



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, November 1, 2022, 4:30 p.m.**

Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> 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](mailto: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](mailto: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:**

The minutes of the Board meeting of September 6, 2022 and October 4, 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. **Return Item - 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, 3<sup>rd</sup> 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

**Other Business/Announcements**

**Adjournment**

**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.**

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 (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 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

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](mailto:bartleyr@billingsmt.gov)

**City Zoning Commission**  
**Meeting Date:** 11/01/2022

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**Information**

**Subject**

The minutes of the Board meeting of September 6, 2022 and October 4, 2022.

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**Attachments**

BZC\_2022\_0906  
BZC\_2022\_1004

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**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     |

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

**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. 29<sup>th</sup> 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      |          |          |           | <b>x</b> |
| Daniel J. Brooks | <b>x</b> |          |           |          |
| David Goss       |          | <b>x</b> |           |          |
| Greg McCall      | <b>x</b> |          |           |          |
| Trina White      | <b>x</b> |          |           |          |

**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



**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.**

| <b>Commission and Staff</b> |                           | <b>01/04/2022</b> | <b>02/01/2022</b> | <b>03/01/2022</b> | <b>04/05/2022</b> | <b>05/03/2022</b> | <b>06/07/2022</b> | <b>07/05/2022</b> | <b>08/02/2022</b> | <b>09/06/2022</b> | <b>10/04/2022</b> | <b>11/01/2022</b> | <b>12/06/2022</b> |
|-----------------------------|---------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 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     |

Chair Larson 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, 3<sup>rd</sup> 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 – 2<sup>nd</sup> way out for neighbors east of 38<sup>th</sup> 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

## Zoning Commission

**Date:** 11/01/2022  
**Title:** City Zone Change 1019 - Zimmerman Home Place - NO to CMU1  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

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

On September 27, the Planning Division received a request to delay action on this application. The Zoning Commission granted the delay of the public hearing at its October meeting to its November 1 meeting. The applicant held a second neighborhood meeting on October 19. The Planning Staff received a valid protest petition against the zone change on October 17.

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

This is a zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1) to allow a wider range of uses and multi-story structures on two lots in the Zimmerman Home Place Subdivision (3rd Filing). The lots are generally located between the intersections of Zimmerman Trail, Avenue E and Colton Boulevard and are just north of the Children's Clinic medical office at 3401 Avenue E.

Prior to the adoption of the new zoning code, the city and county regularly zoned property on arterial street frontages with low density residential or low-intensity commercial zones such as Residential Professional (RP). The new zoning for the city requires different choices for arterial street frontages including mixed use districts or mixed residential districts. This is to ensure that neighborhoods are places in areas away from traffic noise, and do not need to "wall off" the neighborhood from the adjoining street. In the code update in 2021, the corollary zone for RP was Neighborhood Office (NO) and parcels that were vacant at the time of the update, went from RP to NO. Neither the RP zone or the NO zone are appropriate for such a large area like the subject property on an arterial street. The district description for NO includes this language: "*The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.*" (BMCC 27-402) The lots to the north and south of the subject property do meet the district descriptions for a NO zone being at street intersections at entrances to the neighborhood, and those lots are not included in the zone change. Also, CMU1 is very different than the old Community Commercial district with improved site and form requirements, a mix of uses but also a more limited set of uses that fit better on arterial streets even in a mixed use neighborhood.

The proposed zoning of CMU1 is intended to allow a commercial mixed-use building or buildings for these two lots. The CMU1 zone allows a wide variety of retail, services as well as offices and upper-story residential apartments. The property owner is developing several hundred apartments on a lot to the west - zoned Mixed Residential 3 (NX3). The zone change would allow this owner to provide walkable access to businesses and services for this new neighborhood. Currently, all retail-type business are located about 3/4-mile to the southeast or southwest. Walkable neighborhoods usually have retail services 1/2-mile or less from the residential area - even if it is just a corner store, a coffee shop or similar business.

There is a variety of zone districts in the area including the Mixed Residential 3 (NX3) to the west, NO north and south of the subject property, and Suburban Neighborhood Residential (N3) east across Zimmerman Trail, a Principal Arterial street. The homes in the N3 zone do not take frontage from Zimmerman Trail and are behind some landscaping and a sight-obscuring fence that runs parallel to the street. Most of these patio homes and townhomes were built on private streets in the late 1990s and early 2000s. Most are single story, single family homes.

Zimmerman Trail is an arterial street and was completed from Poly Drive to Broadwater Avenue in 2004/2005. Prior to this time, Zimmerman Trail was known as 34th St West north of Grand Avenue and 32nd St West south of Broadwater. The city acquired the right-of-way and built the connection as an arterial street to complete this part of the city's street network. There are few north/south arterial streets west of 17th St West. Zimmerman Trail carries about 15,000 vehicle trips per day along this corridor between Broadwater Avenue and Poly Drive. Additional traffic is expected when several new apartment projects are completed in the next two years including the Zimmerman Home Place development and the Icon and Steward Land apartments south of Grand in Cardwell Ranch Subdivision. Zimmerman Trail is a 2-3 lane arterial street with a capacity to handle larger volumes of traffic. There are traffic signals at Rimrock Road, Poly Drive, Grand Avenue and

Broadwater Avenue. South of Broadwater Avenue, the street name changes to 32nd St West. A mixed use development on these parcels would likely require a traffic study update to ensure nearby intersections can still function as designed. Any traffic management or upgrades would be the responsibility of the project developer per the direction of the City Engineering Division.

#### **APPLICATION DATA**

OWNER: Highlands ZHP Subdivision LLC, Preston Lees

AGENT: Performance Engineering, Scott Aspenlieder, P.E.

LEGAL DESCRIPTION: Lots 2 and 3, Block 1, Zimmerman Home Place Subdivision, 3rd Filing

CURRENT ZONING: NO

EXISTING LAND USE: Vacant

PROPOSED USE: Mixed Use development with ground level commercial uses and apartments in upper stories

SIZE OF PARCEL: 7.513 acres

#### **SURROUNDING ZONING AND LAND USE**

##### **NORTH:**

Zoning: NO - Neighborhood Office

Land Use: Vacant

##### **SOUTH:**

Zoning: NO

Land Use: Children's Clinic and vacant land

##### **EAST:**

Zoning: N3 - Suburban Neighborhood Residential

Land Use: Single family homes

##### **WEST:**

Zoning: NX3 - Mixed Residential 3 and P1 - Public 1

Land Use: Apartments and parkland

This area of Billings has been developing over the past 10 to 15 years following the connection of Zimmerman Trail through the Yegen Family Grand Avenue Farm and the major reconstruction of Shiloh Road, another major north/south connection. The Zimmerman family chose to zone the property outside the city limits in 2016, and then market the pre-entitled property to developers who would then annex and build within the city limits. In 2017, Town Pump bought all the commercially zoned property on the southeast corner of the subdivision and put in a new gas station, convenience food store, liquor store and casino. The property to the northwest went through a Planned Neighborhood Development zone change when it was annexed in early 2022. A PND zone change was not required, but the owner preferred this zoning process to allow for placement of the Public 1 zone parcels within the new apartment development (ZC 1009).

