



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

The City of Billings Zoning Commission met on Tuesday, March 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, March 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, March 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 2nd Floor of City Hall at 210 N 27th St. For zone change requests the Council will conduct a public hearing for the first reading of the ordinance on March 28, 2022. If approved on first reading, a second reading public hearing will occur on Monday, April 11, 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	E									
Daniel J. Brooks	Commissioner	E	E	1									
Greg McCall	Vice Chairman	1	1	1									
Trina White	Commissioner	1	E	1									
David Goss	Commissioner	1	1	1									
Wyeth Friday	Director, PCSD	-	-	-									
Monica Plecker	Division Planning Manager	-	-	-									
Nicole Cromwell	Zoning Coordinator	1	1	1									
Tammy Deines	Planning Clerk	-	1	1									
Dave Green	Planner II	-	-	-									
Karen Husman	Planner I	-	1	1									
Robbin Bartley	Administrative Support	1	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	2										7
Special Review	-	-	1										1

Vice Chair McCall 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: Adriaan Overbeeke, Shirley McDermott, Joel Long, Zack Graham, Chris Farley, Lucas Haaland, Mike Haaland, Bob McGuire, Greg Reid, Doug Wild, Laron Pluhar, Don Lohrenz, Brian Kurth, Rod Wilson, Steve Powell, Bruce Aafedt, Chet Blotshe, Aaron Redland

Public Comment

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

Approval of Minutes: February 1, 2022 - DELAYED

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			

Commissioner White is the agent who sold the property regarding BZC 1011. She will recuse herself from this decision.

Site visits were completed by Commissioner Goss and Commissioner White.

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 1010 – 2204 Bench Blvd – from NO to CMU1 - A zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1) on Lot 8, Holling Ranch Subdivision, a 1.808 acre parcel of land. A pre-application neighborhood meeting was held on January 23, 2022 at 6:00 p.m., at 2204 Bench Blvd. The purpose of the request is to allow an existing pet center, formerly a veterinary clinic, to be used as a dog grooming and pet sitting location. Tax ID: D05193

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 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.

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
- Adjacent uses and zoning are compatible with proposed change
- Supports a local business in a location suited for the animal care industry

Questions for staff:

Applicant: Mike Haaland, owner

We had a vet clinic here for 45 years. We have full support of the Heights Task Force, Ming Cabrera, Chair, Denis Pitman, County Commissioner, and Jennifer Owen, City Council. There is no hidden agenda. The intent is to continue in the pet industry.

Public Hearing: 4:45PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1010.

In Favor:

Bob McGuire, 1941 Dogwood

Mr. Haaland has been my vet since 1984. He is a great vet and tax payer. If you don't approve this, who knows what we will get.

Opposed: None

Public Hearing closed at 4:47PM

Discussion:

Commissioner Brooks indicated he did not see the note from the required neighborhood meeting in the packet. An audience member stated one person, Dale Smith, came to the meeting. He agreed with CMU1 zoning but did not want to see Heavy Commercial.

Commissioner McCall stated he is surprised there is a difference between vetting and dog grooming/boarding. They are so closely related.

Commissioner Goss said his understanding is the boarding is the difference/issue. Staff confirmed.

Commissioner White asked about the property behind. The owner replied it was an area for vetting large animals. It will now be used for doggy day care.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1010, 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 1010 with a 4-0 vote.

Public Hearings:

City Zone Change 1011 – 60th St. W and Grand Ave – from RR3 to N2, N3, NX2 and P1, through the Planned Neighborhood Development Process - A zone change request from Rural Residential 3 (RR3) to Mid-Century Neighborhood (N2), Suburban Neighborhood (N3), Mixed Residential 2 (NX2) and Public 1 (P1) using the Planned Neighborhood Development process in Sec 27-800, on Certificate of Survey 2735, Tract 4A, a 33.64 acre parcel of land. An annexation application is currently pending. A pre-application neighborhood meeting was held at the subject property on January 22, 2022.

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 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.

Planning staff recommends recommends approval of the zone change

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- 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
- Subdivision of parcel is pending – compliance with block design will be required – 800 block face max and 2,200 max block perimeter
- A Master Site Plan will be required for the NX2 parcel
- 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 the annexing will require parking and garages to be in the rear. Staff replied in the affirmative. He then asked what would be the front road. Staff replied, absent of any Master Site Plan presented by the applicant, Grand Ave would be considered the frontage. A discussion ensued regarding walking paths and trails. Staff clarified all P1 zoning must be developed unless it is a protected area. Likely the area will be not dedicated to the Park system.

