



CITY ZONING COMMISSION  
**AGENDA-Tuesday, October 3, 2023, 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

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://tinyurl.com/yckr478k>

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 5, 2023.

**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. **City Zone Change 1036 --1093 Lincoln Lane - from N4 to N3** - A zone change request from Large Lot Suburban Neighborhood Residential (N4 County) to Suburban Neighborhood Residential (N3 City) on Lot 1A, Block 2 of La Ray Subdivision, a 9,387 square foot parcel of land. A pre-application neighborhood meeting was held on July 25, 2023, at 6:00 p.m. at the Country Inn and Suites, 231 Main St. A concurrent annexation has been submitted.

- b. **City Zone Change 1037 -- 3146 Monad Rd. -- from N3 to NO** - A zone change request from Suburban Neighborhood Residential (N3) to Neighborhood Office (NO), on Lot 7, Block 24, Lampman Subd., less 200 sf for street, an 11,708 square foot parcel of land. A pre-application neighborhood meeting was held on August 24, 2023 at 6:30 p.m., at the Mazevo Coffee Room, 3911 Central Ave, STE 3.
- c. **City Zone Change 1038 -- Zimmerman Homeplace - intersection of Avenue E and Avenue D - from NX1 to NX2 & NX3** - A zone change request from Mixed Residential 1 (NX1) to Mixed Residential 2 (NX2) and Mixed Residential 3 (NX3), on a portion of Lot 1, Block 1, Zimmerman Home Place Subd., a 17.689 Acre parcel of land. A pre-application neighborhood meeting was held on August 24, 2023 at 6:00 p.m. at Arrowhead Elementary School Library.

## Other Business/Announcements

### Adjournment

**The City Council has designated October 23, at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on November 13, 2023 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** map amendment 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:** 10/03/2023

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**Information**

**Subject**

The minutes of the Board meeting of September 5, 2023.

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**Attachments**

BZC\_2023\_0905

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**City of Billings Zoning Commission  
Meeting Minutes September 5, 2023**

The City of Billings Zoning Commission met on Tuesday, September 5, 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, September 5, 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 September 25, 2023 at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation for **Zone Change 1034 and 1035**, and hold a public hearing. If approved on first reading, a **second reading will occur on October 9, 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	1			
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1	1			
Greg McCall	Vice Chairman	E	-	1	1	1	1	1	1	1			
Trina White	Commissioner	1		1	1	1	E	1	E	1			
David Goss	Commissioner	1	-	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	1			
Hunter Kelly	Planner I	-	-	-	-	-	-	-	-	1			
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					16
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:** Zeth Ban, Andy Boetticher, Tom Gross, Michael Taylor, Mark Lynde, Kevin Kliever, Rachel Kelly, Don Vanica

**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 and August 1, 2023.**

Unanimously approved with corrections to July 11, 2023. Motion to approve by Dan Brooks and seconded by Greg McCall.

**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 Brooks and White visited the location.

**Public Hearings:**

**City Zone Change 1035 – 2500 Block of Blue Creek Road – Rural Residential 1 (RR1) to Suburban Neighborhood Residential (N3)** – A zone change request from RR1 (Lot 7) to Suburban Neighborhood Residential (N3) on Lot 7 of Blue Creek Acreage Tracts Subdivision, a 2.8 acre parcel of land. A concurrent petition for annexation has been submitted. A pre-application neighborhood meeting was held on July 24, 2023 at the subject property.

**Staff Recommendation:**

Planning staff recommends approval of the zone change

- Meets the Growth Policy
- N3 compatible with adjacent zones and uses
- N3 considers public health, safety and welfare, light and air, fire and other dangers
- Compliance required for any site improvements

**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:**



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**Applicant:** Andy Boetticher, 2535 Glengarry Ct, Billings, MT

The property is currently in the RED zone for annexation. Because of a missed step in subdivision in the 1960's, septic systems are complicated. Therefore we are seeking annexation and city services. We always intended to have city services and then realized the development fees and reconsidered. At this point we have no alternative but to have city services. We intend to have a single family home, 3200 square feet.

**Questions for applicant:** NONE

**Public Hearing: 4:51 PM**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1035.

**In Favor: None**

**Opposed: None**

**Public Hearing closed at 4:51 PM**

**Motion**

**Commissioner White made a motion and Commissioner Brooks\*seconded the motion to approve City Zone Change 1035 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 1035 with a 5-0 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 3<sup>rd</sup> Ave N – 4<sup>th</sup> Floor. These amendments will have future public hearings with the Zoning Commission and City Council.



ZC 1034 Phase 3  
Zoning Comm PH Se

**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.

**The Zoning Commission recommends approval as follows:**

**Section 27-1618 – LS Plan**

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

**Section 27-1614**

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

**Sections 27-1000, 1300, 1400, 1500, 1600 & 1800-Clarity**

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

Tom Gross, Michael Taylor, Mark Lynde, Kevin Kliwer and Rachel Kelly spoke in opposition to the definitions related to signs.

Housekeeping amendments to correct errors and cross-references in other city codes. The Zoning Commission recommends approval of all the minor amendments and adoption of the findings of the ten review criteria on a 5-0 vote, except for the proposed amendments to Sections 27-1405.A (3-5) and 27-1803 definitions related to signs. The Zoning Commission sent the amendments related to signs back to Planning staff for further information development and study.

**Sections 27-1000, 1300, 1400, 1500, 1600 & 1800**

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

**Section 17-1623 – Special Review**

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

**Sections 27-1615 & 802**

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

**Other Business:**

**Adjournment:** The meeting adjourned at 6:25 PM.

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

*--Robbin Bartley, Administrative Assistant*

## Zoning Commission

**Date:** 10/03/2023  
**Title:** Zone Change 1036-1093 Lincoln Lane, N4 to N3  
**Presented by:** Karen Husman  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1036.

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

This is a zone change request from Suburban Neighborhood Residential (N4), a county zone district, to Suburban Neighborhood Residential (N3) on Lot 1A, Block 2 of La Ray Subdivision, a 9,387 square foot parcel of land. There is a concurrent petition for annexation to the city.

This zone change request is to allow for the annexation of the subject property with an existing residence to allow connection to city services like water and sewer. All annexations require the property be zoned with a zoning district that is recognized by the City. The property is currently zoned N4 which is a zone district only allowed in the county. It allows single family homes on lots from 15,000 sq ft up to an acre. In order for the property to annex into the city, a city zone must be applied to the property. In this case, the most similar zone is N3, also a single family zone.

#### APPLICATION DATA

**OWNER:** Lavonne Anderson  
**AGENT:** Taylor Kasperick, Performance Eng.  
**LEGAL DESCRIPTION:** Lot 1A, Block 2 of La Ray Subdivision  
**ADDRESS:** 1093 Lincoln Lane  
**CURRENT ZONING:** N4  
**EXISTING LAND USE:** Single family residential  
**PROPOSED USE:** Residential  
**SIZE OF PARCEL:** 9,387 square foot

#### CONCURRENT APPLICATIONS:

Petition for Annexation

#### SURROUNDING ZONING AND LAND USE:

**NORTH:** Zoning: N4  
Land Use: Single Family Residential (county)  
**SOUTH:** Zoning: CMU1  
Land Use: Vacant  
**EAST:** Zoning: CMU1  
Land Use: vacant  
**WEST:** Zoning: NX3  
Land Use: Residential Multi Family

The proposal for this existing lot is to annex into the City Limits of Billings. Connection to city services requires an annexation, and the annexation requires a zone change to a residential district in the city. The current N4 zoning is a close equivalent to the City N3 zone district. The property frontage on Wicks Lane has City of Billings sewer infrastructure as well as a Billings Heights water line that could be connected to the property. The Growth Policy encourages development of parcels adjacent to the City limits that are near City infrastructure so that it does not require a large infrastructure investment. This area of Billings Heights has a variety of zoning districts and uses in the City limits as well as the outlying county parcels. There is a vacant parcel of CMU2 to the east and south, N4 to the north and further south with single family dwellings. Then to the west is NX3 (in the City) with multi-family apartments, to the northwest is a Residential Manufactured Home zone with a mobile home park and to the southwest is the CMU2 zone where the Target store and commercial development is located. Though there are a variety of zones in the immediate area, a zone to continue the existing residential use is not incompatible to the surrounding zones.

#### STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on July 25, 2023, at 6 pm. The meeting was held at the Country

Inn & Suites, 231 Main St. There were five property owners within the 300' mailing radius, who showed up to the meeting. The property owners in attendance had concerns about development of the adjacent CMU1 property to the south and east of the subject property. The applicants' agent, Taylor Kasperick, informed them the parcel 2A-1 was not a part of the zone change request. The other concern was if annexing would increase property taxes. Taylor explained that although property taxes may increase, the property value would increase with connections to the City services. The attendees were also advised that the removal of the septic system and seepage pit and tying into the City sewer system would be beneficial to properties in the area that have existing wells, reducing the possibility of potential contamination of water due to aging septic system. Detailed information and discussion are included in the minutes of the pre application meeting in the attachments.

The Zoning Commission will hold a public hearing for this zone change and the public is able to provide testimony during that time. The City Council will hold a subsequent hearing when considering the Zoning Commission's recommendation. The public hearing(s) were advertised in the Yellowstone County News, the property was posted, and notices were sent to the surrounding owners. No surrounding owners contacted the Planning staff prior to the writing of this report.

## **ALTERNATIVES**

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1036; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1036; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. In the event of a tie vote, the application will be delayed until the next business meeting.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change will 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 and Neighborhood Plans?**

The proposed zoning most conforms to the following City of Billings 2016 Growth Policy and Heights Neighborhood Plan guidelines:

#### **Essential Investments** (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
- Infill development and development near existing City infrastructure may be the most cost-effective.
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.

#### **Prosperity** (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

The Heights Neighborhood Plan encourages annexation of County parcels into the City.

### **2. Is the new zoning designed to secure from fire and other dangers?**

The new zoning (N3) requires minimum setbacks, open and landscaped areas and building separations per section 27-300.5. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes. There are no conformity concerns related to the existing home

### **3. Whether the new zoning will promote public health, public safety and general welfare?**

The proposed zoning (N3) would allow the property to annex into the City of Billings and to connect the

existing single family home which is similar to the surrounding area to connect to City utilities. The site and structure regulations found in 27-300.5 in the N3 district promote the minimum standards to ensure public health and safety and promote general welfare. Annexation and zoning of the property will promote public health with removal of an existing septic system and connecting to City sewer benefiting the already established wells in the area.

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

**Transportation:** The proposed zoning will have little impact on the surrounding transportation systems as the single family dwelling is already existing, no additional dwellings will be added. There will be no significant impact on the transportation network at this time. There are no capacity concerns as there are no additional vehicles expected.

**Water and Sewer:** The property currently has a well and septic system, concurrent application for annexation is in process. Upon annexation approval, the property will connect to Heights Water District and City of Billings sewer. Water and sewer are available in the adjacent right of way.

**Schools and Parks:** Schools and parks should not be significantly affected by the proposed zone change as the existing home on the property will remain and the possibility of greater development is extremely limited. The impacts are existing since the property is currently used as a single family residence and will continue with this use. Existing parks near the property that could be used by residents of the home include Two Moon Park, a County Park, to the west of the subject property and the linear park along Alkali Creek to the south at the bottom of the intersection of Lincoln Lane and Bench Boulevard.

**Fire and Police:** The property will be served by the City of Billings Fire and Police upon successful annexation. The Police and Fire Departments have not stated concerns with the request.

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

The proposed N3 zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air as required by the site a structure regulations found in 37-300.5. Any residential structure built or, more likely in this case, rebuilt in the future, must comply with the setback and separation requirements in Section 27-300.5 ensuring adequate light and air.

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

The new zoning will have no significant effect on vehicle and pedestrian traffic. The property is intended to remain a single household and generate minimal trips. Additionally, the property is located adjacent to Lincoln Lane a roadway with adequate capacity to handle the existing residence.

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

The proposed zone change will not negatively impact urban growth. Any future home must be in compliance with the N3 zone and is an acceptable use of property within the City of Billings and further, the existing use of the property is also compatible with city development as single family homes is a prevalent residential style in Billings. It should be noted, the width of this property would not allow for future additional single family homes without a variance; under Table 27-300.5-1, N3 site restrictions require 65 feet of lot width for each single family dwelling. From a service standpoint, annexation and serving properties with nearby city services is ideal. This property is adjacent to water and sewer facilities. With all of these items considered, the new zoning allows compatible urban growth.

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

The new zoning will continue the existing developed property and preserve the character of the district. This area of Billings Heights has a variety of zoning districts and uses in the City limits as well as the outlying county parcels. There is a vacant parcel of CMU2 to the east and south, N4 to the north and further south with single family dwellings. Then to the west is NX3 (in the City) with multi-family apartments, to the northwest Residential Manufactured Home zone with a mobile home park and to the southwest is the CMU2 zone where the Target store and commercial development is located. Proximity of so many residential uses, although on different kinds, does not create compatibility issues.

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

The new zoning is not expected to alter the value of any buildings in the area. Any new or redevelopment of the property will need to meet the applicable site development requirements in the zoning code, including landscaping, screening, building heights and setbacks for the N3 zoning district.