There are challenges to an area of urban development that is on an infill property with existing development around it. This is not meant to ensure homogenous development patterns between neighborhoods, but the development plan should include similar and compatible zone districts, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed zoning of CMU1 for the subject property with Zimmerman Trail frontage. The CMU1 zone district is intended to be placed on arterial street corridors where neighborhood zoning is adjacent or across the street. The uses allowed within the CMU1 zone do not allow uses by right that could cause noise and disruption such as car washes, drive through restaurants, bars or casinos. The West Billings Neighborhood Plan goals and objectives stated the need to locate more intense uses along arterial street corridors and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban designed public spaces. The proposed zone change supports these goals as well.

#### **STAKEHOLDERS**

The applicant conducted a pre-application meeting at the subject property on August 24, 2022. The meeting was conducted via ZOOM. The synopsis of the meeting questions and answers are attached to this report. There were questions about the need for the zone change, the pedestrian crossing a Colton Blvd and Zimmerman Trail, and increasing traffic. Planning staff has received input from a neighboring property owner regarding protest provisions. One of the reasons for the requested delay of this application by the applicant is to provide additional information to the neighborhood. On October 17, 2022, the Planning staff received a valid protest petition against the zone change (attached). The applicant conducted a second neighborhood meeting on October 19, 2022, in person. Three property owners attended this meeting. The meeting notes and attendance sheet are also attached to this report.

#### **ALTERNATIVES**

The Zoning Commission may:

- Recommend approval of the Zone Change and adopt the proposed findings of the 10 review criteria; or,
- Recommend denial of the Zone Change and adopt different findings of the 10 review criteria; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change should not have an effect on the Planning Division budget.

## **SUMMARY**

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is most consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land."
- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."
- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change will accommodate uses that are complementary to this new mixed residential neighborhood. The proposed development will also have good access to the adjacent street network and is in proximity to several residential neighborhoods. The proposed zoning and development will provide for a variety of retail and commercial services as well as housing choices that are not abundant in this area of West Billings. The property is within walking distance to the multi-use trail system and neighborhoods.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

### **Strong Neighborhoods**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties
- A mix of housing types that meet the needs of a diverse population is important

### **Home Base**

- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

## Prosperity and Essential Investments

- Infill development and development near existing City infrastructure may be the most cost effective
- A diversity of available jobs can ensure a strong Billings' economy
- Retaining and supporting existing businesses helps sustain a healthy economy

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

The CMU1 Zone requires adequate building separations and density limits which creates security from fire and other dangers. Specifically, the CX zone regulates setbacks, lot coverage, height and other site characteristics which preserve the ability to protect from fire and other dangers.

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

Public health and public safety are promoted by the proposed zoning. This is not a unique to the CMU1 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-400-3 in the CMU1 district promote the minimum standards to ensure public healthy and safety and promote general welfare. Public health and public safety will be promoted by the proposed change. The property will not have direct vehicle access to Zimmerman Trail but pedestrian access and "front-door" requirements will apply to this frontage.

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

**Transportation:** The applicant will likely need to provide an update to the already completed traffic impact study for the subdivision. The applicant will coordinate with the city Engineering Division. The traffic study will analyze each of the adjacent street intersections and determine if mitigation or improvements are needed to accommodate the additional traffic. The City Engineer will determine the required improvements based on the specific information provided in the update or existing traffic study.

**Water and Sewer:** This property is located in the City Limits and is required to be served by city water and sewer. There are no known negative capacity impacts related to water and sewer that are identified through any adopted studies or staff input.

**Schools and Parks:** Schools and parks may be effected by the proposed zone change. The NO zoning allows 1-4 family dwellings and the CMU1 zone allows upper story apartments. Development of apartments may attract families with children. SD #2 had no comment on the proposed zoning. The Planning Division coordinates input from the School District administration. The District is beginning the process of evaluating its various districts for elementary, middle and high schools and may make adjustments to address capacity levels at various schools.

**Fire and Police:** The subject property is served by city public safety services. Development of the property, regardless of zone will be served by existing police and fire services. The Police and Fire Departments had no concerns with the zone change as requirements for access, water supply and fire codes will apply to the site and any construction on the subject property.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed CMU1 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure will be required to meet the standards required by Section 27-400-3.

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

Non-motorized travel -- walking and biking -- is an essential part of the city's transportation plan both within the proposed development and connecting to adjacent areas. Pedestrian connections to the new development will be allowed from Zimmerman Trail as well as across Green Valley Drive to the west. The subdivision has a no vehicle access strip across the frontage of Zimmerman Trail, so all vehicle access will be from internal streets. The property is close to three fixed route MET bus lines (two on Grand and one on Poly Dr). There are no specific traffic counts on Zimmerman Trail between Rimrock Road and Broadwater Avenue. Traffic counts on Poly Drive near the Zimmerman Trail intersection are about 5,000 to 6,000 vehicle trips per day. Traffic counts on Grand Avenue near the Zimmerman Trail intersections are between 18,000 and 20,000 vehicle trips per day. A traffic impact analysis already completed for the apartment project to the west will need to be updated based on the new zoning and land uses allowed on this 7.5 acre parcel. Mitigation may be required by the City Engineering Division to ensure all existing and future street intersections are maintained in good capacity.

7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to the new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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. This

area between Broadwater Avenue and Rimrock Road is beginning to experience growth and development similar to areas further south in West Billings with similar uses. Zimmerman Trail acts as a major transportation corridor so the expectation of commercial or mixed use services along the corridor is appropriate. A principle arterial street like Zimmerman Trail also acts as a buffer/separation, making the existing single and two-family development on the east side of Zimmerman Trail a separated and acceptable use across from the CMU1 zone proposed. In fact, the street-facing building orientation requirements of the CMU1 zoning will add to the visibility and activity on the Zimmerman Trail corridor for both walkers, cyclists and motorists, adding a component of safety to the area. As more housing choices move to this area it is important that some services are available in the vicinity. There is no CMU1 directly adjacent to this parcel, however, CMU1 is located just south of Avenue E. Commercial development along the Zimmerman corridor does consider the character and suitability of the area.

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

There are currently no buildings on the property, therefore the new zoning does not propose a risk of creating a non conformity or other value associated issues. Any new development must be in conformance with the zoning regulations, thus conserving the value of buildings for the parcel. There has been no evidence to support the zone change will negatively affect the surrounding property and existing buildings. The new zoning is not expected to alter the value of any buildings in the area.

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

The proposed zone change will encourage the most appropriate use of this land in Billings.

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### Attachments

Second Neighborhood Meeting Notes  
Zoning Map and Site Photos  
Application Letter and Preapplication notes  
Chart of Zoning History  
Protest Petition

## Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on October 19, 2022 at the Arrowhead Elementary School. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent) and Preston Lees (developer).

There were only three (3) public participants for the meeting. We did not receive any calls prior to the meeting only one email which was presented in the package.

Questions from the individuals and subsequent responses are shown below:

- What is the timeline on the development of the property?

*The developer noted that it was unlikely that this project was constructed prior to 2024, more likely 2025, based on completion timelines for ongoing project adjacent to the parcel.*

- Why is it being proposed to switch the existing property zoning to CMU1?

*The CMU1 district will allow for a mixed-use construction introducing some restaurant and service businesses to the neighborhood to support the continued residential development. Flexibility to bring food services in and businesses like coffee shops will be necessary to minimize the need to drive and travel out of the development, reducing impacts on traffic.*

- What is going to be done to address the increase in traffic in the area?