Applicant:

Greg Reid, Agent

The preapplication meeting was held. There were several comments from neighbors. The greatest number of comments heard were in relation to opposition of the NX2 zone. The annexation discusses all the engineering requirements. Birely Drain has been contacted regarding access and stormwater.

Commissioner McCall asked about the discussion with North Western Energy. He also asked how wide the P1 zoned area is. The area will be used for fire access and other.

Doug Wild, 4712 Audubon Way-Agent for owner

The intention is to build great neighborhood houses. They want to compliment the neighboring developments. Some City zoning requirements include mixed use, some multi-family, some commercial, NX2 seemed the most appropriate for the area.

Public Hearing: 5:20PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1011.

In Favor:

Opposed:

Brian Kurth, 5706 Central

He is concerned about connectivity. The southern route to Central Ave will be blocked off. Potentially blocking access to further annexations with water and sewer.

Don Lohrenz, 1705 60th Street W

He is opposed to 8 plexes being built. Will they be rentals? Will they be sold as a whole unit or individually? The traffic will be an additional problem. He has concerns about the parklands.

Adriann Overbeeke, 1104 Blackberry Way

His primary concern is the N2 zoning and the size and height of 8 plexes. The Trails West subdivision is also concerned with this. The parkland is a concern along the ditch. The density of housing and number of vehicles will severely impact this area.

Shirley McDermott, 5943 Foxtail Lane

She is very interested in looking at the Buffalo Trail Crossing. It is owned by the Fort Belknap tribe and is part of a sovereign nation. She spent 12 years working for the BIA, due to her experience she is concerned about the financing and completion of this project.

Tracie Morgan, 1341 Blackberry Way

She is opposed to the NX2 zoning. 8 unit buildings, 2-3 stories are not needed down the east side. The Birely Drain easement should be used for maintenance not a trail.

Rod Wilson, 422 Shamrock Ln

He is the developer of the Trails West subdivision. The last 2 filings were 60 lots. The land is in charge, Stormwater cannot go straight into the Birely Drain. Filtration, pumps and swirly are costly endeavors, but are required by the State. A closed, low pressure sewer system will be required. NX2 is not what he thinks is compatible. Grand Ave is a major arterial with restrictions. He does not believe the proposed easement will be allowed to exit at Grand Ave.

Bruce Aafedt, 802 Bitterbrush

An NX2 zoning will impact the traffic which although a rural area, it is very busy, too much.

Larry Pluhar, 1720, 60th Street W

He is opposed. He is also concerned for the safety. One fire station is not enough to service this density. There is already public safety gaps in animal control, police and fire. Although the speed

limits have been reduced on 62nd to 45 mph. No one goes 45, nobody stops at the stop signs. Bring these upgrades before bringing more and more people.

Chet Blotshe, 1700 60th Street W

He has lived here for 1.5 years. Allowing this kind of density is not a good idea.

Steve Powell, 5935 Colton Blvd

He feels there is no way a city should allow the proposed zoning until something is done to improve Grand Ave.

Rebuttal

Doug Wild, 4712 Audubon Way

Island Mountain Development is owned by the Fort Belknap tribe. They purchased Classic Design 2 years ago. He manages Classic Design. Regarding the financing, the City requires bonding for improvements, the City has checks and balances in place so there will not be an unfinished project. Originally, they thought they would do cash in lieu for the parkland along Grand Ave, however it is desirable to have the trail continue and so that is what will happen. Regarding the zoning on Grand Ave. He asked staff to please identify what zoning is allowed. Staff replied NMU, NO, NZ1, 2, 3. N1, 2, 3 are not allowed adjacent to Grand Ave. NX2 allows buildings with 2-8 units. The total units proposed is ½ of what Trails West will have. The total property will have about 100 units. We are really wanting to build a great community.

Greg Reid, 550 s. 24th Street W

Stockman Ave will connect to Mr. Kurth's property. We are working thru the stormwater treatment design. They will connect to sewer in Grand Ave with a ½ gravity and ½ low pressure system. Legacy Subdivision and Classic Design is a known entity. They intend to create condos for sale to individuals, not whole structures.

Commissioner McCall stated it is not the Zoning Commissions roll to approve a subdivision. We can only consider appropriate zoning. The fire and public safety concerns are not within our jurisdiction. He stated he also shares the publics concerns about safety and traffic.

