



**City of Billings Zoning Commission
Meeting Minutes September 6, 2022**

The City of Billings Zoning Commission met on Tuesday, September 6, 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, September 6, 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, September 26, 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 September 26, 2022. If approved on first reading, a second reading public hearing will occur on Monday, October 10, 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			
Daniel J. Brooks	Commissioner	E	E	1	1	1	-	-	1	1			
Greg McCall	Vice Chairman	1	1	1	1	1	-	-	1	1			
Trina White	Commissioner	1	E	1	1	E	-	-	1	1			
David Goss	Commissioner	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			
Tammy Deines	Planning Clerk	-	1	1	-	-	-	-	-	-			
Dave Green	Planner II	-	-	-	-	-	-	-	-	-			
Karen Husman	Planner I	-	1	1	1	1	-	-	-	1			
Robbin Bartley	Administrative Support	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				14
Special Review	-	-	1										1

Vice Chair McCall introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator and Robbin Bartley, Administrative Assistant.

Attending: Cheri & Dave Mueller, John & Lynn Raty, Jacquie Kittson, Roger Gravgaard, Nicole Morrow, Roxy Shilhanek, Taylor Kasperick

Vice Chair McCall called the meeting to order a 4:30pm.

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: August 2, 2022

Commissioner Brooks made a motion and Commissioner Goss seconded the motion to approve the August 2, 2022 meeting minutes with corrections. The motion carried with a 4-0 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		

Zoning Coordinator, Nicole Cromwell, mentioned the emails received. All emails were forwarded to the Commissioners and placed in the Ex-parte notebook.

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 the site.

Public Hearings:

City Zone Change 1017– Intersection of Santiago Blvd/Blue Creek Rd. – From CMU1 to CX
 - A zone change request from Corridor Mixed Use (CMU1) to Heavy Commercial (CX), on, Lot 1 of Blue Creek Storage Subdivision an 39,934 square foot parcel of land. A pre-application neighborhood meeting was held on Monday, July 25, 2022, via Zoom virtual meeting. Tax ID: D01954A

Heavy Commercial

Proposed zoning allows:

- Offices
- Restaurants with drive through services
- Wide-range of commercial businesses, service providers and retail uses
- Vehicle sales and service, including car wash

Current zoning allows a car wash with a special review approval.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy for Prosperity:
 - Predictable reasonable city taxes and assessments
 - Diversity of available jobs
 - Successful businesses that provide local employment
 - Retaining and supporting existing businesses
- Adjacent uses compatible with proposed zoning
- Existing uses compatible with adjacent CMU1 uses (north) and CX uses (south)

The Zoning Commission shall consider the proposed 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 1017; or,
Recommend denial and adopt different findings of the ten review criteria for Zone Change 1017; or,
Delay action on the zone change request for up to 30 days; or,
Allow the applicant to withdraw the zone change request.

Questions for staff: Commissioner White asked where the water filling station is in relation to this property. Staff replied it is directly north, across Santiago Blvd. It was also stated the only access to the property was off Santiago Blvd.

Commissioner Goss asked regarding the Special Review and Variance required to move the building away from the “build to” area. Staff replied a Special Review and Variance could be applied for to change the location of the building.

Commissioner Goss then asked why when the property to the south was zoned CX, this property was not zoned CX. Staff replied the storage units were under development in the midst of Project RE:Code. They were zone Community Commercial and the property to the north was zoned

Neighborhood Commercial. When the map updated the current zonings seemed most appropriate at the time.

Applicant: Taylor Kasperick, agent, Performance Engineering, 608 N. 29th Street
Traffic concerns are apparent. The traffic would be very similar regardless of the Zone Change being considered. MDT refused the request to access this property off Blue Creek Road.

Questions for applicant: Commissioner McCall asked what the frontage footage is along Blue Creek Road. Mr. Kasperick stated he believes it to be approximately 140 feet. MDT limits the amount of accesses off state highways in close proximity. He also stated there are other limitations to building to the property line such as steep hills and flood plain area pushing the building back. CX zoning would be more applicable to this build.

Public Hearing: 4:46PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1017.

In Favor: None

Opposed:

Roxy Shilhanek, 4431 Bowman Drive

She is not opposed to development however Santiago is their road. They (the community) paid for it with and SID. The intersection can not sustain any more traffic. Additionally, it is a danger to the school bus stop. The trucks turning left on to Blue Creek Rd wait and back traffic up for long periods of time. She does not want anymore traffic on Santiago Blvd. If more traffic is to be there, a traffic light needs to be installed.

Jacque Kittson, 2105 Santiago Blvd

My house is directly above. I can hear all the traffic and truck noise from the area in question. There are no sidewalks and no lights. There is 1 way in and 1 way out for 67 houses. If you are needing to turn right on Blue Creek Rd you often are waiting for a truck needing to make a left turn on the Blue Creek. She would like a Traffic Impact Study done. A light is needed at the intersection.

Dave Mueller, 2122 Santiago Blvd

He remembers the Neighborhood meeting for the storage units with the same owners. They promised a 6 foot fence which has yet to be installed. I have trouble trusting their word. The utility poles on the property line with a right of way approximately 15 feet wide. The land owners came and started the storage unit project without permits and took the road out with their bulldozers. Now the power company has no access to maintain their power poles. The City confirmed there are 2 right of ways, but they are no longer there. He does not trust the applicants.

Rebuttal:

Data on the noise produced is 94 decibels at the source. 35 decibels to the closest house which is equivalent to a refrigerator running. A traffic study is not analyzed at a zone change hearing. The water trucks and pedestrian safety will be addressed at the time of building permit application. It is standard for sidewalks to be required at the time of permitting.

Questions for Agent:

Staff asked if a TIS will be conducted at submitted as part of the building permit application. Mr. Kasperick replied a TIS would be required by engineering when 500 trips per day were generated. A car wash may expect 200 trips per day.

Public Hearing closed at 5:02 PM

Discussion:

Commissioner McCall asked staff when a Yellowstone County subdivision is annexed into the City not meeting the City requirements, at what point does the City step in and make necessary traffic revisions, sidewalks and the like. Staff replied in this case Santiago Blvd is now a City street however the intersection is controlled by the City and the State. Typically, at annexation the City and property owners enter into an agreement about what improvements are needed in the short term. Staff does not believe there was anything specified in this case. Generally accidents, traffic improvements and fatalities will trigger an engineering study of the intersection in question. The City and State would need to agree to make the change.

Commissioner Goss asked if Santiago Blvd is a public or private road. Staff replied it is a public road. If there was an SID, it would have been dissolved at the time of annexation. The street is a City street built to County standards and annexed in.

Commissioner McCall pointed out whether or not the Zone Change is approved, the proposed use is acceptable as it is currently zoned.

Commissioner Goss stated he considers the action of Zone Change a last resort. Special Reviews and Variances are allowed because not all properties fit a cookie cutter and hardships can occur. He would be more comfortable if the applicant had tried one of these avenues before requesting a zone change.

Motion

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1017 using the 10 review criteria.

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 1017 with a 3-1 vote.**

Other Business: The October 4, 2022 meeting will have 3 Zone Change requests.

Adjournment: The meeting adjourned at 5:17 PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.
--Robbin Bartley, Administrative Assistant