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

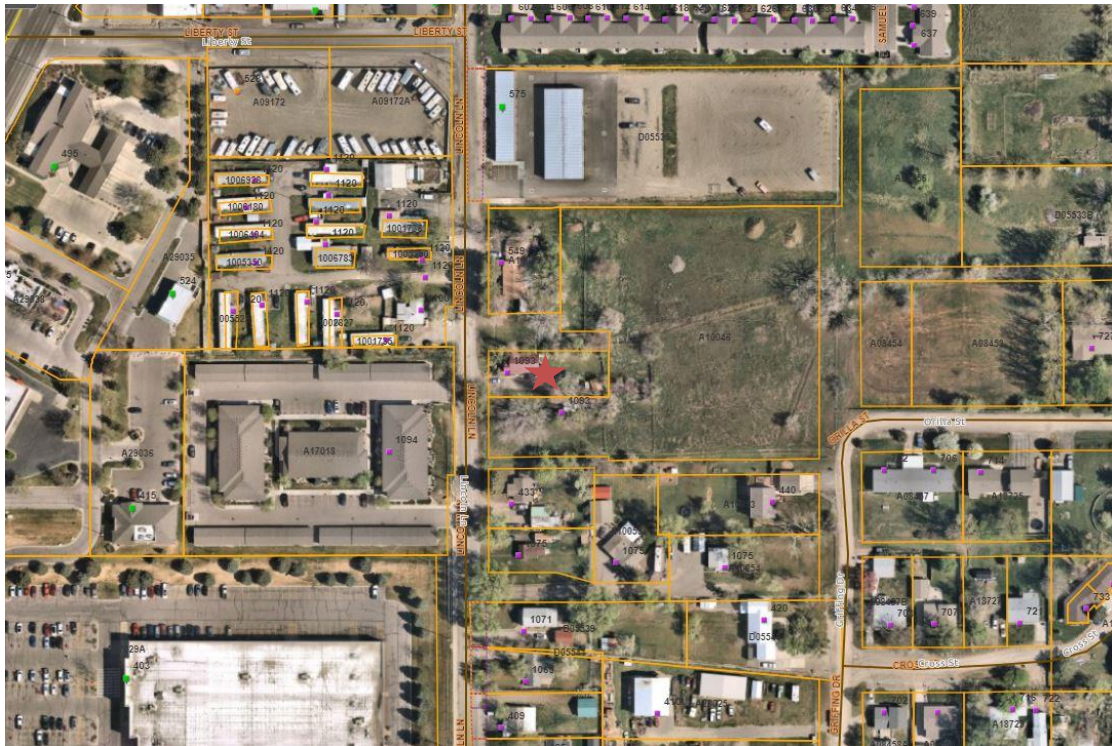
The proposed zoning will allow a residential property outside the City limits of Billings to be annexed into the City and connect to City services, so the property can be used for a residential dwelling. There are no indicators the N3 zoning is not the most appropriate use of the land.

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Zoning Map & Site Photos  
Application & Applicant Letter  
Neighborhood Meeting Info  
History

**Attachments**

# Zoning Map & Site Photos





East



South West



North



South



North West

# APPLICATION FORM

**CITY ZONE CHANGE** Billings Zone Change # \_\_\_\_\_ - Project # \_\_\_\_\_

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 N4 (County)

Proposed Zoning: N3 (City)

TAX ID# A10048 CITY ELECTION WARD 2

Legal Description of Property: Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

Address or General Location (If unknown, contact City Engineering): 1093 Lincoln Lane

Size of Parcel (Area & Dimensions): 9,387 sf (160' x 61')

Present Land-Use: Residential

Proposed Land-Use: Residential

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): Lavonne S. Anderson

(Recorded Owner) 1093 Lincoln Lane, Billings, MT 50105

(Address) (406) 254-9689

(Phone Number) \_\_\_\_\_ (email) \_\_\_\_\_

Agent(s): Taylor Kasperick - Performance Engineering

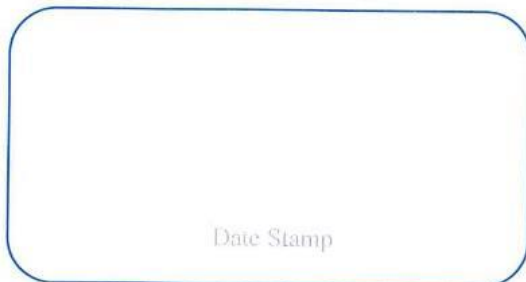
(Name) 608 N. 29th St., Billings, MT 59101

(Address) (406)384-0080 taylor@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: *Lavonne S. Anderson* Date: July 13, 2023  
(Recorded Owner)



Date Stamp

**1. Explain how the proposal is consistent with the goals and policies of the adopted Growth Policy or West End Neighborhood Plan.**

The tract of interest is currently zoned Large Lot Suburban Neighborhood (N4) and is not currently within the Billings City Limits. The proposal for this lot is to annex it into the City of Billings, and concurrently change the current zoning to Suburban Neighborhood (N3) to align with recognized zoning districts of the City of Billings.

Essential Investments – The subject property's frontage currently has City of Billings sewer infrastructure and County Water District of Billings Heights water mains within it. As such, annexation and re-zoning of this property falls in line with the Growth Policy in encouraging development of parcels adjacent to the City limits without necessitating major infrastructure investments to service the subject property.

Strong Neighborhoods – A suburban neighborhood zoned lot enhances the diversity of the neighborhood by being the first of its kind in the area. With a mixture of mixed residential (NX3), residential mobile home (RMH), corridor mixed-use (CMU1) and now suburban neighborhood (N3) it creates a diverse community that people of all age groups and income levels can afford to live.

**2. Explain how the application meets the 10 statutory criteria for a zone change.**

- 1 – The new zoning is required as part of annexation into the City of Billings as the current zoning, N4 (Large Lot Suburban Neighborhood) is not recognized by the City. The proposed zoning N3 (Suburban Neighborhood) is the approximate equivalent City of Billings Zoning District to that of the current County N4 zoning. This annexation, and concurrent zone change, also expands the city limits by incorporating a property that is fronted by city infrastructure, which is desired by the current growth policy.
- 2 – The subject property is located adjacent to an existing fire hydrant which is available for use to fight any fires or other dangers that may present themselves. The property is already serviced by the City of Billings Fire Department as it falls within the BUFSA so no change in service area is necessitated.
- 3 – The new zoning, and concurrent annexation, will allow the owner of the property to connect an existing septic system and wastewater pit into the City of Billings wastewater collection system. This will improve the public health, safety, and general welfare by removing a potential contaminant from the underlying aquifer.
- 4 – As existing services are provided adjacent to the subject property, there should be no impact or negligible impact to the provision of transportation, water, sewerage, schools, parks or other public improvements.
- 5 – The new zoning will not change the physical characteristics of the residence or lot, and will remain a single family home under the proposed zoning.
- 6 – The new zoning will not affect motorized and nonmotorized transportation. The purpose of the new zoning is to annex into the City of Billings.
- 7 – The new zoning may promote compatible urban growth. Surrounding properties are a mix of single family, mixed use, and multi-family zone districts. Changing the subject property's zoning

from a County single-family home district to a City single-family home district will have a negligible affect on compatible urban growth.

- 8 – The new zoning is comparable to that zone district that it will be changed from, with the proposed zoning being the City equivalent of the existing County zoning. As such, the character of the district and the peculiar suitability of the property for particular uses remains unchanged with the proposed zone change.
- 9 – The proposed zone change will not impact the value of existing or future buildings as the existing and proposed zoning are equivalent.
- 10 – The new zoning will encourage the most appropriate use of land in Billings. As the population of the city continues to grow it is important to provide enough housing for the residents. This property being annexed into the city provides that and could encourage more properties along the city limits to annex as well.

**3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.**

The new zoning will not change the existing residence on the property, or those adjacent to it. The house currently fits in with the existing zoning in the immediate area and the proposed zoning will not affect this.

**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:** N4 (County) \_\_\_\_\_

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

The existing zoning (N4 - County) will be changed to N3 to adopt a City District upon annexation.  
\_\_\_\_\_

3. **Subject Property Map:** please attach to this form Included with application submittal.

4. **Legal Description of Property:**

Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision  
\_\_\_\_\_

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

Frank Ewalt, Chair, Heights Community Development, 2131 Phoebe Drive, Billings, MT 59105  
\_\_\_\_\_

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Included with application submittal

7. **A copy of the meeting notice.** please attach to this form Included with application submittal.

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form Included with application submittal.

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 25, day of July, 2023.

2) The zone change application is based on materials presented at the meeting.

**Owner (s):** \_\_\_\_\_ Telephone: \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Agent (s):** Taylor Kasperick, Performance Engineering Telephone: 406-384-0080

**Address:** 608 N. 29th St. **Email:** taylor@performance-ec.com

Billings, MT 59101  
\_\_\_\_\_





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July 17, 2023

Dear Interested Neighbor,

On behalf of Lavonne Anderson, *Performance Engineering, LLC* is writing to inform you of a zone change pre-application neighborhood meeting being held on **Tuesday, July 25<sup>th</sup>**, at **6:00 p.m.** The pre-application neighborhood meeting will be held in **the conference room at the Country Inn & Suites by Radisson at 231 Main St., Billings, MT 59105.**

The owner is requesting that the property described below be granted a zone change from County Large Lot Suburban Neighborhood (N4) to City Suburban Neighborhood (N3) as part of an annexation into the City of Billings Limits. The subject property is described as:

**Lot 1A Block 2 of the Amended Plat of Lots 1 and 2, Block 2 of the La Ray Subdivision, located in the City of Billings, Yellowstone County, Montana. The parcel is a total of 0.226 acres, generally located at 1093 Lincoln Lane.**

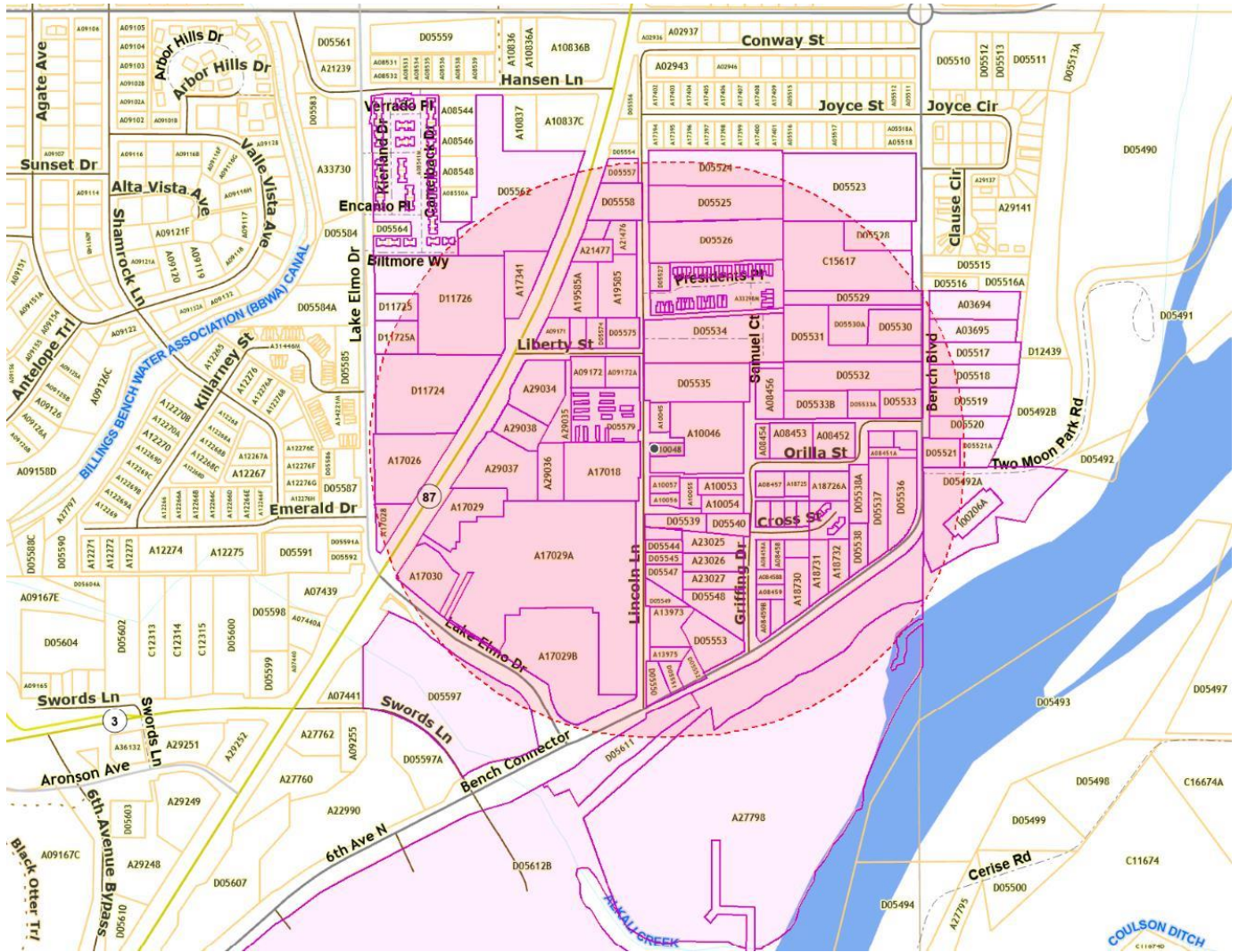
The intent of the meeting is to make neighboring property owners aware of the proposed zone change for the subject property, discuss any concerns with the proposed use, and to answer questions about the project.

Representatives for *Performance Engineering, LLC* will be at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at **608 North 29<sup>th</sup> Street, Billings, MT 59101**, attention Taylor Kasperick, PE, or emails may be sent to [taylor@performance-ec.com](mailto:taylor@performance-ec.com). We look forward to discussing the proposed special review with you and hope to see you on **July 25<sup>th</sup>**.

Sincerely,

A handwritten signature in blue ink that reads 'Taylor Kasperick'.

