



NOTICE TO THE PUBLIC

****ATTENTION****

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of February 1, 2022 and March 1, 2022.

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

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Zone Change 1008- Shiloh Rd and Zoo Drive** - Neighborhood PND - From A to N2, NO, and P1, using the Planned Neighborhood Development process provided in Section 27-800 of the zoning regulations. The legal description of the parcel is Parcel C, C/S 1100 Amended, a 20.58 acre parcel of land, near the intersection of Shiloh Rd. and Zoo Dr. A pre-application neighborhood meeting was held on December 15th at 6:00 p.m. virtually on Zoom. A concurrent annexation is in progress.

- b. **Zone Change 1012 - Text Amendment - Zoning Housekeeping Update** - Since the adoption of Project Re:Code, planning staff has been monitoring the codes success and providing "warranty reports" to City Council. Since adoption staff has identified small errors in the code. These errors may be incorrect code citations, may be contradictions, or may require clarity. This housekeeping ordinance is intended to resolve these minor errors.

Other Business/Announcements

Adjournment

The City Council has designated Monday, April 25, 2022, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold their public hearing. The Council will **conduct a public hearing for the first reading of the ordinance on April 25, 2022.** If approved on first reading, a **second reading public hearing will occur on Monday, May 9, 2022 at 5:30 pm.**

Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Zoning Commission
Meeting Date: 04/05/2022

Information

Subject

The minutes of the Board meeting of February 1, 2022 and March 1, 2022.

Attachments

BZC_2022_0201

BZC_2022_0301

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 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 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 32nd

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 10th street West. The Elks Club has never granted the City of Billings any right-of-way on the east side of 10th Street West. The Elks Club has retained their rights to fully use and enjoy the property. Some utility easements have been granted. Consequently 10th 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. 10th 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 10th 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 1st 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

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

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

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

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

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.

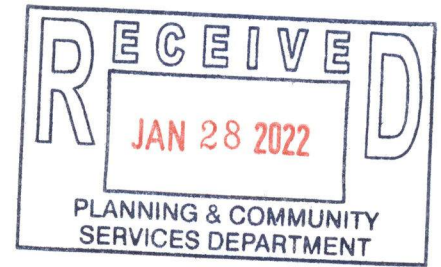
Please help that become a reality.

- 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 13th and Lewis and 8th 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 8th 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 8th and 9th 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 8th 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 8th and 9th. 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 13th 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.

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

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.

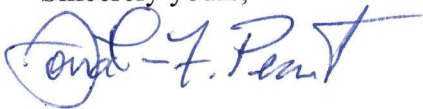
12. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

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

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
406-702-0055

Bartley, Robbin

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

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!

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

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 9th 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.

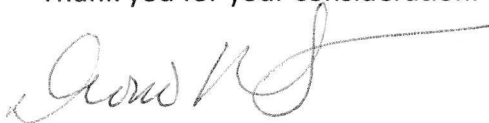
-The new zoning will NOT prevent overcrowding of the land. On page 7 the developer states that to be profitable, 200 to 250 units would have to be built. That could average 300 or more cars. How can the tennis courts stay, the units be built and 300 cars fit in that area? Already, the apartments to the 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. 10th 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 10th. This leaves all traffic to be on Lewis and 9th. Both of these streets are 2 lane. Overflow parking will line the streets of Lewis and 9th 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 3rd 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 9th and 10th 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 8th 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 9th Street does not align with Yellowstone east of 9th, creating another very awkward and hazardous traffic control situation. There is no stoplight to control traffic entering onto Broadwater Avenue at 9th 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



