based on the attached ten (10) criteria for zone changes. The subject property is adjacent to a minor arterial street and has been an established part of the neighborhood fabric for more than 40 years. The property is currently well-maintained and fits with the variety of housing types available in the College Subdivision. The proposed zoning, R-60, will allow the use to become a conforming use so it will continue to be part of the neighborhood now and in the future. Any re-development of the property requires compliance with the new zoning and the ability to meet site development requirements and traffic safety standards. The 2008 Growth Policy encourages predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. Commissioner Wagner commented it will take some time to address the mistakes that were made with the zoning in this area.

Commissioner Ulvestad asked Nicole Cromwell if she expects additional zone change requests from future sellers, and Nicole Cromwell explained a lot area variance can address this issue.

Commissioner Ulvestad asked if there is a way to recommend a blanket zone change for this area as there are several others with similar issues. Nicole Cromwell commented part of the implementation of the Growth Plan is to support walkable neighborhoods and those neighborhoods that are changing. She said Staff may work with Boards and commissions to develop a neighborhood overlay to allow the uses to continue even though they may not meet the underlying zoning.

In response to a question by Chairman Dailey, Nicole Cromwell said she has observed this is a consequence of the more strict 2008 financial and insurance guidelines for properties devalued through zoning. She said financing companies review these nonconforming issues as properties are sold. Per request of Chairman Dailey, Nicole Cromwell explained her concept of “disinvestment”.

Public Hearing

At 5:00 p.m., Chairman Dailey opened the public hearing and called for proponents or opponents of City Zone Change #926. There was none. Chairman Dailey closed the public hearing.

Motion

Barbara Hawkins made a motion and Dan Wagner seconded the motion to forward a recommendation to City Council of approval of City Zone Change #926 with the and Findings of Fact presented by Staff.

Discussion

Chairman Dailey called for discussion on the motion. Commissioner Hawkins stated the applicant should not be penalized due to the actions of the City and Commissioner Dailey agreed.

The motion to approve City Zone Change #926 carried with a unanimous voice vote, 5-0.

Other Business:

- Due to the Election Day Holiday, the next City Zoning Commission meeting will be held on **Wednesday, November 5**, 2014.
- Nicole Cromwell announced that Commissioner Boyett’s position is up for reappointment.

Adjournment: The meeting adjourned at 5:03 p.m.

ATTEST: APPROVED ON DECEMBER 2, 2014

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk