

**City of Billings Zoning Commission Meeting
May 6, 2008**

The City of Billings Zoning Commission met on May 6, 2008 in the City Council Chambers at 210 N. 27th Street, 2nd Floor.

Leonard Dailey, Jr., Chairman called the meeting to order at 4:28 p.m. **Chairman Dailey** said the recommendations of the Zoning Commission on the items heard tonight will be forwarded to the City Council to be heard at their meeting during a public hearing scheduled for **Monday, May 27, 2008** at 6:30 p.m.

Commission and Staff		01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008
Barbara Hawkins	Commissioner	1	1	1	1	1							
Thomas Grimm	Commissioner	1	1	A	1	1							
Michael Larson	Vice-Chair	1	1	1	1	A							
Edward Workman	Commissioner	1	1	1	1	1							
Leonard Dailey, Jr.	Chairman	1	1	1	1	1							
Candi Beaudry	Director	-	-	-	-	-							
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	1	1							
Elizabeth Allen	Clerk	1	1	1	1	1							
Wyeth Friday	Planning Division Manager	-	-	-	-	-							
Juliet Spalding	Planner II	-	-	-	-	-							
Aura Lindstrand	Planner II	-	1	-	-	-							
Lora Mattox	Planner II	-	-	-	-	1							
Dave Green	Planner I	1	-	1	1	1							

Total Number of 2008 Applications	01/02/2008	02/05/2008	03/04/2008	04/01/2008	05/06/2008	06/03/2008	07/01/2008	08/05/2008	09/02/2008	10/07/2008	11/05/2008	12/02/2008	Total
Zone Change	3	5	1	1									
Special Review	0	3	0	2									

Chairperson Dailey introduced the Planning Department Staff and Commission:
 Nicole Cromwell, Planner II/Zoning Coordinator
 Lora Mattox, Planner II
 Dave Green, Planner I
 Elizabeth Allen, Planning Clerk

Public Comments:
 There were none.

Approval of Minutes:
*On a motion by Commissioner Grimm, seconded by Commissioner Hawkins and approved with a 4-0 voice vote the minutes of April 1, 2008 were approved with the following corrections:
 Page 6 Applicant name of church is incorrect.*

Public Hearings:

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted.

Item #1 - Special Review #857 – 615 & 617 Central Avenue – A special review request to allow a drive-through pharmacy adjacent to a residential zoning district on a 1.89 acre parcel of land in a Community Commercial (CC) zone, on Lots 5-10, Block 4 of Central Avenue Addition. Tax ID A04406, Greg & Becky Pecovich, are the owners, CVS Caremark Corp., is the prospective owner, The Velmeir Companies, agent and Kevin Heaney, agent.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Commissioner Dailey asked for some clarification on the site plan and where the drive thru will be located. **Ms. Cromwell** clarified the location of the drive thru on the site plan. **Commissioner Dailey** asked where vehicle lights would shine when traffic goes through the drive thru. **Ms. Cromwell** clarified that lights will not be shining on any of the surrounding residential properties.

Applicant:

Kevin Heaney, 139 Alderson, agent for the applicant. He doesn't have much to add to the presentation that staff made. They are happy to comply with the conditions that have been proposed. They have worked with the City to iron out all the site plan problems.

Proponents:

Opponents:

Rebuttal:

Public hearing closed at 4:59 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Hawkins and approved with a 4-0 voice vote a recommendation of approval of Special Review #857 will be forwarded to the City Council on its meeting of May 27, 2008 with the following conditions:

CONDITIONS

Item #2: City Zone Change #838 – Southgate Planned Development – Southgate Drive – A PD zone change from underlying zoning district of Public to an underlying zoning district of Highway Commercial on a .75 acre parcel of land directly east of 5379 Southgate Drive. The City of Billings, owner and Bruce McCandless, Assistant City Administrator is the agent.

Ms. Cromwell read the legal description and **Dave Green** gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Commissioner Grimm asked if there have been any other requests to redevelop these strips of park land.