Bartley, Robbin

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

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

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

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

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

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

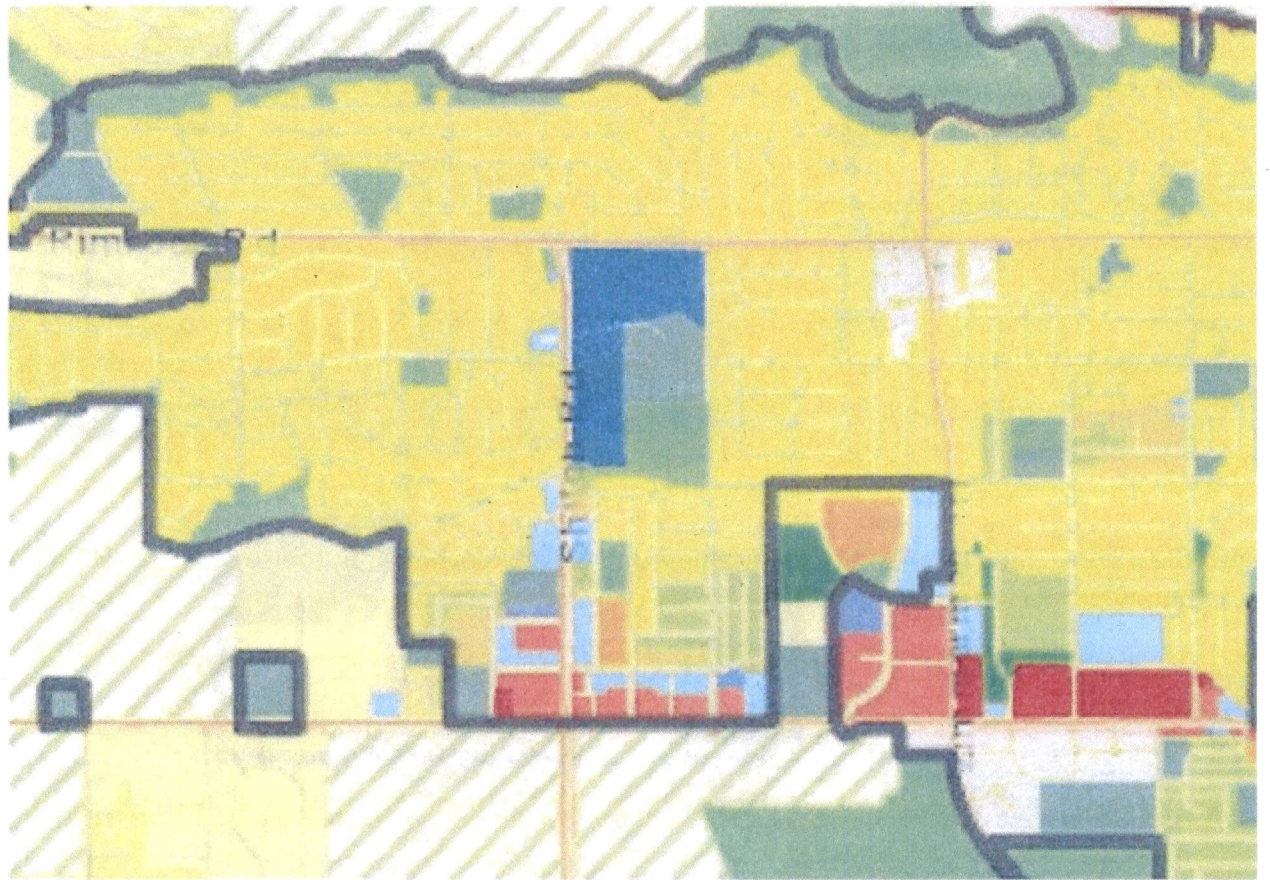
Bartley, Robbin

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 38th 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.





**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 inless 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

Zoning Commission

Date: 04/05/2022
Title: Zone Change 1008- Shiloh Rd and Zoo Drive - Neighborhood PND - From A to N2, NO, and P1
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning Staff recommends approval and adoption of the findings of the ten review criteria for Zone Change 1008, a Neighborhood PND zone change type from Agriculture (A) to Mid-Century Neighborhood N2), Neighborhood Office (NO) and Public 1 (P1). A concurrent annexation is in progress.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Zone Change 1008 is a zone change request from Agriculture (A) to N2, NO, P1, using the Planned Neighborhood Development process provided in Section 27-800 of the zoning regulations. The legal description of the parcel is Parcel C, C/S 1100 Amended, a 20.58 acre parcel of land, near the intersection of Shiloh Rd. and Zoo Dr. A pre-application neighborhood meeting was held on December 15th at 6:00 p.m. virtually on Zoom. A concurrent annexation is in progress.

This zone change request is for a new neighborhood to be developed on the west side of Shiloh Road near the intersection with Hesper Road. This is a Neighborhood PND type that requires at least two "N" zone districts along with a 2% minimum of Public 1 (open space). The PND process is a new zoning tool to help guide the coordination of annexation, subdivisions, and master planning for new city neighborhoods. The previous zoning code allowed urban-type zoning districts in both the city and the county. In many cases, developers were "pre-zoning" parcels in the county prior to annexation. This new PND tool allows developers to process all the zoning with the City Council, phase the annexation of the property (if necessary), and coordinate both of these processes with subdivision or master site plan review. The new tool applies a level of certainty to all stakeholders, including the surrounding property owners.

This zone change is for a Neighborhood PND type and includes neighborhood residential zoning (N2), Neighborhood Office (NO) zoning and Open Space (P1) district. Initially, the developer proposed the N2 zoning on the west side of the property with the NO on the east side with a linear P1 between the zones. In consultation with staff, an updated site plan from what was originally submitted with the application has been provided which depicts the P1 open space along the BBWA canal and further provides additional access to the south and connects through streets. The PND rules do not allow the designation of N1, N2 or N3 on an arterial street such as Shiloh Road. The NO zone does allow several uses including 1 to 4 family dwellings, live/work units, offices and some service businesses. It is not a "mixed-use" zone in our zoning regulations because development of residential uses can be allowed without a commercial component.

APPLICATION DATA

OWNER: Shiloh Farm, LLC
AGENT: Performance Engineering, Robert Neihart
LEGAL DESCRIPTION: Parcel C of C/S 1100, Amended
ADDRESS: Generally located west of Shiloh Road, north of the intersection of Zoo Drive and south of Hesper Road
CURRENT ZONING: Agriculture (County) - A
EXISTING LAND USE: Agriculture - vacant land
PROPOSED USE: New city neighborhood
SIZE OF PARCEL: 20.58 Acres

CONCURRENT APPLICATIONS:

Petition for Annexation 22-01

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: Agriculture (A)
Land Use: Agriculture - vacant land
SOUTH: Zoning: Agriculture (A)
Land Use: Agriculture - vacant land
EAST: Zoning: Heavy Commercial (CX)

Land Use: Vacant Agriculture
WEST: Zoning: Agriculture (A)
Land Use: Agriculture - vacant land

This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices north of this property along the Shiloh corridor in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is planned for the northern piece of Lenhardt Square. Several other multi-family developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring the adjacent county property owners and uses are protected as much as possible from conflicts with the new urban neighborhood residents and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Use PND. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant and agent conducted a pre-application neighborhood meeting on December 15, 2021, and there were no surrounding owners in attendance. The meeting was held in a virtual format. A summary of the meeting is included as an attachment. A PND zone change process requires notification of all owners within 1/4-mile of the subject property. The list for this zone change includes 22 owners.

As part of the PND zone change process, the applicant is also required to hold a pre-application Concept Review meeting with city staff to address any concerns with the street layout, zone districts, access, parks, utilities and similar infrastructure provisions. Staff was generally supportive of the proposed street layout and distribution of the zone districts, although adjustments to the site plan were made as this memo was prepared.

Planning staff did not receive any public comments prior to completing the staff report for the zone change.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1008; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1008; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed Neighborhood PND process for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently;

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments." It should be noted this goal is twofold, it addresses both higher density uses and infill. Neither are exclusive to one another. This project is not an example of infill, though services are nearby. This goal is referenced solely because of its reference to encouraging uses of land that aid in building high density developments.