*A Traffic Impact Study (TIS) was previously completed for this development. The TIS did anticipate the change to a CMU1 development to account for elevated travel from this proposed change. The results of the traffic study to trigger upgrades to the intersection of Avenue E and Zimmerman Trail, calling for installation of a stop light upon full buildout of the Zimmerman Home Place, 3<sup>rd</sup> Filing development. The developer will have made the financial contributions to the City of Billings for their impact on those improvements. The lighted intersection will take pressure off of the Colton and Zimmerman intersection once installed helping the road network in the area.*

- Will the new zoning allow for any casinos to be constructed on the lots?

*No casinos can be permitted on the proposed lots due to proximity to residential properties. There could be the potential for full beverage liquor licenses on the*

*property but gaming would not be permitted under current City Code due to separation requirements from residential zoning.*

- **How many stories will the buildings constructed likely be on the property?**

*CMU1 zoning allows for up to four (4) stories in construction. It is likely that 3- to 4-story construction would occur on the site to maximize development potential and value for the lot and neighborhood. Currently residential over 1<sup>st</sup> floor commercial is the tentative plan for the parcel to bring restaurant and community services to the Zimmerman Home Place development and surrounding areas.*

- **What would signage look like for the parcel and businesses on it?**

*Without knowing what businesses could be there it would be hard to anticipate that however any signage will meet the new sign standards as part of Re-Code.*



JOB NO. \_\_\_\_\_ TASK \_\_\_\_\_

JOB NAME \_\_\_\_\_

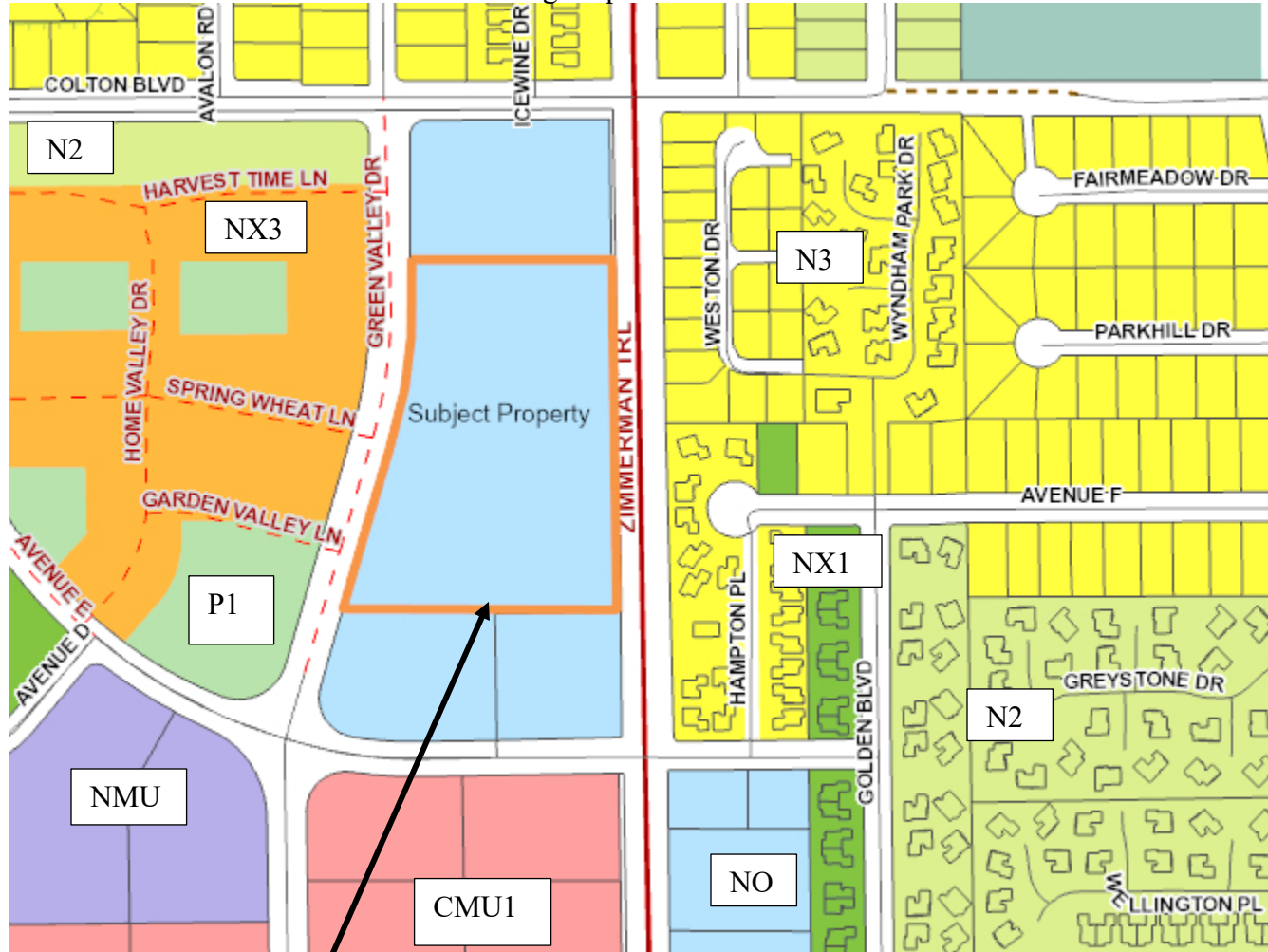
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

