



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

The City of Billings Zoning Commission met on Tuesday, November 1, 2022 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. 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, November 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://tinyurl.com/yckr478k>

The City Council has designated November 28, 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 November 28, 2022**. If approved on first reading, a **second reading will occur on December 12, 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	-	-	1	E	E	1	
Daniel J. Brooks	Commissioner	E	E	1	1	1	-	-	1	1	1	1	
Greg McCall	Vice Chairman	1	1	1	1	1	-	-	1	1	1	1	
Trina White	Commissioner	1	E	1	1	E	-	-	1	1	1	E	
David Goss	Commissioner	1	1	1	1	1	-	-	1	1	1	1	
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	1	1	1	1	1	-	-	1	1	1	1	
Tammy Deines	Planning Clerk	-	1	1	-	-	-	-	-	-	-	1	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	-	1	1	1	1	-	-	-	1	1	-	
Robbin Bartley	Administrative Support	1	1	1	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			1	1	3	*1		17
Special Review	-	-	1										1

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator and Tammy Deines, Planning clerk.

*RETURNING AGENDA ITEM.

Attending: Scott Aspenlieder, Performance Engineering

Chair Larson called the meeting to order at 4:31 pm.

Public Comment

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

Approval of Minutes: September 6, 2022 and October 4, 2022

Motion by Commissioner Brooks and seconded by Commissioner Goss to approve the September 6, 2022 and the October 4, 2022 meeting minutes as submitted.

Home building company entertaining conversations with the building company in hopes that McCall Homes may have the opportunity to build some homes.

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

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

Commissioners McCall and Goss visited Zone Change 1019

Public Hearings:

City Zone Change 1019 – Zimmerman Trail – NO to CMU1 - A zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1), on Lot 2 and 3 of Block 1, Zimmerman Home Place Subdivision, 3rd Filing, a 7.513-acre parcel of land. A pre-application neighborhood meeting was held on August 24, 2022, on ZOOM, a virtual meeting platform. Tax ID: TBD – portions of A36264

This application will be held in City Council chambers on November 28, 2022.

A valid protest has been received by Planning staff against the zone change proposal.

Staff Recommendation:

Planning staff is recommending approval and adoption of the proposed findings of the 10 criteria for Zone Change 1019.

Discussion. Questions for staff:

Chairman Larson called for discussion from the members of the Zoning Commission. Commissioner Brooks said it would seem that this zone change will bring this property in better compliance with the new zoning code. Nicole Cromwell commented it is atypical to have such a large parcel zoned neighborhood office (NO). Commissioner Goss said the access will be coming in from non-arterial streets. It was a condition of subdivision approval as the City will not allow additional access from Zimmerman Trail. Commissioner Goss said these structures could be up to 54 feet in height and asked how it compares with Shiloh Commons. Nicole Cromwell said it may be up to 62 feet and she gave other examples within the Cardwell Ranch Subdivision. Commissioner Goss noted the West Billings plan and asked if the zoning dictates the roofline design. Nicole Cromwell said there are some roof design requirements in the code. West Billings Plan separation between commercial codes. This was written under the archive zoning for community commercial zoning as it was intended for parcels for 30-acres or more. Heavy

commercial uses were encouraged at the intersections. Commissioner Brooks asked if there is anything beyond the signatures needed as to reasons for protesting the zone change.

Applicant: Scott Aspenlieder, Performance Engineering, 608 North 29th Street, Billings, MT

Mr. Lees, the developer is in attendance. Mr. Aspenlieder explained that there is a traffic study in place that contemplated this zone change to CMU1. The traffic study has been accepted by the City and developer has agreed to the impact fees. A neighborhood request online was scheduled and there was no participation. An in-person meeting was scheduled in hopes to have conversation with the neighborhood prior to the application. The issue for the concerns is the building height. A traffic signal will be installed at Avenue E and Zimmerman Trail. With this approval, the nearest a building at the building to the build-to-line would be about 140-feet. Bars and casinos are not allowed due to the separation requirements. He feels this proposal will support continued growth and fully intend to meet the zoning code to find the highest and best use of the property as they build the in-fill developments.

Questions for applicant: Chairman Larson asked for questions for the applicant. Commissioner Goss said this is a commercial development fed by neighborhood streets. Avenue E is built out as a collector, Green Valley is wider, and there will be another approach with a right-in right-out on Zimmerman. The intent is to funnel the traffic and come out at the roundabout on the other side of Town Pump. Commissioner Goss asked if they considered neighborhood use zoning. Commissioner Brooks said without the zone change, a coffee shop would not be allowed.

