



CITY ZONING COMMISSION
AGENDA-Tuesday, August 2, 2022, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

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:

1.

The minutes of the Board meeting of May 3, 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. **City Zone Change 1016 -- 1400 South 24th Street -- from I1 to CX - A zone change request from Light Industrial (L1) to Mixed use commercial (CX), on CENEX PARK SUB, BLOCK 5, Lot 10B1, Lot 10A, Lot 10C1, and Lot 11 and C/S 738 Parcel 1B1, a 12.967 acre parcel of land. A pre-application neighborhood meeting was held on June 27, 2022, at 1400 S 24th Street. Tax ID: D00558C, D00559A, A26170, and D00559**

Other Business/Announcements

- a. Presentation. Commission Discussion. Zoning Atlas. Kendall Colton Frontier Institute of Montana.

Adjournment

The City Council has designated Monday, August 22, 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 August 22, 2022.** If approved on first reading, a **second reading will occur on Monday, September 12, 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 ($\frac{2}{3}$) 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: 08/02/2022

Information

Subject

Attachments

BZC_2022_0503



**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

Zoning Commission

Date: 08/02/2022
Title: Zone Change 1016 - 1400 S 24th St West - I1 to CX
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the proposed findings of the 10 review criteria for Zone Change 1016.

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

This is a zone change request from Light Industrial (I1) to Heavy Commercial (CX) on four parcels of land located generally at 1400 S 24th St West. The location was formerly the Sutton's Clothing manufacturing facility and has now been converted to several new uses and new structures for retail and personal services including an indoor trampoline park, a wellness clinic, restaurants and a bar. Some of these current uses are no longer allowed uses within the industrial zoning district.

The previous zoning of the property was Controlled Industrial (CI). The map update converted many existing CI zone districts to the new Light Industrial (I1) zone district. The zoning code update in 2021 included major revisions to each zoning district type to better define what uses are allowed or prohibited in those districts. The previous zoning of CI allowed a wide array of uses making the district somewhat unpredictable. For example, hotels, restaurants, all types of healthcare facilities as well as heavy contractor yards, distribution warehouses, manufacturing and truck stops were all allowed uses in the CI zone district. For the 2021 code update, the use table was revised to eliminate uses from the new Light Industrial district that were incompatible. Some uses such as bars, casinos, restaurants and indoor recreational facilities continue to be allowed in the I1 zone district. Hotels, healthcare and personal services are no longer allowed in the I1 zone district.

Staff did review the zoning map update carefully to ensure existing uses and the new zone districts matched as much as possible. For example, most of the property north of Overland Avenue west of 24th St West was updated to Heavy Commercial (CX) to match existing uses. Similarly, the lots with frontage on King Ave West were originally zoned either CI or Highway Commercial and many of these parcels were updated to Corridor Mixed Use. The properties west of 24th St W and south of King Avenue West were previously zoned CI and now these parcels are a mixture of three zone districts - CMU2, CX and I1. This added more predictability to the current owners and any future owners of the property.

Commercial and industrial centers like this area are unique because more than one zone district may be both appropriate and compatible. In this case, both the I1 and CX zones are compatible for the existing built environment, existing uses and proposed uses. Staff is recommending approval of this zone change request based on the findings provided in this staff report.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on June 27, 2022 at the By All Mean Brewing company located on the subject property. No other property owners attended the meeting. Planning staff has not received any public comment either by phone, or in writing.

ALTERNATIVES

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1016; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1016; 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

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

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning will allow a healthcare and wellness clinic which is a compatible use for the area. Specifically, the new and proposed uses of the property will be consistent with each other and nearby uses to the east and north. The proposed zone aligns with continued heavy commercial development along S 24th St West and further west on Gabel Road. The uses on the property are compatible with the adjacent I1 zoning and uses.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

Public health and public safety will be promoted by the proposed zoning. The proposed CX zoning would allow the owner to ensure future development is conforming and compatible with adjacent uses. Further, the CX district, like all zone districts, has site and structure standards to ensure public healthy and safety. The proposed district will promote the public health and general welfare.

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

Transportation: The proposed zoning will not have a direct impact on the transportation system. The parcels all have direct access to S 24th St West or Gabel Road. Both of these streets are considered arterial streets and are designed and built to accommodate truck traffic as well as high volumes of daily traffic.

Water and Sewer: The City provides water and sewer to the property. City Utilities Department voiced no concerns.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The proposed development does not include residential uses.

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. Both Police and Fire will continue to serve the property regardless of the zone district.

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.

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

The existing property has a fully developed sidewalk on S 24th St West and Gabel Road and appears to be in good condition. Traffic volume near this property is approximately 7,620 to 8,000 vehicle trips per day. The existing street is designed to handle any increase in traffic volume that may come as a result of new uses constructed on the property because of the zone change. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The area has some vacant properties but the general vicinity is developed with a wide variety of uses that are compatible with multiple districts including CX and I1. The Property east and north of the subject parcel is zoned CMU2 (east) and CX (north). Zoning to the west and northwest is I1. There are no residential uses within these districts or in the area. The zoning does promote compatible urban growth.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow commercial activity to include retail, business and personal services in an area of existing heavy commercial uses.

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

The new zoning is not expected to alter the value of any buildings in the area. The proposed zoning will sustain the existing value of buildings by ensuring the uses are conforming to the zoning district. Any development of the property will need to meet the site development requirements, including landscaping, screening, building heights and setbacks.

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

The proposed zoning will allow the development of the property in a heavy commercial area and will encourage the most appropriate use of land in the district. Supporting local business expansion is beneficial to the economic growth for the City of Billings.

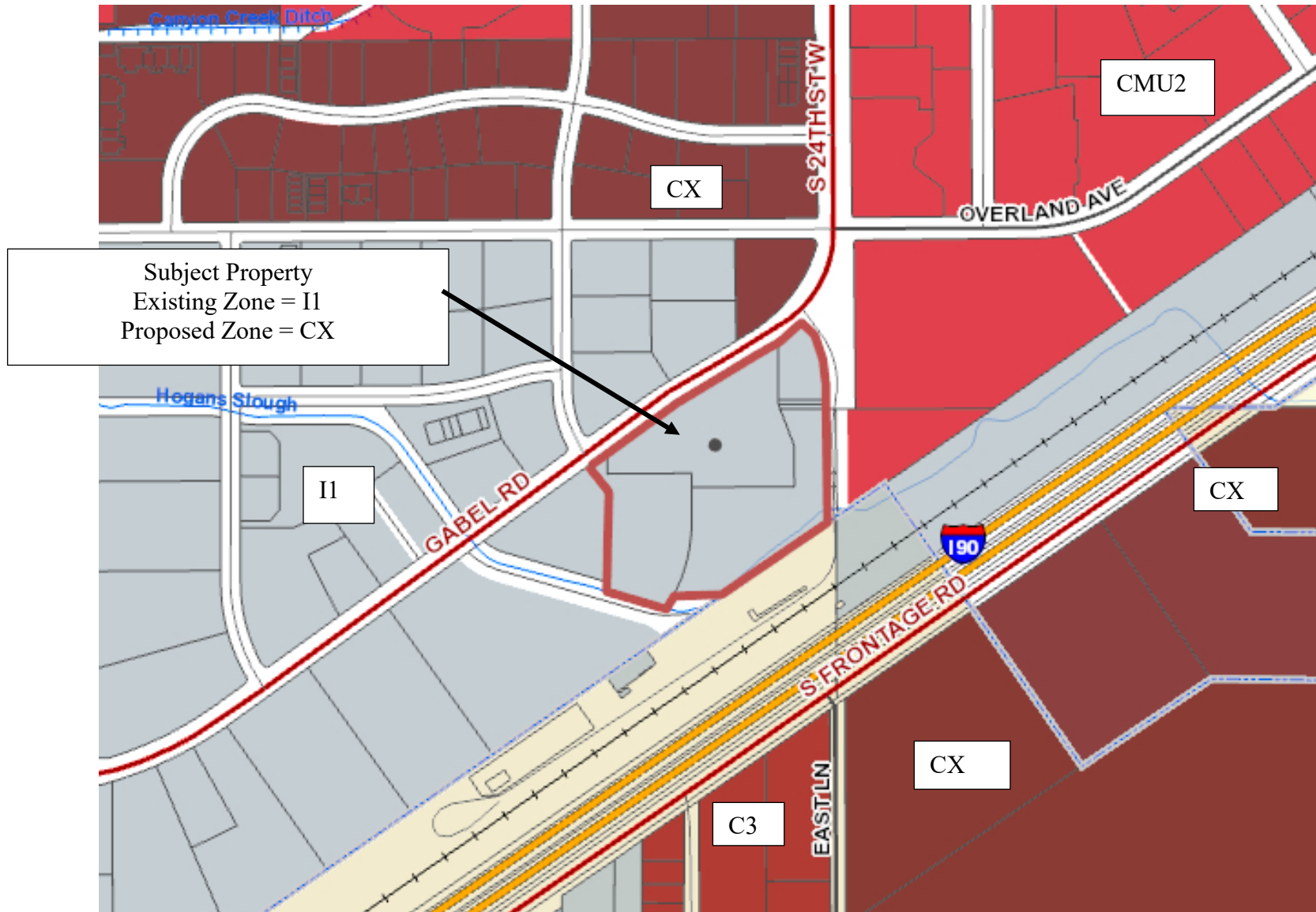
Attachments

Zoning Map and Site Photos

Chart of Zoning History

Application and Letter

City Zone Change 1016 – 1400 S 24th St W
Zoning Map and Site Photos







Subject Property



View south on S 24th St W



View south and west across subject property



View west along Gabel Road



View north across Gabel Road



View north west across Gabel Road

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	Special Review 682	9/25/2000	300 ft wireless communications tower	Yes with conditions	Appears wireless tower has been demolished
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
6200 S Frontage Rd	County 652	1/27/2015	A to HC	Y	Now QFC Sub – zone updated to CX
1824 King Ave W	723	1/12/2004	CI to HC	Y	Updated to CMU2

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1016 - Project # PZX-22-00166

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

Present Zoning Light Industrial L-1

Proposed Zoning: Mixed Use Commercial - CX

TAX ID# See Attached CITY ELECTION WARD 5

Legal Description of Property: See Attached

Address or General Location (If unknown, contact City Engineering): 1400 South 24th St.

Size of Parcel (Area & Dimensions): 12.967 Acres

Present Land-Use: Mixed use commercial

Proposed Land-Use: Mixed use commercial

Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

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

Owner(s): 1400 South 24th LLC

(Recorded Owner)

(Address) 1010 Central Ave Ste 1 Billings 59102

(Phone Number) 406-256-0362 (email) janine@gniffindevlp.com

Agent(s): Janine Giffen

(Name)

(Address) 1010 Central Ave Ste 1 Billings 59102

(Phone Number) 406-256-0362 (email) janine@gniffindevlp.com

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. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature]
(Recorded Owner)

Date: 6-27-22



Legal Description of Property for 1400 South 24th Street Complex

Taxid: D00558C Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10B1, AMD (22)

Address: 1400 S 24TH ST W **Operating outside Zoning Code Change February 25, 2021**

Taxid: D00559A Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10A, AMD BLK 5 LT 10 (18).

Address: 1390 S 24TH ST W

Taxid: A26170 Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10C1, AMD (22)

Address: 1420 S 24TH ST W **Operating outside Zoning Code Change February 25, 2021**

Taxid: D00559 Legal Description: S13, T01 S, R25 E, C.O.S. 738, PARCEL 1B1, AMD TR 1B & LT 11 BLK 5 CENEX PARK S* **Operating outside Zoning Code Change February 25, 2021**

Address: 2490 GABEL RD

Taxid: D00558D

Geocode: 03092613414080000

Property owner: 1400 S 24TH LLC

Subdivision:

Block:

Lot:

Certificate of Survey: CS 2095

Tract: 1C2

Legal Description: S13, T01 S, R25 E, C.O.S. 2095, PARCEL 1C2, AMEND TR:1C (**UNDEEDED ROAD**)

Address:

Taxid: D00559B

Geocode: 03092613414060000

Property owner: CITY OF BILLINGS

Subdivision:

Block:

Lot:

Certificate of Survey: CS 738

Tract: 1B3

Legal Description: S13, T01 S, R25 E, C.O.S. 738, PARCEL 1B3, AMEND TR 1B

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: Light Industrial L1

2. Written description of the Zone Change Plan including existing and proposed new zoning:

Must be changed to meet building permit already issued and built. Holding up financing

3. Subject Property Map: please attach to this form

4. Legal Description of Property:

See attached

5. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

Janine Griffin 1010 Central Ave Ste 1 Billings 59102

6. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form

7. A copy of the meeting notice. please attach to this form

8. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to this form

9. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 27, day of June, 2022

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

Owner (s): 1400 S. 24th LLC Janine Griffin Telephone: 406-256-0362

Address: 1010 Central Ave Ste 1 Email: janine@griffindvlp.com

Agent (s): Janine Griffin Telephone: 406-256-0362

Address: 1010 Central Ave Ste 1 Email: janine@griffindvlp.com

June 17, 2022

1400 South 24th LLC
1010 Central Ave Ste 1
Billings, Mt 59102

Re: ZONE CHANGE

City of Billings
P.O. Box 1178
Billings Mt, 59103-1178

Dear City of Billings

Our property is located at 1400 South 24th Street. You might know it as the trampoline park building, or By all Means Brewing is located.

1400 South 24th LLC is requesting a zone change. Today we are zoned light industrial under the new zoning codes established last February 2021. We will be requesting to go back to a similar code that we had prior the zone change last spring. We are requesting CX which allows for professional use.

If you are interested and would like to learn more, you invited to a neighborhood meeting. There will also be a public hearing in July and then in August the city council will vote on the zone change.

Neighborhood meeting

- When: June 27, 2022
- What time: 6:00 pm
- Where: By all means Brewing is located at 1400 south 24th street by the trampoline park.

If you have any questions before that date, I can be reached by email at Janine@griffindvlp.com

Sincerely,

Janine Griffin

Zoning Commission

Date: 08/02/2022
Title: Presentation by Frontier Institute on Montana Zoning Atlas
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning Staff recommends the Board hear and watch the presentation by Kendall Cotton of the Frontier Institute of Montana on the Zoning Atlas mapping program they have created.

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

The Frontier Institute, based in Helena, Montana, is a non-profit organization that believes in solving problems with more freedom not more government. The organization was founded in 2020 and Kendall Cotton is the President and CEO. The Board of Directors includes: Dr. Kathleen Brown, Joe Coco (Chairman), Rick Hill, Scot Miller, Lawrence Reed, and Daniel Zolnikov.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

The presentation will have no effect on the Planning Division budget.

Attachments

Zoning Atlas presentation
[Link to Frontier Institute](#)



Frontier Institute believes in solving problems with **more freedom not more government**. When government gets in the way of people pursuing their dreams, we elevate powerful stories and sound policy solutions to break down barriers **so all Montanans can thrive**.



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graph TD; A((Is the private market solving this problem on its own?)) --> B((If not, are there federal-level policies that stand in the way of a private market solution?)); B --> C((If not, what sort of government action will best promote a private market solution?)); C --> D((If not, are there state-level policies that stand in the way of a private market solution?)); D --> A;
```

Is the private market solving this problem on its own?

If not, are there federal-level policies that stand in the way of a private market solution?

If not, are there state-level policies that stand in the way of a private market solution?

If not, what sort of government action will best promote a private market solution?

Montana Zoning Atlas

The ***Montana Zoning Atlas*** uses a parcel-level analysis to evaluate how Montana's most in-demand communities treat affordable types of housing.

Cities evaluated:

Bozeman • Missoula • Kalispell • Whitefish • Billings • Helena

WWW.FRONTIERINSTITUTE.ORG/ATLAS

KEY POINTS

- Over 70% of primary residential areas in Montana's most in-demand communities either outright prohibit or penalize affordable multi-family housing development.
- Among all the cities assessed in the Montana Zoning Atlas report, two-family housing is welcomed without Minimum Lot Area Penalties on just 29% of primary residential land, while 3+ housing is welcomed on only 8%.
- The Montana Zoning Atlas demonstrates the need for communities to reduce or eliminate Exclusionary Single-Family Zoning practices and Minimum Lot Area Requirements.
- Policymakers should enact Pro-Housing Reforms to make Montana cities a more welcoming place for low and middle-income residents.

EXCLUSIONARY ZONING

Exclusionary zoning practices restrict the types of homes allowed in a particular neighborhood, often separating single-family homes from multi-family homes like duplexes and triplexes, which are **more affordable by design.**



TYPES OF EXCLUSIONARY ZONING EVALUATED

Single Family Zoning

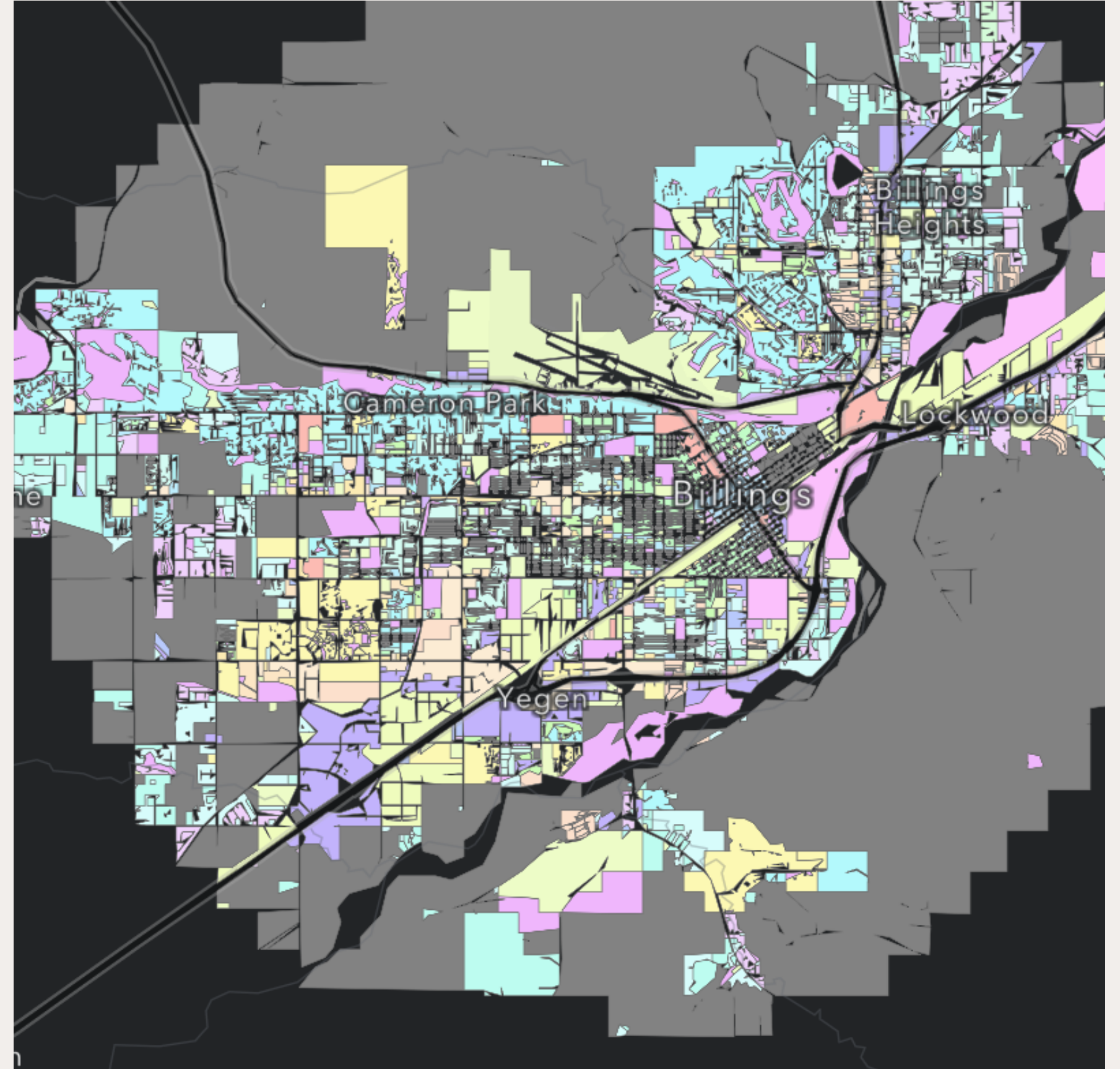
Exclusionary Single-Family Zoning can either outright prohibit multi-family homes or penalize them by conditioning approval on public hearings, special requirements or a long and costly discretionary permit process.

Minimum Lot Areas