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-residential environment. The proposed development will also have good access to outdoor activities and is in proximity to developing commercial activity and transportation options.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces.

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the property will allow the higher density housing or low-impact commercial development to be located adjacent to the arterial street frontage to make the most effective use of this valuable street frontage. Developing the N2 neighborhood to the west and the NO district to the east will allow a mixture of housing types with a buffer of P1 between the two. The NO will also allow a low impact type of commercial development along with the residential choices.

2) Is the new zoning designed to secure from fire and other dangers?

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly and street layout is designed to secure the development from fire and other dangers.

3) Whether the new zoning will promote public health, public safety and general welfare?

Approval of the overall zoning plan and street layout will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The new zoning is located along an existing MET route which services the west end of Billings.

Water and Sewer: The City will provide water and sewer to the property. There will be no significant or unexpected impacts to the system from the proposed changes. The City has anticipated growth and the impact on City infrastructure to both water and sewer.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood depending on the potential tenants. SD #2 did not provide any comments.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5) Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The proposal includes developing a mixture of housing opportunities with open space and park areas located throughout the project providing adequate light and air. All new construction will align with new building and zoning codes which ensure that setbacks and proper spacing ensures light and air within the development.

6) Will the new zoning effect motorized and non-motorized transportation?

Non-motorized travel -- walking and biking -- is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas. Pedestrian connections will be ensured through the development. The proposed project will have some impact on the motorized transportation system in the area as it was historically agricultural property. The developer has begun the process of coordinating with the City of Billings and MDT for completion of a traffic study to be submitted at the time of master site submittal. The development will have a positive impact on non motorized transportation as it will connect to multi-use paths along Shiloh Road.

7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to the new residents. The proposed project is similar in zoning to the surrounding proposed developments. By including medium density NO zoning along Shiloh Road and placing the N2 on the interior of the development the plan is intended to align with the desired higher density zoning along arterial streets.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed development continues the character of the district while also providing diversification in housing options. Currently, the new development in the area is primarily commercial. When developed this parcel will add a mix of housing options to the area and add diversity to this part of Billings.

9) Will the new zoning conserve the value of buildings?

The property is an undeveloped agricultural parcel. Approval of the zone change will provide certainty to surrounding landowners and may help to maintain property values of adjacent buildings. Additionally, properties that are in the outlying county area may be more attractive with the possibility of City services as they are closer and more available due to the annexation and development of the property.

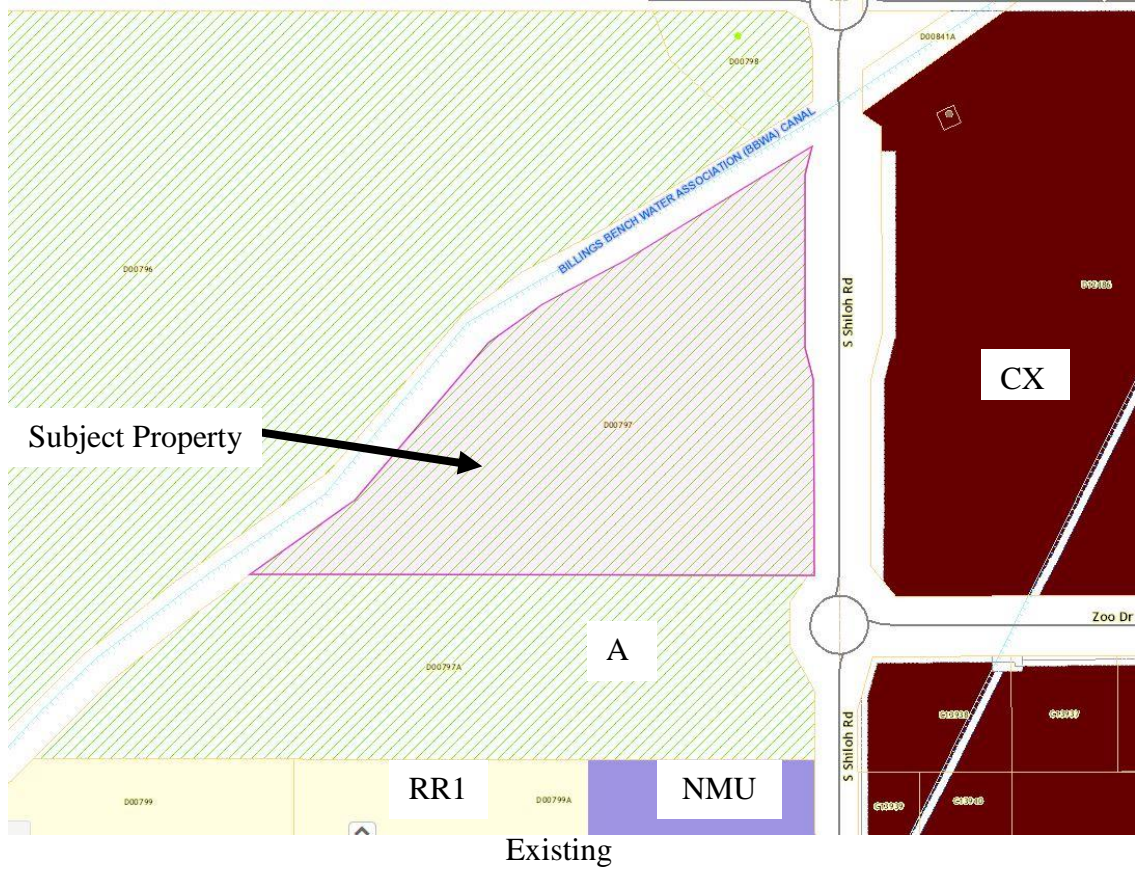
10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed Neighborhood PND zone change process with N2, NO and Public 1 zoning will encourage the most appropriate use of this land in Billings. The proposed development is located on the western border of the City limits and is within the annexation area. The proposed zoning meets the intent of the zoning code close to major intersections.

