



**City of Billings Zoning Commission
Meeting Minutes October 4, 2022**

The City of Billings Zoning Commission met on Tuesday, October 4, 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, October 4, 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, October 24, 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 October 24, 2022. If approved on first reading, a second reading public hearing will occur on Monday, November 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	E	1	1	-	-	1	E	E		
Daniel J. Brooks	Commissioner	E	E	1	1	1	-	-	1	1	1		
Greg McCall	Vice Chairman	1	1	1	1	1	-	-	1	1	1		
Trina White	Commissioner	1	E	1	1	E	-	-	1	1	1		
David Goss	Commissioner	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		
Tammy Deines	Planning Clerk	-	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			17
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: Robert Lee, Scott Aspenlieder, Targee Tomisin, Rande Roth, James & Kristy Johnson, Anna Vickers, Amber Long, Shawn Thorson

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

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: September 6, 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		

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		

Commissioner White visited Zone Changes 1019 & 1020 sites.

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

The applicant requests a delay to address the Surrounding Property Owners.

Motion

Commissioner Goss made a motion and Commissioner Brooks seconded the motion to delay the hearing of Zone Change 1019 until the November 1 meeting.

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 Delay City Zone Change 1019 with a 4-0 vote.**

City Zone Change 1018 – 2110/2116/2130 Bench Blvd – NX1 to NX1 and CX - A zone change request from Mixed Residential 1 (NX1 – 1 to 4-unit buildings) to NX1 and Heavy Commercial (CX), on Lot 9A of Amended Holling Ranch Sub and Parcel A (less 815 sf for Bench ROW) of C/S 451, a 2.91-acre parcel of land. A pre-application neighborhood meeting was held on August 11, 2022, at Medicine Crow Middle School. Tax IDs: D05197A, D05198

Staff Recommendation:

Planning staff recommends approval of the zone change based on the findings of the review criteria:

- Meets the Growth Policy for Prosperity:
 - Predictable reasonable city taxes and assessments
 - Successful businesses that provide local employment
 - Retaining and supporting existing businesses
- Adjacent uses compatible with proposed zoning
- Proposed use is compatible with adjacent CMU1 uses (north) and CX uses (west)
- Proposed zoning will encourage an appropriate commercial use, and maintain the existing residential use on this property.

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.

Questions for staff:

Commissioner Goss is concerned the proposed zoning boundary does not follow the property lines. Staff indicated zoning is not required to follow lot lines.

Applicant: Anna Vickers, Agent, IMEG, 175 N. 27th

Originally, we proposed all CX for this then decided to allow NZ! To stay with residential zoning. The spatial distance should provide a buffer. We are only addressing the zoning for now.

Questions for applicant:

Commissioner McCall asked if there is an easy way to amend the lot lines in the event the customer wishes to sell. Ms. Vickers indicated a Boundary Line Relocation would then be in order.

Commissioner Brooks asked about the neighbors concerns regarding the use of Bench Blvd for drop off and pickup of the sheds. Is Bench Blvd being used? Ms. Vickers replied there is no left turn to the location on Main Street now. Eventually Main Street will have a roundabout so access will be easier to head south on Main Street.

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 1018.

In Favor:

Opposed:

Kristy Johnson, 802 Kale Drive

It is all residential on the East side of Bench Blvd. They are using the center turn lane to load and unload sheds. The sheds are on the eastside of the property today. An Elementary and Middle School are south on Bench. There are safety issues, this area is not secured and people could just walk in and sleep in those sheds. Commercial zoning will intrude in the neighborhood. This is an established residential neighborhood; this zone change will open it up for other uses.

Public Hearing closed at 4:57PM

Discussion:

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1018 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 1018 with a 4-0 vote.

City Zone Change 1020 – RR3 to NX1 and NX3 - A zone change request from Rural Residential 3 (RR3 – County) to Mixed Residential 1 (NX1 – 1 to 4 unit buildings) and Mixed Residential 3 (NX3 – 5 or more unit buildings), on Parcel 2B Amended of C/S 2974, a 6.9997 acre parcel of land. A pre-application neighborhood meeting was held on August 17, 2022, at the Lutheran Church of the Good Shepherd. A concurrent annexation petition has been submitted. Tax ID:D04783A

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the West Billings Neighborhood Plan and 2016 City Growth Policy:
 - Efficient use of land with mixed uses and housing choices
 - Location of medium and higher density development within walking distance of commercial centers, medical facilities, parks and other amenities
 - Safe and livable neighborhoods
 - Infill Policy supports development of connected parcels
- Adjacent uses compatible with proposed zoning – site and building standards will require landscape bufferyard
- Completion of Avenue D will promote public health and safety – 2nd way out for neighbors east of 38th St West
- Traffic analysis will be required prior to development

Questions for staff:

Commissioner McCall asked about the mixed zoning request

Applicant: Rick Leuthold, Sanderson Stewart

These Parcels were aliquot parts when purchased. Michelloti orinally anticipated the land being used for a cemetary. It was left in the County and is now being annexed. The demographics of internment have changed and the land was sold to Steward Land. The City has grown up around these parcels. Steward Land has the option of a split roadway. The developer to the north is cooperative. The density of housing seems like a lot but is needed. We actually need more. Please approve the zone change.

Targee Tomisin, Steward Land

We wish to provide housing options for younger and older people. The neighbors are agreeable. We hope to make a great project. Twins or townhomes on NX1. The mixed zoning will creat affordable housing options.

Questions for applicant:

Commissioner Goss asked if those to the north will have access to Ave D. Staff replied Ave D is mainly on the property to the north. There are talks about acquiring an orphaned piece of property to allow connectivity. It will be an unrestricted public access.

Commissioner White stated the NX3 area is very large.

Public Hearing: 5:24PM

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1020.

In Favor: None

Opposed: None

Public Hearing closed at 5:25PM

Discussion:

Motion

Commissioner Goss made a motion and Commissioner White seconded the motion to approve City Zone Change 1020.

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 1020 with a 4-0 vote.

Other Business: Next meeting is November 1, 2022.

Adjournment: The meeting adjourned at 5:28PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.

--Robbin Bartley, Administrative Assistant