Taylor Kasperick, PE  
Project Manager



PROJECT TITLE  
**LINCOLN LANE ZONE CHANGE**

SHEET TITLE  
**ZONE CHANGE EXHIBIT**

DRAWN BY  
 DATE  
 CHECKED BY  
 DATE

OWNER  
**LAVONNE ANDERSON**

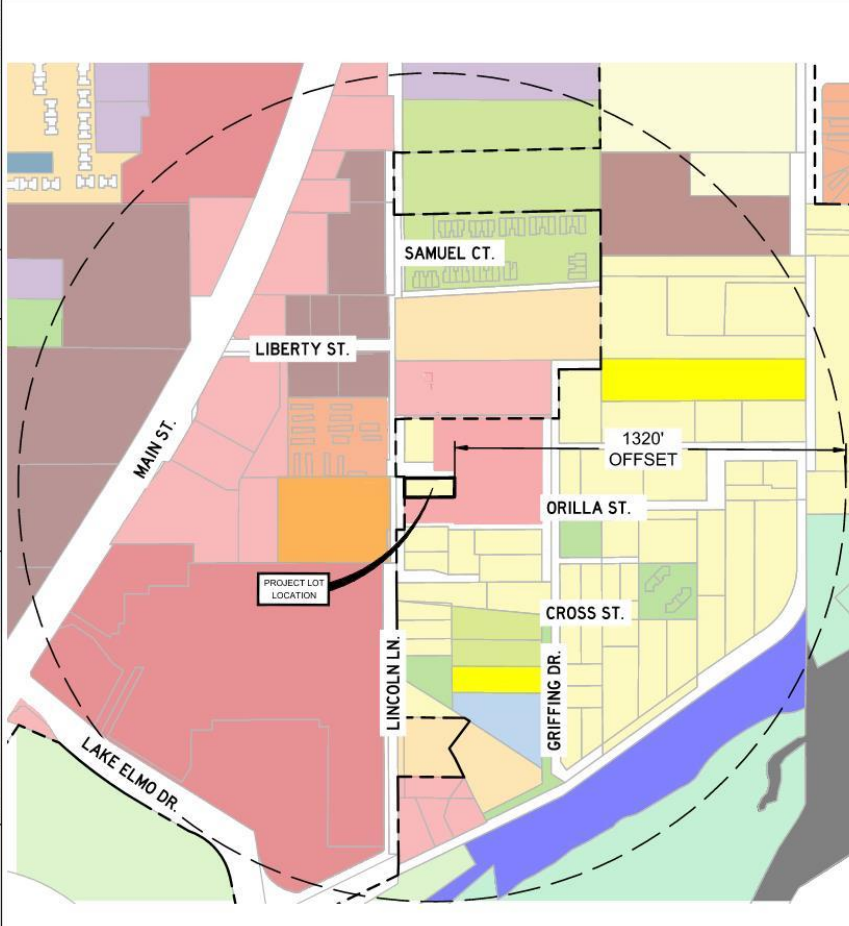
**PERFORMANCE ENGINEERING**

608 NORTH 29TH STREET  
 BILLINGS, MT 59110

(406) 394-0388  
 www.performance-eng.com

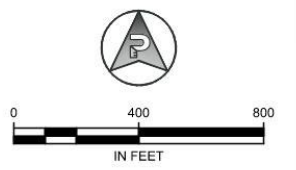
EXHIBIT  
**EX A**

COMPILED 2023.5



**LEGAL DESCRIPTION**  
 LOT 1A, BLOCK 2 OF THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION, LOCATED IN THE NE 1/4, SECTION 27, T.1 N., R. 26 E., P.M.M., YELLOWSTONE COUNTY, MONTANA.

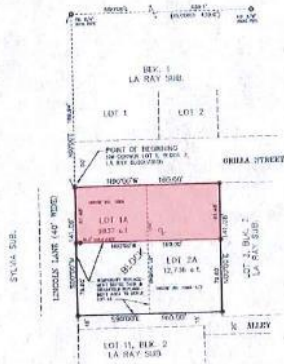
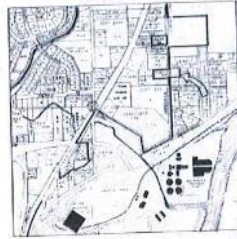
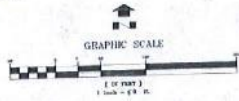
- ZONING LEGEND**
- N4- LARGE LOT SUBURBAN NEIGHBORHOOD
  - CMU1- CORRIDOR MIXED-USE
  - RMH- RESIDENTIAL MOBILE HOME
  - NX3- MIXED RESIDENTIAL
  - NX2- MIXED RESIDENTIAL
  - CX- HEAVY COMMERCIAL
  - N2- MID-CENTURY NEIGHBORHOOD
  - N3- SUBURBAN NEIGHBORHOOD
  - C3- GENERAL COMMERCIAL
  - P1- OPEN SPACE, PARKS, RECREATION
  - P2- PUBLIC-CIVIL, INSTITUTIONAL
  - NO- NEIGHBORHOOD OFFICE
  - RR3- RURAL RESIDENTIAL
  - P3- PUBLIC-CAMPUSES-MEDICAL, CIVIC, EDUCATIONAL
- EXISTING MUNICIPAL BOUNDARY  
 ---  
 LOT BOUNDARY  
 \_\_\_\_\_



# AMENDED PLAT OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION

LOCATED IN THE NE1/4 SECTION 27, T.1N., R.26E., P.M.M.,  
YELLOWSTONE COUNTY, MONTANA

FOR: ROY E. FRANK AND BETTY A. FRANK, TRUSTEES  
ROY AND BETTY FRANK LIVING TRUST  
BILLINGS, MT.  
BY: ATLAS ENGINEERS INC.  
BILLINGS, MT.  
DATE: JANUARY, 2005



**MONUMENTS**  
CORNER MARKS AND MONUMENTS ARE SHOWN AS A 1/2" DIA. CIRCLE WITH AN 'X' IN THE CENTER. MONUMENTS ARE TO BE SET BY THE SURVEYOR AT THE CORNER OF EACH LOT. MONUMENTS ARE TO BE SET AT THE CORNER OF EACH LOT. MONUMENTS ARE TO BE SET AT THE CORNER OF EACH LOT. MONUMENTS ARE TO BE SET AT THE CORNER OF EACH LOT.

**PURPOSE OF SURVEY**  
THE PURPOSE OF THIS SURVEY IS TO REVISION THE CORNER MARKS AND MONUMENTS OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION.

**DATE OF SURVEY**  
THE DATE OF SURVEY FOR THIS SURVEY IS THE DATE OF THIS PLAT OF LA RAY SUBDIVISION.

**STATE OF MONTANA**  
**LEGISLATIVE DEPARTMENT**  
**COUNTY OF YELLOWSTONE**  
**STATE OF MONTANA**  
I, ROY E. FRANK AND BETTY A. FRANK, TRUSTEES OF THE ROY AND BETTY FRANK LIVING TRUST, COUNTY OF YELLOWSTONE, STATE OF MONTANA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION, IS A TRUE AND CORRECT PLAT OF THE SAID LOTS, AND THAT THE SAID LOTS ARE BEING PLATED IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF MONTANA, AND THAT THE SAID LOTS ARE BEING PLATED IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF MONTANA, AND THAT THE SAID LOTS ARE BEING PLATED IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF MONTANA.

*Roy E. Frank*  
Roy E. Frank, Trustee

*Betty A. Frank*  
Betty A. Frank, Trustee

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Mark, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Mark*  
Mark, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Judy Sam, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Judy Sam*  
Judy Sam, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, William A. Mendenhall, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*William A. Mendenhall*  
William A. Mendenhall, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Richard A. Rees, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Richard A. Rees*  
Richard A. Rees, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
**PLAT OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION**  
I, James E. Hahn, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*James E. Hahn*  
James E. Hahn, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Carlton E. Hill, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Carlton E. Hill*  
Carlton E. Hill, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Richard A. Rees, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Richard A. Rees*  
Richard A. Rees, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, William A. Mendenhall, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*William A. Mendenhall*  
William A. Mendenhall, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Judy Sam, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Judy Sam*  
Judy Sam, County Clerk

**STATE OF MONTANA**  
**COUNTY OF YELLOWSTONE**  
I, Mark, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct plat of the said lots, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana, and that the said lots are being plated in accordance with the acts of the legislature of the state of Montana.

*Mark*  
Mark, County Clerk



## Subject Property

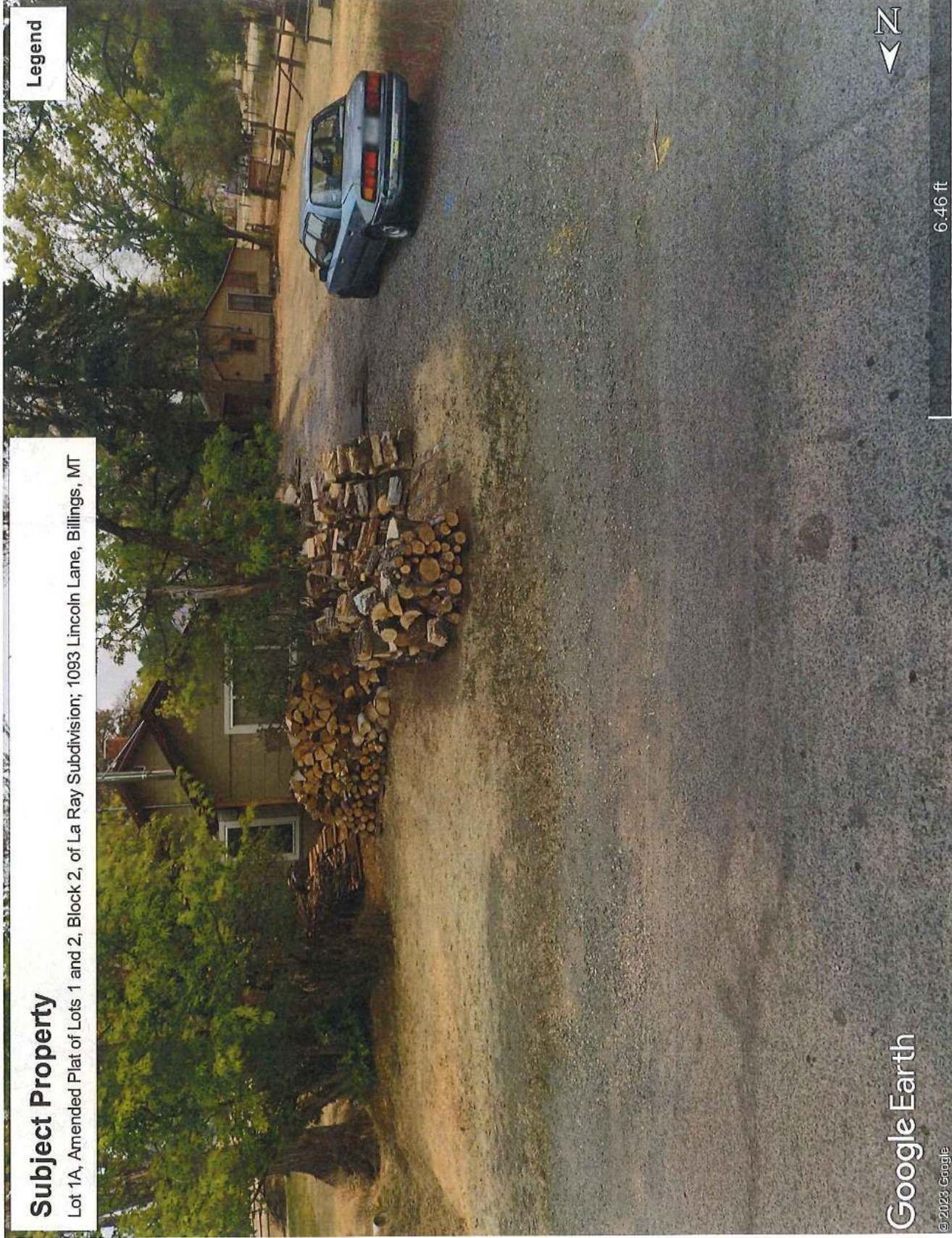
Lot 1A, Amended Plat of Lots 1 and 2, Block 2, of La Ray Subdivision; 1093 Lincoln Lane, Billings, MT

Legend

Google Earth

© 2023 Google

6.46 ft



**C. N3: SUBURBAN NEIGHBORHOOD RESIDENTIAL**

The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than 35% of the façade. Basic setback and height parameters apply.

**D. NX1: MIXED RESIDENTIAL 1**

The NX1 district is intended to continue the character of the first neighborhoods with single-family, two-family, and small-scale multiple-family homes with 3 to 4 units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

**E. NX2: MIXED RESIDENTIAL 2**

The NX2 district is intended for small- and mid-scale multiple-family homes with 3 to 8 units, in small neighborhood nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

**F. NX3: MIXED RESIDENTIAL 3**

The NX3 district is intended for large-scale multiple-family homes in larger neighborhood nodes. The buildings may include larger apartment buildings with more than eight units per structure. The development may have an internal private street system for access throughout the larger node with walkable blocks. Buildings are oriented to the street with doors and windows on front facades and parking/garages located behind the buildings. Covered parking may include rows of canopies or enclosed garages. Common open space, shared recreational facilities, or central gathering spaces are generally provided for residents.

**G. RMH: RESIDENTIAL MANUFACTURED HOME**

The RMH district is intended to provide stable environments for individual manufactured homes, manufactured home parks, and compatible accessory uses.

**SECTION 27-306 N3 DISTRICT**

The following site and structure regulations apply to any lot in the N3 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.5, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See Article 27-1800 for definitions and information on how to measure the following regulations.

**TABLE 27-300.5 : SITE AND STRUCTURE REGULATIONS**

A. BUILDING SITING		REFERENCES
<b>1</b>	Minimum Lot Width (feet) per principal building Minimum Lot Size (square feet) per principal building	65 none
<b>2</b>	Maximum Building Width (feet)	None
<b>3</b>	Front Setback (feet)	20 minimum
<b>4</b>	Street-Side Setback (feet)	10 minimum
<b>5</b>	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum
<b>6</b>	Rear Setback (feet)	5 minimum
<b>7</b>	Accessory Building Yard Location	Rear
<b>8</b>	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
<b>9</b>	Maximum Total Building Coverage (%)	40
<b>10</b>	Permitted Driveway Access Location	Any
<b>11</b>	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade
B. Height		See Article 27-1800 for instructions for measuring height. Accessory roof pitch shall match principal building
	Principal Building: Maximum Height (stories) Maximum Height (feet)	3 34
	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building

## 27-300 Neighborhood Districts

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

### Section 27-301 Districts Established

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

**TABLE 27-300-1. NEIGHBORHOOD DISTRICTS**

Symbol	Neighborhood District Name
N4	Large Lot Suburban Neighborhood Residential
RR1	Rural Residential 1
RR3	Rural Residential 3
R-RMH	Rural Residential Manufactured Home
The following district is available in the county with municipal water and sewer or county water and sewer or with the use of a Planned Neighborhood Development (PND), per Article 27-800:	
N3	Suburban Neighborhood Residential
N1	First Neighborhood Residential
N2	Mid-Century Neighborhood Residential
N3	Suburban Neighborhood Residential
NX1	Mixed Residential 1
NX2	Mixed Residential 2
NX3	Mixed Residential 3
RMH	Residential Manufactured Home

### Section 27-302 District Descriptions

Neighborhood districts are primarily intended to allow residential uses within appropriately scaled buildings to maintain and promote the desired physical character of the neighborhoods within the county.