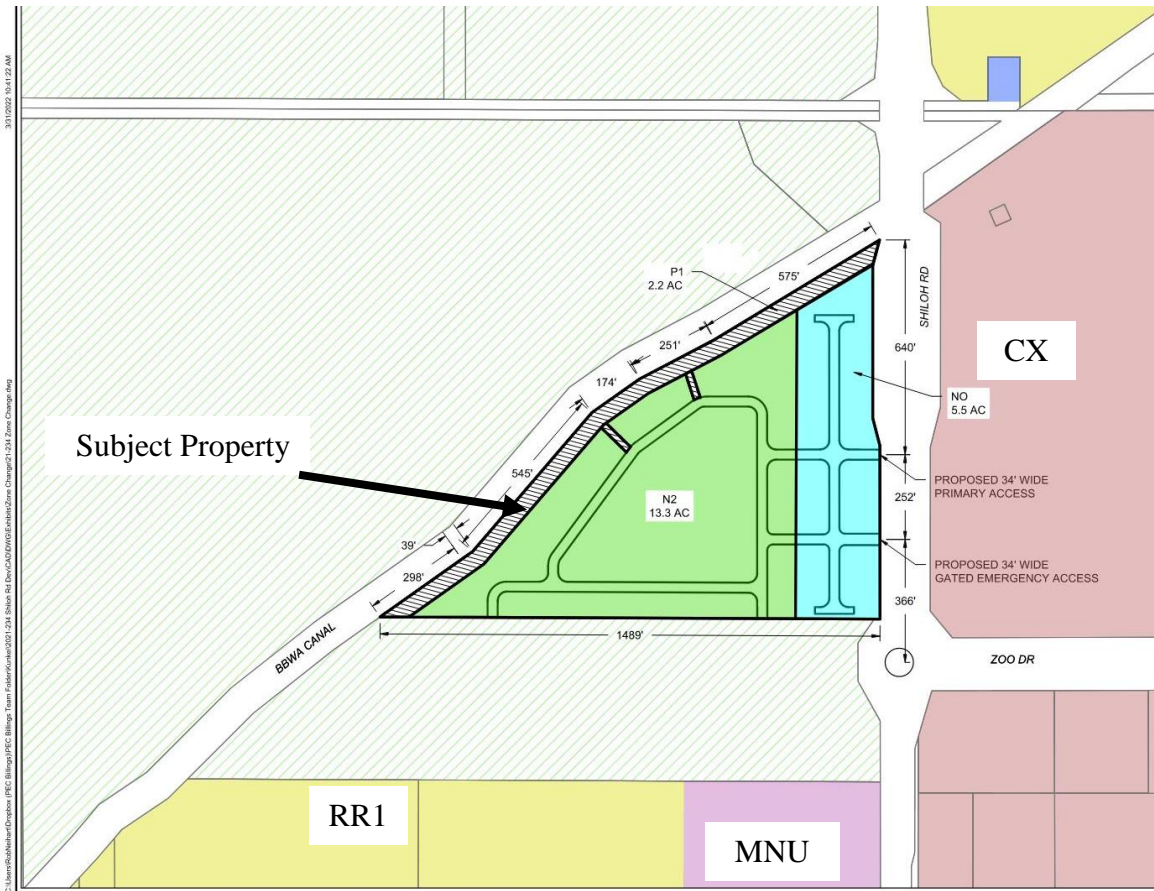
Attachments

Zoning Map and Site Photos
Application & Applicant Letter
Zoning History
Preapplication Meeting Held

Zoning Map & Site Photos



Existing



Proposed PND



West



North



South



South West



The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Regulations.



Check one: City of Billings Zone Change Yellowstone County Zone Change

Address Near the intersection of Shiloh Rd. and Zoo Dr.

Legal Description Parcel C of COS 1100 Amended

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
2. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

REQUIRED UPLOADS Online Applications: <https://services.billingsmt.gov/citizenaccess/>

--Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

--Signed Application and Zone Change Statement (Zone Change questions)

--Site Plan

--Typed Mailing Labels Certified Surrounding Property Owners

--Radius Map & Certified List of Property Owners

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. I attest that all the information presented herein is factual and correct.

Recorded Owner(s) Shiloh Farm, LLC

Owner's Address 730 Bluegrass Place, Billings, MT 59106

Owner's Phone Number (406) 208-0718 E-mail Joellong@mac.com

Applicant/Agent Performance Engineering, Robert Neihart

Applicant/Agent's Address 608 N. 29th Street, Billings, MT 59101

Applicant/Agent's Phone Number 406-384-0080 E-mail rob@performance-ec.com

Signature of Recorded Owner(s) *Joel John Long*

Date 12/23/21

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. SEC. 27-1502. AMENDMENTS TO CHAPTER. (a) General. This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. **Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the

Parcel C of COS 1100 Amended

Zone Change Questions

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies?

Infrastructure Investments - The proposed project is located along Shiloh Road, adjacent to the western most boundary of the city limits. The project will extend existing water and sewer infrastructure to service the development opening adjacent areas up for annexation and growth within the City as well.

Strong Neighborhoods - The proposed project will utilize a mix of housing options (N2 and NO) to draw individuals of all ages in addition to families. The development is planned in a way as to provide a strong community by providing easy access to pocket parks and outdoor areas for neighbors to gather. Additionally, it is adjacent to the Shiloh Road multi-use path connecting to commercial districts and recreational areas within the City.