Mr. Green explained that there has been interest from both the Parks Department and surrounding property owners.

Applicant:

Bruce McCandless, Assistant City Administrator, 210 N 27th St., this was acquired from a tax deed from Yellowstone County. Most of these parcels are not developed as parks. The asking a selling price for this land is \$3.00 per square foot which was set by a qualified land appraiser.

Commissioner Workman asked if citizens will be allowed to purchase undeveloped parkland that is near their homes or to other purchasers. Bruce stated that the Parks Department has put up similar lands for sale.

Commissioner Dailey asked how many other pieces of property in this neighborhood are similar to this.

Bruce pointed out the parcels that the Park Department is looking to sell.

Proponents:

Opponents:

Rebuttal:

Public hearing closed at 4:53 p.m.

Motion:

On a motion by Commissioner Grimm, seconded by Commissioner Workman and approved with a 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Item #3: Zone Change #839 – 3133 Central Avenue – A zone change from Residential 9,600 (R-96) to Neighborhood Commercial (NC) on Lots 3 – 7, Block 9 of Central Acres Subdivision 5th Filing, a 53,172 square foot parcel of land. Tax IDs C01862, C01863, C01863A, C01864, C01864A, Charles Haynes, Ira & Ruth Park and Alan Oster, owners and Gerald Neumann, agent.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Jerry Neumann, 2609 Selvig Lane, he has spoken to the 3 owners of this property and they are all willing to sell if the zone change is allowed. This is not a good place to have a single family home. He had good attendance at the neighborhood meeting. Most of the neighbors were positive about the change, some felt that this would help screen the noise from Central Ave.

Jerry Voto, 3128 Lynn Ave, he is concerned about alley access. He is in favor of this project. He would like to know whether Central Ave is going to be improved.

Ms. Cromwell stated that within the next year Central will be improved.

Applicant:

Proponents:

Opponents:

Rebuttal:

Public hearing closed at 5:06 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Grimm and approved with a 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Item #4: City Zone Change #840 – South east corner of intersection of 41st Street West & Avenue C - A zone change from Residential Multi-Family-Restricted (RMF-R) to Residential Professional (RP) on Lots 4A, Block 2 of Goodman Subdivision 4th Filing, a 67,110 square foot parcel of land. Tax ID A31454, Randall Swenson, Steve Repac & Jeff Muri, owners and Engineering, Inc, agent.

Ms. Cromwell read the legal description and **Dave Green** gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Applicant:

Not present.

Proponents:

Opponents:

Rebuttal:

Public hearing closed at 5:14 p.m.

Motion:

On a motion by Commissioner Hawkins, seconded by Commissioner Workman and approved with a 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Item #5: City Zone Change #841 – 759 Newman Lane – A zone change from Residential 7,000 (R-70) to Entryway General Commercial (EGC) on Lot 1, Block 5 of Pinnick Subdivision 3rd Filing less the North 110 feet, a 3.043 acre parcel of land. Tax ID: A20196, Christ the King Lutheran Church, and Kristin Omgig and Jared Le Fevre from Crowley, Haughey, Hanson, Toole & Dietrich Law Firm, agents.

Ms. Cromwell read the legal description and **Dave Green** gave a brief power point presentation to the commission. Staff recommendation is denial.

Discussion:

Commissioner Workman asked if the unknowns of this development had a strong influence on the recommendation of denial. **Mr. Green** feels that because it is surrounded on 3 sides by residential the intensity of this zoning is inappropriate. **Commissioner Dailey** asked if Entryway Light Commercial would be a better zoning. **Mr. Green** explained the differences between the two types of zoning.

Applicant:

Jared Le Fevre, 1124 Competition Ave, they believe that this proposal is in line with the changes that are going on in the neighborhood. This neighborhood has been permanently changed by the Cabela's development. With the widening of King Ave East and the large amount of EGC zoning in the area this would be a good zone change. This type of development will help to bring new services to the south side area. There has been no plan for this property put forward because they do not have a plan yet but they are not required to have one at this point.