DATE \_\_\_\_\_

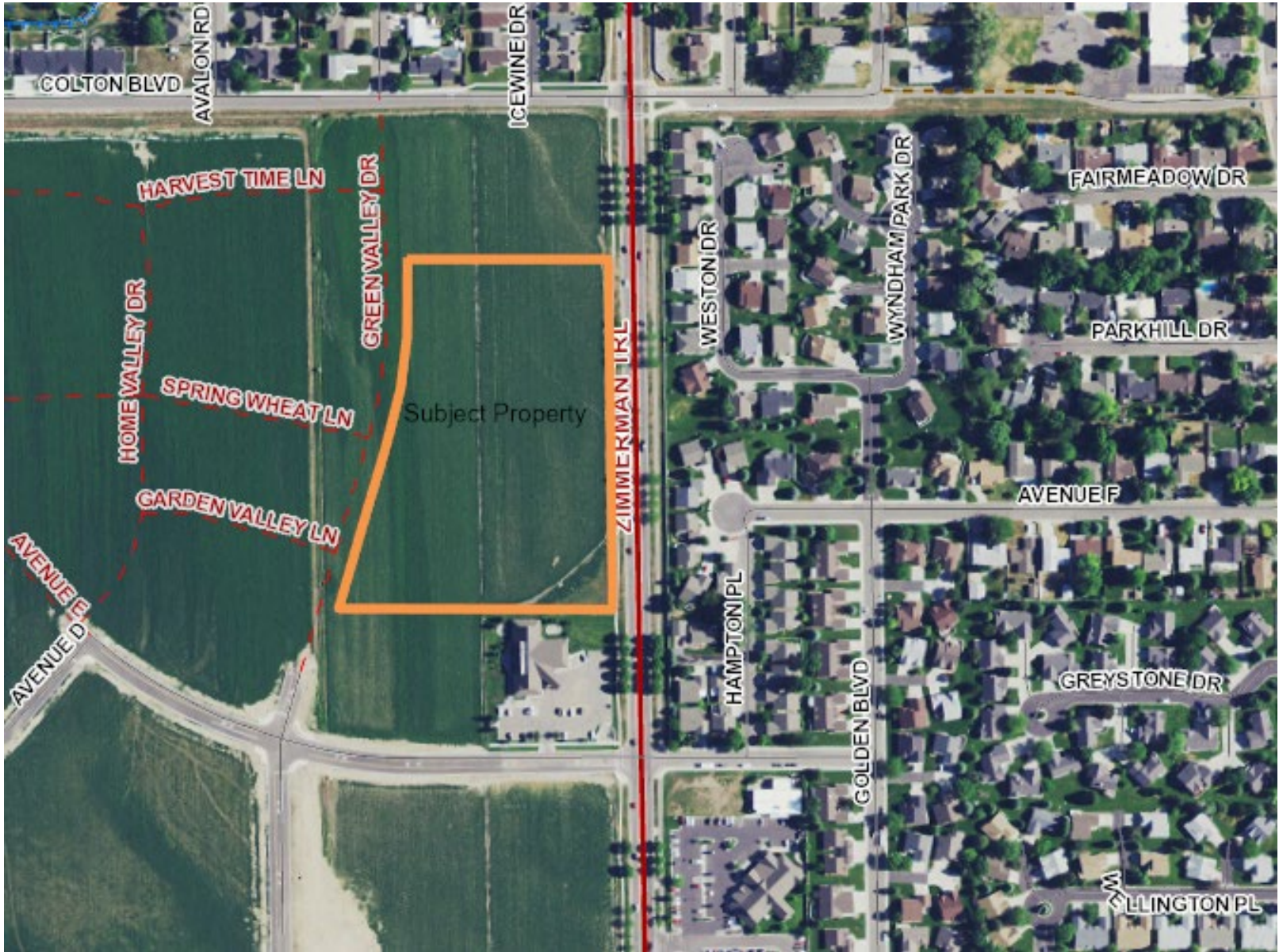
NAME \_\_\_\_\_

|                |      |        |
|----------------|------|--------|
| Susan Cranston | 2041 | Weston |
| Sharon Hage    | 2042 | Weston |
| Gloria Gunther | 1970 | Weston |

City Zone Change 1019 – Zimmerman Home Place Sub 3<sup>rd</sup> Filing  
Zoning Map and Site Photos



Subject Property  
Existing Zone = NO  
Proposed Zone = CMU1





Subject Property – view west from Zimmerman Trail



View north on Zimmerman Trail



View north and east across Zimmerman Trail



View south to the Children's Clinic – directly south of subject property



View south on Zimmerman Trail



View north on Zimmerman Trail

# APPLICATION FORM

PZY

CITY ZONE CHANGE

Billings Zone Change # 1019

- Project # 22-00224

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 NO - Residential Office

Proposed Zoning: CMU1 - Mixed-Use Corridor

TAX ID# A36264 CITY ELECTION WARD 4

Legal Description of Property: Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N, R25 E, Billings, MT, P.M.M.

Address or General Location (If unknown, contact City Engineering): Near Colton Ave & Zimmerman Trail Intersection

Size of Parcel (Area & Dimensions): 7.513 acres

Present Land-Use: Vacant Rural Land

Proposed Land-Use: Mixed-Use Commercial

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

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): Highlands ZHP Subdivision, LLC

(Recorded Owner) 2116 Broadwater Ave., Ste. 101, Billings, MT 59102

(Address) (406) 839 - 7661 preston@beartoothholding.com

(Phone Number) (email)

Agent(s): Performance Engineering, Scott Aspenlieder

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) (406) 384 - 0080 scott@performance-ec.com

(Phone Number) (email)

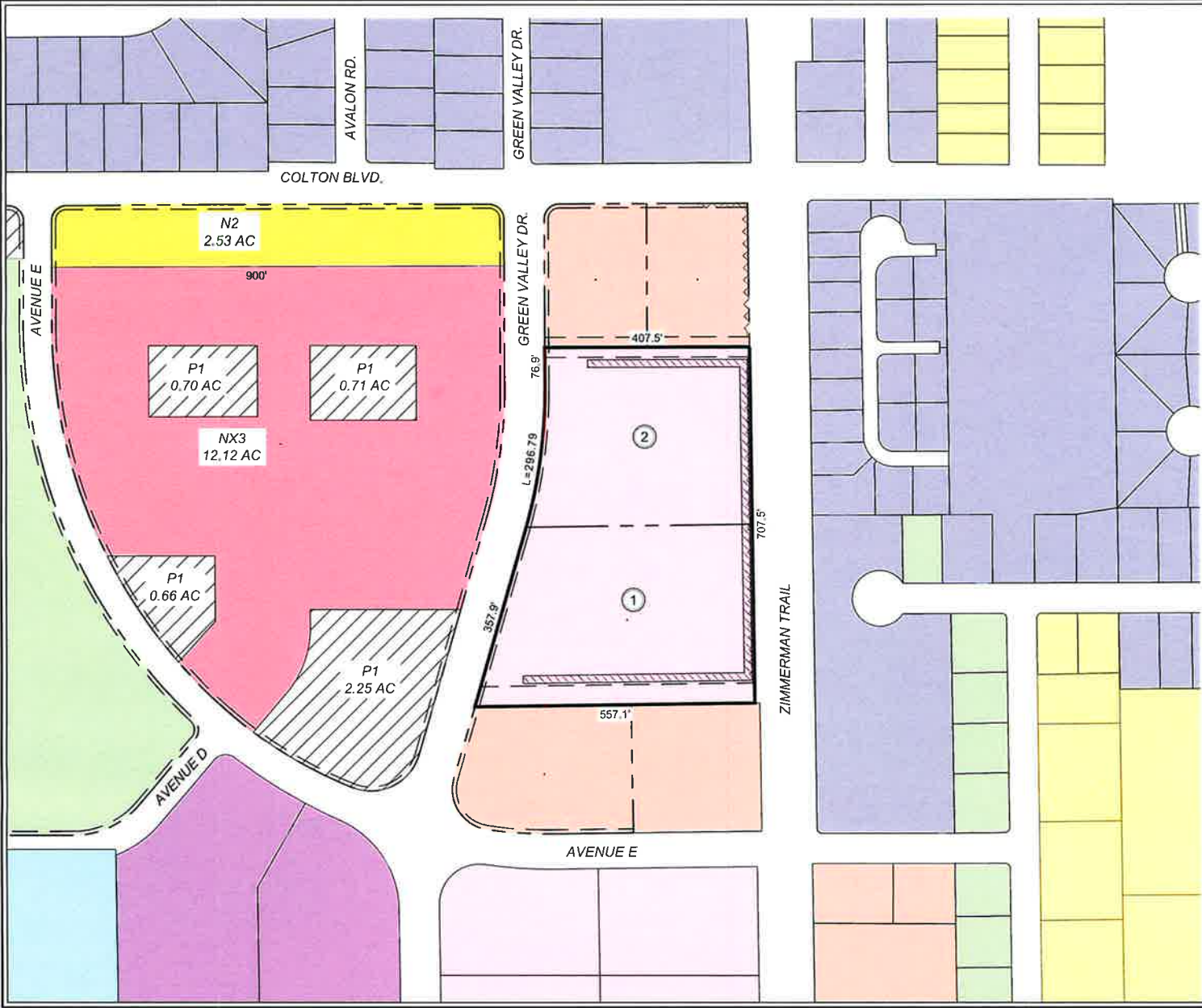
I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature]  
(Recorded Owner)

Date: 8/20/22



C:\Users\jhealy\OneDrive - City of Billings\OneDrive\Documents\2021\173\_Prop\_Site\_Plan\CADD\DWG\173\_Prop\_Site\_Plan\Zone\_Change\Plan\Block\_2\ZCHP1\Map\Proposed.dwg  
 REV: 2021 11 19 07 AM  
 PW: COLON CTR



**LEGAL DESCRIPTION**  
 LOTS 2 & 3, BLOCK 1, ZIMMERMAN HOME PLACE SUBDIVISION, 3RD FILING, IN S34, T01N, R25E

- ① BLOCK 1, LOT 2: 178,116 SF  
4.089 ACRES
- ② BLOCK 1, LOT 3: 149,140 SF  
3.424 ACRES

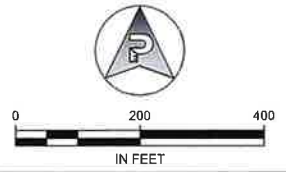
- ZONING LEGEND**
- CMU1: COMMERCIAL MIXED USE 1
  - NX1: MIXED RESIDENTIAL 1
  - N2: MID-CENTURY RESIDENTIAL
  - RR3: RURAL RESIDENTIAL 3
  - P1: OPEN SPACE, PARKS, RECREATION
  - NO: NEIGHBORHOOD OFFICE
  - NX3: MIXED RESIDENTIAL 3
  - NMU: NEIGHBORHOOD MIXED USE
  - N3: SUBURBAN NEIGHBORHOOD

- PROPOSED ZONE CHANGE BOUNDARY**
- 5'-20" BUILD-TO ZONE
  - EASEMENT BOUNDARY
  - 1' NO ACCESS BOUNDARY
  - OFF-SITE LOT BOUNDARY
  - ON-SITE LOT BOUNDARY

**SITE AND STRUCTURE REGULATIONS**  
 CITY OF BILLINGS ZONING CODE, ARTICLE 27-400, SECTION 27-406

TABLE 27-400-3

| BUILDING SITING                           | CMU1        |
|---|-------------|
| BUILD TO CORNER                           | REQUIRED    |
| MAXIMUM BUILDING COVERAGE (%)             | 65          |
| MINIMUM FRONT LOT LINE COVERAGE (%)       | 65          |
| FRONT BUILD-TO ZONE (FEET)                | 5-20        |
| STREET-SIDE BUILD-TO ZONE (FEET)          | 5-20        |
| <b>HEIGHT</b>                             | <b>CMU1</b> |
| OVERALL STORIES: MAXIMUM HEIGHT (STORIES) | 4           |



**HIGHLANDS  
 APARTMENTS, LLC**  
 BILLINGS, MT 59102

| DATE | REVISION | QUALITY |
|------|----------|---------|
|      |          |         |
|      |          |         |
|      |          |         |

**ZIMMERMAN HOME PLACE  
 PROPOSED ZONING MAP**

SHEET TITLE  
 PROJECT NUMBER  
 2021-173  
 SHEET NUMBER  
 1 OF 1  
 EXHIBIT  
**A**  
 COPYRIGHT 2021 ©



608 North 29<sup>th</sup> Street • Billings, MT 59101 • 406-384-0080

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## Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing Zone Change Questions

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is classified as an “infill development” making it a very cost-effective option for the city. The current development would also allow for the interconnectivity of sidewalks from homes to commercial businesses.

Business Access - The location of the project along Zimmerman Trail would allow easy access to commercial businesses constructed on site. The short distance to the new apartments and existing residential neighborhoods in the area also allow many residents to commute to the stores without driving on city roads. This accessibility will attract many types of businesses to the growing area.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents.

2. Explain how the proposed project meets the 10 zone change criteria.
  - a. **Is the new zoning designed in accordance with the growth policy?**  
The new zoning adheres to the City of Billings growth policy as it is an essential investment because it is an infill development and provides commercial business/retail access to the residents in the area.
  - b. **Is the new zoning designed to secure from fire and other dangers?**  
There are fire hydrants located an adequate distance from the site on Zimmerman Trail. The site is also located outside of any floodplain.
  - c. **Will the new zoning promote public health, public safety and general welfare?**  
The proposed zone change will diversify the surrounding neighborhood and allow for easier access to commercial businesses closer to their homes. This makes it possible for residents to use non-motorized transportation, keeping less cars off local roadways which increases the

general welfare of both commuters on the roads and residents of the neighborhood.

**d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?**

The change in zone will not require any additional water or sewage to the site as it is provided by the development being constructed to the west. It will also improve the effectiveness of the MET as there is a stop located just south of the property location, increasing the number of businesses available to the passengers. Park land was identified and dedicated in the PD development to the west.

**e. Will the new zoning provide adequate light and air?**

The proposed zone change will have minimal impact on light and air in the surrounding area. Any improvements on the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code.

**f. Will the new zoning effect motorized and nonmotorized transportation?**

The proposed zone change will have some impact on the motorized transportation in the area, however, its short distance to the new apartment complex and existing residential houses in the area allow for nonmotorized vehicles be used to travel to future development on the property. Additionally, there is an MET bus stop in the area to accommodate mass transit use.

**g. Will the new zoning promote compatible urban growth?**

The proposed zoning will promote urban growth to the surrounding area. Development on the west side of Zimmerman Trail and on Green Valley Drive between Avenue E and Grand Avenue is expected. Most of the proposed development is expected to be commercial to further serve the new development at Zimmerman Home Place and surrounding residential developments.

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

The proposed zoning expands the CMU district from Grand Avenue up closer to Colton Boulevard providing easier access for the residents in the area and will help blend the CMU district to the N district to the north and east.

**i. Will the new zoning conserve the value of buildings?**

The new zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them.

- j. **Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**

The zoning will encourage appropriate use of land by expanding the CMU district on Grand Avenue allowing residents easy access to more businesses in the area.

- 3. **Does the new zoning fit with the existing or planned developments within the area?**

The new zoning will fit seamlessly into the existing developments, land currently being developed, and future developments in the area. The site will help provide many amenities and necessities for the residents in the area.

**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:** NO - Residential Office \_\_\_\_\_
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Zone Change from NO to CMU1 \_\_\_\_\_

3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**  
Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N,  
R25 E, Billings, MT, P.M.M. \_\_\_\_\_
5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:  
Westend Task Force. Gordon Olson. \_\_\_\_\_
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 24th, day of August, 2022.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Highlands ZHP Subdivision, LLC Telephone: (406) 839 - 7661  
Address: 2116 Broadwater Ave., Ste. 101, Email: preston@beartoothholding.com  
Billings, MT 59102 \_\_\_\_\_

**Agent (s):** Performance Engineering, Scott Aspenlieder Telephone: (406) 384 - 0080  
Address: 608 N. 29th Street Email: scott@performance-ec.com  
Billings, MT 59101 \_\_\_\_\_

## Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on August 24, 2022 via a virtual Zoom meeting. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent).

There were public participants for the virtual Zoom meeting. We did receive two calls prior to the meeting that night from the HOA east of Zimmerman Trail which had the following questions/comments regarding the proposed zone change along with one email which is included in the packet.