Business Access - The proposed development is near the Shiloh Crossing Commercial Park, Shiloh Conservation Area, and Broso Business Park with sidewalk and multi-use trails connecting the to the proposed development. The proximity of the medium density housing to commercial areas located withing this development and adjacent others will attract national and regional businesses building our city's tax base. Attraction of anchor tenants will lead to the draw of smaller local businesses, developing a well-rounded community node where people can find jobs near where they live.

Zoning - The proposed project complies with the regulations outlined in the new zoning code adopting in the Spring of 2021.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. **Is the new zoning is designed in accordance with the growth policy?**

The proposed zoning aligns with the existing growth policy as it located adjacent to the current city boundary and will extend existing infrastructure. Furthermore, the mix of medium density housing will provide for a strong, diversified community.
 - b. **Is new zoning is designed to secure from fire and other dangers?**

The proposed project will extend existing water mains and implement new hydrants for fire protection of the proposed residencies.
 - c. **Will the new zoning promote public health, public safety and general welfare?**

The proposed project will promote a strong diversified community where residents will be able to access businesses via pedestrian routes. Internal green spaces will provide for neighborhood gathering and recreation

within the development. Multi-modal transportation ties to the development provide opportunities to residents and the surrounding pedestrians to connect with the rest of the City.

d. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The new zoning is located along an existing MET route which services the west end of Billings. The proposed project will extend existing water and sewer infrastructure in Shiloh Road to the development. The development will also implement a mixture of green spaces and larger park spaces to provide outdoor areas for the residents and public to use. Furthermore, sidewalks and pedestrian paths will interconnect the development to trails along Shiloh Road.

e. Will the new zoning provide adequate light and air?

The development is proposed to provide a mix of housing opportunities with open space and park areas located throughout the project providing adequate light and air. All new construction will align with new building and zoning codes which ensure that setbacks and proper spacing ensures light and air within the development.

f. Will the new zoning effect motorized and nonmotorized transportation?

The proposed project will have some impact on the motorized transportation system in the area as it was historically agricultural property and will move to residential development. The developer has already begun the process of coordinating with City and MDT personnel for completion of a traffic study to be submitted at the time of master site submittal. Additionally, the development will have a positive impact on nonmotorized transportation as it will connect to multi-use paths along Shiloh Road.

g. Will the new zoning promote compatible urban growth?

The proposed project is similar in zoning to the surrounding proposed developments to the east of south. By including medium density NO zoning along Shiloh Road and stepping back to N2 zoning on the interior of the development the plan will align with desired higher density zoning along arterial roads. The proposed zoning will promote compatible urban growth around this important intersection and will help facilitate attraction of anchor tenants will lead to the draw of smaller local businesses, developing a well-rounded community node where people can find jobs near where they live.

h. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed development continues the character of the district while also providing diversification in housing options for the area. At this point the only development in the area is commercial in nature. Adding a mix of

housing options to the area will only help to add diversity to this part of the City.

i. **Will the new zoning conserve the value of buildings?**

The proposed development will extend city services to areas where current County properties will have the option to connect in, ultimately increasing the value of their property.

j. **Will the new zoning will encourage the most appropriate use of land throughout the City of Billings?**

The proposed development is located on the current western most boundary of the city limits and therefore is the next logical annexation for the City and it meets the intent of the zoning code near major intersections.

2. Does the new zoning fit with the existing or planned developments within the area.

The proposed development is a continuation of similar zonings planned along Shiloh Road to the south, consisting of a mixture of medium density residential property. Adding residential development to this part of the City will add diversity and help to draw more commercial and business development to the area.

SUBJECT PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	None	2021			Previous zone = A-1 Updated zone = A
SURROUNDING PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5640 Grand Ave	City ZC 942	1/13/16	A-1 to Public	Y	For a New School
CS 3618	City SR 941	5/9/16	Church	Y	LDS Meeting House
Sunny Cove FF Lots 101 & 124	City ZC 729	5/10/04	A-1 to R-96 & R70	Y	
Sunny Cove FF Lot 65A	City ZC 734	7/12/04	A1 to R-70	Y	
CS 1323 Tr 1&2 & CS 1815 Tract 1	City ZC 803	5/14/07	A-1 to R-150	Y	For Cottonwood Park
Cottonwood Grove	City ZC 734 Annex	2/28/05	A-1 to R-70	Y	
Mont Vista Sub	City ZC 851	7/13/09	PD	Y	
MK Sub	City ZC 925	9/22/2014	NC to CC	Y	The Den
Daybreak Sub	City ZC 920	5/26/2014	A-1 to R-60	Y	
Grand Peaks Sub	City ZC 938	8/24/2015	R-96 to R-70	Y	
Silver Creek Estates	City ZC 940	11/23/2015	R-96 to R-70	Y	
Copper Ridge	City ZC 960	8/28/2017	Un-zoned to R-70 and R-50	Y	
Coal Creek Sub	City ZC 961	1/8/2018	RP to CC	Y	
Hawk Creek	City ZC 971	12/17/2018	NC to PD-NC	Y	Diamond X Brewing
Sweetgrass Creek	City ZC 998	10/11/2021	A to MR-PND with to N1, N2, N3, NX1 and P1	Y	Sweetgrass Creek Subdivision
Buffalo Crossing	City ZC 1011	2/24/22	RR3 to PND (N2, N3, P1)	Y	CS 2735



ZONE CHANGE AND REZONING MEETING AFFIRMATION
 The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.



Check one: **City of Billings Zone Change** **Yellowstone County Zone Change**

Property Address Near the intersection of Shiloh Rd. and Zoo Dr.

