



CITY ZONING COMMISSION
AGENDA- 4:30 p.m. Tuesday, March 3, 2015
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

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.

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of February 3, 2015

Disclosure of any Conflict of Interest-Members of the Commission and Staff

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.

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 Zone Change #933 – 1229-1239 Poly Drive - A zone change from Residential 9,600 (R-96) to Residential 6,000 (R-60) on Lots 15-19, Block 1, College Subdivision, 1st Filing, a 17,500 square foot parcel of land, for an existing 6-plex multi-family dwelling. The City Council initiated this zone change on January 12, 2015 at the request of the property owner. Tax ID: A05126.



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Item #2: City Special Review #923 – 960 S 24th St West – Suites F & G - CASH Casino and All Beverage Liquor License – A special review request to allow the location of an All Beverage Liquor License with gaming in Suites F & G (a 3,470 sf tenant space) in a Controlled Industrial (CI) zone, Lot 4A, Block 3, Midland Subdivision, 3rd Filing, 2.05 acre parcel of land. Tax ID: A29603.

Item #3 City Special Review #924 – Bench Boulevard – Multi-family residences – A special review to allow 4 nine-plex multi-family buildings (36 dwelling units) in a Residential 6,000 (R-60) zone on Lot 4, Block 1, Chalice Acres Subdivision, a 1.98 acres parcel of land. The property received previous special review approval for 7 four-plex multi-family dwellings in 2008. Tax ID: A34249.

Item #4 City Special Review #925 – 72 & 77 Lily Valley Circle – Retirement Center – A special review to allow a retirement center with 15 units in a 16,438 square foot addition to an existing assisted living residence in a Residential 9,600 (R-96) zone on Lots 26 and 27, Block 2, Howard Heights Subdivision and additional land (13,151 square feet) from adjacent owners to the south and east, a 34,429 square foot parcel of land. The property received previous special review approval for an assisted living home in 2005. Tax ID: A20678 and A20679.

Item #5 Zone Change #934 – Text Amendment – Allow the off street parking of Class A or Class D tow trucks in residential zones; Section 27-601(a) and 27-606 - A City Council initiated amendment to the Unified Zoning Regulations Section 27-601(a) and 27-606 to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. The City Council initiated this zone change on February 9, 2015 at the request of the Yellowstone Valley Tow Truck Association.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, March 23, 2015**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special review use 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.



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Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) 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 Division office by 5:00 p.m. on the Friday preceding (March 20, 2015) 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 and 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 (247-8676) 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