Questions from the individuals and subsequent responses are shown below:

- **What is the timeline on the development of the property?**

*The developer could potentially start construction on the lots in the spring of 2023 with building construction following subdivision and zoning.*

- **Why is it being proposed to switch the existing property zoning to CMU1?**

*The CMU1 district allows more flexibility and allows for a mix of residential and commercial uses. This will allow for an intermix of community service style businesses and restaurants along with residential use.*

- **What is going to be done to address the increase in traffic in the area?**

*A Traffic Impact Study (TIS) was previously completed for this development. It is likely that an update to the TIS could be required based on use and projected trip generation for the future use. If required, the TIS update would include any recommendations of traffic improvements that may be warranted with the revisions to the proposed zoning. If traffic improvements are warranted based on the updated TIS the developer will be required to install these as part development permits for the lots and/or building permits.*

- **Neighbors are concerned about the pedestrian crosswalk at Colton and Zimmerman with additional traffic?**

*The pedestrian crosswalk is designed and permitted to City of Billings standards. If concern continues the City could be petitioned to included a flashing beacon or lighting to notify drivers of an occupied crosswalk. That would be an issue for the City of Billings to address, not this zone change.*

- Will the new zoning allow for any casinos to be constructed on the lots?

*No casinos can be permitted on the proposed lots due to proximity to residential properties. There could be the potential for full beverage liquor licenses on the property but gaming would not be permitted under current City Code.*

| <b>SUBJECT PROPERTY</b>          | <b>Zone Change #</b>         | <b>DATE</b>      | <b>FOR</b>   | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>  |
|----------------------------------|------------------------------|------------------|--|-----------------------|---|
| Zimmerman Home Place Subdivision | <b>County ZC 675</b>         | August 2, 2016   | A-1 to CC, NC, RP, Public, RMF-R, R-50, R-70 and R-96      | Y                     | CC & NC parcels annexed for Town Pump development<br>3411 Grand Ave<br>2018 |
| Zimmerman Home Place Subdivision | <b>City Zone Change 1009</b> | March 14, 2022   | N3, NX1, NX3, and P1 through a PND to N2, NX1, NX3, and P1 | Yes                   | Concurrent Annexation   |
| <b>SURROUNDING PROPERTY</b>      | <b>Zone Change #</b>         | <b>DATE</b>      | <b>FOR</b>   | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>  |
| Cardwell Ranch PD                | 986                          | October 26, 2020 | Update to PD   | Y                     |   |
| E.D. King Sub                    | 782                          | 7/10/2006        | A-1 to CC  | Y                     | Country Meadow Apts 1997  |
| 1501 Zimmerman Trail             | 807                          | 7/9/2007         | R-60-R to CC & RP  | Y                     | Ace Hardware & Offices  |
| 3737 Grand Ave                   | 779                          | 6/26/2006        | RP to NC   | Y                     | Multi-tenant office/retail  |
| 1500 Golden Blvd                 | 572                          | 2/28/1994        | A-1 to RMF   | Y                     | Carriage Homes 1997   |
| 3155 Avenue C                    | 413                          | 10/25/1983       | R-96 to RMF-R  | Y                     | Aspen Meadows 2005  |
| 2291 Avenue C                    | 68                           | 8/26/1974        | PD to R-60   | Y                     | Rosepark Plaza Apts 1981  |