Legal Description Parcel C of COS 1100 Amended

City Present Zoning Choose One

City Proposed Zoning? N2 - Mid-Century Neighborhood

County Present Zoning A Agriculture

County Proposed Zoning Choose One

Neighborhood Task Force Area? Westend Task Force

Task Force Chairperson Howard Holz

Required Uploads to Online Project Attachments:

- o **Zone Change Pre-application Meeting Affirmation Form**
- o **Statement:** Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- o **Subject Property Map**
- o **Roster of persons who attended the pre-application neighborhood meeting**
- o **Meeting Notice and a brief synopsis of the meeting results**

Affirmation:

1) *The pre-application neighborhood meeting was held on:* December 15, 2021

2) *The zone change application is based on materials presented at the meeting.*

Recorded Owner(s) Shiloh Farm, LLC

Owner's Address 730 Bluegrass Place, Billings, MT 59106

Owner's Phone Number (406) 208-0718 E-mail Joellong@mac.com

Applicant/Agent Performance Engineering, Robert Neihart

Applicant/Agent's Address 608 N. 29th Street, Billings, MT 59101

Applicant/Agent's Phone Number 406-384-0080 E-mail rob@performance-ec.com

Signature of Recorded Owner(s)

Date

Joellong _____ Date *12/22/21*

**Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.



608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

December 8, 2021

Dear Interested Neighbor,

On behalf of Shiloh Farm, LLC, 730 Bluegrass Place, Billings, MT 59106, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting being held on **Wednesday, December 15th at 6 PM** virtually on Zoom with the login details provided below.

Please see the following information below for accessing the Zoom meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/88511233147?pwd=RnUxd0xYV0dHeXpZcklwazFuNmN0Zz09>

Meeting ID: 885 1123 3147

Passcode: 439646

The meeting is being held to discuss a proposed zone change regarding the existing properties located northwest of the intersection of Shiloh Rd. and Zoo Dr. The owner is requesting that the property shown on the attached exhibit and described below be re-zoned to accommodate annexation and future development:

Parcel C, COS 1100 Amended, S22, T01S, R25E in Yellowstone County totaling 20.58 acres, located near the intersection of Shiloh Rd. and Zoo Dr.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. The property is currently zoned as A (Agriculture 10 Acres and Over). The zoning proposal to be presented to the City of Billings will be to change the zoning of the land described above from A to N2 (Mid-Century Neighborhood (2 du/structure)), NO (Neighborhood Office), and P1 (Open Space, Parks, Recreation) to accommodate future development. A total of 20.58 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC as well as the Owners, will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 608 North 29th Street, Billings, MT 59101, attention Robert Neihart, or emails may be sent to rob@performance-ec.com. We look forward to discussing the proposed zoning change with you and hope to see you on **December 15th at 6 PM** via Zoom with the login details provided above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Neihart'.

Robert Neihart, PE
Project Manager



608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

Parcel C of COS 1100 Amended Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-6:15 PM on December 15th, 2021 via a virtual Zoom meeting. The meeting was hosted by Robert Neihart of Performance Engineering (agent).

One (1) person from the public attended the meeting, Jim Berve acting on the Developer's behalf.

Since no individuals attended from the public the meeting was closed at 6:15.

Zoning Commission

Date: 04/05/2022
Title: Zone Change 1012 - Text Amendment - Zoning Housekeeping Update
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends the Zoning Commission forward a recommendation of approval for Zone Change 1012, the housekeeping amendments to the new zoning code.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Since the adoption of Project Re:Code, planning staff has been monitoring the codes success and providing "warranty reports" to City Council. Since adoption staff has identified small errors in the code. These errors may be incorrect code citations, may be contradictions, or may require clarity. This housekeeping ordinance is intended to resolve these minor errors. The housekeeping ordinance does not contemplate major changes (See the attachments for details).

ALTERNATIVES

The City Zoning Commission may:

- Forward a recommendation of approval and adoption of the findings of the ten review criteria for the text amendments as proposed; or
- Forward a recommendation of approval and adoption of the findings of the ten review criteria with changes to the proposed text amendments; or
- Forward a recommendation of approval for some of the proposed text amendments; or
- Forward a recommendation of denial and adopt different findings of the ten review criteria for the text amendments; or
- Delay action on the text amendments to the next Zoning Commission hearing date.

FISCAL EFFECTS

Approval of some or all of the text amendments to the zoning regulations will have a financial impact on the City Clerk's of Planning Division's budget. The city contracts with Municode to incorporate changes to the city's code to ensure consistency and accuracy. Municode charges for the city for this service. City Administration has historically distributed these costs to departments and divisions based on the code amended. It is likely that the changes to the zoning code text will be charged to the Planning Division.

SUMMARY

Prior to making a recommendation to the City Council, the Zoning Commission shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed minor amendments are consistent with 2016 Growth Policy and the Project ReCode Guiding Principles:
2016 Growth Policy:

- Essential Investments (relating public and private expenditures to public values)
- Place Making (Enhance, maintain, preserve, and improve existing public places)
- Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
- Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)
- Home Base (healthy, safe and diverse housing options)
- Mobility and Access (transportation choices in places where goods and services are accessible to all)
- Prosperity (promoting equal opportunity and economic advancement)

Project ReCode Steering Committee Guiding Principles (2019):

- CLARIFY AND SIMPLIFY - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.

- **REGULATE WHAT MATTERS** - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future.
- **PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS** - The regulations will recognize and incorporate clear and well-defined processes that uphold property rights and access to housing choices.
- **PREVENT CONFLICTS** - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- **OPTIONS AND CONTEXT** - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- **MAINTAIN WHAT WE CARE ABOUT** - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- **FILL THE VOID** -- The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- **PROSPERITY** -- The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

2. Is the new zoning designed to secure from fire and other dangers?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and safety will be promoted through the text amendments. Clarification and correction of errors in the text will prevent the misinterpretation or mis-application of the code as currently written. These changes will promote public health and safety.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

5. Will the new zoning provide adequate light and air?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

6. Will the new zoning effect motorized and non-motorized transportation?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

7. Will the new zoning will promote compatible urban growth?

The zoning amendment promotes compatible urban growth in the areas of the City by correcting errors in the adopted code.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

9. Will the new zoning conserve the value of buildings?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

A finding for this criteria is not relevant in the context of minor adjustments to the code.