Proponents:

Mike Walker 2132 Green Terrace Dr, Commercial Real Estate Agent. This piece of land is too small to accommodate theaters and too expensive for an auto dealership. They are thinking that this would be a restaurant, banking services, dental or medical services or perhaps fast food. This would not add traffic it would subsist on traffic that will be drawn in from other major retailers in the area.

Eric Gabriel, 2810 S Frontage Road, member of Christ the King Lutheran Church zoning committee. This area will be a commercial area. They feel that this type of zoning is the right type for the area. They are not looking to sell the church at this time, they just wish to be prepared.

JW Westman, President of the church council. With the 4-square development and the widening of King Ave E. they have been looking into being prepared for the future because of the dramatic changes in the area. He would respectfully ask for approval of the zone change.

Randy Meyer, 651 Clack Road, this area is changing and they cannot do anything about it. They can't rebuild the church in this area and it is sad.

Ryan Went, 36 Newnitz Dr, he lives in the area and they always have to drive to do their banking and to take their children to the doctor. This area already anticipates very large amounts of traffic and they do not believe that this project will bring more traffic into the area. They have sought out the best advice on what type of zoning to apply for and they are following that advice.

Dan Kurn, 5379 Southgate, general manager of MRL. This area is growing very quickly and there are large amounts of employees in this area. This area lacks support and services in the area for their employees.

Lyle Kadine, 4121 Vaughn Ln, taught at Riverside for 31 years. He supports this zone change and is a member of the church. He doesn't believe that the smaller residential streets will be utilized because people will use South Billings Blvd and King Ave E. He would like to ask the commission to recommend approval.

Al Keltzer, 2128 Westwood. The right thing to do is to approve this zone change. This project is a good one for the area and they disagree with the conclusion of staff. The types of uses for this property would be banks, services, dentist, salons and other services. The Cabela's Development will help bring in new services and help the south side. They picked EGC because it was the best fit for this area. This is just a small area and it will feed off the traffic from the larger projects in the area.

Kalya Krensler, 4533 Ryan Ave, has lived in this area her whole life. This development will help to bring new and better things to the south side. She would like the commission to recommend approval.

Opponents:

Charlotte Chambers, 46 Murphy Ave, feels that this will hurt the neighborhood. She is a single woman living in the area. She feels that a better use for this property would be a park with berms to help block out all the sound that will be coming from King Ave E. She feels that will be very detrimental to her neighborhood. People are already driving down her small residential street at very fast speeds. She also feels that the church is asking for this zone change only to make more money off their property.

Trent Godfrey, 737 S Billings Blvd, he is representing the 51 manufactured home park owners. He is concerned that there have been no plans presented for this development. He is concerned that the manufactured home owners in this area are going to lose their homes.

Rebuttal:

Jared Le Fevre understands that the residents in the area would like a park but they are not responsible to provide a park. He understands that there are concerns about the traffic currently but that has to do with the construction of King Ave E. They are not trying to change the zoning to receive more money just to be prepared for all the changes taking place in this neighborhood.

Commissioner Dailey asked for him to address that this will not provide a healthy and safe area for residential.

Jared Le Fevre feels that because this property will be built to City standards it will be safe and the additional tax revenue will help this area.

Public hearing closed at 6:02 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Grimm and approved 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Commissioner Workman feels that the nature of this neighborhood has dramatically changed and there is progress in this area because of the Cabela's development, King Ave E. expansion and TIF district. He feels this is the highest and best use of the land.

Item #6: City Zone Change #842 – 4517 King Avenue East – A zone change from Residential 9,600 (R-96) to Entryway General Commercial (EGC) on Tract 1 of C/S 2350 a 4.345 acre parcel of land. Tax ID: D01589 Robert Medvec, owner and Kristin Omvig and Jared Le Fevre from Crowley, Haughey, Hanson, Toole & Dietrich Law Firm, agents.

Ms. Cromwell read the legal description and **Lora Mattox** gave a brief power point presentation to the commission. Staff recommendation is denial.

