



**City of Billings Zoning Commission
Meeting Minutes August 3, 2021**

The City of Billings Zoning Commission met on Tuesday, August 3, 2021 at 4:30 p.m., 2825 3rd Avenue North in the Miller Building 1st Floor Conference Room. The public may attend in person or watch the meeting live on Facebook (see below). The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Comments may be sent to **Board via email before 1:00 PM on Tuesday, August 3, 2021**. All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

The City Council has designated Monday, August 23, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and **conduct a public hearing for the first reading of the ordinance for this zone change request.** If approved on first reading, a **second reading public hearing will occur on Monday, September 13, 2021 at 5:30 pm.**

Commission and Staff		01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021
Mike Larson	Chairman	1	1	E	1	1	1	1	1				
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1	1				
Jack King	Commissioner	1	1	1	1	1	1	1	1	-	-	-	-
Greg McCall	Vice Chairman	E	1	E	E	E	E	1	E				
Trina White	Commissioner	1	1	1	A	1	1	1	1				
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	1	-	-				
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-				
Nicole Cromwell	Planner, Zoning Coordinator	1	1	1	1	1	1	1	1				
Tammy Deines	Planning Clerk	-	-	-	-	-	-	1	-				
Dave Green	Planner II	-	-	-	-	-	-	-	-				
Karen Husman	Planner I	1	1	1	-	-	1	1	1				
Robbin Bartley	Administrative Support	1	1	1	1	1	1	-	1				

Total Number of 2021 Applications	01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/04/2021	10/05/2021	11/02/2021	12/07/2021	TOTAL
Zone Change	-	2	1	1*	1	2	0	4					11
Special Review	2	0	0	0	0	0	1	0					3

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Assistant (Virtually)

Attending: Scott Aspenlieder, Gary Owen

Public Comment

Chairman Larson called for public comments. There were no public comments. Chairman Larson closed the public comment portion of the meeting.

Approval of Minutes: July 6, 2021

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve the July 6, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Trina White		X		

Public Hearings:

City Zone Change 994 –2930 US Highway 3 - from RR1 to N3 - A zone change request from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) on Tr. 1A1 and 1A2, Certificate of Survey 266, a 3.19-acre parcel of land. A pre-application neighborhood meeting was held on June 16, 2021, at 2940 Poly Drive. Tax ID: A20303

Staff Recommendation:

Planning staff recommends approval of the zone change on the findings of the 10 review criteria.

- Meets the criteria in the Growth Policy
- Strong neighborhoods, Home Base
- Adjacent uses and zoning are compatible with proposed change
- Allows an established residential property outside of the City limits to be annexed into the city with uniform zoning

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **city zoning commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Discussion

Commissioner Brooks asked if the primary purpose of this Zone Change was to be annexed and have access to City services. Staff replied it was for uniform zoning. He then asked if there was only one letter of support. Staff confirmed one letter.

Applicant Presentation

Chairman Larson called for presentation by the applicant. APPLICANT WAS NOT PRESENT.

Public Hearing: 4:40 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #994. There were none.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #994 with staff recommendations.

Discussion

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change #994 with a 4-0 vote.

City Zone Change 995 – Cherry Creek Estates - From RR1 and P1 to N3 - A zone change request from Residential Rural (RR1) Parks and Open Space (P1) to Suburban Neighborhood Residential (N3) on a portion of Lot 2, Block 1, Cherry Creek Estates Subdivision, a 10-acre portion of Lot 2, Block 1. A pre-application neighborhood meeting was held on June 17, 2021, in virtual meeting format. Tax ID: A31450

Staff Recommendation:

Planning staff recommends approval of the zone change to change the Rural Residential district and a portion of the P1 district to N3 – Suburban Residential Neighborhood

- Meets the Growth Policy and Heights Neighborhood Plan
- Adjacent uses and zoning compatible with proposed N3 zone

Discussion

Commissioner King asked about parks, grass areas for children to play. Staff indicated the proposed bike path. There are some recreational uses. There is in the RMH area, this developers choice is to provide cash in lieu of parkland dedication.

Commissioner White confirmed these new homes will be Single Family Residences. Staff stated there are 39 lots.

Applicant Presentation

Chairman Larson called for presentation by the applicant. Gary Owen of Sanderson Stewart is standing in for Rick Leuthold.

The goal here is to complete a zone change and annexation simultaneously allowing the 39 lots to access City services.

Commissioner King asked why is this more accepting to the neighbors than other proposals. The agent had no answer.

Commissioner White asked about park areas. The owner chose cash in lieu of parkland dedication.

Public Hearing: 5:00PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #995. There were none.