#### A. N4: LARGE LOT SUBURBAN NEIGHBORHOOD RESIDENTIAL

The N4 district is intended for large lot residential neighborhoods primarily with single-family homes. Characteristics include wide, large lots and attached garages often located on the front building façade. Regulations include basic setback and height parameters.

#### B. RR: RURAL RESIDENTIAL

The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by "-1" and "-3", meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

**Section 27-304 N4 districts**

The following site and structure regulations apply to any lot in the N4 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

**TABLE 27-300-3. SITE AND STRUCTURE REGULATIONS**

A. BUILDING SITING		REFERENCES
<b>1</b>	Minimum Lot Width (feet) per principal building	80
	Minimum Lot Size (square feet) per principal building	15,001
	Maximum Lot Size (square feet) per principal building	43,559
	Maximum Building Width (feet)	none
<b>2</b>	Front Setback (feet)	20 minimum
<b>4</b>	Street-Side Setback (feet)	10 minimum
<b>3</b>	Side Setback (feet)	5 minimum
<b>5</b>	Rear Setback (feet)	20 minimum
<b>6</b>	Accessory Building Yard Location	Rear
<b>8</b>	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
<b>7</b>	Maximum Total Building Coverage (%)	30
<b>9</b>		
B. HEIGHT		
	Principal Building: Maximum Height (stories)	3
	Maximum Height (feet)	34
	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building
		See Article 27-1800 for instructions for measuring height



**Pre-Application Neighborhood Meeting Minutes and Roster – Zone Change Application**

**Date and Time of Meeting: July 25<sup>th</sup>, 2023 at 6:00 PM**

**Location: Country Inn and Suites By Radison, 231 Main Street, Billings, MT 59105**

**Property: Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision**

**Attendees:**

- Attendees are listed below, see attached sign in sheet for confirmation and contact information.
  - LaVonne Anderson (Owner)
  - Linda & Mike Quinn
  - Craig & Bobbi Christoferson
  - Gerald Brewington
  - Vicki Dickinson
  - Lisa Certin

**Meeting Notes:**

- A presentation was prepared and provided by Taylor Kasperick of Performance Engineering (PE) and the meeting minutes were recorded by Brody Roberson. The presentation materials are provided with this submittal.
- The owner raised concerns about the development of the adjacent property and annexing her property into the city.
- In general, attendees raised concerns about the development of Lot 2A-1 of the Amended Plat of La Ray Subdivision. PE informed the attendees that the subject of this meeting is for the zone change of Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision.
- Questions continued on the adjacent lot, asking what the plan for the development was and what the current zoning of the lot is. PE informed the residents that the plan for the current lot is a storage facility which is in compliance with the current zoning of Corridor Mixed-Use (CMUI). It was also questioned whether the adjacent lot would need to be annexed into the city before development. PE noted that the adjacent property is already properly zoned and the buildings on the property would be “dry” buildings, meaning no services would need to be brought in, therefore, there is no need to annex the property into the city.
- Some residents brought up the increase in property taxes after annexing into the city. PE informed the residents that while there is an increase in property taxes after annexation, the property value would increase due to being tied into city sewer. The health benefits to the surrounding area was also addressed by PE, discarding the existing septic system and seepage pit and tying into the city sewer would be beneficial for any neighbors that have wells in the area.



- One resident questioned why it was acceptable to have a lot smaller than 0.5 acres containing a septic system. PE informed the neighbor that 0.5 acres is not a set rule for the county in terms of housing a system, instead it is dependent on soils in the area. The neighbor was also informed that the buy-sell contract for the adjacent lot mentioned tying the Owner's house into the city in order to discard the existing septic system.
- The meeting ended with a disagreement by some residents about annexing Ms. Anderson's property into the city limits. It was restated by PE that it may be beneficial for Ms. Anderson to reach out the adjacent lot owner to discuss the conditions of the buy-sell agreement for the purchase of the adjacent lot.

<b>SUBJECT PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
1093 Lincoln Lane	<b>1036</b>	10/3/2023	Annexation & ZC from N4 to N3	-	
<b>SURROUNDING PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Blue Creek Acreage Tracts Subs, Lot 7	<b>City ZC 1035</b>	September 25, 2023	Annexation & Zone Change of Residential property	<b>Y</b>	<b>Annexed</b>
BLUE CREEK STORAGE SUB, LT 2	City ZC 1017	Sept 26, 2022	CMU1 to CX	N	Valid Protest Petition
Cedar Park Subdivision	Annexation	2002	Connect to Water & Sewer	Y	N3 via Project ReCode
Briarwood Subdivision	Annexation	2002	Connect to Water & Sewer	Y	PUD- R-9600
Cherry Creek Estates Sub, Block 2 , Lot 1	City ZC 995	August 23, 2021	RR1 & P1 to N3	Y	Annexed
Tr. 1A-1 and 1A-2, Certificate of Survey 266	City ZC 994	August 23, 2021	RR1 to N3	Y	Annexed

## Zoning Commission

**Date:** 10/03/2023  
**Title:** Zone Change 1037 - 3146 Monad Rd - N3 to NO  
**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 findings of the 10 review criteria for Zone Change 1037.

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

This is a zone change request for a parcel generally located at 3146 Monad Rd and legally described as Lot 7 of Block 24, Lampman Subdivision. The current zoning is Suburban Neighborhood Residential (N3) and the proposed zoning is Neighborhood Office (NO). The intent of the zone change is to allow for the development on the vacant lot of several attached live/work units for professional office space. The lot is 11,708 square feet in area.

The proposed zone change will allow one lot at the intersection of Monad Road and S 32nd St West to be developed for either mixed residential uses or a combination of office space and living space units. The subdivision is more than 40 years old and the lot may have been appropriate for single family use in the past when there was little development in the surrounding neighborhoods and the intersection of Monad Road and 32nd Street West was not as busy as it is today. The current volume and speed of traffic at this intersection makes development for a single family dwelling the least likely use of the property. Higher residential density or a combination of residential and office-based businesses will be a more appropriate use of the land at this stage of urban development. The site is challenging for access since it is directly at the corner of a signalized intersection of two multi-lane arterial streets. Careful placement of a drive approach on Monad Rd will be required. Typically, the city requires any new drive approach near a signalized intersection to be at least 100 feet away from the intersection (BMCC 6-1208.i.4). Use of the existing alley off 32nd St West may also provide vehicle access to the property. Paving and drainage of this section of the alley may be required if it is the primary vehicle access to the development.

The NO zone allows professional offices, personal and business services, but no general retail businesses. The zone is intended to be located at intersections of collector or arterial streets and local street into neighborhoods. The uses allowed within the zone are limited as the zone is intended to fit within a neighborhood as well as on the edge of neighborhoods. The 2001 West Billings Neighborhood Plan envisioned the arterial streets becoming locations for commercial nodes at intersections and higher density residential or professional offices between arterial intersections. The proposed development pattern from this 2001 neighborhood plan has been implemented successfully in several locations that were annexed to the city for services. For example, the commercial node under development at Grand Ave and 54th St West was predicted and supported by the 2001 neighborhood plan. The large commercial development node at King Ave West and Shiloh Road was also supported by the neighborhood plan. This plan will be updated in the next 18 months.

32nd St West from King Ave West north to Rimrock Road served as the main north-south corridor while the city and state re-built Shiloh Road in 2009/2010. The current level of traffic on both 32nd St West and Monad Road is a healthy volume for arterial streets. About 8,000 vehicle trips per day are counted on Monad Rd and about 15,000 vehicle trips per day on 32nd St West near this intersection. The traffic counts are collected during non-school months (June - August) and are averaged over a three-year period. It is likely the volume of traffic at this intersection is much higher during peak times of the week for schools (morning and afternoon) as well as weekends when recreational activities are happening in surrounding areas. The city is working on signal improvements in the 32nd St West corridor to ensure the signals are timed correctly and are activated normally at the intersections. Currently, the equipment for each signal is from a different time period and cannot be synched. Arterial streets can handle large volumes of traffic depending on the construction of the road. Multi-lane arterials - more than 1 lane for each direction, can handle higher volumes and can provide safer turning movements. Both 32nd St West and Monad Road are built with one travel lane in each direction and with a center turn lane to accommodate queuing for left turn movements. There is no plan at this time to add travel lanes to either arterial street.

Directly to the north of the subject property is the West Side Baptist Church in a Public 2 (P2) zone district. To the east, south and west there are single family and multifamily developments. There is a single family home directly adjacent to the east (3138 Monad Rd) and one directly south across the alley at 3145 Georgina Dr. The addition of a development on this property will not create a large amount of additional traffic to the alley or the street network. If four dwelling units are developed then about 32 to 40 additional traffic trips per day could be anticipated. This number includes not just the resident trips but also includes guests and service trips to the property for mail delivery or similar daily necessities.

Development for office-based businesses could add more traffic, but based on the allowed uses and the size of the property these would not be significant. The Planning staff did not receive any comments from the Engineering Division regarding the proposed zone change.

Prior to the zoning code update in 2021, this property was zoned Residential 9,600 (R96) as were all the properties to the east and south of this location within the Lampman Subdivision. Incremental changes to the original zoning occurred over the last 50 years to accommodate commercial development at the intersection of King Ave West and 32nd St West. No other parcels on the 32nd St West corridor from King Ave West north to Central Avenue have been approved for zone changes from residential to commercial or office uses. There was one request in 2008 for a zone change to Residential Professional (RP) for a few lots at Rosebud Dr and 32nd St West that was not approved. The Harvest Subdivision Planned Development on the west side of 32nd St W has changed some underlying zone district uses to allow, for example, the Pickle Barrel sandwich shop and some of the other uses in the multi-tenant building at King Ave W and 32nd St W.

Planning staff is recommending approval based on the compatibility with the adjacent streets and residential homes to the east and south. The proposed zoning is in conformance with the 2016 Growth Policy guidelines, and the West Billings Neighborhood Plan. The proposed use and zoning will benefit the orderly transition of this property to the next increment of development intensity at the intersection of two arterial streets. Similar development patterns exist and are compatible with adjacent neighborhoods in Billings.

## **STAKEHOLDERS**

The applicant held a pre-application neighborhood meeting on August 24, 2023, at the Mazevo Coffee shop at 3911 Central Avenue. Three surrounding owners attended the meeting. Planning staff sent the required mailed notices, posted the property and published the legal for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

## **ALTERNATIVES**

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1037; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1037; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

## **FISCAL EFFECTS**

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

## **SUMMARY**

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Prosperity (promoting equal opportunity and economic advancement)
- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing vacant parcel at the intersection of two heavily traveled arterial street to be developed for a use that is compatible with the streets and with the adjacent residential neighborhood. The NO zone is intended to allow only uses that are compatible with neighborhoods and excludes general commercial uses including retail uses of concern to the neighborhood such as liquor stores, marijuana dispensaries or convenience foods. For example, a coffee kiosk or any restaurant food service would not be allowed. In addition, the use for office space for professionals would not include open storage of business equipment or supplies.

The proposed zoning is also supported by the West Billings Neighborhood Plan that indicated the intersections of arterial streets and the area between such intersections would be appropriate for higher density housing and professional office spaces. The current zoning limits the potential uses to a single family dwelling which is not at all compatible with the street intersection.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

Public health and public safety will be promoted by the proposed zoning. The proposed NO zoning would allow the owner to ensure future development is not intrusive to neighboring property, and still allow compatible uses with the adjacent zoning. Buffer yards will be required along with street frontage trees and landscaping. Vacant or undeveloped lots tend to add unpredictability to the area. Vacant lots tend to be less well-maintained and can attract unwanted activity.

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

**Transportation:** The proposed zoning may increase traffic slightly on the adjacent arterial streets. This increase will not require a traffic study and City Engineering will ensure the appropriate placement of any new drive approach on Monad Rd or use of the alley for residential traffic.

**Water and Sewer:** The City provides water and sewer to the area. Water is stubbed into the property off Monad Rd and sewer service is available in the alley. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The proposed development may include some residential use, but it will be a few units if any. The nearby elementary school (Big Sky Elementary) had 368 students enrolled last year with a student teacher ratio of 23.97 students per teacher. Ben Steele Middle School serves this location. Ben Steele Middle School had 795 students enrolled last year with a student teacher ratio of 17.1 students per teacher. West High School had a 2022/2023 enrollment of 2,180 students with student teacher ratio of 15.91. The student population capacity of Big Sky Elementary is 425, Ben Steele Middle School can handle up to 750 students, and West High School can accommodate 1,731 students. The school district provided no comments on the proposed zone change.

The closest public park to this location is Lampman Park but is undeveloped and on the list of surplus parkland for sale. Harvest Subdivision and Parkland West subdivisions to the west have public open space consisting mainly of trails and sidewalks throughout the neighborhoods. There is a small neighborhood park within walking distance (1/4-mile) located just west of Big Sky Elementary on Granger Avenue East. Stewart Park is approximately .75 miles walking distance to the east and Centennial Park is about the same distance north on 32nd St West. There was no comment or concerns about the proposed zoning from Parks, Recreation and Public Lands staff.

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The existing property has a fully developed sidewalk on both street frontages and appears to be in good condition. Traffic volume on Monad Rd is about 8,000 vehicle trips per day and about twice that amount on 32nd St West. The existing streets can handle any small increase in traffic volume. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and south of the subject parcel is zoned N3. North across Monad Rd is zone P2 for the church and to the west the neighborhoods have Planned Development zoning. The zoning does promote compatible urban growth.

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 or uses. The proposed zoning will allow professional offices and residential housing choices on a busy arterial street in Billings westend.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements for new construction including all zoning standards, landscaping, screening, building heights and setbacks. Engineering standards for traffic management, stormwater control and safe public improvements will also be required.

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

The proposed zoning will allow the development of the property at the intersection of two arterial streets and will encourage

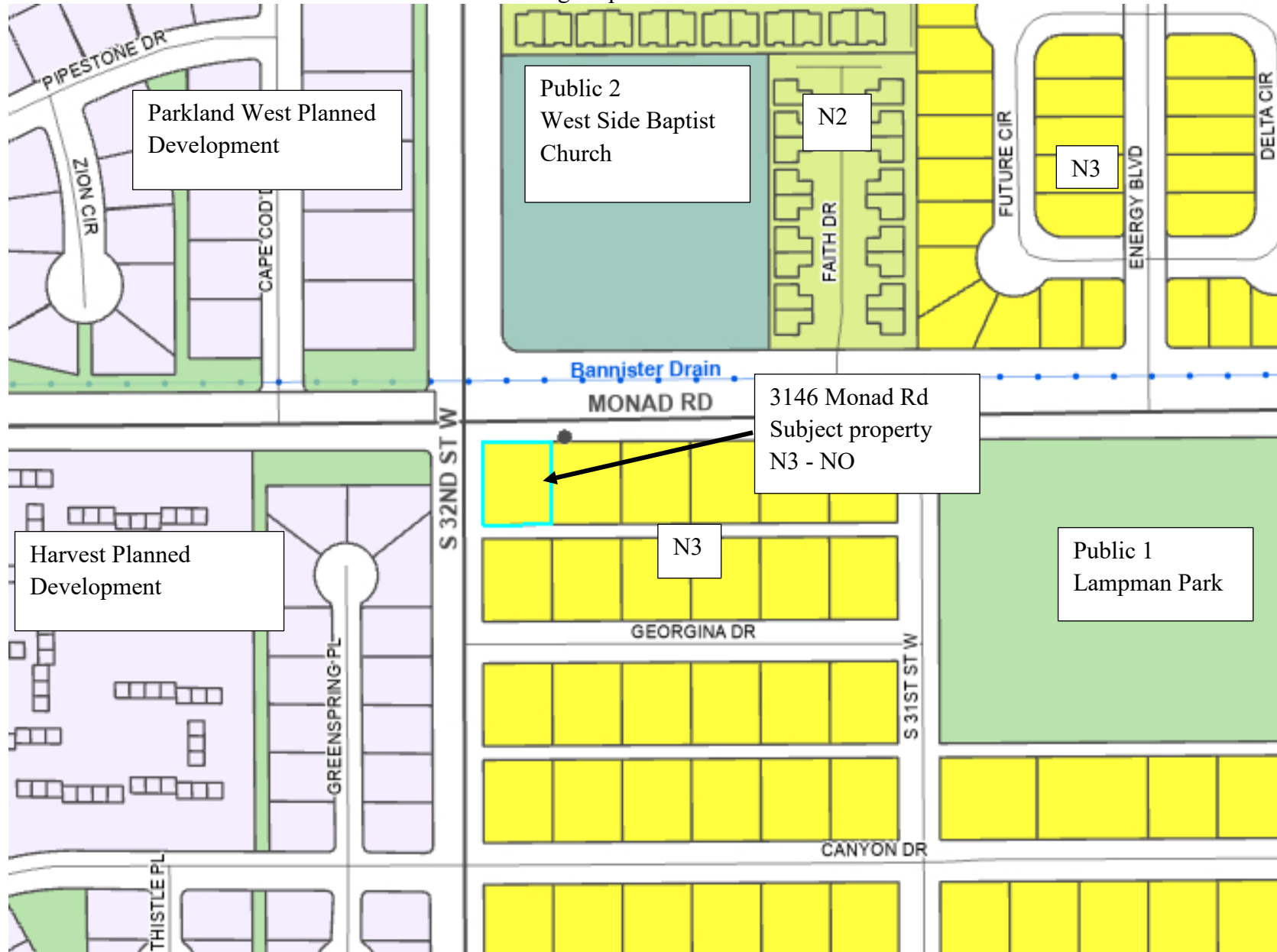
the most appropriate use of land in the district. Supporting local business expansion and adding housing choice is beneficial to the economic growth for the City of Billings.

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#### **Attachments**

Zoning Map and Site Photos ZC 1037  
Chart of Zoning History ZC 1037  
Pre application meeting notes ZC 1037  
Application and Letter

City Zone Change 1037 – 3146 Monad Rd  
Zoning Map and Site Photos



Subject Property





Subject Property



Subject Property view south from Monad Rd



View south east to adjacent residence at 3138 Monad Rd



View north across Monad Rd to West Side Baptist Church



View north west across intersection of 32<sup>nd</sup> St W and Monad Rd



View west along Monad Rd across 32<sup>nd</sup> St W



Aerial Map

Zoning History for City ZC 1037 – 3146 Monad Rd

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
	<b>None</b>				
<b>SURROUNDING PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
NE corner King Ave W & 32 <sup>nd</sup> St W	124	6/7/1977	R96 to RP	Yes	Now CMU1
NE corner King Ave W & 32 <sup>nd</sup> St W	261	12/31/1979	R96 to RP	Yes	Now CMU1
NE corner King Ave W & 32 <sup>nd</sup> St W	502	6/9/1986	R96 to RP	No	Now CMU1
2902 Henesta	512	5/4/1987	R96 to CC	Yes	Now CMU2
29 <sup>th</sup> St W and King Ave W	700	8/12/2002	R96 to CC	Yes	Now CMU2
3525 Central Ave	789	9/11/2006	R96 to NC	Yes	Now NO
NE corner of 32 <sup>nd</sup> St W & Rosebud	836	4/29/2008	R80 to RP	No	Now N2
3133 Central Ave	839	6/9/2008	R96 to NC	Yes	Now NMU
3333 Central Ave	867	9/27/2010	R96 to NC	Yes	Now NMU

**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:** N3 - Suburban Neighborhood

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- 2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Change from N3 Suburban Neighborhood to NO - Neighborhood Office

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- 3. **Subject Property Map:** please attach to this form

- 4. **Legal Description of Property:**

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

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- 5. **Neighborhood Task Force Area** Yes/// No . If Yes, Name of Task Force and mailing address of Chairperson:

Steve Zeier West End Task Force 5415 Summer Stone Ave Billings, MT 59106

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- 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 2023

2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Anthony Wilcox Telephone: 406-321-4532

Address: 107 33rd St W Email: tonywilcox17@hotmail.com  
Billings, MT 59102

**Agent (s):** Jami Clark, Yellowstone Realty Brokers Telephone: 406-696-2215

Address: PO Box 21040 Email: jami@ownbillings.com  
Billings, MT 59104

6:32 start time - 7:10 end time

### NEIGHBORHOOD ZONE CHANGE MEETING 8/24/2023

Name	Address	Signature(s)
Brandt, Nancy	429 Greenspring	
Brown, Zachary	456 Greenspring	
Campbell, Jonathon & Samantha	471 Greenspring	
Christ's Church of Billings	323 S 32nd St W	Brb Marlow
City of Billings		
Frichtl, Twila	385 Cape Cod	
Hofstad, Patricia	3127 Georgina	
Kampe, Kenneth & Laura	428 Greenspring	
Kappel, Kara/Wittenberg, Brett	443 Greenspring	
Keneally, Wrenzie	457 Greenspring	
Kepferle, Kay & Russel	443 Greenspring	
Kuchera, Patricia	415 Greenspring	
Leichner, Kyle	3138 Monad	
Melia, Tedd & Billie	3130 Monad	
Nollmeyer, Bonita Lee	369 Cape Cod	
Pankratz, Mary	3119 Georgina	
Peterson, Sharon	3135 Georgina	Sharon Peterson
Rush, Robert & Linda	3120 Georgina	
Shied, Dixie Ann	3145 Georgina	Dixie Ann Shied
Smith, Chad	414 Greenspring	
Vissr, Albert & Joyce	3130 Georgina	
Wallace, Shawn & Julianna	3146 Georgina	
Wetzel, Katie & Everson	3120 Monad	
Wittmayer, Cheryl	442 Greenspring	

Clark, Jami  
Wilcox, Tony

owner  
owner

Jami  
Clark

## Zone Change Neighborhood Meeting

You're invited to a neighborhood meeting to discuss the zone change for the vacant property located at the SE intersection of Monad Rd and 32<sup>nd</sup> St W. The proposed zone change would change the zoning from N3 – Suburban Neighborhood to NO – Neighborhood Office.

From City of Billings Zoning Code:

*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.*

Property Legal Description:

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

Recently corrected from: Block 27, Lot 7



**Meeting Date: Thursday, August 24<sup>th</sup>, 2023**

**Meeting Time: 6:30 PM**

**Location: Mazevo Coffee Meeting Room, 3911 Central Ave Ste 3**

Zone change is being requested by:

Tony Wilcox, property owner

[tonywilcox17@hotmail.com](mailto:tonywilcox17@hotmail.com)

406-321-4532

Jami Clark, Yellowstone Realty Brokers

[jami@ownbillings.com](mailto:jami@ownbillings.com)

406-696-2215

## NEIGHBORHOOD MEETING MINUTES FOR PROPOSED CITY ZONE CHANGE

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

August 24<sup>th</sup>, 2023 6:30 pm

Mazevo Coffee Meeting Room, 3911 Central Ave

In attendance: Tony Wilcox (owner), Jami Clark (owner), Dixie Ann Schied, Sharon Petersen, Bob Marlow

### Minutes

Introductions were made. Subject property owners explained the intent for the Neighborhood Office zone change is to build a small 4-unit property with professional office space and residential units. Neighbors expressed concerns that there could be a marijuana business on the property. Jami explained that this zoning would not allow a marijuana business and read from the zoning regulations what types of businesses and buildings are allowed in Neighborhood Office. Neighbors still expressed concerns that there could be a work around for a marijuana business. Jami reiterated that under their ownership there will not be any marijuana related business on the property. Discussions were had about access to and around the property. Two neighbors in attendance are located directly behind the subject property across the alley. They shared that vehicles turn off of 32<sup>nd</sup> St W and use the alley and Georgina to avoid the 32<sup>nd</sup> / Monad intersection. Owners agreed that access to the property is not ideal, and the alley will most likely be used by vehicles entering and exiting the property in addition to using future curb cut access on Monad. Concerns were shared by neighbors regarding inattentive and discourteous drivers near the intersection and that accidents do occur there. Neighbors also shared that a building on the property would impact their views of the rims to the north. Jami stated that yes, it is likely that the negative impacts to the neighbors to the south in building anything on the property would be view change/blockage to the north and increased use of the alley. Owners shared information regarding building setback and parking requirements for Neighborhood Office zoning and that the intended building type would require 9 parking spaces. Jami stated that the owners' intent is to be as conscientious of a neighbor as possible and encouraged continued communication between neighbors for the opportunity to address concerns.

6:32 start time - 7:10 end time

### NEIGHBORHOOD ZONE CHANGE MEETING 8/24/2023

Name	Address	Signature(s)
Brandt, Nancy	429 Greenspring	
Brown, Zachary	456 Greenspring	
Campbell, Jonathon & Samantha	471 Greenspring	
Christ's Church of Billings	323 S 32nd St W	Brb Marlow
City of Billings		
Frichtl, Twila	385 Cape Cod	
Hofstad, Patricia	3127 Georgina	
Kampe, Kenneth & Laura	428 Greenspring	
Kappel, Kara/Wittenberg, Brett	443 Greenspring	
Keneally, Wrenzie	457 Greenspring	
Kepferle, Kay & Russel	443 Greenspring	
Kuchera, Patricia	415 Greenspring	
Leichner, Kyle	3138 Monad	
Melia, Tedd & Billie	3130 Monad	
Nollmeyer, Bonita Lee	369 Cape Cod	
Pankratz, Mary	3119 Georgina	
Peterson, Sharon	3135 Georgina	Sharon Peterson
Rush, Robert & Linda	3120 Georgina	
Shied, Dixie Ann	3145 Georgina	Dixie Ann Shied
Smith, Chad	414 Greenspring	
Vissr, Albert & Joyce	3130 Georgina	
Wallace, Shawn & Julianna	3146 Georgina	
Wetzel, Katie & Everson	3120 Monad	
Wittmayer, Cheryl	442 Greenspring	

Clark, Jami  
Wilcox, Tony

owner  
owner

Jami  
Clark

How the proposed zone change is consistent with the city's Growth Policy, meets the 10 criteria for a zone change, and fits in with the existing developments in the area.

This proposed zone change is consistent with the city's Growth Policy because it:

- Allows a mix of housing types
- Implements the city's Infill Policy with developing an underutilized property
- Provides housing and workplace units along public transportation and bikeways

This proposed zone change meets the 10 zone change criteria by:

1. The zone change is in accordance with the city's Growth Policy as described above.
2. It is designed to secure from fire and other dangers.
3. It promotes public health, safety, and general welfare by providing development of an infill lot with newly built housing and/or workplace units.
4. The zone change will facilitate adequate provision of transportation, water, sewer, schools, and parks as it is located on city services already, it is located with immediate access to public transportation, and is in close proximity to both parks and schools.
5. The zone change does provide adequate light and air within its zoning setbacks and regulations.
6. The new zoning will have minimal impact on motorized and non-motorized transportation as the proposed use will have minimal increased vehicle access counts to the property as compared to its current zoning.
7. The new zone promotes compatible urban growth by providing more appropriate options for an unused infill lot.
8. The new zoning considers the character of the district and the suitability by adding an additional appropriate use to an area comprised of single family, multifamily, and civic uses.
9. The new zoning will conserve the value of buildings by adding new construction to a neighborhood with homes that are 40+ years old.