Minimum Lot Areas effectively prohibit multi-family development when the lot area required exceeds the dimensions of existing lots, creating de facto Single-Family Zoning. Minimum Lot Areas can also penalize multi-family housing by requiring larger and more expensive lots for each additional unit added to a building.

HOW REGULATIONS EXCLUDE

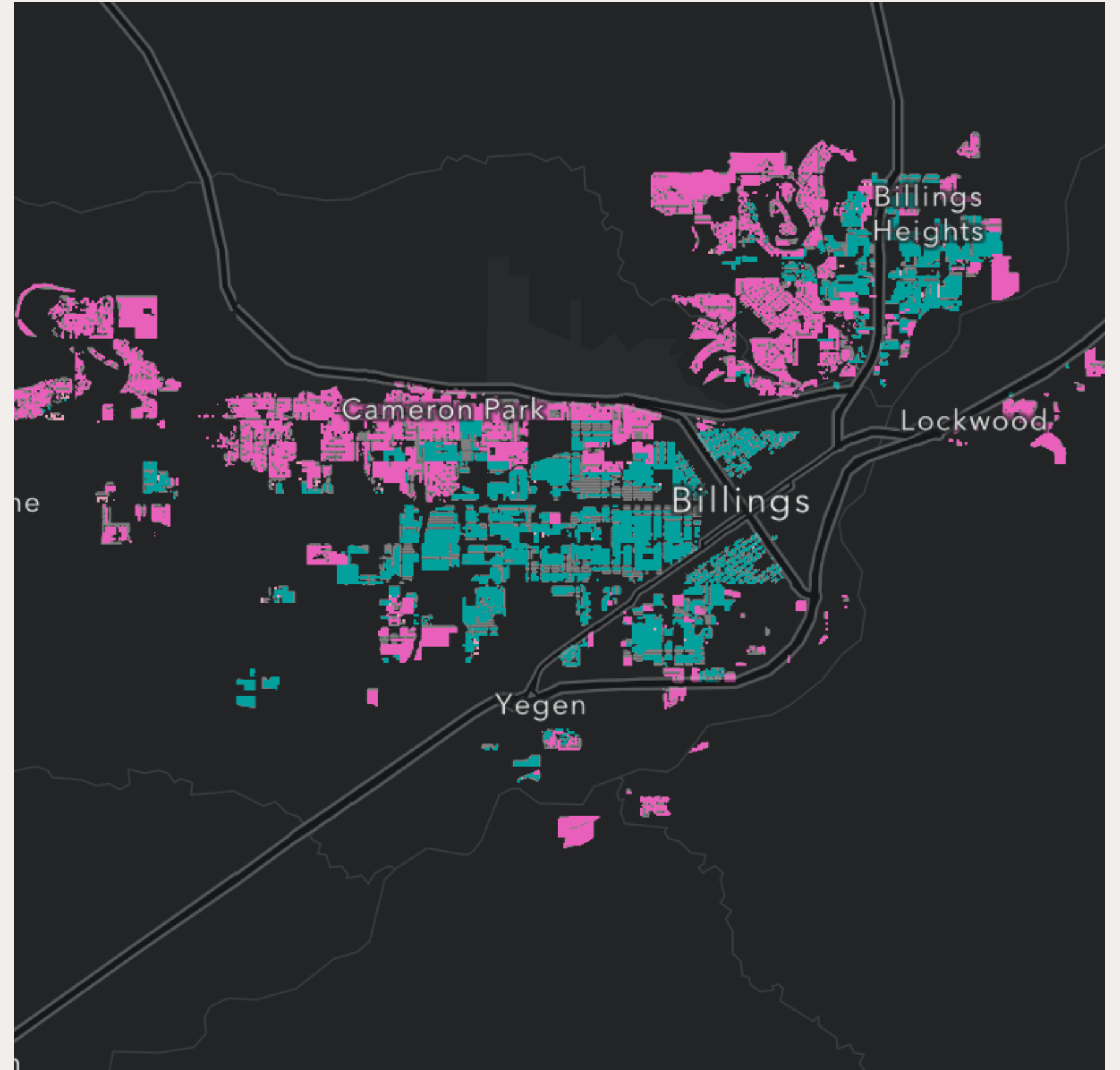
Strict local zoning regulations exclude low and middle-income residents and worsen Montana's housing shortage.



EXCLUSIONARY ZONING IN BILLINGS

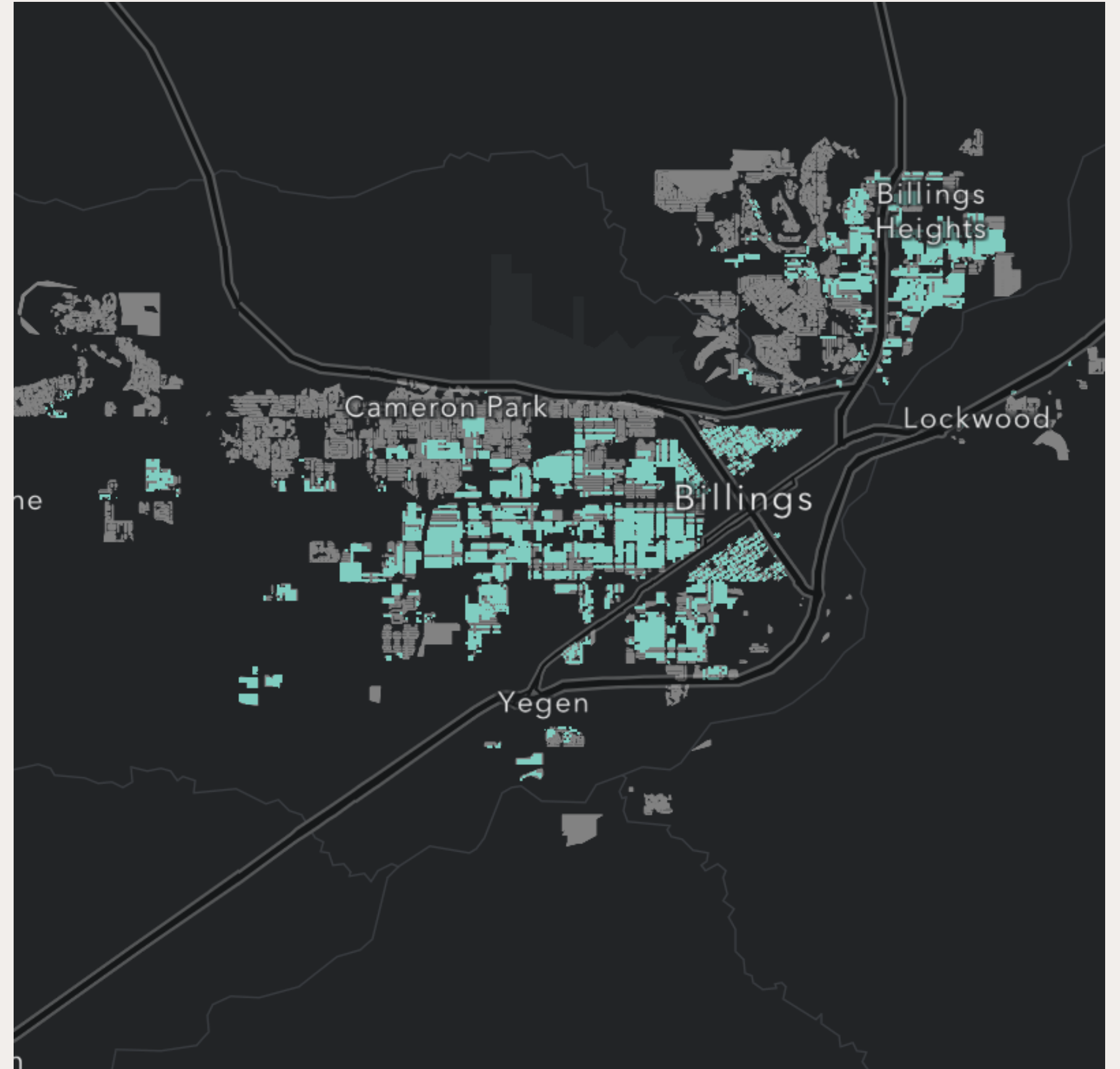
The pink areas indicate where 2+ family homes are prohibited in Billings due to Exclusionary Zoning.

Over 57% of primary residential areas in the City.



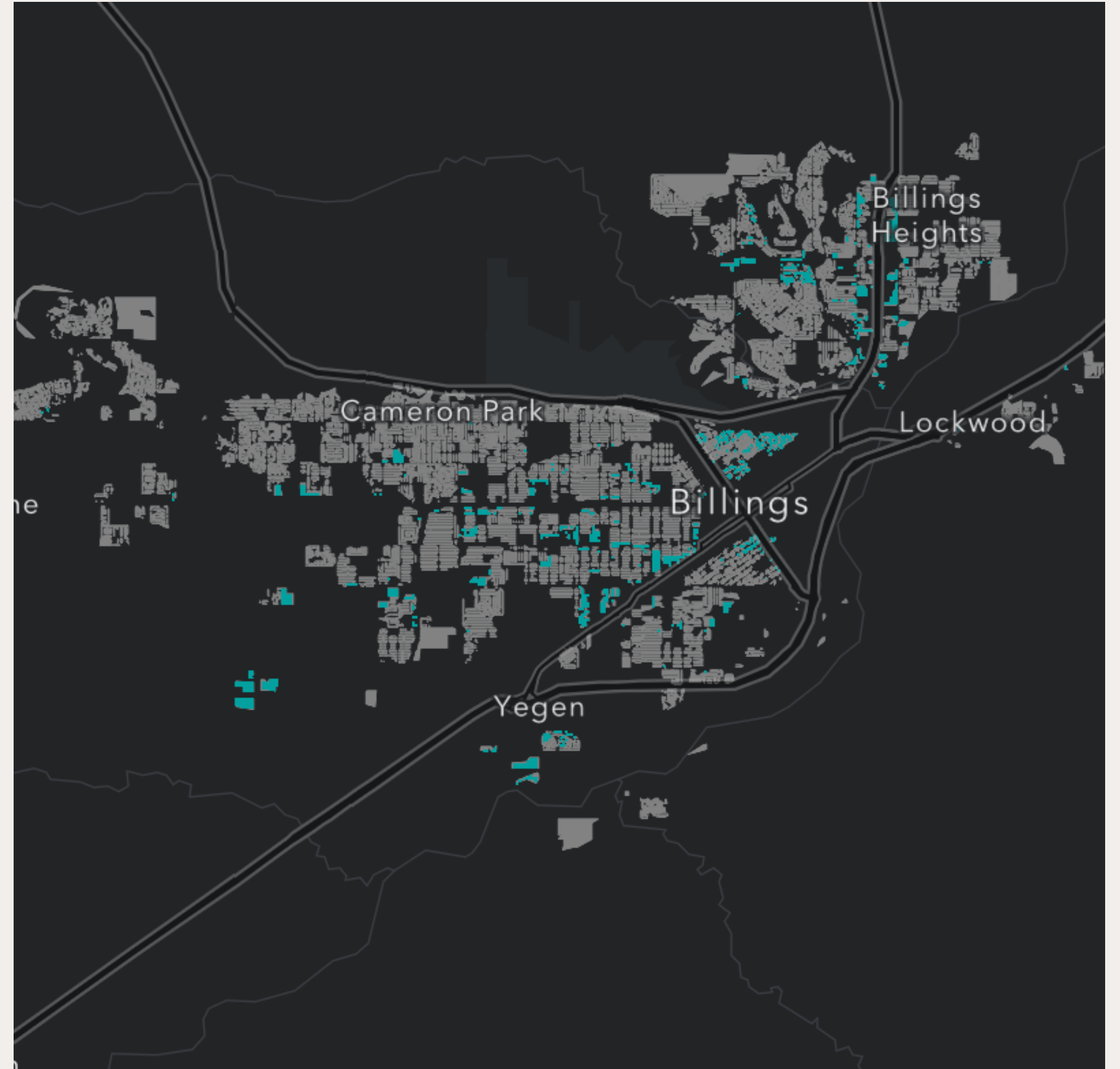
SINGLE-FAMILY ZONING IN BILLINGS

Only 42% of residential zones in Billings welcome more affordable duplexes or townhomes via an explicit "by-right" zoning designation.



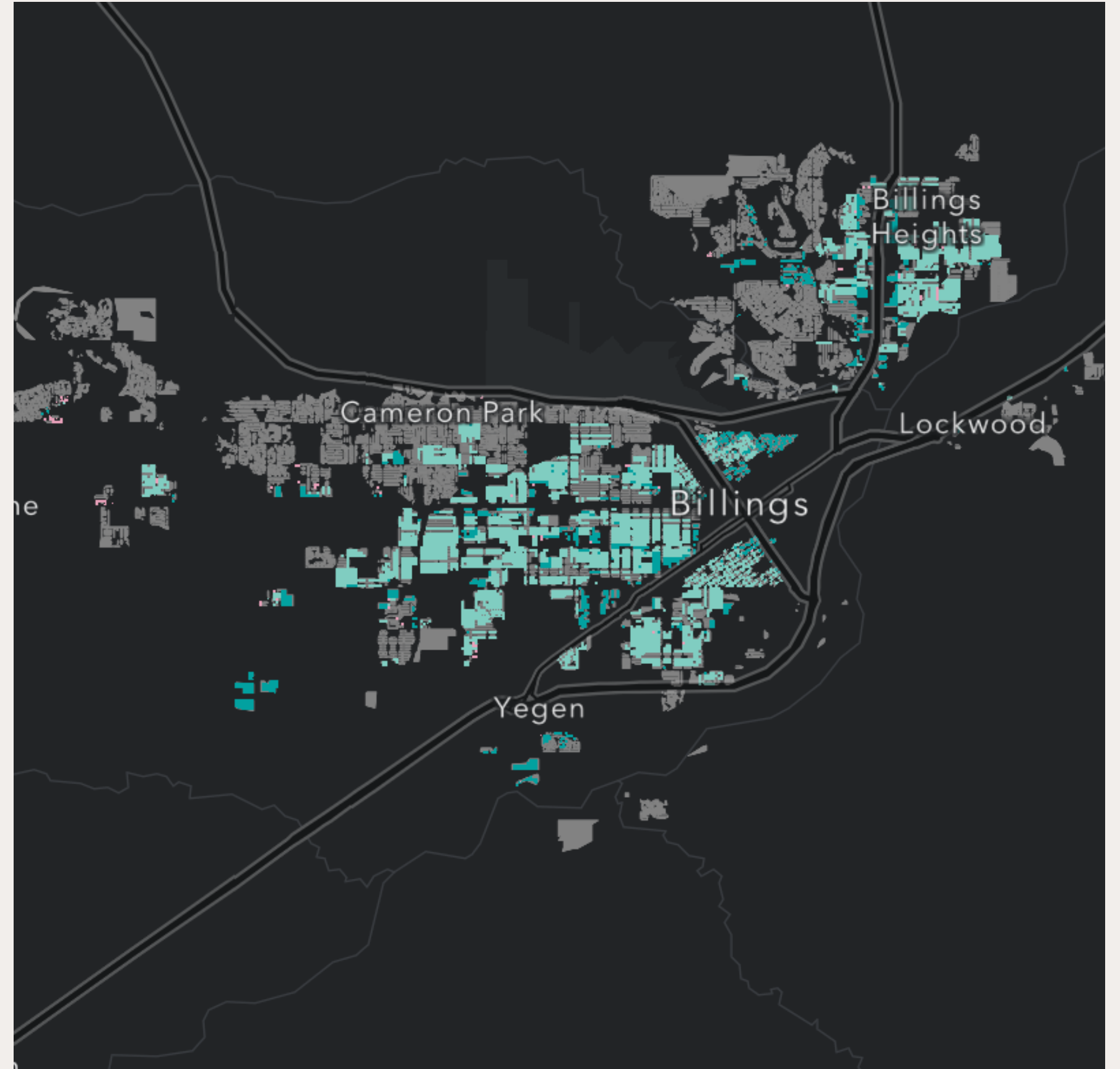
SINGLE-FAMILY ZONING IN BILLINGS

Even less welcome 3+ unit
development via an explicit "by-
right" zoning designation.



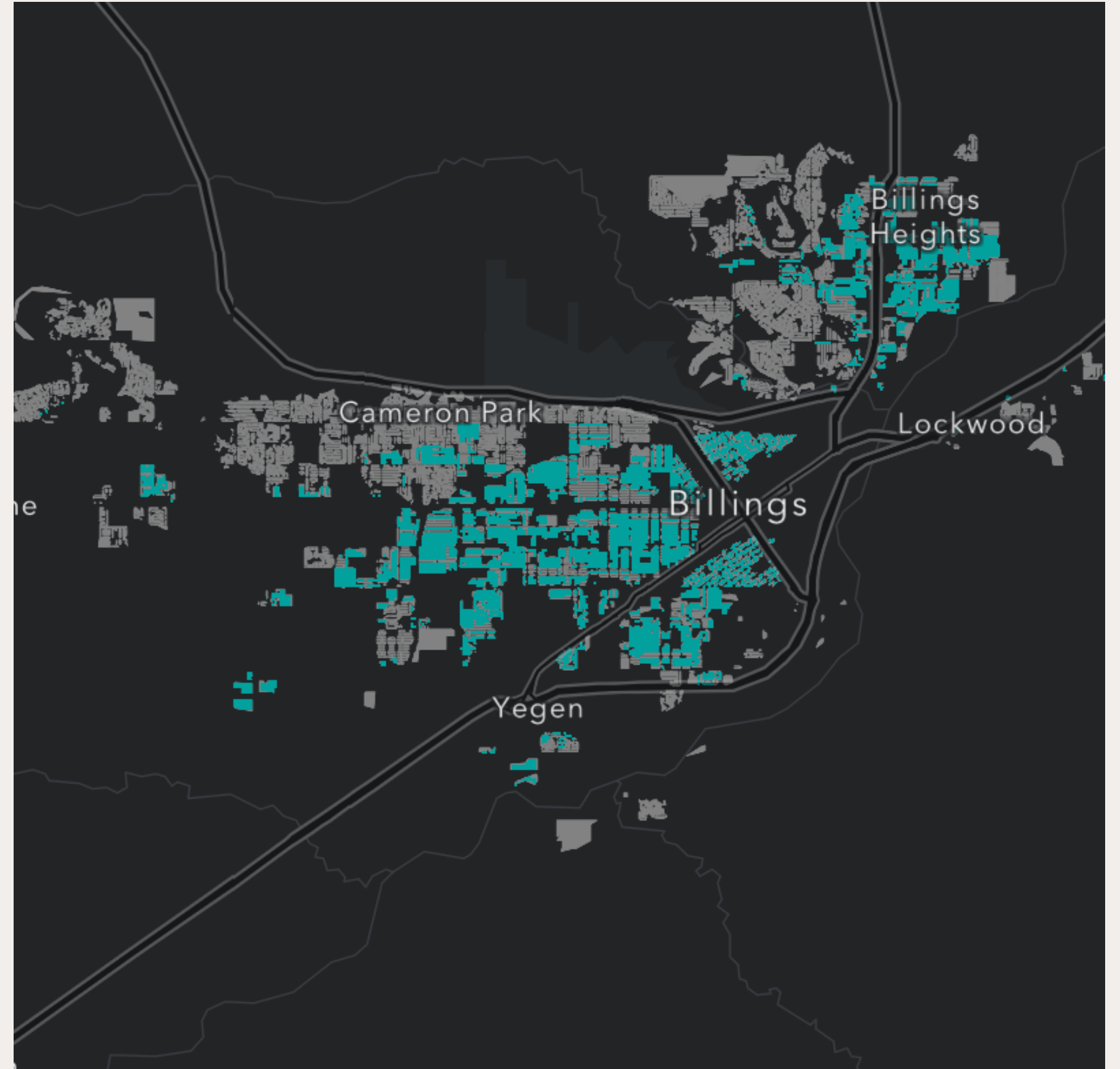
MINIMUM LOT AREAS IN BILLINGS

Minimum Lot Areas effectively prohibit multi-family development when the lot size required exceeds the dimensions of existing lots. This creates **De-Facto Single-Family Zoning** (Pink Areas).



