



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

The City of Billings Zoning Commission met on Tuesday, November 1, 2022 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. The public may attend in person or watch the meeting live on Facebook (see below). The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order they are received. Callers will be restricted to 3 minutes of testimony as is customary. Comments may be sent to **Board via email before 1:00 PM on Tuesday, November 1, 2022**. All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://tinyurl.com/yckr478k>

The City Council has designated November 28, 2022, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold their public hearings. The Council will **conduct a public hearing for the first reading of the ordinance on November 28, 2022**. If approved on first reading, a **second reading will occur on December 12, 2022 at 5:30 pm.**

Commission and Staff		01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022
Mike Larson	Chairman	1	1	E	1	1	-	-	1	E	E	1	
Daniel J. Brooks	Commissioner	E	E	1	1	1	-	-	1	1	1	1	
Greg McCall	Vice Chairman	1	1	1	1	1	-	-	1	1	1	1	
Trina White	Commissioner	1	E	1	1	E	-	-	1	1	1	E	
David Goss	Commissioner	1	1	1	1	1	-	-	1	1	1	1	
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	1	1	1	1	1	-	-	1	1	1	1	
Tammy Deines	Planning Clerk	-	1	1	-	-	-	-	-	-	-	1	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	-	1	1	1	1	-	-	-	1	1	-	
Robbin Bartley	Administrative Support	1	1	1	1	1	-	-	1	1	1	-	

Total Number Of 2022 Applications	01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022	TOTAL
Zone Change	1	4	2	2	3			1	1	3	*1		17
Special Review	-	-	1										1

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

*RETURNING AGENDA ITEM.

Attending: Scott Aspenlieder, Performance Engineering, Gloria Gunther, Kathleen Jorgensen, Randy Gross, Sally Hildenburg, 2030 Weston, Billings, MT (Ms. Hildenburg participated virtually and by phone).

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

Public Comment

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

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

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

Commissioner McCall recused himself from voting on this application as McCall Homes has entertained conversations with this developer’s building company in hopes that McCall Homes may have the opportunity to build some homes in this area.

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
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Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks		x		
David Goss		x		
Greg McCall		x		
Trina White				x

Public Hearings:

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

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

Staff Recommendation:

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

Discussion. Questions for staff:

Chairman Larson called for discussion from the members of the Zoning Commission. Commissioner Brooks said it seems this proposed zone change will bring this property in better compliance with the new zoning code. Zoning Coordinator Nicole Cromwell concurred and commented it is atypical to have such a large parcel zoned Neighborhood Office (NO). Commissioner Goss point out the access will be coming in from non-arterial streets. Nicole Cromwell explained this was a condition of the subdivision approval as the City will not allow additional access from Zimmerman Trail. Commissioner Goss said the proposed structures could be up to 54 feet in height and asked how they compare with the Shiloh Commons development. Nicole Cromwell said under this zoning the structures may be up to 62 feet and she gave other examples of similar buildings within the Cardwell Ranch Subdivision. Commissioner Goss noted the West Billings Plan and asked if the zoning dictates the roofline design. Nicole Cromwell said there are some roof design requirements in the code. She explained the West Billings Plan’s

requirement for separation between commercial nodes and said this was written under the archive zoning for Community Commercial (CC) zoning as it was intended for parcels for 30-acres or more. Heavy commercial uses were encouraged at the intersections. In response to question by Commissioner Brooks, Nicole Cromwell stated the protest received by staff is valid and no reasons for objection are needed in addition to the signatures.

Applicant:

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

Mr. Aspenlieder is the applicant's agent. Mr. Lees, the developer, is in attendance. Mr. Aspenlieder said there is a traffic study in place contemplating this zone change to CMU1. The traffic study has been accepted by the City and the developer has agreed to the impact fees. A neighborhood meeting request online was scheduled and there was no participation. Due to the response, an in-person meeting was scheduled and held in hopes to have conversations with the neighborhood prior to the application. The primary issue brought forward is the building height. A traffic signal will be installed at Avenue E and Zimmerman Trail. With the zone change approval, the nearest a building to the build-to-line would be about 140-feet. Bars and casinos are not allowed due to the separation requirements. Mr. Aspenlieder feels this proposal will support continued growth. He stated they fully intend to meet the zoning code to find the highest and best use of the property as they build the infill developments.

Discussion. Questions for applicant:

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

Public Hearing: 5:11 PM

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

In Favor:

Preston Lees, Highlands Development, (No address given)

Mr. Lees is the developer. He said their goal is to create attractive communities and enhance the City of Billings. Their intention for this property to construct structures with residential uses above and retail use below. He said he appreciated the opportunity for the second neighborhood meeting. Out of that meeting came the two concerns with the increased traffic and the height of the structures. He said the structures will likely include underground parking. Commissioner Brooks commented on a recent a study pointing to a shortage of housing in Billings. Mr. Lees said this will bring about an additional 120 apartment units with retail space. Developers are considering how to supply the 3,000 units shown in the study. He feels this product type will become more crucial to Billings' success and growth. To the west of this parcel, a parkland area will be created

with basketball and pickle ball courts. Commissioner Goss asked if elevators will be included and Mr. Lees responded that four story structures require an elevator.

