



**City of Billings Zoning Commission
Meeting Minutes July 11, 2023**

The City of Billings Zoning Commission met on Tuesday, July 11, 2023 at 3:30 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). Comments may be sent to **Board via email before 1:00 PM on Tuesday, July 11, 2023.** 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 July 24, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for these **Zone Changes** and hold a public hearing. If approved on first reading, a **second reading will occur on August 14, 2023 at 5:30 pm.**

Commission and Staff		01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/11/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023
Mike Larson	Chairman	1	-	1	1	E	1	1					
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1					
Greg McCall	Vice Chairman	E	-	1	1	1	1	1					
Trina White	Commissioner	1		1	1	1	E	1					
David Goss	Commissioner	1	-	1	1	1	1	1					
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	1	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	1	-	1	1	1	1	1					
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-					
Dave Green	Planner II	-	-	-	-	-	-	-					
Karen Husman	Planner I	-	-	-	-	1	-						
Robbin Bartley	Administrative Support	1	-	1	1	1	1	1					
Hunter Kelly	Planner I	-	-	-	-	-	-	1					

Total Number of 2023 Applications	01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/11/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023	TOTAL
Zone Change	1	-	1		6	1	3						12
Special Review	1	-	-	1	-								2

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Monica Plecker, Planning Division Manager and Robbin Bartley, Administrative Assistant.

*RETURNING AGENDA ITEM.

Attending:

Chair Larson called the meeting to order at 3:30 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:

Motion by Commissioner Brooks and seconded by Commissioner Goss to approve the June 6, 2023 meeting minutes with corrections.

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

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks	1031/HBA			
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 Goss visited the location.

Public Hearings:

City Zone Change 1030 – 4245, 4249, & 4253 King Ave W – A to NX2 – A zone change request to change the zoning from Agriculture (A – a County zone) to Mixed Residential 2 (NX2) on C/S 2064 Parcel 6B, C/S 3125, Parcel 2A and C/S 1400, Parcel 1, a combined 5.89 acre parcel of land. There is a concurrent petition for annexation to the city limits. A pre-application neighborhood meeting was held on May 10, 2023, at the offices of Sanderson Stewart, 1300 N Transtech Way.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning
- NX2 zone allows housing choices in a moderate density
- Will ensure consistent and orderly development of King Ave West

Discussion. Questions for staff:

Applicant: John Halverson, Sanderson Stewart, 1300 N Transtech Way

Questions for applicant: None

Public Hearing: 3:44 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1030.

In Favor: NONE

Opposed: NONE

Public Hearing closed at 3:44 PM

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1030 with staff findings, recommendation and conditions.

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 1030 with a 4-0 vote.

Zone Change 1032 – Northeast of Billings Airport – A to Public 2 – A zone change from Agriculture (A) to Public 2 (P2) for Parcel C, of C/S 3795, a 70.18 acre parcel of land. The property is owned by the City of Billings (Airport) and a concurrent annexation has been submitted.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy
- P2 compatible with adjacent zones and uses
- P2 considers public health, safety and welfare, light and air, fire and other dangers
- Compliance required for any site improvements

The City Council shall consider the Zoning Commission recommended 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 effect 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.

Discussion. Questions for staff: Commissioner Goss questioned who owns the land between The Timbers and the Airport.

Applicant: None

Questions for applicant: None

Public Hearing: 3:53 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1032.

In Favor: NONE

Opposed: NONE

Public Hearing closed at 3:53 PM

Commissioner Greg McCall arrived at 4:57pm.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Zone Change 1032 with staff findings, recommendation and conditions.

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 1032 with a 4-0 vote.

City Zone Change 1031 – Text amendments for Action Options on Special Review and Zone Changes; Open Space in NX districts and PND; Rebuild of Residential uses in Commercial and Mixed Use districts; and Step-backs for taller structures in NX adjacent to N districts –

An amendment to the text of the zoning regulation Section 27-307; 27-308; 27-802; 27-803; 27-1504, 27-1623; and 27-1628, for the purpose of clarifying and revising these sections regarding decisions on zone changes and special reviews (27-1623 & 27-1628); provision of open space in Mixed Residential and Planned Neighborhoods (27-307, 27-308, 27-802 and 27-803); rebuilding of residential uses in commercial and mixed use zones (27-1504); and step-backs for taller buildings in Mixed Residential 2 and 3 (NX2/NX3) districts adjacent to Neighborhood districts (27-308). The City Council initiated these amendments to the Zoning code on April 10, 2023.



ZC 1031 Text
Amendments Phase



ZC 1031.pdf

RECOMMENDATION:

Planning staff recommends the Zoning Commission recommend approval of these draft amendments to the zoning code based on the findings of the 10 review criteria.

At 4:26 PM Commissioner Brooks made a motion to accept the 27-1623 & 27-1628 text amendments, Commissioner Goss seconds.

John Halverson, Sanderson Stewart, in favor, stating “shall” remain. Commissioner Goss operated under similar provisions. Raise it or waive it. Chair Larson stated the link to criteria is important. New information is #1 concern. Perception verses the reality of safety concerns.

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

The motion to approve passed 3-1, Commissioner White opposed.

At 4:47 PM Commissioner Goss made a motion to accept the 27-307, 308, 802 & 803 text amendments, Commissioner White seconded.

John Halverson, Sanderson Stewart, stated to make sure agregation of the area is ok.

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

The motion to approve passed with a 4-0 vote.

At 4:49 PM Commissioner Brooks made a motion to accept the 27-1504 text amendments, Commissioner White seconded.

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

The motion to approve passed with a 4-0 vote.

AT 5:09 PM Commissioner White made a motion to deny the 27-308, setbacks, text amendment, Commissioner Brooks seconded.

John Halverson, Sanderson Stewart, stated this is a bad amendment, bad for infill, mised is resilient discriminatory, 3 story apartments opposed to a 3 story mansion.

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

The motion to deny passed with a 4-0 vote. Commissioner McCall being absent for the presentation, abstaining.

Other Business: One item in August.

Adjournment: The meeting adjourned at 5:11 PM.

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

--Robbin Bartley, Administrative Assistant