Attachments

Zoning Ordinance

ORDINANCE 22-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-300,
27-400, 27-1000, 27-1200, 27-1400, 27-1600 AND 27-1800,
BE AMENDED TO CORRECT ERRORS, CROSS
REFERENCES, OMISSIONS AND TO PROVIDE
CLARIFICATION OF THE REGULATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. Sections 27-300 – Neighborhood Residential Districts, 27-400 – Commercial and Mixed Use Districts, 27-1000 – Uses and Use Standards, 27-1200 - Landscaping, 27-1400 – Signs, 27-1600 – Administration and 27-1800 – Measurements and Definitions, have been found to contain errors unrelated to the substance of the zoning regulations. Correction of these errors through an ordinance will make the regulations clearer and provide for accurate administration of the code.

Section 3. ZONE REGULATION AMENDMENTS.

(a) **Table 27-300.3 (N1) – A.10- Permitted Driveway Access Location, Table 27-300.4 A.2 – Maximum Front Building Width, Table 27-300.6 (NX1) A.10 – Permitted Driveway Access Location, 27-300.7 A.2 Maximum Building Width and A.10 - Permitted Driveway Access Location (NX2/NX3).** Edit the language as follows for each Table:

Table 27-300.3 - A

10	Permitted Driveway Access Location	Alley, side street if no alley Any	See BMCC Section 6-1200 for driveway access.
11	Attached Garage Entrance Location	Rear, side, or street-side façade; front façade allowed maximum of no more than 40% of the facade	

Table 27-300.4 – A

2	Maximum Front Building Width (feet)	80 110 per principal building	
12	Principal Building: Maximum Height (stories)	1.5; 2 stories maximum 60% of footprint except as provided in subsection 27-305.D	
	Maximum Height (feet)	27	

(insert table break)

Table 27-300.6 - A

10	Permitted Driveway Access Location	Alley, side street; front street if no side street is available Any	See BMCC Section 6-1200 for driveway access standards.
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Table 27-300.7- A

		Multi-Unit Building	Side-by-Side Units	REFERENCES
2	Maximum Building Width (feet)	16 feet per ground floor unit	8 units/172 feet on any frontage	See 27-307.D for fee simple row building units.

10	Permitted Driveway Access Location	Alley, side street; front street if no side street is available Any	See BMCC Section 6-1200 for driveway standards.
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(b) Section 27-303.I – Yard Treatment is amended by deleting the subsection in its entirety and renumbering the following sections I. and J.

~~I. Yard treatment. Build to zones, and front, side and rear yards shall be a minimum of sixty (60) percent landscape area.~~

Re-number the following sections ~~J. I.~~ Front entrances and ~~K. J.~~ Arterial setbacks

(c) Section 27-409 – Table 27-400.6 Site and Structure Regulations for CX district be amended to add diagram letters in the first column as follows:

			REFERENCES
A.	BUILDING SITING		
a-1	Maximum Building Coverage (%)	50	
w-2	Front Setback (feet)	20 minimum	See subsection 27-403.K for arterial setback regulations.
e-3	Street-Side Setback (feet)	10 minimum	
f-4	Side Setback (feet)	0; 10 minimum if abutting N, NX or RMH district	
t-5	Rear Setback (feet)	10 minimum; 0 if abutting an alley	
B.	PARKING SITING		
y-6	Surface or Accessory Parking Yard Location	Side or Rear	
u-7	Loading Location	Rear, Interior Side	
i-8	Permitted Driveway Access Location	See section 27-1305 for driveway access locations	
C.	HEIGHT		
e	Overall: Maximum Height (feet)	60	

(d) Section 27-603.B. is amended as follows:

B. 14 ~~12~~: Heavy industrial dimensions. Development in heavy industrial district shall comply with the following:

(e) Section 27-1006.C.1 is amended as follows:

C. Personal self-service storage.

1. Generally applicable standards. **Standards listed in subsections e, f and g are not applicable to the CX, I1 or I2 zone districts. Subsections a through d apply in all zone districts.**

(a) No business activity other than rental of storage units shall be conducted within a self-service storage unit.

- (b) In CMU1, CMU2, and EBURD-CW, individual self-storage units, unit doors, loading areas or other service areas shall be screened from a public right-of-way and any adjacent non-industrial districts.
- (c) Security fencing or gates shall be located behind any required landscaping area.
- (d) Security gates shall be located so that two (2) vehicles awaiting entry do not stack into the public right-of-way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than twenty-five (25) units or where security gates are only locked outside of normal business hours.
- (e) Exterior doors serving individual units shall not be oriented towards a public right-of-way unless located behind other structures.
- (f) Individual units accessed from outdoors shall be located at least one hundred (100) feet from a front or street side property line.
- (g) No self-service storage facility shall exceed three (3) acres in size.

(f) Section 27-1007.C.6(b)(3) is amended as follows:

- (b) New support structures and major modifications shall be considered as follows:
 - (1) Stealth communication facilities shall be permitted as an allowed use in all commercial zoning districts.
 - (2) Antenna support structures shall be permitted as an allowed use in all commercial and mixed-use zoning districts when located on school, government-owned utility, and other government sites. Proposed antennas or antenna support structures that are contrary to this section must be requested through the special review process.
 - (3) Antenna support structures and antennas located in NO, NC, and DX that do not meet the requirements of subsection ~~7(b)(1) or 7(b)(2)~~ **6(b)(1) or 6(b)(2)** shall be required to obtain special review approval. Wireless communication facility tower farms are not allowed in these zoning districts.