Discussion:

Applicant:

Jared Le Fever 1124 Competition Ave, they believe that this proposal is in line with the changes that are going on in the neighborhood. This neighborhood has been permanently changed by the Cabela's development. With the widening of King Ave East and the large amount of EGC zoning in the area this would be a good zone change. This type of development will help to bring new services to the south side area. There has been no plan for this property put forward because they do not have a plan yet but they are not required to have one at this point. The size of this property makes it suitable for smaller development and this could help to act as a buffer to the residential to the north.

Proponents:

Mike Walker 2132 Green Terrace Dr, Commercial Real Estate Agent. This piece of land is too small to accommodate theaters and to expensive for an auto dealership. They are thinking that this would be a restaurant, banking services, dental or medical services or perhaps fast food. This would not add traffic it would subsist on traffic that will be drawn in from other major retailers in the area.

Eric Gabriel, 2810 S Frontage Road, member of Christ the King Lutheran Church zoning committee. This area will be a commercial area. They feel that this type of zoning is the right type for the area. They are not looking to sell the church at this time, they just wish to be prepared.

JW Westman, President of the church council. With the 4-square development and the widening of King Ave E. they have been looking into being prepared for the future because of the dramatic changes in the area. He would respectfully ask for approval of the zone change.

Randy Meyer, 651 Clack Road, this area is changing and they cannot to anything about it. They can't rebuild the church in this area and it is sad.

Ryan Went, 36 Newmitz Dr, he lives in the area and they always have to drive to do their banking and to take their children to the doctor. This area already anticipates very large amounts of traffic and they do not believe that this project will bring more traffic into the area. They have sought out the best advice on what type of zoning to apply for and they are following that advice.

Dan Kurn, 5379 Southgate, general manager of MRL. This area is growing very quickly and there are large amounts of employees in this area. This area lacks support and services in the area for their employees.

Lyle Kadine, 4121 Vaughn Ln, taught at Riverside for 31 years. He supports this zone change and is a member of the church. He doesn't believe that the smaller residential streets will be utilized

because people will use South Billings Blvd and King Ave E. He would like to ask the commission to recommend approval.

Al Keltzer, 2128 Westwood. The right thing to do is to approve this zone change. This project is a good one for the area and they disagree with the conclusion of staff. The types of uses for this property would be banks, services, dentist, salons and other services. The Cabela's Development will help bring in new services and help the south side. They picked EGC because it was the best fit for this area. This is just a small area and it will feed off the traffic from the larger projects in the area.

Kalya Krensler, 4533 Ryan Ave, has lived in this area her whole life. This development will help to bring new and better things to the south side. She would like the commission to recommend approval.

Bob MedVec, 4517 King Ave E, lived at this property for 20 years. He feels that this is the right type of zoning for this property. There will be traffic and they will feed off of it. Approval of this zone change will help all of the people in this area because of the services it will provide.

Opponents:

Rebuttal:

Public hearing closed at 4:59 p.m.

Motion:

On a motion by Commissioner Hawkins, seconded by Commissioner Grimm and approved 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Item #7: City Zone Change #843 – Text Amendment – Pre-Application Neighborhood

Meetings – A zone change to amend Section 27-1502 of the Unified Zoning Regulations to require pre-application neighborhood meetings be conducted within 2 radius miles of the property subject to the proposed zone change. Initiated by the City Council.

Ms. Cromwell read the legal description and gave a brief power point presentation to the commission. Staff recommendation is approval.

Discussion:

Commissioner Workman asked if there was anything removed from the original regulation. **Ms. Cromwell** stated that there was not.

Applicant:

Proponents:

Trent Godfrey, he is in favor of this text amendment. He feels that this will make the zone change process more fair and conducive

Opponents:

Rebuttal:

Public hearing closed at 6:26 p.m.

Motion:

On a motion by Commissioner Workman, seconded by Commissioner Hawkins and approved 4-0 voice vote a recommendation of approval will be forward to the City Council on its meeting of May 27, 2008.

Other Business:

Adjournment:

The meeting was adjourned at 6:30 p.m.

Leonard Dailey, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk