



**City of Billings Zoning Commission  
Meeting Minutes February 1, 2022**

**The City of Billings Zoning Commission met on Tuesday, February 1, 2022 at 4:30 p.m., 510 North Broadway, Billings Public Library Community 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 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, February 1, 2022.** 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, February 28, 2022, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone change and hold their public hearing. The City Council meets on the 2<sup>nd</sup> Floor of City Hall at 210 N 27<sup>th</sup> St. For zone change requests the Council will conduct a public hearing for the first reading of the ordinance on February 28, 2022. If approved on first reading, a second reading public hearing will occur on Monday, March 14, 2022 at 5:30 pm.**

Commission and Staff		01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022
Mike Larson	Chairman	1	1										
Daniel J. Brooks	Commissioner	E	E										
Greg McCall	Vice Chairman	1	1										
Trina White	Commissioner	1	E										
David Goss	Commissioner	1	1										
Wyeth Friday	Director, PCSD	-	-										
Monica Plecker	Division Planning Manager	-	-										
Nicole Cromwell	Zoning Coordinator	1	1										
Tammy Deines	Planning Clerk	-	1										
Dave Green	Planner II	-	-										
Karen Husman	Planner I	-	1										
Robbin Bartley	Administrative Support	1	1										

Total Number of 2022 Applications	01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022	TOTAL
Zone Change	1	4											5
Special Review	-	-											0

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, and Robbin Bartley, Administrative Assistant (Virtually).

**Attending:** Penny Levy, Desirae Miller, Jason Miller, Michael Kitlson, David Myers, Ashley Delp, Jeff Seen, Clark Swan, Leo Hart, David Goodidge, Michelle Olson, Colton Benboe, Lisa Sandau, Chad Woodyatt, Craig Dalton, Lavern Peterson, Jeanine Blehm, Jonathan Peart, Dan Berry, Carol Petersohn, Kris Ketchell, Charles Felton, Paul Dunphy, Steve Broadbent, Dione Roberts, Bruce Carlson, Melissa Chameraud, Julie A. Brown, Anna O'Donnell, Jerome Rangitsch, Pete Castellano, Rebecca Langman, Lauren Wright, Stephen Sprague, Larry Ferro, Cindy Tauh, Gerald R Kessler, Jacque Lorang, Charlotte Hawkey, Mitch Lagge, Justin McKinsey, Jeff Lee, Tom Romine, Rita Harding, Jeff Kanning, Kerry Martinson, Bill Haynes, Merry Lee Olson, Carolyn Thayer, Sharon Wetsch, Alan Lees, Sherril Burke, Michael Burke, BreAnn Mecham, William Thompson, Rebecca King, Ernie Dutton, Preston Lees, Paul Chaon, Bill Cole, Dan Boechert, Lisa Kramme, Robert J. Brown, Rebecca Noell, Katie LaBeef, Jim Wise.

**Public Comment**

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

**Approval of Minutes: January 4, 2022**

Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve the January 4, 2022 meeting minutes. The motion carried with a 3-0 voice vote.

**Disclosure of Conflict of Interest**

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks				x
David Goss		x		

Greg McCall		x		
Trina White				x

Several emails of opposition and support are in the Exparte notebook.

Site visits were completed by David Goss and Greg McCall to all properties.

**Disclosure of Outside Communication**

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks				x
David Goss		x		
Greg McCall		x		
Trina White				x

**Public Hearings:**

**City Zone Change 1005 – 934 Lewis Ave – from CMU1 to CMU1, NX1 and NX3** - A zone change request from CMU1 (Corridor Mixed Use 1) to CMU1, NX1 (Mixed Residential 1) and NX3 (Mixed Residential 3), on Parcel 1 COS 2474, S05, T01 S, R26 E, an 8.02 acre parcel located at 934 Lewis Ave (Elks Lodge & Tennis Center property). Tax ID: D01281

**Staff Recommendation:**

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 effect 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.

### Planning staff recommends approval of the zone change to NX1, NX3 and CMU1

- Meets the Growth Policy and Central Terry Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Down-zoning 6.5 acres to NX1 and NX3 from CMU1 will make re-development of site more compatible with adjacent zoning and uses
- Retaining CMU1 zone around tennis center will preserve conformity with zoning for this building
- Developer will be financially responsible for all site improvement and adjacent ROW improvements required to accommodate actual development – installation/repair of sidewalks, curbs/gutters, water, sewer, storm water, and completion of ROW improvements (if and when required)
- If zoning is approved, a Master Site Plan approval is required along with a Traffic Impact Study (TIS)
- TIS will identify traffic impacts based on actual development
- City Engineer will require mitigation and management of all new traffic from site

#### **Questions for staff:**

Commissioner Goss asked if denied the current zoning will stay in effect, correct? That is correct. A new owner would be able to use the allowable uses, in the current zoning. Staff replied engineering would likely require a Traffic Impact Study. Planning may require a Master Site Plan review or Administrative Review.

#### **Applicant:**

#### **Jeff Kanning, 3230 Country Club Circle, Billings, MT - Collaborative Designs partner**

Collaborative Designs has been here for 40 plus years and designed many other projects in town. The Ave C Apartments being close by. We also have 4 other affordable housing projects currently underway. We have a wealth of experience. During the neighborhood meeting we had citizens concerned about the tennis courts. Project Re:Code changed the zoning, we are asking for the zoning to return to the previous allowable uses. The zoning requested will give a more predictable growth to the area. There are many amenities that will be included in this new project. It is in accordance with the Growth Policy and is good infill.

#### **Discussion:**

#### **Public Hearing: 5:06PM**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1005.

**In Favor:**

An audience member asked how the neighborhood meeting was advertised, as no one knew of it. Staff replied the meeting is not advertised, a letter is sent out, by the applicant, to all persons within a 300 ft radius of the property.

**Merry Lee Olson, 909 Wyoming, Billings, MT**

CEO YWCA Billings, largest adjacent property owner. Her campus provides services to victims of domestic violence and human trafficking. They have an existing shelter and apartments for families in victim situations. They are embarking on another shelter on the campus. They are very careful about maintaining the safety of the neighborhood. They are particular about the spacing of their buildings and limit the height of buildings to 3 stories. They manage parking, signage and offensive lighting. They are not opposed to the development. She is concerned about the density and would like to see the height restricted to 3 stories as well. 4 stories allow vision into secured housing. There are also concerns about noise levels and environmental changes.

**John Halvorson, 239 Ave F, Billings, MT**

He is a professional planner and has no connection to this project. He is speaking as a citizen in support. He suspects we will hear comments from many who, in principal, support this project, recognizing middle class Montanans need more affordable housing but oppose this location at this time. Just as a child who doesn't wish to eat his vegetables at this meal, we, as a community, need to build this housing that we so desperately need if we wish to avoid fate of places like Bozeman and Missoula. Most of you in attendance likely rented at one time. We will hear from the stakeholders opposed, for their own reasons, but we will not hear from the group of people who are under represented, those renters looking for affordable housing. All over Montana, hard working people are being squeezed out of housing. We need to approve infill projects such as this.

**Opposed:**

**Jonathan Peart, 828 Yellowstone**

He can see the tennis court from his front window of his residence. He now will be looking at a 4 story building. It offends him the entire neighborhood can be changed. This will impact the neighborhood to a great degree. A traffic study should be done first. He encourages the Commission to vote no.

**Rebecca Noell, 1109 Lewis**

She believes there is no better use than residential for this lot space. She is opposed to the density allowed in NX3 zoning. She believes it is unsafe to add that much density and traffic.

**Gerald Kessler, 237 Ave B**

He is not necessarily in favor or opposed. He is concerned with density and affordable housing. Will it truly be affordable? More amenities does not add up to affordable housing. While there is no doubt Billings has a housing problem. Will this project appeal to middle and lower class or more likely the upper class, luxury apartments? He would like some condition imposed making it truly affordable to middle- and lower-class individuals.

**Anna O'Donnell, 131 Ave B**

Her biggest concern as a citizen is mobility and connectivity. Adding 300-400 cars in this area will affect traffic, biking and pedestrians. She believes the TIS should happen first. She would like clarification about what this project will look like.

**Tom Romine, 1128 N 32<sup>nd</sup>**

He owns the apartment building across the street. Previous zoning was R-7000, allowing 2 units. CMU1 will allow greater density and commercial businesses such as a liquor store and drive thru restaurants. What is to prevent that from happening. Why can't it be grandfathered as non-conforming. This proposed zoning does not really match the north side of Lewis Ave which is predominantly single-family residents, owner occupied. Multi-family tends to lower the value of single-family homes. It is stated this zoning will create a variety and type of design. He is concerned it will resemble the project and Shiloh and King Ave on a smaller scale. He is unsure how an informed decision can be made without first submitting a Master Site Plan.

**Rebecca Langman, 935 Ave F**

She is in favor and believes it is a great project for this property. She would much rather see this property be used for housing and not a car wash or other commercial uses. The City of Billings needs housing.

**Sharon Wetsch, 814 Alderson**

She does not believe the infrastructure will be able to handle the amount of density proposed. We have no need for highrise apartments. Taking the cost of building materials right now, she cannot be convinced these units will truly be low income housing. She would like to see the TIS and where else this project could be put. This area should remain residential.

**Carolyn Thayer, 844 Lewis**

Since 1975 there have been 14 vehicle accidents. Some ending up in her front yard. The YMCA has done an amazing job maintaining their campus. There are already traffic concerns. This will bring too much traffic and all that goes with it.

**Mike Kitlson, 630 Custer Ave**

The number one problem will be the traffic. The construction will destroy the current roads. Lewis Ave will become a racetrack. You are proposing 250 units or 400 cars. Where will they park? The Elks Club has been there all of the 35 years he has been here. Excavating this property is going to dig up something. Central Terry is a prime example. An Environmental Impact Study

should happen first. Who will be paying the taxes? The local taxpayers will be burdened with it. He is retired now and does not wish to pay more tax.

**Desirae Miller, 1005 Lewis**

She too, agrees traffic is of huge concern. She agrees more housing is needed but not multi-family. Single family is the preference.

**Ernie Dutton, 2046 Mariposa Lane**

He is concerned this zone change will negatively impact the traffic and parking in the area. The City of Billings is unable to mitigate the existing problems on 10<sup>th</sup> street West. The Elks Club has never granted the City of Billings any right-of-way on the east side of 10<sup>th</sup> Street West. The Elks Club has retained their rights to fully use and enjoy the property. Some utility easements have been granted. Consequently 10<sup>th</sup> Street West south of Lewis to Yellowstone Ave is only one half of a City street right-of-way. This sub-standard street is the only real access to the Stoneridge Apartments, a number of duplexes and several commercial properties. Both Lewis and Yellowstone Aves are dead ended. This project is going to add to the existing parking problems and traffic. He respectfully requests the Commission deny this until the Elks Club give right of way. Something can then be considered.

**Laverne Peterson, 744 Yellowstone**

He walks Yellowstone Ave daily. It barely has room for foot traffic. This is too many units, too many cars. 700-800 people will hugely impact the area schools. 4 story buildings are not appropriate in a historic area.

**Lauren Wright, 511 Yellowstone**

She opposes this proposed zone change and is disappointed more people were not made aware of the neighborhood meeting. Her greatest concern is not infill. She is in opposition to the setback changes and building height allowance. She is concerned about the lack of green space and park lands in the development. The proposed project does not match the current neighborhood theme. She specifically mentioned the engineering of storm water run off, walkability, no speed humps and no bike paths. She would recommend the zoning is conditional on a TIS and Master Site Plan.

**Rita Harding, 123 Alderson**

She walks a lot. She is concerned about the additional traffic this will create. Drivers do not adhere to the speed limit. Please include an accident report.

**Dan Berry, 835 Yellowstone**

He has lived at this address for 31 years. He has seen many changes and an increase of kids. 10<sup>th</sup> Street West has become a racetrack. He would really like to see something done about traffic and speed.

**Katie LaBeef, 531 Clark**

She would like to see the applicant consider the economic impact on current residents. Of course she is also very concerned about the traffic issues both existing and assumed.

**John Wright, 511 Yellowstone**

He expressed concerns about the existing and proposed mitigation of storm water run off. Will this project match the mid-century theme or the first neighborhood theme, both now existing? A traffic impact study and master site plan should be required before this zone change can properly be considered.

**Larry Ferro, 845 Yellowstone**

My son and I live directly across the street from this project. He is worried about the value of their homes. He is retired and his retirement is in his home. He is unable to believe someone would consider putting 250 homes in this area. This will bring upwards of 400 people and who knows how many cars. Parking, traffic, crime and density are his concerns. Will people be parking in front of his and his son's houses? Will there be people, kids and dogs walking by all the time?

**Rebuttal: Applicant**

A Traffic Impact Study will be done and all requirements will be met. The neighborhood meeting was properly noticed. There is a stormwater trunk line running down 10<sup>th</sup> Ave West. Stormwater will be addressed. Project Re:Code dictates the parking requirements.  
Public Hearing closed at 5:52PM

**David Goodridge, 129 Ave D**

He would like to remind the Commission this is currently CMU1. Shiloh Commons is sitting on CMU1 zoning. With current zoning, 4 buildings looking exactly like Shiloh Commons could be built at this location right now. We are trying to fit the neighborhood better. This area has better walkability for kids. The 2016 Growth Policy addresses the need for orderly growth and infill. All of our infrastructure is paid for by property taxes collected. Now as the Elks property sits, 5 cents per square foot is collected in taxes. A comparable property, Ave C Apartments, pays 1.18 per square foot in taxes. Shiloh Commons pays 83 cents per square foot.

Chairman Larson stated the meeting was slightly off topic. Mr. Goodridge concluded his comments. Chairman Larson addressed the public reminding them what the Commission is there to consider. The Commission considers bare ground zoning and often times the zoning gets tied to a particular project. The reality is, the Commission is to consider whether this is a reasonable zone change for the area. That is why a Master Site Plan and Traffic Impact Study comes later and is not required for the proposed zoning. We are only considering the underlying zoning and not the project that may or may not be developed.

Staff Zoning Coordinator, Nicole Cromwell confirmed Chairman Larson's statement. She also clarified for all in attendance that every development requires a Traffic Impact Study and is required to manage new stormwater and off street parking. All of those things happen after the zoning is in place.

**Motion**

Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1005, with staff recommendations.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks				x
David Goss	x			
Greg McCall	x			
Trina White				

The Motion passed to Approve City Zone Change 1005 with a 3-0 vote.

**Public Hearings:**

**City Zone Change 1006 – 1204 Howard Ave – from N1 to NX1** - A zone change request from N1 (First Neighborhood Residential) to NX1 (Mixed Residential 1), on Block 2, Lots 1-2 of the West Billings Heights Subdivision, S05, T01 S, R26 E, a 7,000 square foot parcel located at 1204 Howard Avenue. The purpose of the zone change is to allow the existing duplex to be modified into a 4-unit structure. Tax ID: A17638

**Staff Recommendation:**

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 effect 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.

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

- Meets the criteria in the Growth Policy and Billings Heights Neighborhood Plan
- Increasing the allowed density on this parcel will not increase the size of the structure
- Adjacent uses and zoning are compatible with proposed change
- Allows a mixture of housing types

**Questions for staff:**

Commissioner Goss asked if the off street requirements would be able to be met. Staff replied off street parking and landscaping would be required.

**Applicant:** Chris Ketchel, 1204 Howard

We have a duplex with an exterior entrance into the basement. We are wanting to turn this into 4, one bedroom units. Off street parking was discussed with John Zich of Engineering. They should be able to accommodate the parking requirements. We are 2.5 blocks from the park.

**Public Hearing: 6:05PM**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1006.

**In Favor: None**

**Opposed: None**

**Public Hearing closed at 6:06PM**

**Motion**

**Commissioner Goss made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1006, with staff recommendations.**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks				x
David Goss	x			
Greg McCall	x			
Trina White				x

**The Motion passed to Approve City Zone Change 1006 with a 3-0 vote.**

**Public Hearings:**

**City Zone Change 1007 – Emma Jean Heights – from N2 to N3** - A zone change request from N2 (Mid-century Neighborhood Residential) to N3 (Suburban Neighborhood Residential), on 51 parcels in the Emma Jean Heights Subdivision located off Bitterroot Dr. Tax IDs: A35410, A35407, A35408, A35409, A34268, A34269, A34271, A34270, plus 43 other parcels without Tax Id's.

**Staff Recommendation:**

Planning staff recommends approval of Zone Change 1007 and adoption of the findings of the 10 review criteria.

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 effect 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.

**Questions for staff:** Commissioner McCall asked about current zoning.

**Applicant:** Charles Felton

The zoning was changed with Project Re:Code and I consequently lost 14 sales. There has been a lot of inconsistency going on creating confusion and inability to move forward. He is also bothered by the length of time (8 months) it took his preliminary plat to be approved. He believes he should not be having to go thru this process and is tired of it.

**Public Hearing: 6:15PM**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1007.

**In Favor:**

Penny Levy, 1411 Emma Ave

The zoning of my property was changed without my knowledge. She has contacted the Montana Department of Insurance. Since she is not currently adhering to current zoning, if my home were to

burn down, she would receive 10 percent less to rebuild. The value of her home is decreased because of zoning. This is an injustice.

**Beau Thompson, 365 Stewart Ct. S**

He has been building in this subdivision or several years. 2 of the homes, already built are currently out of zoning compliance. He appreciates the staff recommending the reversal of the zoning back to N3.

**Steven Sprague, 1411 Columbine Drive**

Why was only a part of the subdivision rezoned? All of the residents will be built the same way.

**Opposed: None**

**Public Hearing closed at 6:21PM**

**Motion**

**Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1007, with staff recommendations.**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks				x
David Goss	x			
Greg McCall	x			
Trina White				x

**The Motion passed to Approve City Zone Change 1007 with a 3-0 vote.**

**Public Hearings:**

**City Zone Change 1009 – Zimmerman Home Place - from N3, NX1, NX3, P1 to PND (N2, NX1, NX3, P1) - A zone change request for 7.4 acres of N3 (Suburban Neighborhood Residential) to 2.06 acres of N2 (Mid-century Neighborhood Residential), 12.9 acres of NX1 (Mixed Residential 1) 16.67 acres of NX1, 13.69 acres of NX3 (Mixed Residential 3) to 13.97 acres of NX3 and 2.67 acres of P1 (Parks and Open Space) to 3.96 acres of P1, all within a Planned Neighborhood Development, on Block 1, Lot 1 and Block 2, Lot 1 of Zimmerman Home Place Subdivision 1<sup>st</sup> Filing, S34, T01 N, R 25 E, a total area of approximately 36.66 acres, near the intersection of Colton Blvd. and Zimmerman Trl. A pre-application neighborhood meeting was held on December 16th at 6:00 p.m. virtually on Zoom. Tax ID: A362620 and A362630**

Planned Neighborhood Development  
Zone Change Process

**Current Zoning**

Suburban Neighborhood (N3 – 1 family only – 7.4 acres)  
Mixed Residential 1 (NX1 – 1 to 4 family – 12.9 acres)  
Mixed Residential 3 (NX3 – 5 or more attached dwellings -13.69 acres)  
Public 1 (P1 – Parks and Open Space – 2.67 acres)

**Proposed Zoning**

Mid-Century Neighborhood (N2 – 1 & 2 family – 2.53 acres)  
Mixed Residential 1 (NX1 – 1 to 4 family – 16.67 acres)  
Mixed Residential 3 (NX3 – 5 or more attached dwellings – 12.12 acres)  
Public 1 (P1 – Parks and Open Space – 5.34 acres)

Existing and proposed zoning allows:

- 1 or 2 family dwellings (N2)
- 1 to 4 family dwellings (NX1)
- 5 or more dwellings (NX3) – apartment building
- Rental or owner occupancy of any dwelling unit
- No commercial uses other than home occupations
- Some special review uses – community residential facilities for more than 8 residents, churches, day care centers, retirement facilities, bed & breakfast
- N2 maximum height is 1.5 stories or 27 feet
- NX1 maximum height 2.5 stories or 27 feet
- NX3 maximum height 4 stories for “stacked units” 3 stories for “side-by-side units”

**Staff Recommendation:**

Planning staff recommends approval of the zone change to adjust the existing boundaries and eliminate the N3 zone

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Adjusting the zone boundaries will make development of site more compatible with adjacent zoning and uses
- N2 and N3 are compatible zone districts
- Developer will be financially responsible for all site improvement and adjacent ROW improvements required to accommodate actual development – installation/repair of sidewalks, curbs/gutters, water, sewer, storm water, and completion of ROW improvements (if and when required)
- If zoning is approved, a Master Site Plan approval is required along with a Traffic Impact Study (TIS)
- TIS will identify traffic impacts based on actual development
- City Engineer will require mitigation and management of all new traffic from site

**Applicant: Preston Lees, 2116 Broadwater Ave, Suite 101**

He is a third generation Montanan. He has been developing here for years. He has been watching this particular property for several years. He approached the Zimmerman family a few years ago. His intention is not to build 4 story apartments. More parkland and recreation areas. He considers this to be a minor zone change, some neighbors did not agree. After hearing neighborhood concerns and comments, he has tried to address them. The area will not be subdivided. A parking lot for the apartments and rear loading garages for the houses. Nothing will cross the trail.

**Public Hearing: 6:42PM**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1009.

**In Favor: None**

**Opposed:**

**Jim Wise, 2202 Avalon**

He asked Mr. Lees if there will be any public parks in this subdivision. His understanding is when a subdivision is developed, there is area considered public park. If you don't allocate for public park, you may make a cash donation. Will there be a Traffic Impact Study? Zimmerman Trail is a disaster. The traffic is a bad situation. It is relatively narrow. It backs up a full set of stop lights during peak times. Will Ave D be connected to this subdivision? He would like to see another access other than Colton.

**David Munson (caller), 2801 Avalon**

At the neighborhood meeting the request was to keep N3 zoning at the NW intersection. There is a one lot buffer between million-dollar homes and 4 story apartments. The proposed N2 zoning will creat narrower lots, duplexes with less set back. The neighbors unanimously requested this remain N3 zoning. He feels the developer is holding the citizens hostage saying if you allow N2 we will build these nice townhomes, but if you demand N3 here is what we'll build. He requests the zoning remain N3.

**Jill Currier, 3834 Fairmeadow Dr**

She is opposed because if we lose the N3, she will lose the value of her home. The traffic will flow out Ave D right thru my neighborhood. Lessen the density by keeping the N3 zoning.

**Jeff Carroll (caller), 2105 Avalon**

His believes the buffer zone as N3 should remain in place. He was zoned R-9600. He feels this will significantly reduce his property value. He disagrees with the Harvard revue referring to no reduction of property values when in the same area of multi-family residences.

**Breann Meham, 3804 Fairmeadow**

She is concerned about traffic accidents. She would like it to stay N3.

**Chet Sharbono (caller), 2104 Avalon**

He is totally opposed of the zone change on Colton Blvd. There are 8 single family homes directly across the street from the proposed 24 units. This is not a soft buffer and is a total train wreck. The Harvard study was done 14-15 years ago. A recent article of April 2019 stated high density rentals can drive down the neighboring home values. Additionally, a large number of rentals in a given area lessens the buyer demand.

**Rebuttal:**

Craig Dalton, Agent

A PND was not required however the desire was to meet the intentions of the new code. Increasing pedestrian safety is one of the intents of the new code. The N2 proposal allows for bringing the buildings closer and not crossing the walking paths. The intent is to maintain a nice long-term rental development. The parks will be zoned P1, which is public but privately maintained. The City Parks Department is not really interested in maintaining small parks. There will be interconnecting trails to the multi-use path. Ave D is not proposed to be connect to the west.

**Public Hearing closed at 7:06PM**

**Motion**

**Commissioner Goss made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1009, with staff recommendations.**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks				x
David Goss	x			
Greg McCall	x			
Trina White				x

**The Motion passed to Approve City Zone Change 1009 with a 3-0 vote.**

**Other Business:**

**Adjournment: The meeting adjourned at 7:07PM.**

**ATTEST: To be Approved** by a motion March 1, 2022. -DELAYED-  
--Robbin Bartley, Administrative Assistant



**Bartley, Robbin**

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**From:** Julie Brown <jbrown4849@gmail.com>  
**Sent:** Monday, January 31, 2022 1:01 PM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] Elk's Club Rezoning

Robbin Bartley,

I am Julie Brown. I live at 726 Lewis Ave. We are 3rd generation homeowners. I am concerned about the change in zoning for the 800 block of Lewis Ave and its negative impact it will have on our neighborhood. We hate to see the charm of our neighborhood change for the worse as it has become revitalized in the last 10 years. The 8th and Lewis intersection is a worry as is the extra traffic (speeders) on our street. What impact will it have on Broadwater Elementary, Lewis and Clark and Senior High? I am not sure to whom I submit my concerns to. Could you please help me?

Thank you,  
Bob(Robert J.) and Julie A. Brown



## Bartley, Robbin

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**From:** Bartley, Robbin  
**Sent:** Tuesday, February 1, 2022 8:26 AM  
**To:** Daniel Brooks; David G. Goss (dgg954@gmail.com); Greg McCall; Michael Larson; Trina White  
**Cc:** Cromwell, Nicole  
**Subject:** FW: [EXTERNAL] Concerns About Zoning Change To Allow Construction Of 250 Unit Housing Complex On Lewis

FYI

*Robbin P. Bartley*

Admin. Support I  
Planning & Community Services Division  
406-247-8676

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**From:** Rita Harding <mtroses22@gmail.com>  
**Sent:** Saturday, January 29, 2022 7:40 PM  
**To:** Bartley, Robbin <bartleyr@billingsmt.gov>  
**Subject:** [EXTERNAL] Concerns About Zoning Change To Allow Construction Of 250 Unit Housing Complex On Lewis

I have lived on Alderson Avenue for about 15 years. I bought the property specifically because I like the quietness and friendliness of the bigger neighborhood. People are often seen walking these streets to do errands or to work downtown. I personally walk the larger neighborhood area regularly to do errands and for exercise. I find the area to be relaxing, safe, and not disturbed by heavy traffic.

The proposed conversion of the Elks property to include 250 housing units is alarming. It has the potential to destroy the neighborhood atmosphere and make walking or driving much more congested. Small residential lots like a subdivision and housing that already exists certainly could work but high rise buildings to house hundreds of people all with vehicles is very alarming.

It seems like this change is for commercialization and for profit and has the potential to destroy the neighborhood atmosphere.

Rita Harding  
123 Alderson  
Billings, MT

✓

**From:** [Katelyn Rebecca Cameron](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] City Zone Change 1005 934 Lewis  
**Date:** Wednesday, January 26, 2022 5:02:33 PM

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I do not own a lot in this area but i am a resident and property owner of Billings. I fully support this rezoning. Please allocate a portion to affordable housing or subsidized housing. The market is so tight that people cannot find housing, especially if they are on any form of assistance. We need more housing in almost every area of the city.

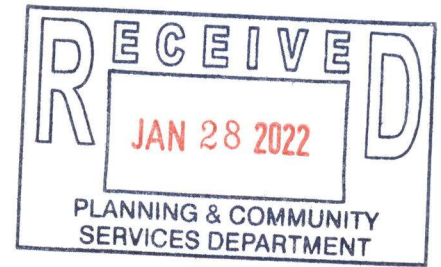
Please help that become a reality.

- Katelyn

January 25, 2022

828 Yellowstone Avenue  
Billings, MT 59101

RE: Billings Zoning Change #1005, Project # PZX21-00314



Dear Members of the Zoning Commission:

For the following reasons, I oppose this zoning change for, among other reasons, health and safety concerns, auto and pedestrian traffic concerns, bicycle travel concerns on Lewis Avenue, increased traffic on Yellowstone Avenue, noise concerns, and parking concerns since the residents of the apartments SW of the Elks Club already have inadequate parking and are parking in the Elks parking lots. The intersections of Lewis and 13<sup>th</sup> and Lewis and 8<sup>th</sup> Street West are already fraught with danger for the inattentive travelers. Children who attend Lewis and Clark Middle school are far from the most attentive when it comes to their own safety. Many car accidents have occurred at the intersection of Lewis and 8<sup>th</sup> and that is the current reality. Since your decision must be based on the criteria set out, I am addressing each one individually.

**1. Whether the new zoning is designed in accordance with the comprehensive plan;**

Saying that the new zoning would be consistent with the growth policy, The application's assertion that it designed in accordance with the plan, without evidence, is like me saying, no it doesn't without evidence. If the following criteria are indicative of the growth policy, then my conclusion has more merit than their statement. Only the planning department can make this determination as I have not read the policy, nor do I suspect have the out of state developers.

**2. Whether the new zoning was designed to lessen congestion in the streets.**

Not surprisingly, the request for a zoning change from Thrive Development completely ignores this criterion completely. The math would be that 200 units would increase the number of cars on the streets by, conservatively 300, going in and out of this concrete complex. These additional cars would add traffic to Lewis Avenue, Yellowstone Avenue, Clark Avenue and 8<sup>th</sup> and 9<sup>th</sup> streets before entering Broadwater and/or Grand Avenues. Certainly this proposed change will not lessen congestion in the streets but rather will further congest already busy streets. More cars equal more accidents, injuries, etc.

With the added traffic entering Broadwater Avenue and 8<sup>th</sup> Street West, will traffic lights become necessary at those intersections, paid for with taxpayer, not Thrive Development dollars to address the increased, not decreased congestion?

Parking will also add congestion to the streets. Already the residents of the apartments located to the SW of the current Elks Club are already parking in the Elks Club lot. In other works, there is inadequate parking for those apartments. It's not farfetched to suggest that the developer of those apartments promised there would be adequate parking when their requests were approved but that is not the case.

Parked cars will line Lewis, Clark, Yellowstone and 8<sup>th</sup> and 9<sup>th</sup>. More cars parked on the street will further cause congested parking. It will be like the streets around Daylis Stadium jam packed with cars when Senior plays West in football. Unlike that scenario, which is temporary, this will be a constant in my neighborhood.

**3. Whether the new zoning will promote health and general welfare.**

The application boldly addresses this criterion by painting a picture of nirvana for its residents. Recreation, special amenities and active living are benefits they stated in their application. Aside from the already existing tennis courts, it is hard to imagine where these special amenities will be located in such a dense housing area. These only speak to the residents of this concrete complex. I believe that this criterion be applied to the promotion of health and general welfare of the whole community and neighborhood. Under my belief, this application fails for many of the reasons stated throughout this objection. Traffic problems, parking problems, potential drug problems, and problems between neighbors, in and out of the complex, do not promote the health and general welfare of our community. The only general welfare being promoted by the request will be the monetary profit of an out-of-state corporate developer. Conservatively stated, 200 plus units at a minimum of \$1000 a month per unit would result in a minimum \$200,000 leaving Billings every month landing in the bank accounts of Utah developers.

**4. Whether the new zoning is designed to secure from fire and other dangers;**

Increased housing density, regardless of the building practices, increases the possibility of fire in one or more of the 200 – 250 units that Thrive Development proposes to build on this one city block. If each unit, on average, houses 3 people, that is an additional 600 to 750 fallible people who can make a mistake and turn the entire block into a blaze. High density living increases the risk of high density disaster. The number of proposed or required units (to make the project financially feasible) increases the risks of a catastrophe. The entire block could easily burn down before the Fire Department could even reach it.

Other dangers include traffic problems, potential drug problems, parking problems and garbage problems, all which will be exacerbated by high density housing.

**5. Whether the new zoning will provide light and air**

More cars equals more exhaust pollution impacting the air quality in my neighborhood. As for light, that remains to be seen. When horizontal space is limited the only option is to build vertically. There is simply no way that a developer can build 200 – 250 units on the available horizontal space, especially if the land abutting Lewis Avenue is for nice townhouses, or what I call the lipstick on the pig and the smells and squalor is to the south of that. That is the approach to requesting that strip along Lewis be changed to NX1. The garbage, or less desirable and denser, housing would be built on NX3. How would they do this? If this request is granted, it will followed by a variance request to build higher than the currently allowed 27 feet. The housing building near 13<sup>th</sup> and Poly Drive is one example of when that happened. In the case of higher, much higher buildings, the view, or light, from my living room window will be impaired.



**6. Whether the new zoning will prevent the overcrowding of land**

It's hard to imagine a more overcrowding of land than in this proposal. The targeted area for construction is surrounded to the north, east and west by mostly single family dwellings. It's a nice area of mostly older homes, most of which are owner occupied. 200 – 250 rental units simply will not comfortably, aesthetically, or safely fit into the horizontal space allowed.

**7. Whether the new zoning will avoid undue concentration of population**

This another criterion that the applicant failed to address. Again, I cannot imagine a greater undue concentration of population than the project proposed by Thrive Development of Salt Lake City, Utah. 200 -250 units would house 600 – 800 people on one square block. That is the definition of over concentration of people. As I have already stated, problems multiply when the dense population increases.

**8. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements**

My city councilwomen, in justifying the ubiquitous water rate increases stated that the increases were necessary because of the old and antiquated water treatment plant. There will be huge new demands on the water system of the city. Rather than facilitating the aforementioned items, if the proposed project zoning changes are granted there will be additional stress on the existing city infrastructure serving this neighborhood.

Additionally, during the construction of this concrete complex, if these changes are granted, there will be disruptions to traffic, bicycle lanes, pedestrian paths, not to mention the noise and other disruptions during the months, or even years of construction. This area of the city will not be the same during construction nor the years thereafter.

**9. Whether the new zoning gives reasonable consideration to the character of the district.**

The proposal, evidenced by the zoning change request is totally out of character of the district. While Broadwater and Grand Avenues are mainly commercial streets, the surrounding residential streets are comprised of mostly single family dwellings, with some basement apartments. It is a far cry to say look, there's a rental here and there in the area so let us build a dense housing area of 200 – 250 units in the heart of the area. Thrive Development's proposal doesn't care about the character of the district. They see maximum profits from their building a dense concrete complex. Profit should never be a reason for a zoning change.

**10. Whether the new zoning gives reasonable consideration to peculiar suitability of the property for particular uses.**

No. This property would be a good site for a city park, 15 – 20 single family dwellings, several office buildings, or a community garden or wildflower garden. It

1947

1948

is not suitable for 200 – 250 rental units, 500 or more people, with 300 additional cars on the streets, or the parking problems that an approval would create.

**11. Whether the new zoning was adopted with a view to conserving the value of buildings.**

Let's face facts. An out of state real estate developer does not and will not care about maintaining the value of my house or any other houses or buildings in the area. They may argue that their glorious concrete complex will maintain or even enhance the values of houses in the surrounding area but they have no way to prove it. They may even hope so while those of us who live here, not in Utah, may fear just the opposite.

No one has seen any plans or architectural drawings to know what is being proposed, or what zoning variances they may seek in the future. We only have their words and mere words, without proof, should not be the reason to grant several zoning changes that will change the character of our neighborhood.

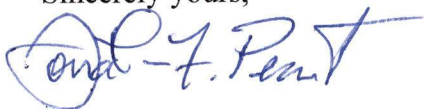
**12. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.**

Adequate housing, especially affordable housing is an issue in Billings. Rents are incredibly high, especially for low income families. That being said, Thrive Development has made no mention of building low income housing. Their website speaks of "luxury" apartments they have built in Utah. They also are not saying that they would build luxury apartments on the land for which they are seeking zoning changes. In other words, we do not know what they are really planning. What if they go bankrupt during the construction phase? Who would pick up the pieces with a full block of a concrete mess?

Appropriate and better uses for this land would be a city park, homeowner occupied houses, office space, mix of office space and housing.

In conclusion, I oppose the zoning changes sought by Thrive Development for the reasons stated above and respectfully ask the Zoning Commission to reject the request for zoning changes for the property currently known as the Elks Club.

Sincerely yours,



Jonathan F. Peart

Cc: Denise Joy, Council Member Ward 3, Danny Choriki, Council Member Ward 3

**From:** [Tara Stricker](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] zoning  
**Date:** Tuesday, January 25, 2022 2:48:13 PM

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Good Afternoon

I am emailing regarding the proposed unit to be built on the Elks Property. As a homeowner in this area, I very much disagree with this unit being built. In addition to creating a huge amount of traffic, this will also adversely affect our sewer system. Where will the parking be for the apartment complex? People moving into this unit with children will then inundate our school district with new enrollment. I would like info on how to share my concerns with the city, in addition to the email. I will also be walking door to door to discuss this with area homeowners. Thank you

Tara Stricker  
[taras@queenbeebilling.com](mailto:taras@queenbeebilling.com)  
406-702-0055

## Bartley, Robbin

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**m:** Plecker, Monica  
**sent:** Friday, January 28, 2022 9:35 AM  
**To:** Bartley, Robbin; Cromwell, Nicole  
**Subject:** Fw: [EXTERNAL] FW: Very concerned about the plans for apartment buildings to be built on Lewis Avenue

**Importance:** High

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**From:** Greg Cook <grcook@bresnan.net>  
**Sent:** Thursday, January 27, 2022 8:08 PM  
**To:** Plecker, Monica <PleckerM@billingsmt.gov>  
**Subject:** [EXTERNAL] FW: Very concerned about the plans for apartment buildings to be built on Lewis Avenue

The concentration of people and housing will be too dense. It sounds like the out of state company is trying to make as much money as possible by cramming as many people in a small space as possible. Definitely not good for this area of Billings!

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**From:** Greg Cook [mailto:grcook@bresnan.net]  
**Sent:** Thursday, January 27, 2022 6:30 PM  
: 'pleckerm@billingsmt.gov'  
**Subject:** Very concerned about the plans for apartment buildings to be built on Lewis Avenue  
**Importance:** High

Hello, Ms. Plecker, We are very concerned about the construction of apartment buildings/multifamily units on Lewis Avenue. We have lived on Lewis Avenue for years. It is a beautiful neighborhood. Our neighbors are all single family homes! There may be a duplex scattered here and there, but they are not noticeable. Why would anyone authorize that apartment buildings be allowed to be built there? It will ruin the neighborhood! It will mean a lot more traffic in an already congested street. People complain about the traffic as it is! Not to mention that it is not zoned for multifamily! I understand that it is zoned for commercial, right now. It needs to be zoned for single family, like the rest of the area. I appeal to your sense of fairness and your commitment to the people who live in the area and ask you to not allow apartments to be built there. Please zone it for single family homes, not multifamily units.

Sincerely, Greg and Rose Cook

## Bartley, Robbin

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**From:** Simon Cecil <scecil42@gmail.com>  
**Sent:** Thursday, January 27, 2022 6:44 PM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] Comments Re: Proposed Zoning Change at 9th and Lewis

Good Evening Ms. Bartley,

Would please pass my comments on to the commission? Thank you so much!

-Simon

Good Evening members of the zoning commission,

My name is Simon Cecil. I currently live on Yale Avenue two blocks from Rocky Mountain college. Prior to moving to our current home, my spouse and I lived in the 300 block of Lewis Ave.

I am writing to express my strong support for the proposed zoning change at 9<sup>th</sup> and Lewis where the Elks Club currently stands. It is my understanding that Thrive, a developer, is requesting the opportunity to build denser housing on this site. I cannot think of a better use of the space. I strongly encourage you to vote in favor of this zoning change.

The site sits less than a mile from Billings downtown. Continuing to build housing close to downtown will help keep our city vibrant and our downtown area thriving. Moreover, by building housing in our existing city instead of on the far west end we will have an easier and less costly time providing all of the municipal services citizens should expect such as fire protection, police, and snow plowing. Support for public safety levies over the past two years highlights just how important our citizens think those services are. The opportunity to keep them economical is a wonderful chance to provide what residents need without continuing to increase taxes.

In the past two years I have seen home prices in my neighborhood increase by close to 25%. While this is a nice windfall for those of us who own homes, it is not sustainable for our city. Having lived in cities across the country, one thing I love about Billings is that blue collar workers can afford homes and a good life in our city, while they would be stuck in small apartments in a place like Bozeman or Denver. Increasing our housing supply is an important step to help keep home values from sky rocketing.

Additionally, research is quite clear that there is a close connection between housing prices and homelessness. I think all of us understand the homeless population downtown is a concern for residents across our city. If we can make housing more affordable in our city, we will be able to reduce homelessness in turn allowing people in our city to have the dignity of living in a home and strengthening the appeal of our downtown.

I know that there are neighbors who do not wish to see housing built on this site. However, almost all of us started out our lives in a house different from where we now live. Those of us who have the chance to enjoy all the good things Billings provides should do what we can to afford others the same opportunity, not slam the door in the face of those who wish to join our fair city.

We must put the overall wellbeing of our city and its residents at the top of our considerations. Strengthening our downtown, keeping taxes from rising, keeping home prices under control and reducing homelessness are all critical goals that make this a great project that I strongly hope you will support.

Simon Cecil

923 Yale Ave

Billings, MT

Dear Members of the City Zoning Commission,

I am asking that you deny the rezoning of the land at 934 Lewis Avenue

(Elks Club) for the following reasons.

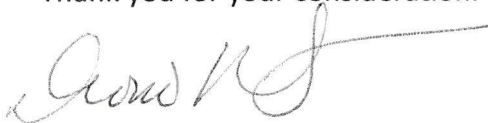
-The new zoning will NOT prevent overcrowding of the land. On page 7 the developer states that to be profitable, 200 to 250 units would have to be built. That could average 300 or more cars. How can the tennis courts stay, the units be built and 300 cars fit in that area? Already, the apartments to the west of the Elks has overflow parking that parks along the Elks. Where will those cars go?

-The new zoning will NOT avoid undue concentration of population. Again, citing page 7, if 200 to 250 units are built at an average 2-3 people to unit, that would add 400 to 750 people to this area.

-The new zoning will ABSOLUTELY NOT lessen congestion on the streets. Again, adding 300 or more cars to this corner is too many. 10<sup>th</sup> street is not finished and dead ends at Yellowstone. Yellowstone is not finished and has no gutters, proper paving or street lights and it dead ends near 10<sup>th</sup>. This leaves all traffic to be on Lewis and 9<sup>th</sup>. Both of these streets are 2 lane. Overflow parking will line the streets of Lewis and 9<sup>th</sup> is narrow and can't accommodate overflow parking.

In conclusion, I have no problem with mixed use 1 but using that to add a buffer (pretty face) on Lewis and then putting the less attractive high density mixed use 3 housing hiding in back abutting our single family homes is not reasonable for the character of our neighborhoods.

Thank you for your consideration.



Dionē Roberts

833 Wyoming Avenue

Billings, MT 59101

(406)591-7591



February 1, 2022

City of Billings Zoning Commission  
City/County Planning Division  
2825 3<sup>rd</sup> Avenue North  
Billings, MT 59101

RE: YWCA Billings comments to requested Zone Change 1005-934 Lewis Avenue

City Zoning Commission Members:

YWCA Billings is the largest adjacent property owner to the project proposed by Thrive Development on the site of the Elks Lodge and Tennis Center. We own the block that stretches between 9<sup>th</sup> and 10<sup>th</sup> Streets West, and from Wyoming Avenue north to the undeveloped stretch of Yellowstone Avenue.

Our campus presently includes a shelter for women and children who are victims of domestic violence and human trafficking, a 24-unit apartment building that provides homes for victims and their children, a play park, and an administrative/ services/and community center. We have a new project underway which is a 25-unit shelter for battered women for which plans have been approved by the City. It is scheduled for ground-breaking in March. Another undeveloped lot on our property is large enough to support a second apartment building or a third shelter to protect more victims.

In our build-out of the YWCA campus, we have been careful to avoid situations that would create unpleasant or unsafe situations for the neighborhood. We have committed to preserving green space, to spreading buildings apart, to not building anything over three-stories, to managing parking and traffic control, and avoiding large signage or tall, bright outdoor lighting.

We are not opposed to development of the Elk's property. We are concerned, though, about the density of units, the height of the buildings immediately contingent to our campus, the proximity of units and/or parking to YWCA's two shelters where security is a top priority (we are obligated to provide 24/7 365 days per year protection from further threat to the victims of violence whom we house). We are also very concerned about the effects on traffic, overall noise levels, and changes to the local environment.

