



**City of Billings Zoning Commission
Meeting Minutes May 3, 2022**

The City of Billings Zoning Commission met on Tuesday, May 3, 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, May 3, 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, May 23, 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 hearings. The Council will conduct a public hearing for the first reading of the ordinance on May 23, 2022. If approved on first reading, a second reading public hearing will occur on Monday, June 13, 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	1	1							
Daniel J. Brooks	Commissioner	E	E	1	1	1							
Greg McCall	Vice Chairman	1	1	1	1	1							
Trina White	Commissioner	1	E	1	1	E							
David Goss	Commissioner	1	1	1	1	1							
Wyeth Friday	Director, PCSD	-	-	-	-	-							
Monica Plecker	Division Planning Manager	-	-	-	-	-							
Nicole Cromwell	Zoning Coordinator	1	1	1	1	1							
Tammy Deines	Planning Clerk	-	1	1	-	-							
Dave Green	Planner II	-	-	-	-	-							
Karen Husman	Planner I	-	1	1	1	1							
Robbin Bartley	Administrative Support	1	1	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	2	3								12
Special Review	-	-	1										1

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

Attending: Steve Biondich, Sharon Grubbs, Mark Noennig

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: April 5, 2022

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve the April 5, 2022 meeting minutes both with corrections. The motion carried with a 4-0 voice vote. Commissioner Brooks stated the approved minutes from February and March have not been posted and asked for a Facebook link to view past Zoning meetings.

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

Site visits were completed by David Goss (ZC 1014) and Greg McCall all locations.

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 1013 – 527 Lake Elmo- from N2 to NMU- A zone change request from Mid-Century Neighborhood Residential (N2) to Neighborhood Mixed Use (NMU), on COS 2637, Parcel 2A a 25,918 square foot parcel of land. A pre-application neighborhood meeting was held on March 1, 2022, via Zoom virtual meeting format. Tax ID: D11725

Staff Recommendation:

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1013.

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (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.

The City Zoning Commission may:

Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1013; or,

Recommend denial and adopt different findings of the ten review criteria for Zone Change 1013; or,
Delay action on the zone change request for up to 30 days; or,
Allow the applicant to withdraw the zone change request.

Proposed zoning allows:

- Offices, medical or professional
- Mixed uses in same structures – residential, commercial, retail
- Limited selection of commercial and retail uses

Proposed use is an allowed use

- Updates and remodels will require proportionate compliance with site development standards
 - Property shares drive approach with adjacent neighbor
 - Traffic increases should be minimal
-
- Meets the Growth Policy and Billings Heights Neighborhood Plan
 - Adjacent uses and zoning compatible with proposed zoning
 - NMU compatible with adjacent N2, NX2 and CX zones
 - Proportionate compliance required for any site improvements
 - Orderly transition from residential to office uses

Questions for staff:

Commissioner Goss asked about the parking requirements to the east. Staff replied some parking has been developed but until review it will not be assessed. Only 2 off street parking spaces are required right now. Potentially, 8 spaces may be required.

Applicant: Steven & Kyle Biondich, 1197 Cortez

We are making a therapy office with the appeal of a home. A&E Architects are the designers. There will be nice trees with a natural appeal. We are professionals, not medical doctors. We will also be developing the basement. 18-20 parking spaces are designed to the east.

Questions for applicant:

Public Hearing: 4:45PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1013.

In Favor: None

Opposed: None

Public Hearing closed at 4:46PM

Discussion:

Motion

Commissioner McCall made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1013.

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 1013 with a 4-0 vote.

Public Hearings:

City Zone Change 1014 – 3038 Central Ave - from CMU1 to NX3- A zone change request from Corridor Mixed Use 1 (CMU1) to Mixed Residential 3 (NX3), on the north 4.05 acres of COS 2991, Parcel 1C, an 8.868 acre parcel of land. A pre-application neighborhood meeting was held on March 16, 2022, via Zoom virtual meeting format. Tax ID: D12499

Staff Recommendation:

Planning Staff recommends approval of the zone change based on the findings of the 10 review criteria;

In making its determination for an amendment to the official map or text of this chapter, the City Council 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.

- Meets the Growth Policy and allows developer to adjust to market conditions

- Adjacent uses and zoning are compatible with proposed change
- NX3 allows 5 or more dwellings– 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
- NX3 maximum height 4 stories for “stacked units” 3 stories for “side-by-side units”

Staff referred to an email from Robert Winchell who is in opposition. Also, a neighbor to Mr. Winchell called asking for information about the Zone change.