| Tax ID  | Owned Property Address | Owner Name(s)   | Owner Mailing Address       | City        | State | Zip Code   | Protest Y/N |
|---|------------------------|---|-----------------------------|-------------|-------|------------|-------------|
| A30023N   | 2021 WESTON DR         | BARNES, PATRICIA C  | 2021 WESTON DR              | BILLINGS    | MT    | 59102-8132 |             |
| A29230  | 1810 HAMPTON PL        | BAXTER, DIANA M   | 1810 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 | Yes         |
| A30023P   | 2007 WESTON DR         | BREKHUS, BARRY D  | 2007 WESTON DR              | BILLINGS    | MT    | 59102-8132 | Yes         |
| A30023F   | 1990 WESTON DR         | BURNS, PHYLLIS J  | 1990 WESTON DR              | BILLINGS    | MT    | 59102-8110 | Yes         |
| A30023L   | 2041 WESTON DR         | CRANSTON, SUSAN E   | 2041 WESTON DR              | BILLINGS    | MT    | 59102-8132 | Yes         |
| A30023B   | 1962 WESTON DR         | DAVID KAUTZMANN REVOCABLE LIVING TRUST &  | 1962 WESTON DR              | BILLINGS    | MT    | 59102-8110 | Yes         |
| A29240  | 1876 HAMPTON PL        | DAVIS, CLAYTON E  | 1876 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 |             |
| A24335  | 2105 GREEN VALLEY DR   | DESIN, MATTHEW & REBEKAH  | 2320 GOLDEN BLVD            | BILLINGS    | MT    | 59102-1248 |             |
| A30023E   | 1982 WESTON DR         | EAKIN, NANCY K  | 1982 WESTON DR              | BILLINGS    | MT    | 59102-8110 | Yes         |
| A08358  | 2104 GREEN VALLEY DR   | ELLISON, GAIL EDWARD & EUNICE KAY   | 2104 GREEN VALLEY DR        | BILLINGS    | MT    | 59102-1121 |             |
| A29237  | 1845 HAMPTON PL        | FARIAS, MARY ANN  | 1845 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A30023C   | 1970 WESTON DR         | GUNTHER, SHAWN  | 1600 PHEASANT BROOK DR      | LAUREL      | MT    | 59044-9339 | Yes         |
| A30023K   | 2042 WESTON DR         | HAGEL, SHARON   | 2042 WESTON DR              | BILLINGS    | MT    | 59102-8131 | Yes         |
| A30023O   | 2013 WESTON DR         | HALLING, KAREN W  | 2013 WESTON DR              | BILLINGS    | MT    | 59102-8132 | Yes         |
| A29229M   |                        | HAMPTON PLACE PATIO HOMES   | 3317 AVENUE F               | BILLINGS    | MT    | 59102-8111 |             |
| A30023J   | 2034 WESTON DR         | HILDENBURG, STEPHEN R & SALLIE R  | 2034 WESTON DR              | BILLINGS    | MT    | 59102-8131 | Yes         |
| A29236  | 1844 HAMPTON PL        | HOUGER, WELDYNN & BARBARA   | 1844 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 | Yes         |
| A30023H   | 2018 WESTON DR         | HOWELL, TANYA   | 1527 14TH ST W              | BILLINGS    | MT    | 59102-3105 | Yes         |
| A29233  | 1824 HAMPTON PL        | JANCA, EDWARD & BARBARA K   | 1824 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 | Yes         |
| A29235  | 1833 HAMPTON PL        | JANE E DINIUS REVOCABLE TRUST   | 1833 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A30023Q   | 1997 WESTON DR         | JOHNSON, JEANNE K   | 1997 WESTON DR              | BILLINGS    | MT    | 59102-8130 |             |
| A29232  | 1823 HAMPTON PL        | JONES, DIANE L & ROBERT O   | 1823 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A30023I   | 2026 WESTON DR         | JORGENSEN, KATHLEEN   | 2026 WESTON DR              | BILLINGS    | MT    | 59102-8131 | Yes         |
| A30023M   | 2037 WESTON DR         | KLEIN, CARL G TRUSTEE   | 2037 WESTON DR              | BILLINGS    | MT    | 59102-8132 | Yes         |
| A29238  | 1855 HAMPTON PL        | KRAFT FAMILY TRUST  | 1855 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A30023D   | 1974 WESTON DR         | LAUGHERY, TERRY E & RENA A  | 1974 WESTON DR              | BILLINGS    | MT    | 59102-8110 | Yes         |
| A29234  | 1828 HAMPTON PL        | MONSON, EDWARD A & SANDRA H   | 1828 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 | Yes         |
| A28240B   | 3385 AVENUE F          | MORRIS, FRANCIS L & ALLENE H  | 3385 AVENUE F               | BILLINGS    | MT    | 59102-8111 | Yes         |
| A30023S   | 1967 WESTON DR         | MORRISON, JAMES L   | 1967 WESTON DR              | BILLINGS    | MT    | 59102-8130 |             |
| A29162  | 2110 WHITEWATER CIR    | NELSON, KEVIN J   | 2110 WHITEWATER CIR         | BILLINGS    | MT    | 59102-1293 |             |
| A30023G   | 2004 WESTON DR         | ONSTAD, LORNE L & EDNA F  | 156 BUFFALO TRAIL RD        | LAUREL      | MT    | 59044-8401 |             |
| A28240A   | 3379 AVENUE F          | PROPP, LARRY J  | 3379 AVENUE F               | BILLINGS    | MT    | 59102-8111 | Yes         |
| A29246  | 3395 AVENUE F          | RAYMOND DRAKE & HARRIET DRAKE LIVING TRUST  | 3395 AVENUE F               | BILLINGS    | MT    | 59102-8111 |             |
| A29242  | 1882 HAMPTON PL        | RENFRO, TIMOTHY & MINDY   | 1882 HAMPTON PL             | BILLINGS    | MT    | 59102-8126 |             |
| A30023A   | 1960 WESTON DR         | RICKMAN, HAROLD L & MARCIA A  | 1960 WESTON DR              | BILLINGS    | MT    | 59102-8110 | Yes         |
| A29229  | 3395 AVENUE E          | ROBERT, MARY KATHLEEN   | 3395 AVENUE E               | BILLINGS    | MT    | 59102-6557 | Yes         |
| A30023R   | 1989 WESTON DR         | ROMAN CATHOLIC BISHOP OF  | PO BOX 1399                 | GREAT FALLS | MT    | 59403-1399 |             |
| A29243  | 1889 HAMPTON PL        | ROTH, RANDE K & GAYLE N   | 1889 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A29241  | 1879 HAMPTON PL        | SORG, ROD D & DIANNA RAE  | 1879 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 | Yes         |
| A30023T   | 1965 WESTON DR         | STREETT, PATRICIA A & ZUNDEL, LORI ANN  | 1965 WESTON DR              | BILLINGS    | MT    | 59102-8130 |             |
| A29244  | 3389 AVENUE F          | TAYLOR, GEOFFREY B & KRISTIN T  | 130 ESSEX PL                | KALISPELL   | MT    | 59901-6823 |             |
| A29245  | 3393 AVENUE F          | VANDENBURG FAMILY TRUST   | 3393 AVENUE F               | BILLINGS    | MT    | 59102-8111 |             |
| A29247  | 3397 AVENUE F          | WASHINGTON, JOHN & ANGELA   | 3397 AVENUE F               | BILLINGS    | MT    | 59102-8111 |             |
| A29239  | 1867 HAMPTON PL        | WHITE, ARTHUR & ARLENE  | 1867 HAMPTON PL             | BILLINGS    | MT    | 59102-8127 |             |
| A29231  | 1811 HAMPTON PL        | WISE LIVING TRUST, THE  | 2202 AVALON RD              | BILLINGS    | MT    | 59102-1196 |             |
| A34358M   | 34TH ST W              | WYNDHAM WEST PATIO HOMES  | 3648 VICKERY DR             | BILLINGS    | MT    | 59102-8006 |             |
| A36263  |                        | HIGHLANDS ZHP SUBDIVISION LLC & L & L ZHP SUBDIVISION LLC & LUDWIG CONSULTING LLC | 2116 BROADWATER AVE STE 101 | BILLINGS    | MT    | 59102-4743 |             |
| D04784B   | 3401 AVENUE E          | MED-MAP LLC   | P.O. Box 1295               | BILLINGS    | MT    | 59103      |             |
|   |                        |   |                             |             |       |            | 22          |
| 48 properties within 150 ft of the boundary of the Zone Change 1019   |                        |   |                             |             |       |            |             |
| 12 properties must protest the zone change in order to make a "valid protest"   |                        |   |                             |             |       |            |             |
| A valid protest requires a 2/3 majority of the present and voting City Council members to approve ZC 1019                                     |                        |   |                             |             |       |            |             |
| The valid protest must be received before 5 pm on the <b>Friday before</b> the City Council first reading of the ordinance on October 24 2022 |                        |   |                             |             |       |            |             |
| If a property is owned by more than one person, all owners must sign to register the protest for the property                                 |                        |   |                             |             |       |            |             |
| If a property is owned by a company, trust or an association, the CEO, Trustee or Chairman may sign for the property                          |                        |   |                             |             |       |            |             |
| <b>October 17 2022 - Valid protest received - 22 properties in protest</b>  |                        |   |                             |             |       |            |             |

City zone change 1019 - from NO to CMU1 2 lots

**Respectfully submit to the Planning Division and the Billings City Council of the City of Billings:**

### ZONE CHANGES CRITERIA

WHETHER THE NEW ZONING IS DESIGNED IN ACCORDANCE WITH GROWTH POLICY?

ALSO: WHETHER THE NEW ZONING CONSIDERS THE CHARACTER OF THE DISTRICT AND THE PECULAIR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES?

**NO** -- With the exception of the intersection of King Ave W and 32nd St. and Grand Ave. and Zimmerman Trail the business's that front 32nd St and Zimmerman Trail resemble more Zone NO and less/or not CMUI. CMU1 seems more suitable to front the streets that run East and West but not North and South. 24<sup>th</sup> St west and Shiloh Road both North/South main roads are suited for CMUI and larger commercial zones. They are separated by 16 blocks. Billings does not need another commercial orientated road running North/South between 24<sup>th</sup> St W and Shiloh Road, especially at the expense of changing the look and feel of Zimmerman Trail.

Zimmerman Trail is a tranquil and scenic trail/road with limited commercial businesses at Grand Ave. From Grand Ave north on the west side of Zimmerman Trail (except side of Town pump gas station) there is very limited acreage that can even be considered as CMU1. We feel that preserving the interest/beauty and uniqueness of Zimmerman Trail should be a priority over commercial expansion. Once developed we will never get another trail in Billings with such beauty and history.

Commercial zoning is already available on the north side of Grand Ave, west of 36<sup>th</sup> St west and the round-a-bouts for traffic flow are in place.

WHETHER THE NEW ZONING IS DESIGNED TO SECURE FROM FIRE AND OTHER DAMGERS?

**NO** -- We assume developers will adhere to City code. This increased traffic could have a negative impact on response time when EMS, Fire and Police are responding to a call. Emergency responders race up Zimmerman Trail with sirens blaring and lights flashing responding to calls for help and assistance several times every day. EMS uses Zimmerman Trail, Rimrock Road or Poly Drive to arrive at hospitals.

Zimmerman Trail is the most direct route to access Hwy 3, the Airport and housing/business in that area from the west side of Billings.



WHETHER THE NEW ZONING WILL PROMOTE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE?

**NO** -- to public safety. The cross walk at Zimmerman Trail and Colton Blvd is very busy with bikers, joggers, walkers, dogs and students. Students at Boulder Elementary are 1/2 block away. Often times motor vehicles can be heard braking hard to get stopped at this intersection. We are aware of a dog being hit by a car at that intersection. Zimmerman Trail has wide sidewalks on both sides of the Trail and the bike path connects to these sidewalks which fosters much use of these walking biking areas. People presence requires more care be taken to assure public safety.