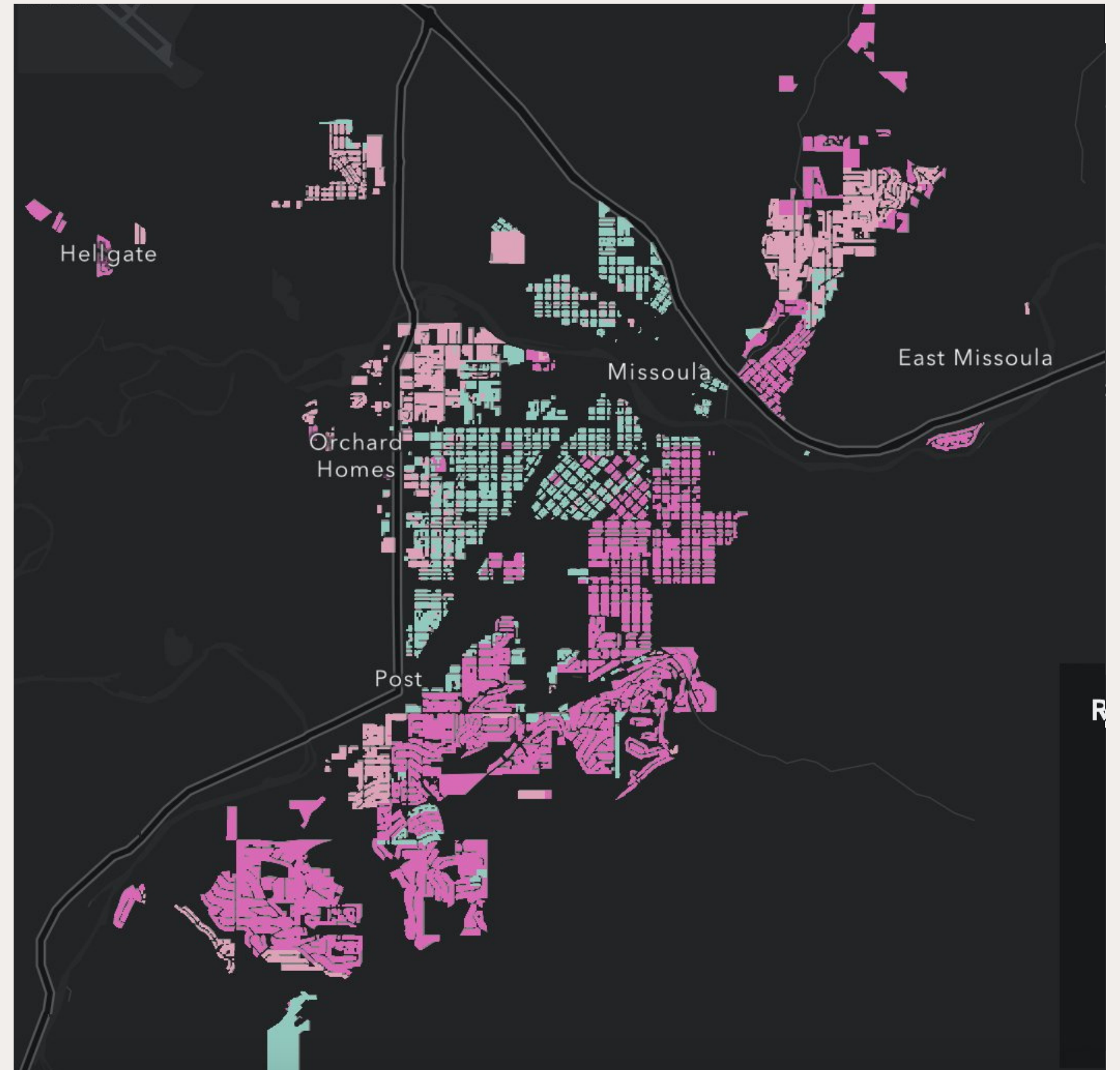
MINIMUM LOT AREAS IN BILLINGS

When Minimum Lot Areas are added on top of Exclusionary Zoning practices, this leaves 42% of primary residential areas in Billings that permit affordable multi-family development.



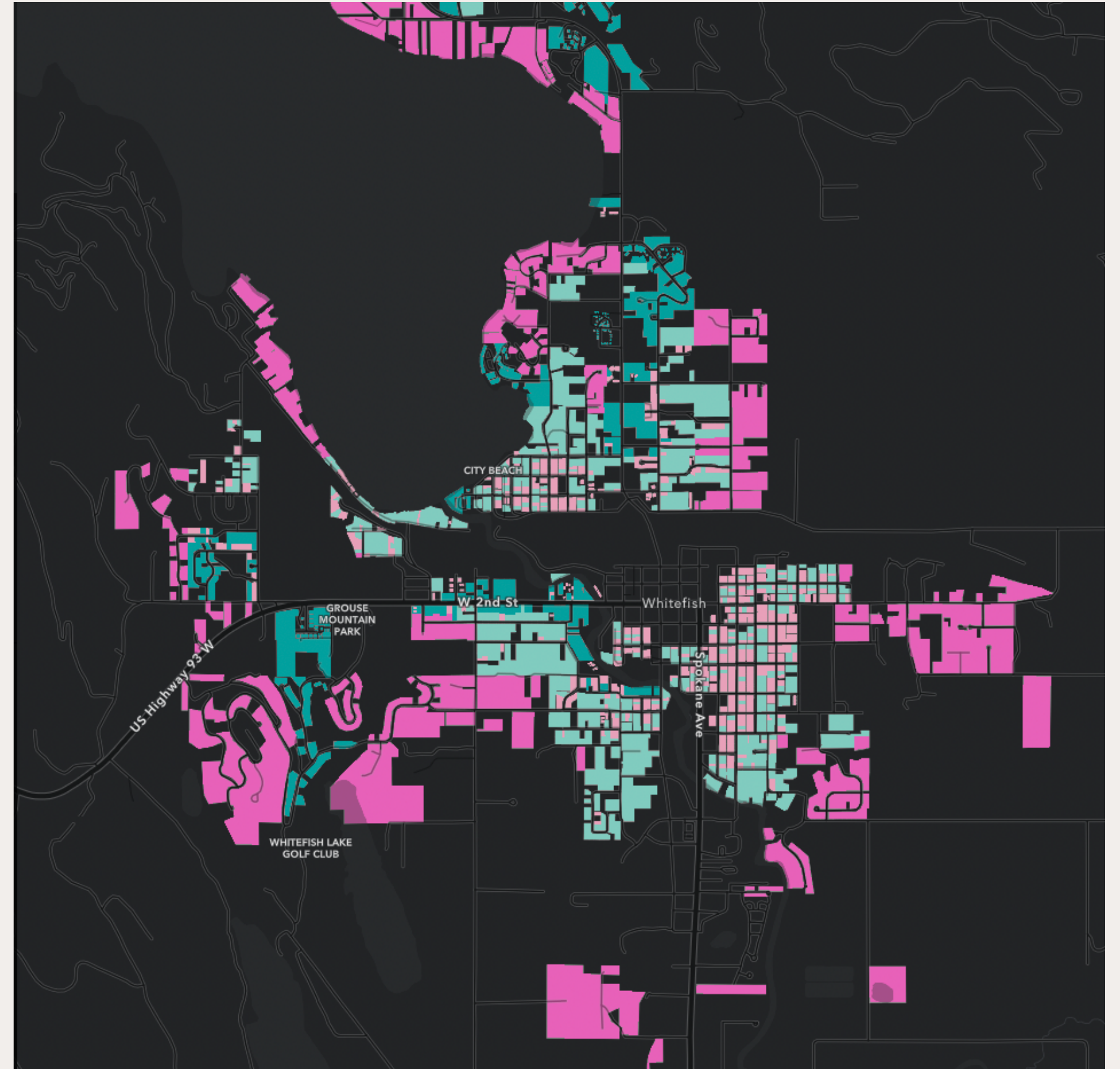
MISSOULA

2+ family homes are **prohibited in over 75% of primary residential areas** due to Single Family Zoning and Minimum Lot Areas.



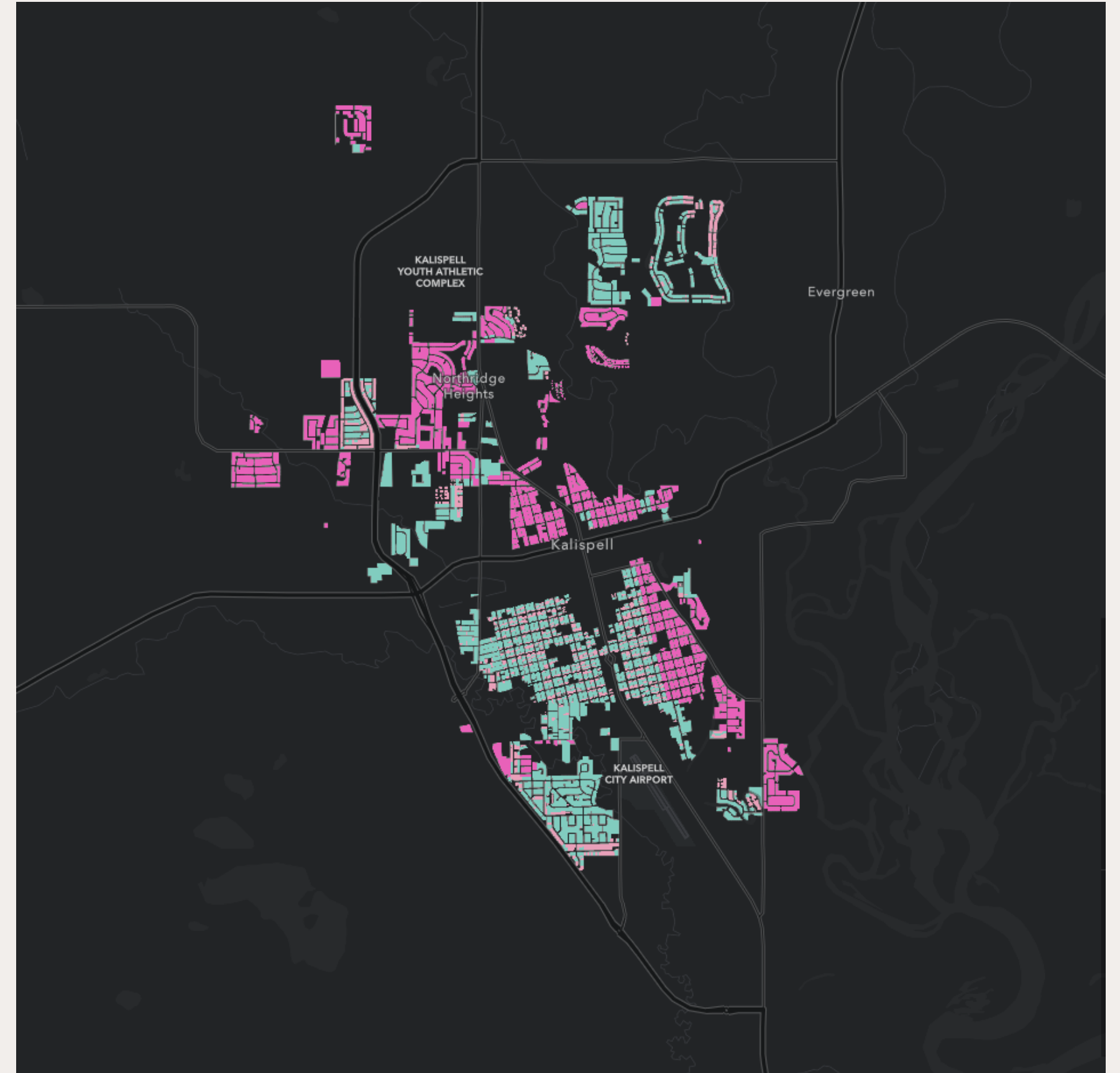
WHITEFISH

2+ family homes are prohibited in
63% of primary residential areas due
to Single Family Zoning and
Minimum Lot Areas.



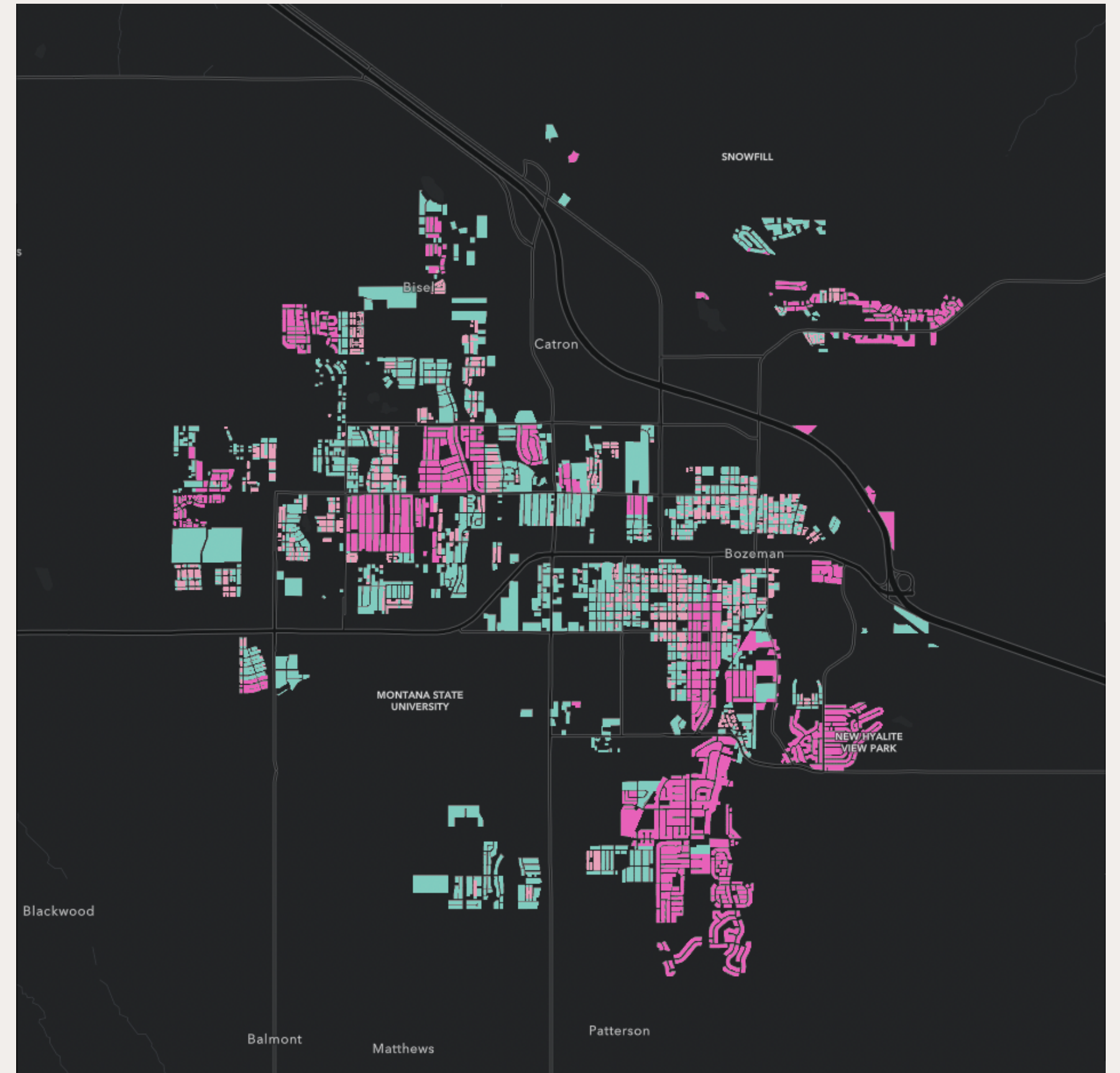
KALISPELL

2+ family homes are **prohibited in over 54% of primary residential areas** due to Single Family Zoning and Minimum Lot Areas.



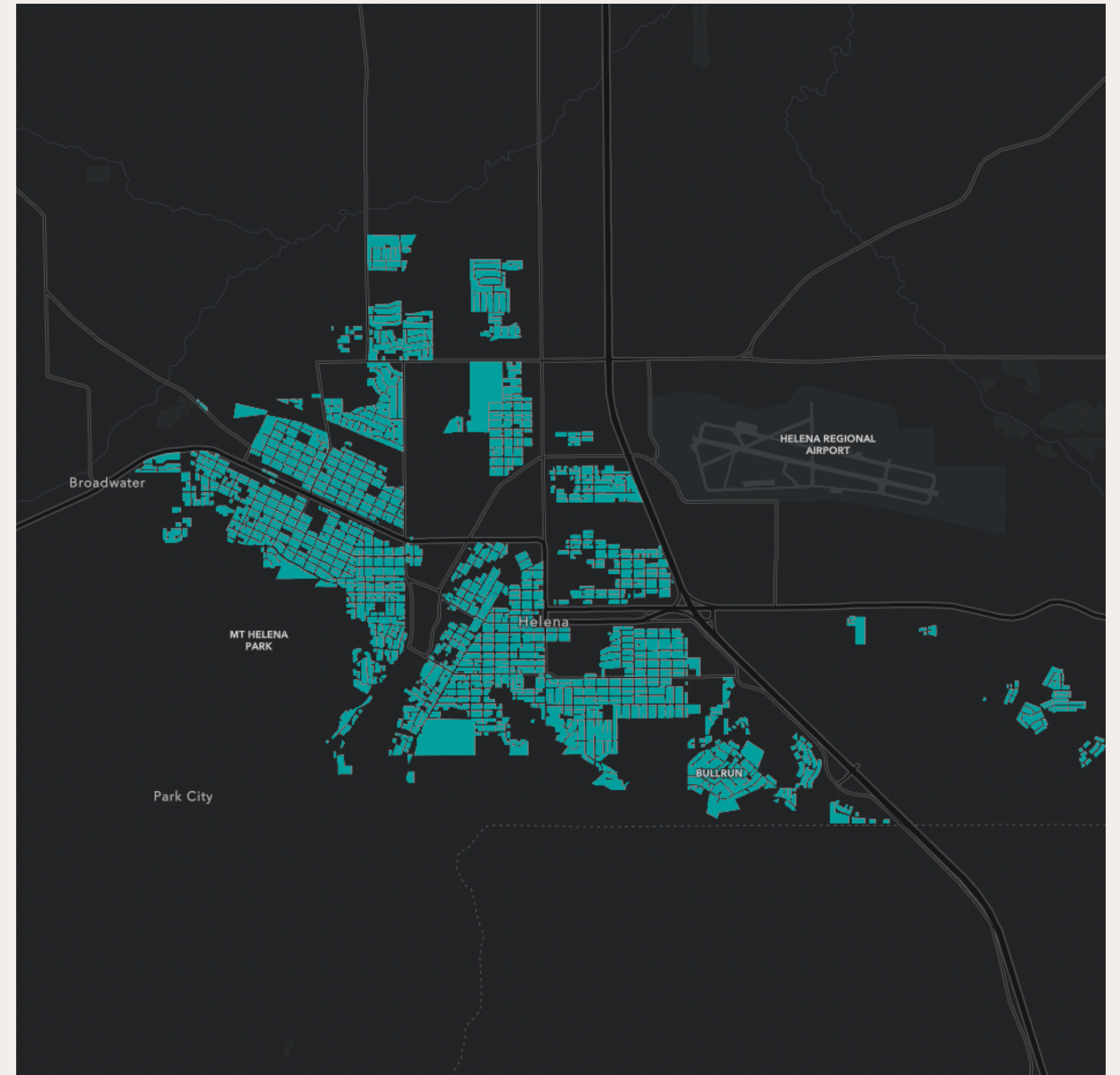
BOZEMAN

2+ family homes are **prohibited in over 50% of primary residential areas** due to Single Family Zoning and Minimum Lot Areas.



HELENA

2+ family homes are permitted in
100% of primary residential areas
and the City Helena does not impose
Minimum Lot Areas.



PRO-HOUSING REFORMS

#1: Restore the Right to Build Housing