(g) Sections 27-1009.A.2.b(2) and 27-1009.D.2 are amended as follows:

A.2.b(2) Any temporary structure must be setback five **(50)** feet behind all property lines;

D. Temporary use/structure permit required.

1. Before any group 2 or group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit for each location from the zoning coordinator or his/her designee.
2. For group 3 temporary uses, the temporary use permit holder shall post a **one thousand five hundred dollars (\$1,500.00) bond, in an amount set by city council resolution from time to time**, for each location with the planning and community services department to ensure timely removal of the use and/or structure.

(h) Section 27-1102 A. Eligibility for Proportionate Compliance Table 27-1100.1 Applicability of Development Standards is amended as follows:

	Res. Multi-Unit	Mixed-Use and Public	Comm.	Ind.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Existing Development				
Interior Change(s)	Apply subsection 27-1102.B.2 1			
Redevelopment:				
Less than 10% GFA	n/a	n/a	n/a	n/a
Between 10% and 75% GFA	Apply subsection 27-1102.B.2			
Greater than 75% GFA	100	100	100	100
Use Change with Increased Parking	Apply subsection 27-1102.B.3			
Nonconformities				
See article 27-1500 for applicability of nonconformity standards				

(i) Section 27-1203.B and 27-1203.B.1(d) is amended as follows:

B. Required street frontage landscaping. The area ~~along any property line~~ that abuts a public and private street ~~right-of-way~~ shall be provided a street frontage landscaped area planted with street trees. Property owners shall plant and maintain street trees as follows and as further required by this section:

1(a) through 1(c) no changes

1.(d) Additional required plant materials are specified in subsection 27-~~1204.D.~~ [1208.](#)

(j) Section 27-1209.A.4 and 27-1209.B is amended as follows:

4. All fences over 36 inches in height and equal to or less than 7 feet in height shall require a permit from the planning division. Fences over seven feet in height may require a permit from the Building Division.

- B. *Height.* Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below **as measured inside the fence.**

(k) Section 27-1400 – Signs amend Tables 27-1400.6; 27-1400.8 and 27-1400.10 and Section 27-1407.F.2 to correct references as follows:

Table 27-1400.6. Attached Signs in CMU1, CMU2, and EBURD RSVMS.

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection DC.2.(a), above [1]	Internal or external	Static; Max 40% of sign area	Subsection 27-1405.B, Wall Sign
Window	n/a	architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes						
[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Table 27-1400.8. Attached Signs in CBD and DX.

Sign Type	Number	Height (max., ft.) [1]	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Signs
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Signs
Projecting	1 per street frontage	May not extend beyond roofline	48 sf	Internal or external	n/a	Subsection 27-1405.B, Projecting Signs
Roof	1 per premises	4 ft. above roofline	x	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Roof Sign
Under awning or canopy signs	1 per tenant	Below awning or canopy	x	Internal or external	n/a	Buildings with awnings or canopies over the right-of-way

Wall	1 per tenant per street frontage	Same as wall	Subsection ED.2(a) above [2]	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes:						
[1] Attached signs on taller structures, except for roof signs, shall be located at or below the 10th story of the building.						
[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Table 27-1400.10. Attached Signs Commercial, Industrial, and EBURD CW, 13th, and IS.

Sign Type	Number	Height (max., ft.)	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Roof [1]	1 per premises	4 ft above roofline	250	Internal or external	n/a	Subsection 27-1405.B, Roof Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection FE.2(a) above, [2]	Internal or external	Static; Max. 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes:						
[1] Permitted in lieu of a wall sign.						
[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Section 27-1407.F. 2. Public 2: Public and institutional. Signage is permitted pursuant to subsection 27-1406**7**.B, NO and NMU.

(I) Section 27-1404.B.3(a)(1) Method of measuring sign area shall be amended as follows:

3. *Method of measuring sign area.*

(a) *Freestanding signs.*

(1) The sign area of a freestanding sign shall be measured from the outside edge of the sign face.

a. The sign area of a freestanding sign consisting of more than one single-sided sign shall be computed by adding together the total area(s) of all signs. **See subsection (2) for sign area calculation for two-sided signs.**

(m) Section 27-1408.D.2(a) Location of temporary sign shall be amended as follows:

2. *Location.*

- (a) Temporary signs are subject to the prohibited sign locations identified in subsection 27-14042.E.

(n) Section 27-1407.G Historic districts signs shall be amended as follows:

G. *Historic districts.* Statement of special purpose. This special code acknowledges the unique visual concerns associated with the Billings' historic districts, including the Billings Townsite Historic District, Old Town Historic District, and North Elevation Historic District, as defined in BMCC section 6-4403700, and recognizes the benefits of restoring the district's visual appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.

(o) Section 27-1628.C.2(b)(3) and 27-1628.E.2(c) Zone Changes be amended as follows:

- (3) *Posted.* Place notice of the public hearing on the property subject to the special review zone change fifteen (15) calendar days in advance of the public hearing.

2. *City council action.*

- (a) The city council shall hold a public hearing within twenty (20) thirty (30) calendar days after the publication of the zoning commission recommendation.
- (b) Before taking action on a zone change application, and after presentation of the zoning commission report, the city council shall hold a public hearing on the application.
- (c) An additional public hearing shall be held at A second reading of the ordinance as required by BMCC section 2-223231.

(p) Section 27-1619.E Master Site Plan be amended as follows:

E. Review and decision-making. A master site plan is subject to administrative approval and shall be reviewed as follows:

1. Within thirty (30) sixty (60) calendar days following the submittal of a complete application, the zoning coordinator shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. The review period clock stops when corrections or revisions are required and begins again once the additional information or modified complete plans are received. Failure of the applicant to timely respond to the corrections or request for additional information does not trigger subsection 2.
2. In the event that review exceeds thirty (30) ninety (90) calendar days, the applicant may seek immediate approval from the planning director.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25th day of April 2022.

PASSED, ADOPTED and APPROVED on second reading this 9th day of May 2022

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zoning Code Housekeeping Amendments 2022