10. The new zoning will encourage the most appropriate use of land throughout the City of Billings as this small property has not been attractive to the public for a single family dwelling. Zoning allowing professional workplace and multifamily units is most appropriate for this property located at an arterial intersection.

The proposed zoning fits in with the existing developments as there is multi-family zoning (PUD) within 300 ft of the property, there is non residential (civic) zoning directly to the north, and there is much commercial zoning along 32<sup>nd</sup> St W further to the north and south of the subject property.

# APPLICATION FORM

**CITY ZONE CHANGE**      **Billings Zone Change #** 1037      - **Project #** PZX-23-00158

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      N3 - Suburban Neighborhood

Proposed Zoning:      NO - Neighborhood Office

TAX ID#      C08064      CITY ELECTION WARD 5

Legal Description of Property: LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

Address or General Location (If unknown, contact City Engineering): 3146 Monad Rd

Size of Parcel (Area & Dimensions):      11,708 sq ft    100 X 117 approximately

Present Land-Use:      Vacant Land

Proposed Land-Use:      Small 4-unit property with residential and professional office units

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):      Anthony Wilcox

(Recorded Owner)      107 33rd St W Billings, MT 59102

(Address)      406-321-4532      tonywilcox17@hotmail.com

(Phone Number)      (email)

Agent(s):      Jami Clark

(Name)      PO Box 21040 Billings, MT 59104

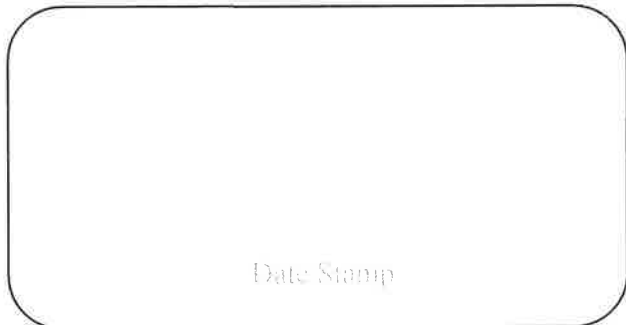
(Address)      406-696-2215      jami@ownbillings.com

(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:      Anthony Wilcox      Date: 08/25/23

(Recorded Owner)



Date Stamp

How the proposed zone change is consistent with the city's Growth Policy, meets the 10 criteria for a zone change, and fits in with the existing developments in the area.

This proposed zone change is consistent with the city's Growth Policy because it:

- Allows a mix of housing types
- Implements the city's Infill Policy with developing an underutilized property
- Provides housing and workplace units along public transportation and bikeways

This proposed zone change meets the 10 zone change criteria by:

1. The zone change is in accordance with the city's Growth Policy as described above.
2. It is designed to secure from fire and other dangers.
3. It promotes public health, safety, and general welfare by providing development of an infill lot with newly built housing and/or workplace units.
4. The zone change will facilitate adequate provision of transportation, water, sewer, schools, and parks as it is located on city services already, it is located with immediate access to public transportation, and is in close proximity to both parks and schools.
5. The zone change does provide adequate light and air within its zoning setbacks and regulations.
6. The new zoning will have minimal impact on motorized and non-motorized transportation as the proposed use will have minimal increased vehicle access counts to the property as compared to its current zoning.
7. The new zone promotes compatible urban growth by providing more appropriate options for an unused infill lot.
8. The new zoning considers the character of the district and the suitability by adding an additional appropriate use to an area comprised of single family, multifamily, and civic uses.
9. The new zoning will conserve the value of buildings by adding new construction to a neighborhood with homes that are 40+ years old.

10. The new zoning will encourage the most appropriate use of land throughout the City of Billings as this small property has not been attractive to the public for a single family dwelling. Zoning allowing professional workplace and multifamily units is most appropriate for this property located at an arterial intersection.

The proposed zoning fits in with the existing developments as there is multi-family zoning (PUD) within 300 ft of the property, there is non residential (civic) zoning directly to the north, and there is much commercial zoning along 32<sup>nd</sup> St W further to the north and south of the subject property.

## Zoning Commission

**Date:** 10/03/2023  
**Title:** Zone Change 1038 - Zimmerman Home Place Lot 1 Block 1 - NX1 to NX2 and NX3  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1038.

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

This is a zone change request for a property currently zoned Mixed Residential 1 (NX1) in the Zimmerman Home Place Subdivision located northwest of the intersection of Avenues D and E. The applicant is proposing to re-zone a portion of the property from NX1 to NX2 and NX3 to accommodate a development plan that includes multifamily buildings with more than 4 units per structure. The proposed zoning of NX2 and NX3 will be more than 150 feet east of the western property line. The applicant has submitted an exhibit that shows the exact proposed zone boundaries for each new zone district. The existing NX1 zone applies to the entire 17.6 acre parcel. The proposed NX2 area will be 4.92 acres and the NX3 zoned area will be 6.17 acres. This leaves approximately 6.5 acres in the NX1 zone district. The NX1 zone requires a maximum height of 2.5 stories or 27 feet, the NX2 zone allows 1 to 3-story buildings and the NX3 zone requires a minimum height of 2 stories and may have up to 4 stories depending on building type. Side-by-side unit structures have a maximum height in the NX3 zone of 3 stories. The property is legally described as Lot 1 Block 1 of Zimmerman Home Place Subdivision.

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. In 2017, Town Pump bought all the commercially zoned property on the northwest corner of Grand and Zimmerman Trail and put in a new gas station, convenience food store, liquor store and casino. In 2022, the northern lots of the Zimmerman Home Place subdivision were purchased by a local development company and an annexation and zone change for the subject property and for Lot 1, Block 2 to the east was submitted and approved. The previous zoning of Lot 1 Block 1 was N3 and NX1. The zone change deleted the N3 zoning, expanded the area for NX1 zoning and place the north 106 feet in a Public 1 zoning to preserve the area around the Big Ditch that traverses the property at Colton Boulevard. This project was approved and new apartment buildings are under construction to the east of the subject property. This parcel is owned by the same development company.

In 2021, all zoning districts and regulations were updated. The Zimmerman Home Place Subdivision had various zone districts originally approved by the County Commissioners prior to any annexation. This lot was originally zoned R96, R50 and R70 under the retired zoning. All of those zone districts were based on lot area per dwelling unit and only allowed 1 or 2-family dwellings. The updated zoning map in 2021, placed about 2/3's of the property in the NX1 zone district and the north 1/3 in the N3 zone district. This was amended in 2022 as noted above to allow the entire parcel to be zoned NX1 except for the area around the Big Ditch irrigation canal.

Village West Subdivision (west of the subject parcel) began building out in 2005. These lots were updated mostly to the N2 zoning when the city updated all zone districts in 2021. Some of the northern tier of lots in Village West are currently zoned N3. North across Colton Boulevard all the lots are zoned N3. To the east is NX3 and Public 1 zoning and south is NX1, NX3 and Neighborhood Mixed Use (NMU) zone districts.

Housing demand reached a high level in 2021 and the trend continues into 2023. Supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multifamily dwellings (studios and 1-bedroom units). Developers have made robust investments in multifamily dwelling choices in west Billings but less so in northwest Billings. There have been more new residential developments south of Broadwater Avenue than this area to the north. The most recent multifamily dwelling development in this area is the Zimmerman Home Place apartments - just started this past summer. Prior to Zimmerman Home Place, new apartments were developed at 41st St West and Avenue C - Wheatbaker Patio Homes in 2016. Prior to 2016, only a handful of multifamily dwellings have been built (Grand Peaks and Falcon Ridge) north of Broadwater. There is a significant deficit of this type of housing choice in this area of West Billings.

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 adjustment to the zone district boundaries. 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 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 neighborhood meeting on August 24, 2023, at Arrowhead Elementary School on 38th St W. The pre-application meeting synopsis is attached to this report. Five surrounding property owners signed the attendance sheet for the meeting. The Planning staff has not received any emails, or letters concerning the application at the time of this staff report. Planning staff received one phone call from a neighbor at 3718 Avenue F regarding the proposed zoning boundary change. Planning staff provided clarification on the proposed zone change. No other communications have been received.

## ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1038; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1038; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission must make a recommendation on the application. A tie vote on a motion will require the item to be placed back on the next available agenda for another motion and vote. The applicant has not requested a delay or withdrawal of the application.

## FISCAL EFFECTS

Approval or denial of the proposed zone change will 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 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 and

street layout will accommodate uses that are compatible in a new mixed residential neighborhood. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options. The proposed zoning and development will provide for a variety of housing choices that are not abundant in this area of West Billings. The property is within walking distance to a commercial center, medical facilities, parks and a multi-use trail system.

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

### **Home Base:**

- A mix of housing types that meet the needs of a diverse population is important
- 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

The proposed zoning will allow the lower density housing type and style to be adjacent to and to the rear of the existing homes in the Village West Subdivision, west of the subject property. NX1 is considered to be more compatible with the Neighborhood zone districts and is typically found in mid-block or block-end locations throughout Billings. The higher density housing in the NX2 and NX3 zones will be located further to the east and across from the NX3 zoned parcels to the south and east and the NMU parcels to the south. The NX1 zone allows 1-4 unit structures while the NX2 allows 2 to 8 unit building and the NX3 requires a minimum of 5 units in a structure. There are no minimum or maximum lot area requirements however each structure in the NX1 zone with 1 or 2 units must have 20 feet of street frontage (public or private) and each unit with 3-4 units must have 50 feet of street frontage. In the NX2 zone each 2-unit building must have 20 feet of frontage and 3 or more unit buildings must have 50 feet of frontage. In the NX3 zone, each multi-unit structure requires at least 50 feet of street frontage. There similar siting and building standards for all NX zones.

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

The proposed zoning of NX2 and NX3 requires minimum setbacks, open and landscaped areas and building separations which creates security for fire and other dangers. Street frontage - public or private - will be required as well as street frontage landscaping, perimeter landscaping and screening based on the adjacent zoning and use, off-street parking and adequate pathways and driving aisles throughout to ensure public safety.

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 NX zones, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-300.6&7 in the NX districts promote the minimum standards to ensure public healthy and safety and promote general welfare. Provision of public health and safety services from the city will promote the general welfare of the area. The completion of Avenue D to the Village West Subdivision and 38th Street West to the west and the internal street network to the east will promote public safety and the general welfare by ensuring a traffic connection to the east and west of the subject property.

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

- **Transportation:** The applicant will need to do ensure the existing traffic impact study completed for the subdivision adequately addresses the new zoning and the specific development for the property. The Engineering Division will ensure this is done prior to any approval of a development plan. Each single family dwelling generates about 10-13 daily traffic trips while apartments and townhomes generate between 7--10 trips per day.
- **Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed changes.

- **Schools and Parks:** Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. School District 2 did not provide any comments. Arrowhead Elementary School had 426 students in the 2022/2023 school year with a student teacher ratio of 17 students per teacher. The student capacity of Arrowhead school is 475 students. Ben Steele has a capacity of 750 with 795 students enrolled last year with a teacher student ratio of 17.1 students per teacher. West High School has a capacity of 1,731 students with an enrollment last year of 2,180 students with a teacher student ratio of 15.91. The closest public park to the subject property is Poly Vista Park, a 15+ acre developed park, is less than 1/4-mile to the northwest. This is the location of the new Landon's Miracle Field, a play space for all children of all abilities. Arrowhead Elementary School is directly north of this public park and also has playing fields open to the public. There is a multi-use path that allows walking and biking to the east and west as well. Country Manor Park, a 5-acre neighborhood park, is about 1/2 mile to the west just north of the Country Manor Apartments. Planning staff did not receive any comments from Parks, Recreation and Public Lands staff concerning this zone change. Any development in the NX zone districts greater than 3 acres requires provision of on-site open space for the new residents use. The types and locations of such open spaces will be determined at the time of a final development plan review with staff.
- **Fire and Police:** The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

Similar to criteria 2 and 3, the proposed NX zones, 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 27-300-6&7.

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

Non-motorized travel -- walking and biking -- is an essential part of completing Avenue D as part of this development. Pedestrian connections will be ensured through the development, and the property is close to two fixed route MET bus lines (two on Grand). There are no traffic counts on Zimmerman Trail between Rimrock Road and Broadwater Avenue. Traffic counts on Grand Avenue near the Zimmerman Trail intersections are between 18,000 and 20,000 vehicle trips per day. The proposed street connection with the development will allow at least three pathways for the new residents to enter and leave the area including Avenue D to Zimmerman Trail, Avenue D to 38th St W (collector), and Avenue E to Colton Boulevard to Zimmerman Trail. City Engineering will determine if any update to the existing traffic study is required.

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. Specifically this property is immediately north of property already zoned NX1 and NX3. The NX1 zoning will remain in place for the western 151 feet of the parcel and this is adjacent to N2 and N3 property to the west. Compatibility of these residential districts is preserved by the site and structure standards required in 27-307 and 308. Further site development requirements for parking, landscaping, frontage improvements will be required with new development.

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 Zimmerman Trail and Shiloh Road is beginning to experience growth and development similar to areas further south in West Billings. The city's investment in public infrastructure in the area is spurring the development of new areas for city infill. The existing zones and development pattern for the area is suitable for the NX2 and NX3 districts as shown on the zoning exhibit.

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

The property is an undeveloped agricultural parcel that is in proximity to all city services. Approval of the zone change will provide a housing choice in a residential and commercial area. The zoning designation itself will not influence the value of buildings. In general, new development increases the value of adjacent property.

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

The proposed zoning will encourage the most appropriate use of this land in Billings. The proposed NX2 and NX3 will be facing similar zoning to the east and south. The NX1 zoning, that allows single family, two-family and up to 4-family dwellings is compatible with the N3 and N2 zoning to the west.