Opposed:

Sally Hildenburg, 2030 Weston, Billings, MT (Participated virtually and by Phone)

Ms. Hildenburg stated she is opposed to the zone change due to the impacts on Zimmerman Trail which is the only access road to the airport. Ms. Hildenburg's property backs up to Zimmerman Trail and they experience traffic noise. She feels this development will increase congestion and the additional traffic lights will hinder emergency vehicle response times. The Zimmerman Trail to Highway 3 view shed will be affected. Ms. Hildenburg stated she is opposed to the proposed zoning and prefers the current zoning. Ms. Hildenburg said she initiated the protest petition and there are a number of people who do not want the commercial uses in their back yards. The 125- ft.' separation will not cut down the commercial lighting or traffic. She does not feel the commercial uses should be crammed into the 7.5 acres and said this will make Zimmerman Trail very busy.

Kathleen Jorgenson, 2026 Weston Drive, Billings, MT

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

Gloria Gunther, 1917 Weston Drive, Billings, MT

Ms. Gunther said the Homeowners Association approved the initial zone change to Neighborhood Office, (NO). The petition to oppose the re-zoning was signed by the majority of their HOA, along with the HOA south of them. They are asking the Zoning Commission to oppose this zone change as they do not want to retain the Neighborhood Office zoning. She said this development will significantly increase traffic and gave some potential statistics with the build out of the proposed development. She said the development with increase traffic, hamper access to Zimmerman Trail, and have 2-3 buildings with businesses on the first level with three levels of apartments on top of each building. Approving the re-zoning will manifest the traffic congestion problem astronomically. She said the traffic light at Avenue E is needed. Influx of traffic may increase taxes for needed improvements. She read comments from other members of the HOA.

1. The development will increase traffic on Zimmerman Trail and Grand Avenue. The affected homes have their bedrooms along Zimmerman Trail. Lighting and increased traffic noise will have an effect on rest.
2. A traffic light is needed at Avenue e as at times the wait is significant of exit onto Zimmerman trail. There is no mention of the number of vehicles that would be involved in traffic. This would cost the City taxpayers more money should future adjustments be needed due to the influx of traffic.
3. It is a rare day that emergency vehicles do not use Zimmerman Trail for access to get to Highway 3 and hospitals. It is not uncommon to have sirens with ambulance, police, and fire departments all responding at the same time.
4. Zimmerman Trail is a very busy corridor for access to the airport and Heights for people on the west end and also for people who live in the Heights to access the west end.

5. Zimmerman Trail will lose its unique landscape and view of the rims.

Randy Gross, 1889 Hampton, Billings, MT

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

Rebuttal

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

Mr. Aspenlieder said from a traffic standpoint, the traffic studies have come to some conclusions that will bring some comfort. The city may not want to entertain a roundabout. He noted the traffic signal timing will have to correlate from Avenue E to Broadwater to prevent stacking. He said trip generations are forecasted to drive traffic patterns to the roundabout at Grand Avenue and he feels that everyone is in agreement from a traffic standpoint. He said Zimmerman Trail will inherently change as it is a major arterial. At some point in time, Zimmerman Trail may need to be widened given the forthcoming Inner Belt Loop connection. He said the developer is paying his proportionate share of the improvements to relieve the tax burden. In response to Mr. Gross' question, Nicole Cromwell said a roundabout costs about a third more than a signalized application.

Preston Lees, Highlands Development, (No address given)

Mr. Lees said the total number of units on Block 2 is 300 units. Currently, no design work has been done for this project but his early calculations point to approximately 100 units. The parking requirements will be met as required by the City. The apartments will not be subsidized.

Public Hearing closed at 5:41 PM

Discussion:

Commissioner Goss said he is torn on this proposal. He likes the infill development and understands the need for commercial uses. He asked if the Neighborhood Mixed Use (NMU) may have been a better choice and said what the community envisions for the future of Zimmerman Trail and Shiloh Road.

Commissioner Brooks said he understands the concerns with the potential for sprawl. He appreciates the extra effort the developer made with the neighborhood. He leans towards the alignment of the current zoning code. He pointed to the deficit of housing in the community and commented that generally residential uses provide a higher incentive for criminal elements. He feels this is proposal is the best use of the land and will vote in favor.

Commissioner Larson said applications for undeveloped property coming against developer older neighborhoods are challenging. Zimmerman Trail and the raised traffic issues have existed for several years. Zimmerman Trail needs to be improved and this

will be done through development. He commented that Zimmerman Trail was funded with four different during his term in City Council.

Motion

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

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall			x	
Trina White				x

The Motion passed to approve City Zone Change 1019 with a 3-0 vote and Commissioner McCall recusing.

Other Business: The next City Zoning Commission meeting is December 6, 2022.

Adjournment: The meeting adjourned at 5:50 PM.

ATTEST: DRAFT to be approved by a motion at the next regularly scheduled meeting.

--Tammy Deines, Planning Clerk