The streets adjacent to the Elks property and YWCA's campus, are narrow and limited to 25 miles per hour. The main access road is Lewis Avenue, which intersects with 8<sup>th</sup> Street West at the awkward, inefficient, and dangerous intersection where Lewis does not match up. There is no traffic control anywhere along Lewis in the area of the project, other than stop signs. Tenth Street does not go through, nor does Yellowstone Avenue – and Yellowstone west of 9<sup>th</sup> Street does not align with Yellowstone east of 9<sup>th</sup>, creating another very awkward and hazardous traffic control situation. There is no stoplight to control traffic entering onto Broadwater Avenue at 9<sup>th</sup> Street. YWCA is concerned about how our employees and campus residents and our neighbors will get in and out to go to work and school.

YWCA requests that the City Zoning Commission and other City departments carefully consider the overall impacts of the very large number of units proposed on the property and work closely with Thrive to assure that best interests of the neighbors and the victims that YWCA safeguards are protected.



Merry Lee Olson, CEO

eliminating racism  
empowering women

**ywca**

Billings

**YWCA Billings**

909 Wyoming Ave  
Billings, MT 59101

P 406.252.6303

F 406.245.7867

[ywcabillings.org](http://ywcabillings.org)



## Bartley, Robbin

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**From:** Scott Sanders <sandwsanders@gmail.com>  
**Sent:** Monday, January 31, 2022 7:03 AM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] zone change 1006

Robin-

Please forward this to the appropriate parties. My notification letter only included your email.

I represent the owner of the property (1146 Howard Avenue) immediately east of the Subject Property. I am protesting the zone change for the following reasons:

1. The subject lot has only 7000 square feet. The area is a mixture of single family homes and low density multifamily properties. If approved, this property will have the highest housing unit to land ratio in the area. High density development when initially planned includes pocket parks, walking paths, and community amenities so that the residents can have places to recreate other than their own yards. None of those amenities existing within walking distance to the subject property. The zone change is not following criteria #3- promoting public health, safety and general welfare.
2. There is not enough parking for the proposed zone change. How many off street parking spots will be required because of this zone change? If you look at the surrounding multifamily dwellings including the newly developed properties, they have all created at least two off street parking spots per dwelling unit. This lot has minimal frontage on Howard Avenue for Parking. This forces the residents to park on 12th Street West. A major arterial street. Parking already occurs on both sides of this street, narrowing the road to a one lane road. There have been several vehicles that have been hit or "side-swiped" when parking on 12th Street West, particularly near the intersection of Howard Avenue. The zone change does not comply with criteria #6 as it will impact traffic patterns.
3. If the zone change is trying to memorialize the existing buildings, the difficulty with this change is it facilitates financing of a non-compliant property. There is a reason zoning ordinances have a lot coverage ratio. Again, high density zoning is accompanied by public amenities that do not exist in this area. This is "spot-zoning" and should not be permitted.

Thank you for your consideration

Southplex Properties  
P.O. Box 80253  
Billings, Montana 59108

## Bartley, Robbin

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**From:** Bartley, Robbin  
**Sent:** Tuesday, February 1, 2022 8:18 AM  
**To:** Michael Myers  
**Cc:** Cromwell, Nicole  
**Subject:** RE: [EXTERNAL] City zone change 1007

*The meeting will begin at 4:30pm at the Billings Public Library.*

*Robbin P. Bartley*

Admin. Support I  
Planning & Community Services Division  
406-247-8676

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**From:** Michael Myers <buckshot1250@gmail.com>  
**Sent:** Monday, January 31, 2022 6:49 PM  
**To:** Bartley, Robbin <bartleyr@billingsmt.gov>  
**Subject:** [EXTERNAL] City zone change 1007

Project # PZX 22 00001

City zone change 1007

This is the only email address given in the above announcement; no time for this meeting was included in the above notice.

We object to the requested zoning change for Emma Jean Heights Subdivision for the following reasons:

#9...new zoning will NOT conserve the value of affected buildings...our home is at 1302 Jean Ave, Billings, MT 59105; directly across Tanya Circle street from your requested zoning change.

#8...new zoning does NOT consider the character of this development. Homebuyers bought lots and built homes believing the existing zoning was in place and would NOT be changed at the whim of any zoning updates or amendments.

What you purport to change is to avoid the look of "tract" housing, yet that is exactly what you propose to build with this change to zoning.

Existing homes in the development are varied in design and within a range of pricing. What you propose is cheaper housing, dragging down the value of existing homes throughout the development.

Respectfully, we no NOT APPROVE your request for a zoning change.

Michael and Janna Myers  
1302 Jean Ave, Billings, MT 59105  
406.855.4642...Michael  
406.698.2112...Janna

**Bartley, Robbin**

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**From:** Bruce Carlson <bruced1975@gmail.com>  
**Sent:** Tuesday, February 1, 2022 10:00 AM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] Oppose City zone change 1009

February 1, 2022

Attn: City Zoning Commission  
RE: City Zone Change 1009  
Project Number PZX-22-00006

I oppose this change for the following reasons:

Twin homes are predominantly investment properties and not owner occupied. They are essentially two living units with a common wall and are typically low-end construction built. I feel they will degrade the value and change the integrity of our single-family neighborhood as it was originally designed. I am in favor of keeping the property as N3 zoning with single family house front loaded off Colton Blvd.

This Zoning Change should NOT go forward because of the potential impact to area schools that are already reaching capacity. Changing Single-family homes to Multi-unit homes on this property are not needed at this time due to multiple projects that are already addressing this need on the westend.

Sincerely,

Bruce D. Carlson-Homeowner  
3749 Hayden Dr  
Billings, MT 59102



## Bartley, Robbin

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**From:** Chad Woodyatt <chadwoodyatt@gmail.com>  
**Date:** Tuesday, February 1, 2022 9:58 AM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] Zone Change 1009 - Zimmerman Home Place - Written Comment

While we understand the need for additional housing options on the west end of Billings, the existing zoning does not need to be changed. There is good development and bad development. Good development adds value to the surrounding areas. Bad development aims to take advantage of the local community amenities and conveniences while not offering any additional value.

Why this zoning change proposal needs not be approved.

1. Adding additional multi-unit rentals only adds additional traffic pressure to the already existing proposed apartment complex in the middle of the development. The current street layout in the proposed development encourages traffic to flow directly on to Colton Blvd.
2. Increased enrollment of students at an already approaching maximum capacity at Arrowhead Elementary School. No projections or investigations have been presented to definitely say this development will not impact the affected schools.
3. Increased potential for property crime. There is no question that crime rates are increasing in the City of Billing. Rental units by design encourage a transient population. The current layout of the development encourages crime to be focused in the north.

Removing a boundary of single family homes. Removing the transition from single family homes to multi-unit dwellings completely removes the identity of the single family home neighborhood. There needs to be a logical transition between building types.

Chad and Aubry Woodyatt - 3745 Colin Dr, Billings, MT 59102  
480-259-8845  
[chadwoodyatt@gmail.com](mailto:chadwoodyatt@gmail.com)

Feb. 1, 2022

Dear City of Billings Planning Division,

I live at 2104 Avalon Rd and I am against changing the current designation of the lots on the south side of Colton Blvd from single family home lots to the smaller higher density duplex lots now requested for the new proposed development. (City zone change 1009 Project PZX-22-00006N3 to N2).

Here is why this change would not be good for the neighborhood:

- 1) Currently, there are 8 single family home spaces on the N side of Colton. Directly across the street from the current 8 single family living spaces the new proposal would have 24 living spaces. This is not in the best interest of the nearby neighborhoods. The 24 living spaces is not a soft buffer to the larger complexes to the south; it would be a transitioning train wreck.
- 2) The square footage of each living space would be much smaller than any of the single- family homes on the North side of the street. Any potential buyer for one of the current single-family homes would, for many reasons, have a negative perception about making a purchase there.
- 3) We should know more about the details of the buildings being proposed not just about making the lots smaller, adding more lots and changing them to duplex designations. Details should be clearly spelled out for the structural changes. For example, I am wondering how many feet above the Colton Ave pavement would these buildings reach.
  - a. I requested an answer by email to Performance Engineering as to the elevation question. The answer came back, "The maximum height will be 2 story."  
Then following my inquiry, I received a photo from Mr. Lees showing a single story structure. So I still do not know the elevation of the proposed structures to be on Colton.