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#### Attachments

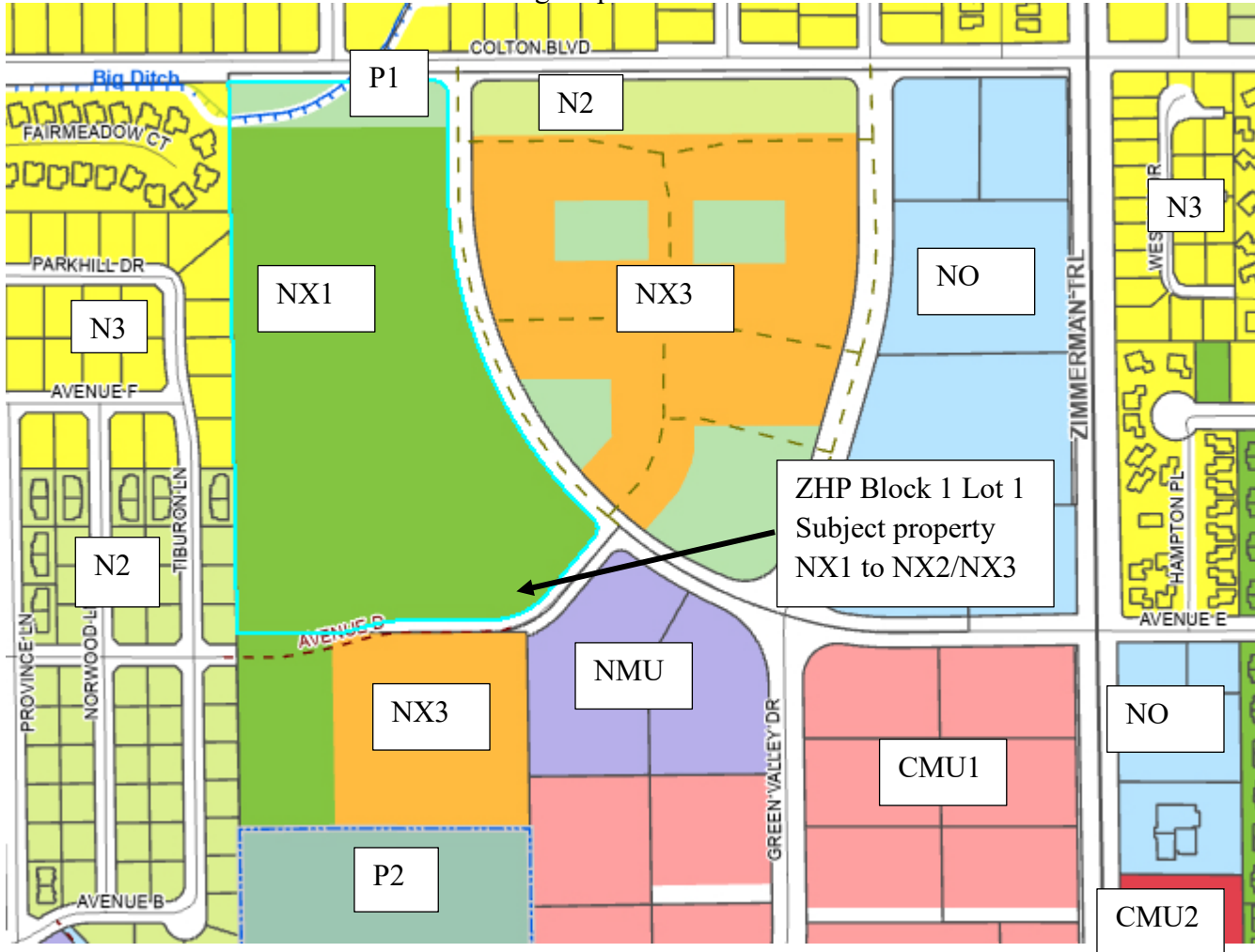
Zoning Map and Site Photos ZC 1038

Chart of Zoning History ZC 1038

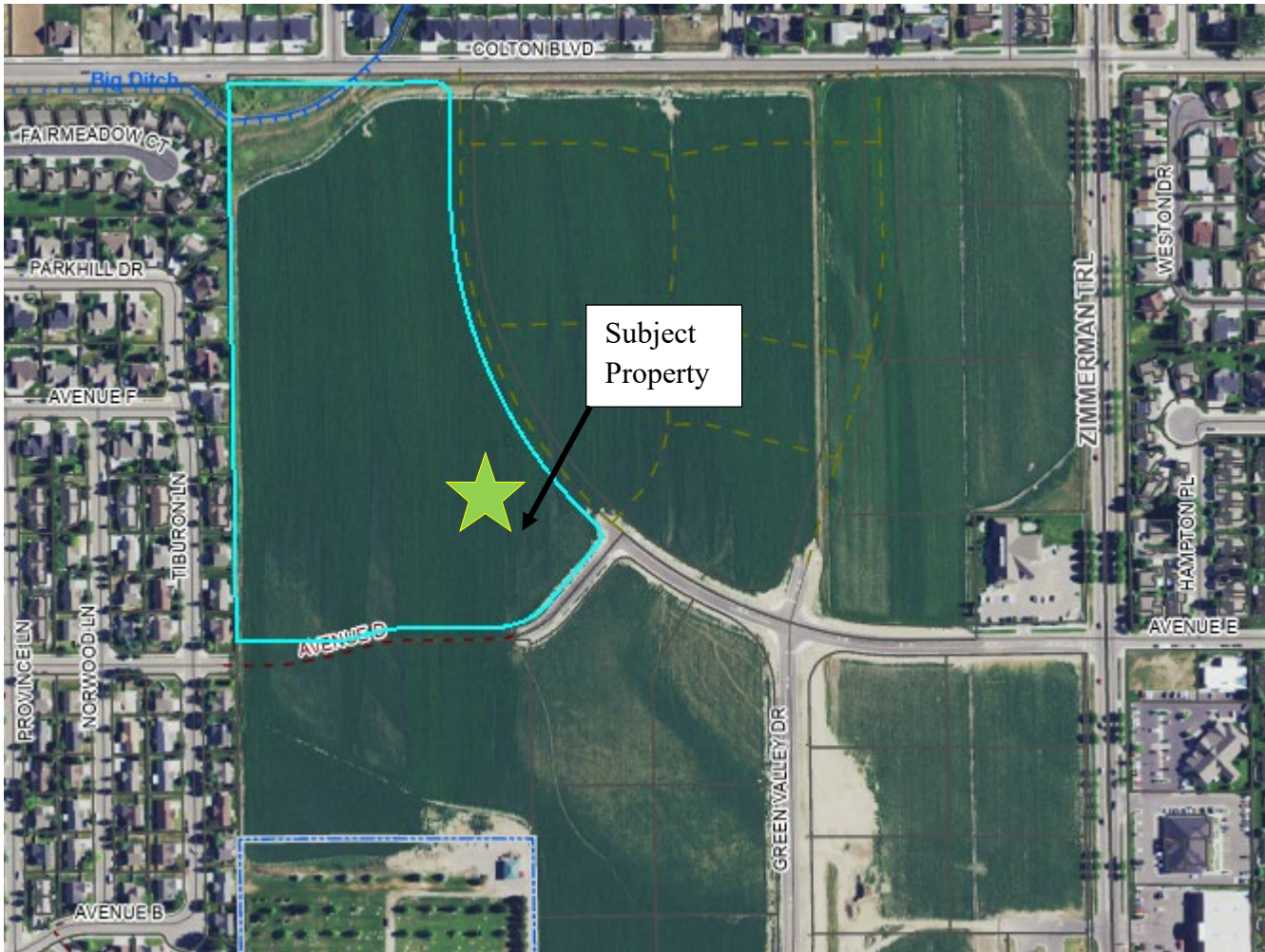
Zoning Exhibit for ZC 1038

Pre application meeting and notes ZC 1038  
Application and Letter

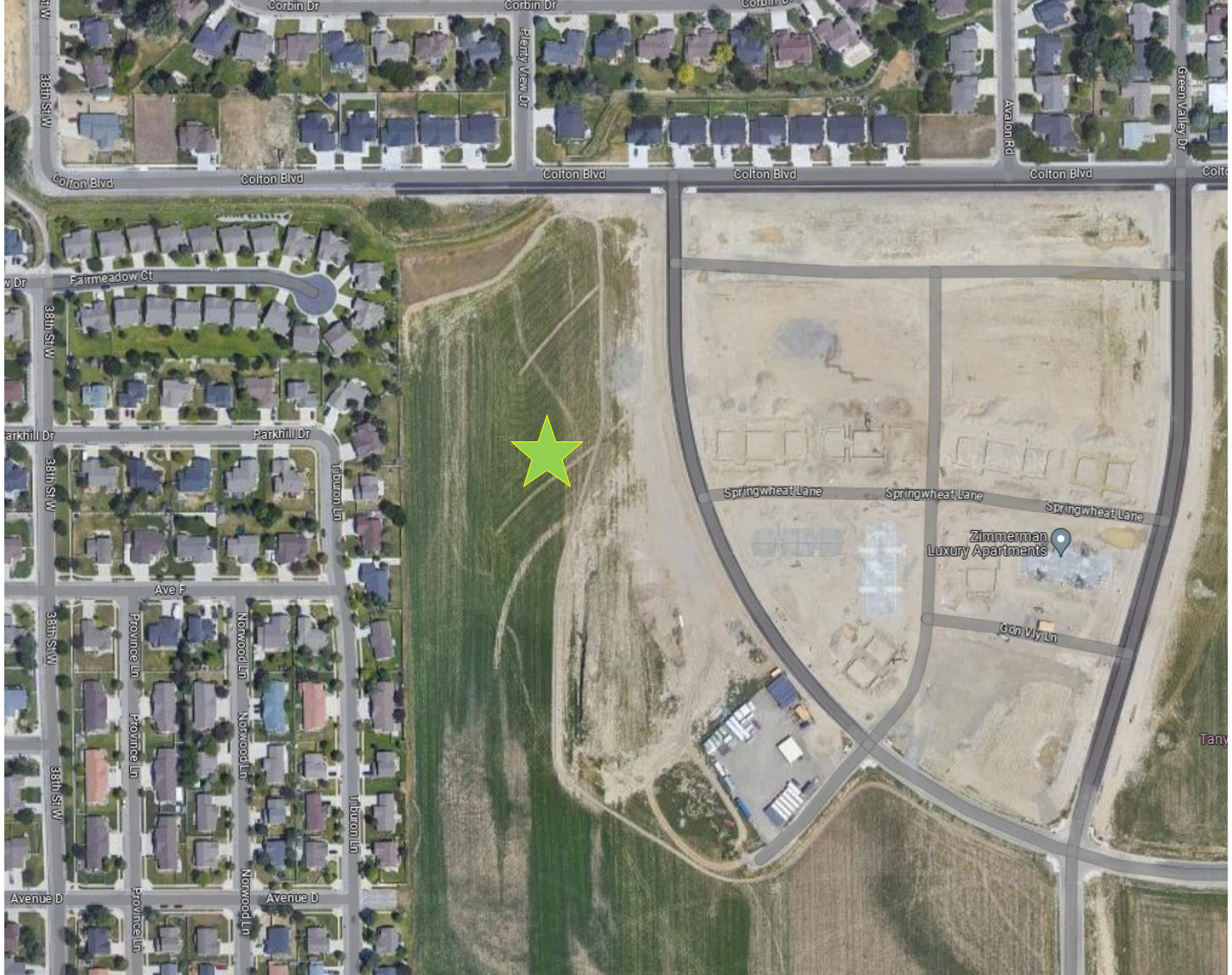
City Zone Change 1038 – ZHP Subdivision Lot 1 Block 1  
Zoning Map and Site Photos



Subject Property



Subject Property





Subject Property view northwest from intersection of Avenue D and Avenue E



View north along Avenue E



View northeast across Avenue E



View east across Avenue E



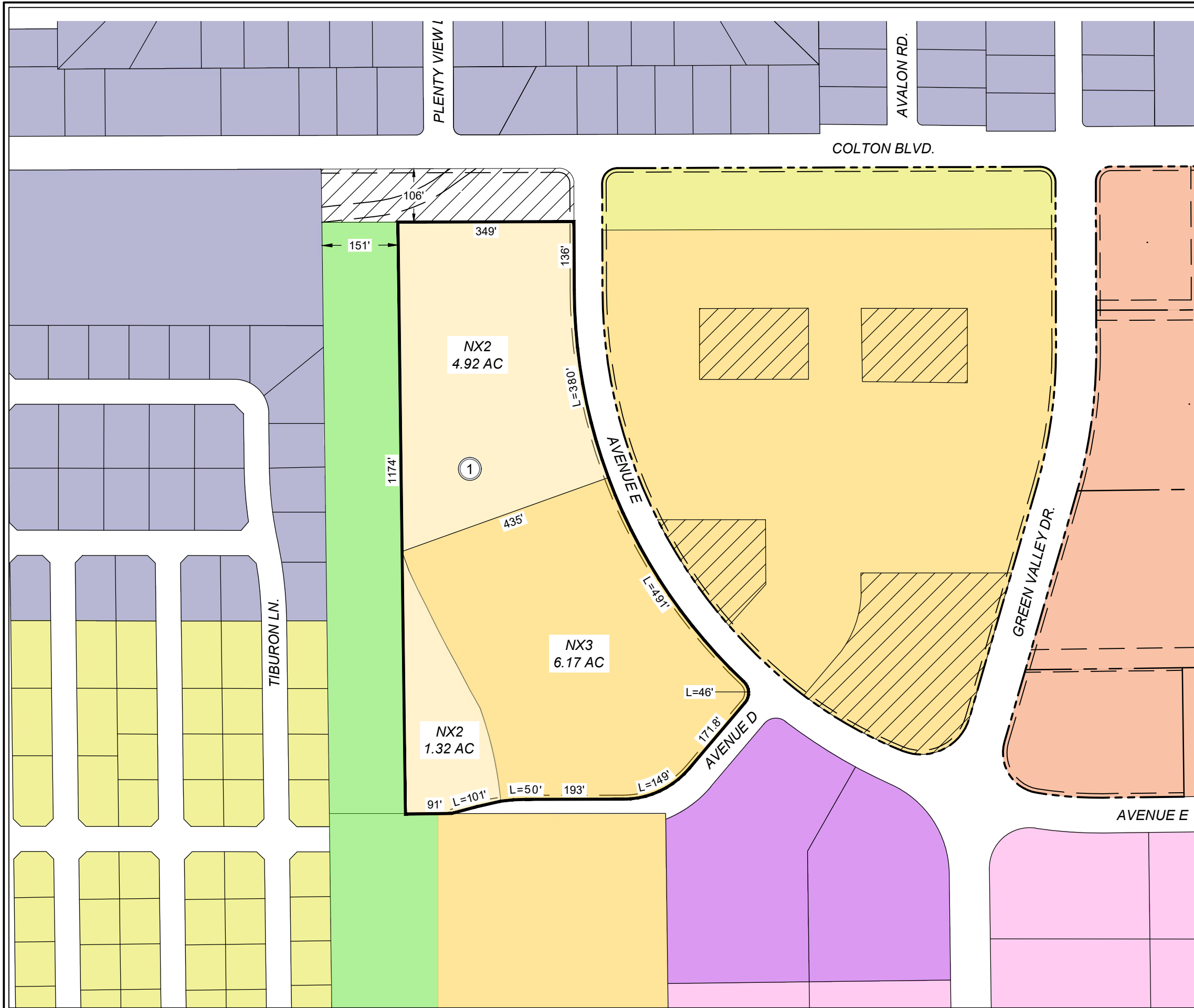
View southeast along Avenue E



View southeast at intersection of Avenue E and Avenue D

Zoning History for ZC 1038 – Zimmerman Home Place Sub Lot 1 Block 1

<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 3411 Grand Ave 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>
Michelloti Sawyer	1020	10/24/2022	A to NX1 and NX3	Yes	Steward Land townhomes
ZHP 3 <sup>rd</sup> Filing Zimmerman Trail frontage	1019	1/9/2023	NO to CMU1	Withdrawn	
Cardwell Ranch PD	986	10/26/2020	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