Public Hearing:5:11 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1019.

In Favor:

Preston Lees, Highlands Development, no address given

Mr. Lees is the developer. There good is to create attractive communities and to enhance Billings. There intention is construction of structures with residential above and retail below. He appreciated the opportunity for the second neighborhood and out of that meeting came the two concerns with the increased traffic and the height of the structures. Likely they will include underground parking. Commissioner Brooks said a study showed a shortage of housing in Billings. Mr. Lees said this will bring about an additional 120 apartment units with retail space. Developers are considering how to supply the 3,000 units shown in the study. This product will become more crucial to Billings' success and growth. To the west, a parkland area will be created with basketball and pickeball courts. Commissioner Goss asked if elevators will be included. If there are four stories elevators will be required.

Opposed:

Sally Hildenburg, 2030 Weston, Billings, MT

Opposed to the zone trail is that Zimmerman Trail is the only access road to the airport. Her property backs up to Zimmerman Trail and they experience traffic noise. With increased

congestion and traffic lights emergency vehicles will be slower to respond. Zimmerman Trail to Highway 3 views will be affected. Larger properties and more people. Prefers current zoning. Ms. Hildenburg initiated the protest petition. There are a number of people who do not want the commercial uses in their back yards. The 125 ft' separation will not cut down the commercial lighting or traffic. She does not feel the commercial should be crammed into the 7.5 acres and feels this will make Zimmerman Trail very busy.

Katheen Jorgenson, 2026 Weston Drive, Billings, MT

Ms. Jorgenson said Zimmerman Trail is historic to Billings and is one of the more picturesque thoroughfares in Billings. She is concerned with the three- and four-story buildings in that neighborhood and doesn't feel it fits.

Gloia Gunther, 1917 Weston Drive, Billings, MT

Homeowners in HOA approved the initial zone change. The petition to oppose the zone change was signed by the majority of the HOA units. They request protection from this proposal. The homes affected will have their bedrooms along Zimmerman trail and they will be affected by the lighting. She said the traffic light at Avenue E is needed. Influx of traffic may increase taxes for needed improvements. She recounted the potential homeowners for this development and adjoining future developments. She pointed out Zimmermman Trail will lose its uniqueness.

Randy Gross, 1889 Hampton

Mr. Gross asked for clarification on the number of apartments in the entire project, and information with respect to parking. The cost difference between a stop light versus a roundabout which may be a better choice. He asked if there is an income restriction with respect to the apartments. He said they are concerned as they recently had a robbery at gun point in their neighborhood.

Rebuttal

Scott Aspenlieder

From a traffic standpoint, traffic studies have come to some conclusions that will bring some comfort. The City may not want to entertain a roundabout. He noted the traffic signal timing will have to correlate from Avenue E to Broadwater. He said the trip generations are forecasted to drive traffic patterns to the roundabout at Grand Avenue and he feels that everyone agrees from a traffic standpoint. He pointed out that inherently Zimmerman Trail will change as it is a major arterial. At some point in time Zimmerman Trail may need to be widened given the inner belt loop connection. The developer is paying his proportionate share of the improvements to relieve the tax burden. Nicole Cromwell said a roundabout costs about a third more than a signalized application.

Lees

Total number of units on Block 2 is 300 units. No design work has been done but his early calculations point to approximately 100 units. Parking requirements will be met as required by the City. The apartments will not be subsidized.

Public Hearing closed at 5:41 PM

Discussion:

Goss torn on this proposal. Like the infill and understands the need for commercial. Asked if neighborhood mixed use may have been a better choice. He asked what is wanted for the visionary future of Zimmerman and Shiloh Road. Commissioner Brooks said he appreciates the concerns with potential of sprawl. He appreciates the extra effort the developer made with the neighborhood. He leans towards the alignment of the current zoning code. He pointed to the deficit of housing in the community. Residentail uses provides a higher discentive for criminal elements. He feels this is the best use of the land. Commissioner Larson said applications for undeveloped property coming against developer older neighborhoods is challenging. Zimmerman and the raised traffic issues have existed for several years. He said this is addressed through development. Zimmerman needs to be improved. He commented that Zimmerman Trail was funded with four different projects during his term in City Council. City Council November 28, 2022 5:30 PM

Motion

Commissioner Brooks made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1019 with staff findings.

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 1019 with a 3-0 vote.

Other Business: Next meeting is January 3, 2023.

Adjournment: The meeting adjourned at 5:50 PM.

ATTEST: Approved by a motion January 3, 2023.