Our proposal: Expand areas in Montana's cities where multi-family housing is permitted by-right.

#2: Eliminate Minimum Lot Areas

Our Proposal: Eliminate Minimum Lot Areas

Expand areas in Montana's cities where multi-family housing is permitted by-right.

Local Officials Should:

Reform city zoning codes to restore landowners' right to build two-to-four family housing in zones which currently only permit single-family.

Eliminate Minimum Lot Areas

In 2019 Helena abolished nearly all minimum lot area requirements. Billings also recently moved from a lot area requirement to a simpler lot width requirement.

These changes may be one factor keeping average home prices in those cities relatively affordable compared to cities with minimum lot area requirements like Bozeman and Missoula.

Local Officials Should:

Consider following the City of Helena's lead by eliminating Minimum Lot Areas entirely.

Additional Considerations

#1: Permitting

Permit approvals are often a barrier to development. Consider implementing a "self-certification" model, which has seen success in Phoenix.

#2: Parking Requirements

Minimum parking requirements are frequently cited as driving up costs of development. Consider relaxing on-site parking requirements.

#3: Setbacks, Max Building Coverages

Other lot geometry requirements can effectively impose a minimum on the size of a lot, which limits development potential.

Montana Zoning Atlas In The News

Daily Inter Lake Editorial:

"We challenge city and county officials to take a hard look at the study to see what can be done locally to encourage the medium-density housing that would produce the homes we need for the families who want to live here. Then work to rewrite zoning codes, as necessary, to make it easier for denser housing to be developed."

Bozeman Daily Chronicle Editorial:

"Still the study raises points worth considering: that the cities' zoning policies mandate single-family dwellings on too much land area. Those policies cover 50% of all available land in Bozeman and 75% in Missoula. That means multiple-family dwellings – more affordable apartments, condos and townhouses – cannot be built on a lot of available land."

Montana Zoning Atlas

To see all the cities evaluated go to:

WWW.FRONTIERINSTITUTE.ORG/ATLAS

Contact:
kcotton@frontierinstitute.org



<https://frontierinstitute.org/reports/the-montana-zoning-atlas/>

Link to Frontier Institute on zoning atlas information