Motion

Commissioner King made a motion and Commissioner White seconded the motion to approve City Zone Change #995.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change #995 with a 4-0 vote.

City Zone Change 996—Harmony Meadows Subdivision - from CMU2 to NO & N2 -

A zone change request from Corridor Mixed Use 2 (CMU2) to Neighborhood Office Residential (NO) and Mid-Century Neighborhood Residential (N2) on Lots 1-8 & 12A-22, Harmony Meadows Subdivision, 2nd Filing, a 54.44-acre parcel of land. A pre-application neighborhood meeting was held on June 22, 2021, in virtual meeting format. Tax IDs: A36382, A36383, A36384, A36385, A36386, A36387, A36388, A36389, A36393, A36394, A36395, A36396, A36397, A36398, A36399, A36400, A36401, A36402, A36403.

Staff Recommendation:

Planning staff recommends approval of the zone change to change the CMU2 and NX2 to NO and N2

- Meets the Growth Policy and allows developer to adjust to market conditions
- Adjacent uses and zoning compatible with proposed NO zone (Elysian Rd) and N2 (Dodger Ln and Interstate Ave)
- Increase access to two-unit townhomes

Discussion

Applicant Presentation

Chairman Larson called for presentation by the applicant. Scott Aspenlieder, agent

Public Hearing: 5:09 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against Special Review #996. There were none.

Motion

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #996.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change #996 with a 4-0vote.

City Zone Change 997 – 645 S 48th Street West - from A to MU-PND- A zone change request from Agricultural (A) to Mixed Use Planned Neighborhood Development consisting of Corridor Mixed Use 1 (CMU1), Mixed Residential 2 (NX2), Mid-Century Neighborhood Residential (N2) and Parks and Open Space (P1) on Tract 2C, 2-G-1, 14, and 2-H-1 of Certificate of Survey 983, a 65.873-acre parcel of land. A pre-application neighborhood meeting was held on June 23, 2021, in virtual meeting format. Tax ID: D00511, D00512, D00513A & D00513B.

Staff Recommendation:

Planning staff recommends approval of the zone change to CMU1, NX2, N2 and P1

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Meets the PND zone district standards for arterial street zoning, block lengths, connectivity and zone district assembly

Discussion

NX2 is a mixed residential, 2-8 units. Commissioner Larson asked about forced annexation of agricultural property. Even if surrounded, it cannot be forced to annex.

Commissioner King asked about connectivity to Shiloh and the Westend Reservoir area. Staff replied that is all determined in the subdivision process.

Applicant Presentation

Chairman Larson called for presentation by the applicant. Scott Aspenlieder, agent, Performance Engineering, 608 N 29th Street

There is a large amount of green space for parks and great connectivity. A 10 foot bike and walkway on 48th and King.

Public Hearing: 5:29 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against Special Review #997.

Eilene Kinsfater, 4733 Georgina

Her husband grew up here. She is concerned regarding the traffic on Georgina. This road is classified as a collector. Collectors are higher speed, multiple lanes. How will the speed be controlled? Our driveway approach is a concern.

Our Lot 2nd from 48th Street West, where the T is proposed. We are concerned about backing out into a stop sign.

Regarding the annexation choice, we will not be forced but will we be given another choice later?

Scott Aspenlieder replied, a traffic study is being completed now. That study will be part of the Subdivision Improvements Agreement. We do not have a lot of flexibility on roads. Public Works will no doubt address the driveway near the stop sign.

Chairman Larson asked the process. City Engineering, Public Works, MDT will all review the proposed routes.

A lengthy explanation was made regarding City services being paid for, installed or stubbed out before and after annexation.

Sharon Wetch, 4625 King West

My property is surrounded by 2-8 units. I am being surrounded by apartment buildings. It is no necessary. It needs to be rethought. This is downgrading my property. She read a letter from an attorney explaining zoning. The proposal to change her access will not work.

Scott Aspenlieder explained the easement is a recorded document and cannot be changed. MDT dictates the access road, there will be a round a bout at 48th and King.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Zone Change #997.

Discussion

Commissioner White mentioned the many tri-plexes and stated there are more chances to voice opposition.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King		X		
Greg McCall				X
Trina White	X			

The Motion carried to approve City Zone Change #997 with a 3-1 vote.

Other Business: Commissioner King requested a review of Sober Living Homes, issues and discussion.

Chairman Larson wants to discuss Marijuana issues, use standards for the City.

Adjournment: The meeting adjourned at 6:07 PM.

ATTEST: To be Approved by a motion August 3, 2021
--Robbin Bartley, Administrative Assistant