In a related matter

The proposal notification for zone change sent out to those of us in the neighborhood included quotes from a study by Harvard University which is outdated by around 14-15 years. However, everyone knows information changes in way less time than 14- 15 years. Also, we don't even know the relevant or irrelevant factors included in that study.

The Harvard Study is not the only study out there. I read a more recent article which was written by Carl Oleskewicz then later reviewed by Chartered Institute for Securities and Investments dated April 2019. It is about research on the subject of having rental property nearby.

Here are two quotes from that article:

1) “..other studies have shown that a high density of rental properties can drive down home values.”

2)“A large number of renters in a given area also reduces the amount of buyer demand.”

These are only a few reasons out of many as to why the zoning on the Colton lots should not be changed to N2. The zoning along Colton should be kept the way it is now. Back loading (mentioned in the proposal) can be done for single family homes too. This requested change in density is far too drastic for the adjacent neighborhoods.

Sincerely,

Chet Sharbono  
2104 Avalon Rd  
Billings, MT 59102

In RE: CITY zone Change 1009  
Project Number: PZX-22-00006  
February 1, 2022

Remarks submitted by Ellen Pfister  
owner of 3641 Colton Blvd., Billings, MT

1. There seems to be some confusion as to where the hearing on this zone change will be held on February 1, 2022. Your MPO Notice gives the date, but not the time of the meeting. I called your office, and they gave me the place of the hearing as well as the time. A legal notice without time, date and place is a defective notice. The city zoning commission listed the place as being in the Miller Building, but no time given. A call to the zoning office uncovered a meeting in the Public Library together with a time.
2. I did not participate in the zoom meeting, because where I live in the county, the internet does not have sufficient bandwidth to support zoom.
3. I do not think this proposal thinks through how it will work out on the ground. If the Zoning Commission staff thinks that Montana seniors are going to want to downsize to apartments and studio apartments where they have to walk to get their groceries and then pull their loaded grocery bags up hill from Grand Avenue, they do not know their quarry for tenants very well. The staff discussion puts this whole development in competition with Mission Ridge and numerous other facilities built in the general area in the last several years.
4. I really don't see any concrete discussion of where the automobiles of the area residents will be kept. The Zoning staff seems to think people will walk clear down to Grand or up to Poly to catch a bus. That might work in Massachusetts or Virginia, but hardly in Eastern Montana. I think a Met stop will have to be located somewhere within this project.
5. An assumption that there will be no young children living there is not feasible. I have seen big buses turning off GreenValley Drive onto Colton Blvd. Is the subdivision planning to admit buses or keep the loading or unloading areas on Colton?
6. How many stories high does the Planning staff consider to be "High density" housing? Will they have elevators for the residents? Where will be residents park their transportation? How much square footage per building per story will be allowed for "High Density" housing?
7. Will P1 of 1.02 acres simply be paved over the ditch banks there? Who will pay for lighting Ditch Bank Park? Will the Ditch Company release its easement on the smaller

ditch that does not cross Colton, but stays on the south side? Part of the ditch easement in P1 (1.02 acres) is 30 feet wide in the designated park area.

8. If you allow the developers to put in duplexes with back loading parking, will we wind up facing a long plastic fence such as those on Zimmerman, which in essence will be the duplex residents back yard facing on Colton? Will the long plastic fence be the thing which will make the sidewalk on the south side of Colton a "trail"? Will most of the ditch be paved over on the South side of Colton?

9. Lot 1 is 16.67 acres of ambiguity. Will you require an alley along the west side of it against all those plastic fences. The access for emergency vehicles would be non-existent without access of some kind along that area.

10. What is rural residential zoning?

This proposal strikes me that it has no been thought out completely, and until it has a few more details, it should be put on hold.

Ellen Pfister  
PO Box 330  
Shepherd, MT 59079

## Bartley, Robbin

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**m:** Alexis Richards <jlrichards12@gmail.com>  
**sent:** Tuesday, February 1, 2022 12:55 PM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] City Zone Change 1009- Zimmerman Home Place

Good morning,

I am writing in objection to city zone change 1009- Zimmerman Home Place. The initial plan- to have a barrier of suburban neighborhood homes built along Colton- is a better plan aesthetically, and practically, to assist in the quality and cohesiveness of the neighborhood. The P1 of 1.02 acres is practical, but there should still be a barrier of N3 homes behind that area as initially planned.

However, we are concerned with a few things:

1. This proposed zone change and building of rentals will decrease home values in the area. If we are trying to build a better Billings, it seems illogical to undermine the integrity of a neighborhood by inviting transients to the area, increasing theft, vandalism, noise, traffic, crime in general, and decreasing home values in the area.
2. While the idea of having the pedestrian paths extended is great in theory, we have lived in the area a long time and know that it takes a lot of work to keep them up to par. We already have a neighborhood cleanup crew that takes care of the path because, without it, the path would be so overrun with trash and dog poop it'd be unbearable to use. I fear that adding so many new residents to the area, due to high density units being built, that complacency for care of the path and other outdoor areas will really tank and the residents trying to use it will suffer. How is this going to be addressed?
3. Arrowhead Elementary is already busting at the seams and class sizes exceed what they are meant to. We realize this is the case all over town... so it's hard to understand why we are focused on increasing the number of people we can fit into the area by building high density units, rather than taking care of those who are already here and need improvements made.
4. Since 38th St. W. was connected to Colton a couple years ago, that street has become downright dangerous. Something needs to be done to slow traffic down and/or decrease traffic in that area. Adding units and increasing traffic seems like it'd make it more unsafe and dangerous than it already is.

Poly Vista Homeowner

## **Bartley, Robbin**

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**From:** BreAnn Mecham <ladybugstar30@hotmail.com>  
**Sent:** Tuesday, February 1, 2022 8:01 PM  
**To:** Bartley, Robbin  
**Subject:** [EXTERNAL] City Zone Change 1009

My letter is in regards to concerns over the City zone change 1009 project number PZX-22-00006. I have 3 main points. The first one being how unprofessional everything has been up to this point with the meetings and the change of meetings without letting the public know. It is also been deceiving with regards to the wording claiming that these N2 mid century properties will not bring down the value of our houses. Where is the data to prove that. We have not been shown plans. We do not know what the houses will look like. The materials they will be made out of and the aesthetics, or even what the landscaping plans will look like. These are all going to contribute to property value in the area. You have poor quality homes being built to make some money and that effects every ones prices. Also, who is going to take care and clean these new properties and park. As a Fairmeadow neighborhood we already do a couple clean up days a year because our trail behind our house gets trashed everyday. It is just unprofessional how little and lack of information has been given to the public.

Second, with the amount of people entering into the area, traffic is going to increase in an already busy spot due to two schools currently there. We like not having connecting roads because it cuts down the traffic. There have already been two accidents on 38<sup>th</sup> and Colton in the last 6 months, resulting in cars crashing in the ditch. We are bringing more people into this already over populated area. We are building more N2 residentail neighborhoods with out plans for building more schools.

Third, the existing zoning of our N3 suburban neighborhood is already a good mix of commercial and existing zones the picture below shows how far the new zone is encroaching into the space. Thanks for your time.  
Fairmeadow property owner.