Public Hearing closed at 6:03PM

Motion

Commissioner Brooks made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1011, with staff findings.

Discussion

Commissioner Goss also shares the concerns about Grand Ave. This road needs extreme attention. The City needs to step up. We need to react to this application.

Commissioner Brooks stated he appreciates the owner and Birely drain flexibility.

Commissioner McCall stated modestly increasing the density can bring a tax base up to be sustainable. We are experiencing a housing crisis. He is in favor of providing affordable housing whenever possible. We have been missing 3-4 unit buildings for many years and they are beginning to creep back in to the developments. Grand Peaks is a good example.

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 1011 with a 3-0-1 vote.

Public Hearings:

City Special Review 993 – Shiloh Crossing Blvd - Vehicle Repair Center 5,000 sf. – A special review request to allow a vehicle service and repair building over 5,000 square feet in a Corridor Mixed Use 2 (CMU2) zone district, for a 9,540 square foot building, Lot 4E3, Block 1 of Shiloh Crossing Subdivision, a 2.17 acre parcel of land. Tax ID: A34026F

- Special Review Uses are “special exceptions” in the zone district – not allowed uses**
- Proof of compatibility of the Special Review Use rests with the applicant**
- Nine Review Criteria**

- 1. Consistent with the City’s growth policy and applicable neighborhood plans, if any;**
- 2. Will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;**
- 3. Site is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code.**
- 4. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**
- 5. Will not impede the normal and orderly development and improvement of surrounding property;**
- 6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:**
 - (a) Regulation of the use;**
 - (b) Special setbacks, buffers, or screening;**

- (c) Surfacing of parking areas;
 - (d) Street, alley, or service road dedications, improvements, or bonds;
 - (e) Regulation of points of vehicular ingress and egress;
 - (f) Regulation of signs;
 - (g) Regulation on the performance of the site, including noise, vibration, and odors;
 - (h) Regulation of the hours of activities;
 - (i) Timeframe for development
 - (j) Duration of use; and
 - (k) Other relevant conditions that will ensure the orderly development of the site.
7. Site has or will have adequate utilities, access roads, drainage, and/or necessary facilities;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

Staff Recommendation:

The Planning staff recommends conditional approval, based on the proposed findings and recommended conditions of approval (BMCC 27-1623.D)

The proposed conditions are as follows:

- 1. The special review approval is limited to Lot 4E3, Block 1 of Shiloh Crossing Subdivision, at the southern intersection of Shiloh Crossing Blvd and Shiloh Road.
- 2. For the vehicle tire shop & auto repair center >5,000 square feet. Approval of a variance from the front lot line coverage of 50% is included. No other use is intended or implied.
- 3. The landscaping plan shall include buffering to obscure the east side of the building.
- 4. With the exception of the above conditions, the site shall be developed in substantial conformance with the site plan submitted.
- 5. The reduction of the minimum 50% front lot line (Shiloh Road) building coverage is specifically allowed through this special review approval.
- 6. The proposed development shall comply with all other limitations of the Zoning Regulations and all other regulations and ordinances that apply.
- 7. The applicant will submit a building permit application within 12 months of the City Council approval and complete construction within 3 years of City Council approval.
- 8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Questions for staff:

None

Applicant:

Zack Graham, 411 E Main #101, Bozeman – Cushing Terrell

This business is primarily tires and suspension. They do not do engine repair other than an occasional oil change. They are currently seeking variances from the builders & owners association for an auto business in a big box locality. Scheels does not want to view open garage doors or the noise. Therefore, we will heavily landscape on the northeast corner.

Comissioner White stated she likes the signage.

Discussion:

Public Hearing: 6:20PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against **City Special Review 993**.

In Favor:

Joel Long, 730 Bluegrass

He represents the Shiloh Crossing owners. He has no concerns with this development.

Lane Basso, 4022 Laredo Pl

He is representin the owner and has only positive things to say about Lex Schwab.

Zach Graham wanted to add this ia a retail model and all tires will be stored inside. There will be no outdoor storage of any tires.

Opposed:

Public Hearing closed at 6:25PM

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Special Review 993, 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 Special Review 993 with a 4-0 vote.

Other Business:

Adjournment: The meeting adjourned at 6:25PM.

ATTEST: To be Approved by a motion April 5, 2022.

--Robbin Bartley, Administrative Assistant