WHETHER THE NEW ZONING WILL PROVIDE ADEQUATE LIGHT AND AIR?

**YES, TOO MUCH LIGHT!** -- Patio homes on the east side of Zimmerman Trail, which are directly across the street and less than 150 feet from this requested CMU1 zone change are where the bedrooms are located in each patio home. Tall brightly lit signage for possibly 24 hours a day would be very disruptive to homeowners. Homes were purchased with neighboring NO present zoning and factored in when purchasing the homes. This would not be fair to homeowners to change the neighboring zoning as it will decrease the enjoyment of our homes as well as decrease the values.

**PROBABLY** – the air could be affected with increased motor vehicles exhaust and depending on what type of business allowed in CMU1. The air could be compromised and affect people susceptible with asthma or other allergies associated to particles are in the air.

WHETHER THE NEW ZONING WILL AFFECT MOTORIZED AND NONMOTORIZED TRANSPORTATION?

**YES** -- both will increase which is expected when commercial business is built. The problem is handling the increase. There will be a problem getting on to Zimmerman Trail from either side of the street so there will be a need for additional expenses for stop lights or roundabouts on Zimmerman Trail. If widening the road will be a consideration from Colton Blvd north this would displace other homeowners and require much planning and huge expenditure of tax dollars to widen up the scenic hill to Hwy 3.



**WHETHER THE NEW ZONING WILL PROMOTE COMPATIBLE URBAN GROWTH?**

**NO** -- This zone change involves 7.513 acres! Inserting 7.513 acres of CMU1 zoning into a large area that is zoned NX1, N2, P1, NO, NX3, NMU, N3, RR3 seems very intrusive and out of place. NO zone accommodates urban growth but on a kinder, less intrusive scale. CMU1 zoning should be along Grand Ave where there are similar zones and the roads are established to handle large amounts of traffic efficiently.

**WHETHER THE NEW ZONING CONSIDERS THE CHARACTER OF THE DISTRICT AND THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES?**

**NO** -- The character of this district is scenic. Zimmerman Trail is a unique entrance/exit route to the west/northwest part of Billings and provides a beautiful view of the rims. The real urban part of Billings begins when south and traffic approaches Grand Ave. The urban feel is less as you travel north of Grand Ave. The peculiar suitability of this 7.513 acres should be tranquil to align with the established character.

**WHETHER THE NEW ZONING WILL CONSERVE THE VALUE OF BUILDINGS?**

**NO** -- Currently the surrounding property is multi/family use and neighborhood office. Inserting CMU1 commercial which can be up to 4 stories tall, bright lights and significant increase in traffic will not conserve the value of existing dwellings and homes.

**WHETHER THE NEW ZONING WILL ENCOURAGE THE MOST APPROPRIATE USE OF LAND THROUGHOUT THE CITY?**

**NO** -- The City of Billings got it right the first time when they zoned this area as NO. We would ask that the City of Billings Planning and City Council preserve and protect the integrity of Zimmerman Trail from Broadwater Ave to Hwy 3. Zimmerman Trail is one of a kind and unique to Billings. Please give proper consideration now by **voting against** inserting CMU1 into an area of neighborhood offices and multi/family use.





PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE

1019 from NO to CMU1

7.513 acres

2 lots

GENERAL LOCATION: Zimmermantail + Ave E

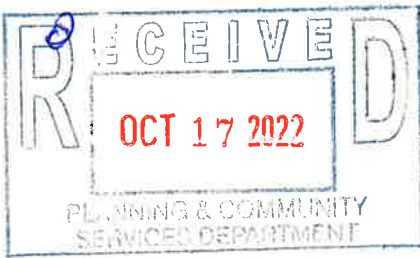
WE, the undersigned are against the above proposed zone change for the following reasons:

See attached

NAME (PRINT) SIGNATURE PROPERTY OWNED (ADDRESS)

|                            |                       |  |
|----------------------------|-----------------------|--|
| Nancy Eakin                | Nancy K Eakin         | 1982 Weston Dr.                          |
| Kathleen Jorgensen         | Kathleen Jorgensen    | 2026 Weston Dr.                          |
| Sallie R Hildenburg        | Sallie R Hildenburg   | 2034 Weston Dr                           |
| Stephen R. Hildenburg      | Stephen R. Hildenburg |  |
| Sharon Hage                | Sharon Hage           | 2042 Weston Dr.                          |
| Susan Cranston             | Susan E. Cranston     | 2041 Weston Dr.                          |
| (TRUSTEE)<br>CARL G. KLEIN | Carl G. Klein         | 2037 Weston Dr.                          |
| Phyllis J. Burns           | Phyllis J. Burns      | 1990 Weston Dr.                          |
| Karen W Halling            | Karen W. Halling      | 2013 Weston Dr                           |
| LARRY J PROPP              | Larry J Propp         | 3379 Ave F                               |
| DIANNA R RAE<br>POD SOFG   | Dianna Rae<br>Pod Sog | 1879 HAMPTON PLACE<br>1879 HAMPTON PLACE |
| SANDRA H MONSON            | Sandra H Monson       | 1828 Hampton Pl                          |
| MONSON<br>EDWARD A.        | Edward A. Monson      | 11                                       |
| EDWARD<br>JANCA            | Edward Janca          | 1824 HAMPTON PLACE                       |
| BARBARA K. JANCA           | Barbara K. Janca      | 1824 HAMPTON PLACE                       |
| DIANA M BAXTER             | Diana M Baxter        | 1810 HAMPTON PLACE                       |

Please note protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council.  
 Protest Petition must be received by the Planning Department at 2825 3<sup>rd</sup> Ave North, 4<sup>th</sup> Floor, by 5:00 pm on the Friday before the first City Council meeting



PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE 1019 from NO + CMU2 7.513 acres, 2 lots

GENERAL LOCATION: Zimmerman Trail + Ave E

WE, the undersigned are against the above proposed zone change for the following reasons:

See attached

| NAME (PRINT)          | SIGNATURE        | PROPERTY OWNED (ADDRESS) |
|-----------------------|------------------|--------------------------|
| Mary Katherine Robert | Mary K Robert    | 3395 Ave E               |
| ALLENE MORRIS         | Alene Morris     | 3385 Ave F               |
| FRANCIS L. MORRIS     | Francis L Morris | 3385 AVE F               |
| KERRY LAUGHRY         | Kerry Laughry    | 1974 WESTON              |
| Rena Laughry          | Rena Laughry     | 1974 Weston Drive        |
| MARCIA RICKMAN        | Marcia Rickman   | 1960 Weston Dr           |
| HAROLD RICKMAN        | Harold Rickman   | 1960 WESTON DR           |
| Houger, Weldyn        | Weldyn Houger    | 1844 Hampton Pl          |
| Houger, Barbara       | Barbara Houger   | 1844 Hampton Pl          |
| Barry Brekhus         | Barry Brekhus    | 2007 Weston Dr.          |
| DAVID KAUTZMAN        | David Kautzman   | 1962 WESTON DR           |
| SHAWN GUTHER          | Shawn Guther     | 1970 Weston Dr           |
|                       |                  |                          |
|                       |                  |                          |
|                       |                  |                          |
|                       |                  |                          |

Please note protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council.

Protest Petition must be received by the Planning Department at 2825 3<sup>rd</sup> Ave North, 4<sup>th</sup> Floor, by 5:00 pm on the Friday before the first City Council meeting