Questions for staff:

Commissioner Brooks asked staff about the misleading statement referred to in the email. Staff indicated the postcard sent was incorrect in that it stated Monday, May 3 rather than Tuesday, May 3 as the public hearing date.

Applicant:

Brian Carlisle, agent, 11650 S. State, Draper Utah

They have owned the Phase I apartments of Hunter’s Point for close to 25 years. It is a good project. When the 8 acres became available, it was purchased for Phase II. The property was split to the north and south, when city rezoning occurred they thought to leave the mixed-use corridor. The thought was 4 acres would be sold. However, when the rental needs escalated, they thought perhaps a 3rd phase of Hunter’s point would be appropriate. Therefore, the wish is to rezone this area to NX3 to match the neighboring property.

Questions for applicant:

Commissioner Goss asked about the interconnectivity of the 3 phases. How are people getting in and out? Mr Carlisle responded stating the 2 phases will be connected and they will retain the access planned off Central Ave. Staff indicated Phase I and II had no connection point. Mr Carlisle stated Phase I and II have been connected. Phase III will be connected to Phase II at a minimum. Connecting to Phase I may not be possible because of garages. The plans have not been finalized.

Commissioner McCall asked Mr. Carlisle to describe the flavor of the development. Mr. Carlisle showed the Phase II elevation rendering.

Public Hearing: 4:58PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1014.

Sharon Grubbs, 2984 Millice

She asked if the renderings presented are factual. If so she has no opposition. Staff indicated NX3 district has fairly restrictive conditions. Including roof types, windows and entry.

Mark Noennig, 2984 Millice

His tenant contacted him in regards to this project. He thinks the responses he has heard today alleviate concerns. He assumes a traffic study will be completed and addressed.

In Favor: NONE

Opposed: NONE

Rebuttal:

Mr. Carlisle stated in regards to what will absolutely be built, there are no guarantees however this is what they want to build. The question is should the match Phase I or update and modernize. Some really nice apartments are what is planned.

Chair Larson stated he assumed this is not a rent subsidized project? Mr. Carlisle stated it will be market rate and definitely as nice as the previous phases.

Public Hearing closed at 5:02PM

Motion

Commissioner Goss made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1014 with staff findings.

Discussion

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 1014 with a 4-0 vote.

Public Hearings:

City Zone Change 1015– 1411 Emma Ave - from N2 to N3 - A zone change request from Mid-century Neighborhood Residential (N2) to Suburban Neighborhood Residential (N3) on Block 11, Lot 2, Emma Jean Heights Sub., a 9,575 square foot parcel of land. A pre-application neighborhood meeting was held on December 11, 2021. Tax ID: A35411

Staff Recommendation:

Planning Staff recommends approval of the zone change based on the findings of the 10 review criteria;

- Meets the criteria in the Growth Policy and Billings Heights Neighborhood Plan
- Allows the development with single family homes
- Adjacent uses and zoning are compatible with proposed change

Prior to ReCode, the properties in the Emma Jean Sub were zoned R-7000;

- ✓ R-7000 allowed Single Family ***and*** Two Family dwellings
- ✓ N2 and N3 are similar zone districts, N2 allows Single Family and Two Family dwellings
- ✓ ***In an effort to give the property owners the same allowance as the R-7000 district, the undeveloped parcels were given the N2 designation to allow single family and two family dwellings.***
- ✓ ***This was necessary to preserve the property rights allowing the property owners the same rights they had under the Residential -7000 zone district.***
- ✓ Although the N2 and N3 have subtle differences they are both still compatible districts and are compatible with surrounding districts and neighborhoods.

Questions for staff:

Applicant: Penny Levy, 1411 Emma Jean

My home was built in an N3 zoning. It was changed to N2. I do not want my home to be different than the surrounding properties and the N2 zoning lowers my property value.

Questions for applicant:

Commissioner McCall asked why she did not want to leave it as an N2 zoning. She stated she did not think it wise to have zoning different than the surrounding properties and it lessens her property value.

Public Hearing: 5:11PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1015.

In Favor: NONE

Opposed: NONE

Public Hearing closed at 5:12PM

Motion

Commissioner McCall made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1015 with staff findings.

Discussion-Commissioner Brooks will vote yes so this property is not singled out however voting for less density is not in the best interest of the City of Billings.

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 1015 with a 4-0 vote.

Other Business: No June meeting, Mike Larson asks about a density conversation. The Build to zone was narrowed, this park of zoning may need to be reevaluated.

Adjournment: The meeting adjourned at 5:27 PM.

ATTEST: To be Approved by a motion June 7, 2022.

--Robbin Bartley, Administrative Assistant