



**City of Billings Zoning Commission
Meeting Minutes August 1, 2023**

The City of Billings Zoning Commission met on Tuesday, August 1, 2023 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). Comments may be sent to **Board via email before 1:00 PM on Tuesday, August 1, 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 August 28, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for **Zone Change 1033**, and hold a public hearing. If approved on first reading, a **second reading will occur on September 11, 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	1				
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1				
Greg McCall	Vice Chairman	E	-	1	1	1	1	1	1				
Trina White	Commissioner	1		1	1	1	E	1	E				
David Goss	Commissioner	1	-	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	1				
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-				
Dave Green	Planner II	-	-	-	-	-	-	-	-				
Karen Husman	Planner I	-	-	-	-	1	-	-	-				
Robbin Bartley	Administrative Support	1	-	1	1	1	1	1	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	2					14
Special Review	1	-	-	1	-								2

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

*RETURNING AGENDA ITEM.

Attending: John Halverson, Rick Leuthold, SCL Representative, Kyle

Chair Larson called the meeting to order at 4:30 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: July 11, 2023 minute approval 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

Commissioners Goss and Larson visited the location.

Public Hearings:

City Zone Change 1033 – St Vincent’s Healthcare Planned Development Amendment - A zone change to update and amend an existing Planned Development Agreement for St Vincent’s Healthcare Subdivision generally located on the north west corner of the intersection of King Ave W and Shiloh Rd, legally described as Block 1, Lots 1, 2A, 3A-1, 4A, 4B, 5A, 6A1, 6A2, 6A3; Block 2, Lots 1 -12 and Lot 2A; Block 3, Lots 1, 1A, 2-12; and Block 4 Lots 1-4 and Lots 2A2 and 3A, of St Vincent Healthcare Subdivision, a 91.34-acre parcel of land. A pre-application neighborhood meeting was held on May 26, 2023 at the offices of Sanderson Stewart at 1300 N Transtech Way.

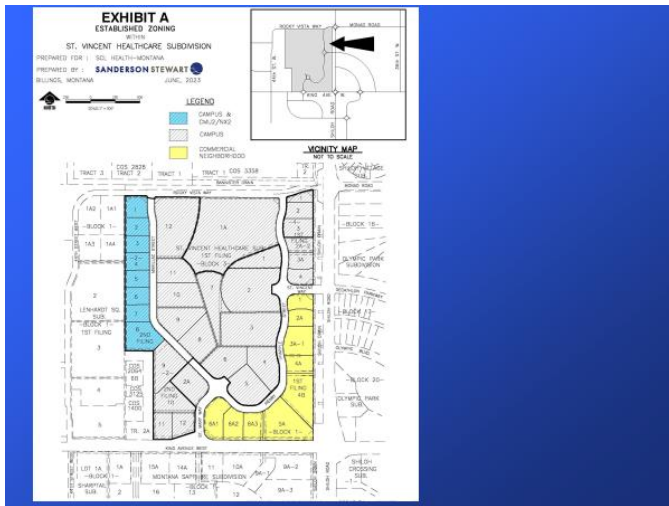
Current Planned Development

Current zoning allows:

- Medical, commercial and some residential uses
- Refers to archived zone districts and overlay zone requirements
- Consistent with adopted covenants and design restrictions

Proposed amendment allows:

- Replaces underlying zone districts with CMU2
- NX2 uses also allowed for specific lots
- All prohibited uses stay in place and several new prohibited uses included
- Updates language



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
- Same restrictions and prohibited uses still apply
- Normalizes underlying zone districts with districts in use
- Preserves predictability for current lot owners, consistent with adopted CCRs
-

Zone Change Review Criteria

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:

Applicant: John Haverson, Sanderson Stewart, 1300 Transtech Way
 Stated it is a slow development. Make the document consistent with subdivision lots, blocks.

Consistent with current standard zoning district. Remove the Shiloh Corridor Overlay reference, simplify. Prohibited uses include Marijuana and Body painting.

Questions for applicant: Commissioner McCall asked who drafted this. SCL & Sanderson Stewart did the drafting.

Commissioner Goss asked if SCL will retain ownership of any of the lots. Sanderson Stewart agents were unsure. Kyle from SCL stated the common areas will retain ground lease one, but most are transferring title. Rick Leuthold stated the intention was always to be sold, but consider ground leases. Parks and common areas retained and ground lease for medical possibilities. Ann Ross Park is dedicated to the city, but will be improved by SCL & maintained by Owner’s Association. Developing OA documents.

Commissioner Goss asked if the streets are private or public. They are public.

Public Hearing: 4:53 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1033.

In Favor: None

Opposed: None

Public Hearing closed at 4:53 PM

Motion

Commissioner McCall made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 1033 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 1033 with a 4-0 vote.

Zone Change 1034 Zoning Commission Discussion – Phase III of Text Amendments – The Zoning Commission will review in a discussion session the following draft text amendments:

- Updates to Administrative Relief provisions
- Landscape Plan clarifications for residential (one and two family) lots
- Housekeeping amendments to correct errors and cross-references in other city codes
- Special Review criteria
- Zoning at Annexation

Information and drafts can be found on the City’s Zoning Application webpage at <https://www.billingsmt.gov/2361/Current-Zoning-Applications> or in the Planning Offices at 2825 3rd Ave N – 4th Floor. These amendments will have future public hearings with the Zoning Commission and City Council.



ZC 1034 Phase 3
Zoning Comm discu

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.

Discussion:

Other Business: There will be one more set (Phase IV) still anticipated due to Legislative changes effective 1/1/2024. **Administrative Relief for residential.** Commissioner Brooks asked who reviews the Administrative Relief applications. Currently Nicole Cromwell, Zoning Coordinator is the reviewer.

Adjournment: The meeting adjourned at 5:50 PM.

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

--*Robbin Bartley, Administrative Assistant*