**LEGAL DESCRIPTION**

LOT 1, BLOCK 1, ZIMMERMAN HOME PLACE SUBDIVISION, 1ST FILING (18), S34, T01N, R25E  
① (EXISTING) BLOCK 1, LOT 1: 752,843 SF 17.689 ACRES

**ZONING LEGEND**

- CMU1: COMMERCIAL MIXED USE 1
- NX1: MIXED RESIDENTIAL 1
- NX2: MIXED RESIDENTIAL 2
- NX3: MIXED RESIDENTIAL 3
- P1: OPEN SPACE, PARKS, RECREATION
- NO: NEIGHBORHOOD OFFICE
- NMU: NEIGHBORHOOD MIXED USE
- N2: MID-CENTURY NEIGHBORHOOD
- N3: SUBURBAN NEIGHBORHOOD

PROPOSED ZONE CHANGE BOUNDARY

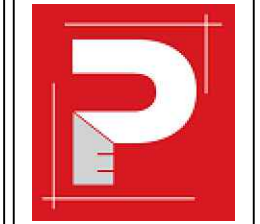
ON-SITE LOT BOUNDARY

**SITE AND STRUCTURE REGULATIONS**

CITY OF BILLINGS ZONING CODE, ARTICLE 27-300, SECTION 27-308

**TABLE 27-300.9 & 27-300.10**

BUILDING SITING	NX2 & NX3
MAXIMUM BUILDING COVERAGE (%)	60
FRONT BUILD-TO ZONE (FT)	10-20
STREET-SIDE BUILD-TO ZONE (FT)	5-15
HEIGHT	NX2 & NX3
OVERALL MAXIMUM HEIGHT (STORIES)	NX2: 2.5-4 NX3: 3-4 (BASED ON HOUSING)



HIGHLANDS APARTMENTS, LLC

BILLINGS, MT 59102

ADH DESIGNED BY	QUALITY ASSURANCE	
BRG DRAWN BY	CPD CHECKED BY	
08/2023 DATE	08/2023 DATE	
REV BY	DATE	CHKD BY

SHEET TITLE  
ZIMMERMAN HOME PLACE BLOCK 1  
PROPOSED ZONING MAP

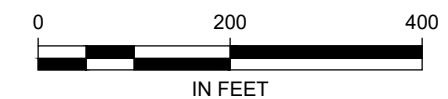
PROJECT NUMBER  
2021-173

SHEET NUMBER  
1 OF 1

EXHIBIT

A

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**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:** NX1 – Mixed Residential 1 \_\_\_\_\_

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Zone Change from NX1 to a combination of NX2 and NX3 on 12.41 acres \_\_\_\_\_

3. **Subject Property Map:** please attach to this form.

4. **Legal Description of Property:**

Zimmerman Home Place Subdivision 1<sup>st</sup> Filing, Lot 1, Block 1, Section 34, T01 N, R 25 \_\_\_\_\_

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, Steve Zeier \_\_\_\_\_

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 2023.

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., Suite 101, Email: preston@beartoothholding.com  
Billings, MT 59102

**Agent (s):** Performance Engineering, Scott Aspenlieder Telephone: (406) 384 - 0080

Address: 608 N. 29<sup>th</sup> Street Billings, MT 59101 Email: scott@performance-ec.com

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

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7:30 PM on August 24, 2023 at the Arrowhead Elementary School. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent) and Preston Lees (developer).

There were eleven (11) public participants for the meeting. We did not receive any calls prior to the meeting or following the meeting. Significant discussion occurred regarding the development plan for Block 2 and the ongoing construction, which was not relevant to this application but all information available was shared by Mr. Lees. Those discussions are not summarized below as they are not relevant to this application.

Questions from the individuals and subsequent responses are shown below:

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

*The developer noted that the timeline for this project was to be under construction in 2024, based on completion timelines for ongoing project adjacent to the parcel. That construction would include the completion of Avenue D along the southern boundary of the project area. Construction would likely take up to 24 months to complete.*

- **Why is it being proposed to switch the existing property zoning to NX2 and NX3?**

*NX1 demand is not moving the land forward at this point. Current market interest is higher for multi-family development than for a lower density NX1 residential development. The combination of NX2 and NX3, we believe, is a compromise and consistent with ongoing development to the east of the parcels on Block 2 and the zone change south which was approved by Council for Steward Land Company, essentially the same as what is being proposed. The proposed zoning configuration allows the developer the ability to mix densities and housing products providing more housing choices to the market and residents. This diversity is imperative for the current market to be able to fit multiple housing levels and price points.*

- **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 a change to Block 1 to account for elevated travel from a future change. Remaining within the NX zone types by only adding NX2 and NX3 we'll see a slight increase in trip generation and thus a negligible impact on the existing transportation system aside from the impacts paid for by the developer to*

*intersections in the area. Nonetheless, the results of the TIS show the project will 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 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 the Colton and Zimmerman intersection once installed helping the road network in the area. Again, it should be noted that trip generation from NX2 and NX3 on Block 1 was planned for with the study completed anticipating a change in the future so the contributions made for intersection impacts by the developer will be sufficient to account for their financial obligations. Lastly, it should be noted that completion of Ave. D to the existing neighborhood west of Zimmerman Home Place Subdivision will assist in serving as an outlet for residential traffic from those streets to get to the new lighted intersection at Ave. E and Zimmerman Trail and the roundabout at Grand Ave. and Green Valley Dr.*

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

*NX3 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. There is no definitive plan for how the lots will be developed at this point. It is more likely that a development like that occurring on Block 2 will be carried over to this area but there have been no formal design level efforts put to that at this stage. Securing the zoning approval is necessary before investing and putting at risk any more capital on the development of these lots.*

- **What impact will this development have on property values of the existing homes in the area?**

*There are a handful of studies that point to continued development of vacant lands increasing values to adjacent neighborhoods, even with higher density development. There are no accredited studies we have seen that show that by building higher density development adjacent to single-family housing that a reduction in home value occurs. There certainly will be a change in viewshed from Colton Boulevard but that would also occur if a home was built to the maximum height allowed by NX1 zoning. The development has stepped back density using an NX1 buffer on the west side of the lot to minimize impact, pushing the NX3 to the center and as far away as possible from existing neighborhoods.*

- **Why can't the area be built out under the existing NX1 zoning?**

*There is increasing demand for NX2 and NX3 densities in development to provide a housing need which is not met under NX1. Currently, with the cost of construction large swaths of land are cost prohibitive to develop with only NX1 zoning because developers cannot get the density necessary to offset construction and land costs with current interest rates and inflation.*







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

August 16, 2023

Dear Interested Neighbor,

On behalf of Highlands ZHP Subdivision, LLC, 2116 Broadwater Ave., Suite 101, Billings, MT 59102, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **August 24, 2023** at Arrowhead Elementary School, 2510 38<sup>th</sup> St. West, Billings, MT 59102. Interested parties can attend the meeting held in the Library from 6-7 PM.

The meeting is being held to discuss a proposed zone change regarding the existing property located southwest of the intersection of Colton Boulevard and Avenue E. The owner is requesting the properties shown in the attached exhibits, and described below, be re-zoned to accommodate future development:

**A portion of Lot 1, Block 1, of Zimmerman Home Place Subdivision, 1<sup>st</sup> Filing, S34, T01N, R25E, City of Billings, Yellowstone County, Montana except the western most 151-foot (5.279 ac remaining NX1). Having a total area of approximately 12.41 acres.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing zoning and the proposed zone changes:

Existing Zone District	Existing Area (acres)	Proposed Zone District	Proposed Area (acres)
NX1	17.689	NX2	6.240
		NX3	6.170

The City of Billings generally describes the zoning districts included in this application as:

- NX2: Mixed Residential 2
- NX3: Mixed Residential 3
- A total of 16.41 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC and the Developer will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 608 North 29<sup>th</sup> Street, Billings, MT 59101, attention Scott Aspenlieder, or emails may be sent to [scott@performance-ec.com](mailto:scott@performance-ec.com). We look forward to discussing the proposed zone change with you and hope to see you on **August 24, 2023 at Arrowhead Elementary**.

Sincerely,

Scott Aspenlieder, PE  
Project Manager



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

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## Lot 1, Block 1, Zimmerman Home Place Subdivision, 1<sup>st</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” within that will not require any additional city water or sewage infrastructure making it a very cost-effective option for the city.

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.

Diversified & Affordable Housing - This zone change will allow for cheaper and safe housing for new residents. This influx of new residents will be able to affordably live in a new development that has many surrounding amenities. The development will also be an affordable option for the city due to the low cost of service. This project will not require any additional utilities installation other than tying into the existing mains as well as the site exists within already established infrastructure.

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 through its expansion of residences, emphasis on public and non-motorized travel, and its cost-effective construction due to its classification as an infill development and low cost of service.
  - 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 Avenue E and Colton Boulevard. Construction of the site will comply with building regulations and zoning code to allow for appropriate separation of buildings and proper lighting for public safety and security. 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 present a residential middle-ground between the family housing to the west and the apartment buildings to the east. Buildout of this vacant land will bring more public eyes to the area to help keep watch on public safety. This zone change to a combination of NX2 and NX3 also requires landscaped or natural open areas which will improve the general well-being 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 east. Park land was identified and dedicated in the PD development to the for the Zimmerman Home Place Subdivision. Even so, additional interior green spaces, pocket parks, and trails will be incorporated into the development for residents and neighbors to use. The development is not necessarily close to MET transportation with the closest routes on Grand Ave. to the south and Poly Drive to the north. The development does connect through a system of trails and pedestrian ways both areas.

**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. The required open area will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

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

As the zone change will convert agricultural lands to residential development, additional residents will move to the area creating an impact on the motorized transportation in the area. This has been studied and accounted for in the reviewed and approved Traffic Impact Study (TIS) associated with the Zimmerman Home Place Subdivision. The developer, as part of the overall development, has contributed to intersection impacts in the areas identified by City Public Works to mitigate any negative impact coming from the overall development. The vicinity of the MET bus stop will help mitigate this effect to some extent depending on the resident profile for the area. The large number of existing and proposed sidewalks and multi-use trails in the area leading to popular commercial areas, nearby parks, and Arrowhead School will also help mitigate additional unnecessary traffic. It should be noted that the development will complete construction of Ave. D, creating a link between the existing neighborhoods to the west with Zimmerman Trail. This will improve traffic flow within the existing residential neighborhoods to the west.

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

The NX2 and NX3 zoning will promote compatible urban growth as it is nestled between low density residential on the west and north sides and medium density residential to the east with medium density commercial to the southeast side. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. The proposed zone change provides the desired step-back in density leaving a portion of NX1 on the west side of Lot 1 and gradually stepping up to higher density on the innermost portion of the lot.

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

By leaving a portion of the existing NX1 zoning in place along the western boundary and stepping up to NX2 and NX3 we are providing adequate buffering and minimizing impacts to surrounding areas. The change from NX1 to NX2/NX3 still provides residential uses of the land as was planned originally. Through proper planning and tiering away from existing neighborhoods the proposed zoning will not impact the character of the existing community.

**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. Inclusion of parks and trails open for public use along with construction of additional transportation infrastructure will also benefit the surrounding neighborhoods.

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

By further buildout of an infill project and providing a lower cost of service to the City of Billings, the development is providing the most appropriate use of the land. The proposed development adequately steps back density from existing residential areas to minimize impact while providing a diversity in housing options and mixed residential neighborhoods within the west end of Billings. Services in the area can support expanded residential growth without straining City infrastructure or EMS services.

**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 due to its blending of the residential areas with the more commercial focused, southern lots closer to Grand Avenue. It can be fairly assumed that much of the development to the south and east will be medium to high density residential and medium density commercial in which the proposed NX2 and NX3 zoning

will readily fit. The current pedestrian infrastructure in the area will allow for the new residents to navigate the surrounding areas easily and safely. The site will help provide homes for future residents as well as many amenities and necessities for the current and future residents in the area. The proposed zone change will allow for necessary density to provide affordable housing and diversity in housing options for this area of the City. Lastly, the development stepped back density from established neighborhoods with appropriate distances to minimize impacts and the feel of higher density being within the core of Zimmerman Home Place Subdivision.