



**City of Billings Zoning Commission
Meeting Minutes October 3, 2023**

The City of Billings Zoning Commission met on Tuesday, October 3, 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, October 3, 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 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.**

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	1		
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1	1	1		
Greg McCall	Vice Chairman	E	-	1	1	1	1	1	1	1	1		
Trina White	Commissioner	1		1	1	1	E	1	E	1	Z		
David Goss	Commissioner	1	-	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	1		
Hunter Kelly	Planner I	-	-	-	-	-	-	-	-	1	-		
Dave Green	Planner II	-	-	-	-	-	-	-	-		-		
Karen Husman	Planner I	-	-	-	-	1	-	-	-		1		
Robbin Bartley	Administrative Support	1	-	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	2	3			19
Special Review	1	-	-	1	-								2

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

*RETURNING AGENDA ITEM.

Attending: Scott Aspenlieder, Jami Clark, Lavonne Anderson, Preston Lees

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: September 5, 2023

Commissioner Brooks motioned and Commissioner Goss seconded the approval of the minutes with corrections.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks		x		
David Goss		x		
Greg McCall			1038	
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		

No Commissioners visited the location of 1036.
 Commissioners Goss and McCall visited 1037 and 1038.

Public Hearings:

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

Staff Recommendation: A need to postpone/delay the hearing was explained by staff.

Planning staff recommends approval of the zone change

- Meets the intent of the Growth Policy & the Heights Neighborhood Plan
- Adjacent uses and zoning are compatible with proposed zoning
- N3 allows single family only
- There is a concurrent application for Annexation

Zone Change Review Criteria

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Discussion. Questions for staff:

Applicant: Scott Aspenlieder, PEC, requests to postpone the hearing.

Questions for applicant:

Motion

Commissioner McCall made a motion and Commissioner Brooks seconded the motion to postpone City Zone Change 1036 until the November 7, 2023 meeting.

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

The Motion passed to postpone City Zone Change 1036 with a 5-0 vote.

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.– 4th Floor.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning
- NO zoning is designed to be compatible with adjacent residential uses
- District does not allow retail uses except as incidental to primary use
- Will allow development of lot consistent with adjacent uses and appropriate for intersection of two arterial streets

Discussion. Questions for staff:

Applicant: Jamie Clark, 107 33rd St W

Explains her intent to put in a small multi-unit building. 9 parking spaces for office and 3 small residential units.

Questions for applicant:

Public Hearing: 4:53 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1037.

In Favor: None

Opposed: Sharon Peterson, 3135 Georgina

She is not opposed per se. The traffic in the alley and on Georgina to avoid the traffic signal is a lot. This proposal will cause how much more traffic. Is this a 2 story structure. Will safety response be an issue. If the zone is changed will the value of homes be affected? - Staff replied no.

Rebuttal:

The alley will be used for some access and an allowed curb cut on Monad. The setbacks will be adhered to. I will be using the office most days. I intend to build 3 units. These are furnished units for short term use. There will be a 2 bedroom, 1 bathroom and 2 upstairs unit having 1 bedroom and 1 bath downstairs.

Public Hearing closed at 5:00 PM

Discussion:

Commissioner Brooks stated safety will be improved by additional vehicles slowing the alley traffic in the area (CEPTED).

Commissioner Goss asked if the residences on the 1st floor are allowed. Staff replied yes.

Commissioner McCall stated this has been vacant and is good infill.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve City Zone Change 1037 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 1037 with a 5-0 vote.

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.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning – existing NX1 maintained along west property line; Public 1 zoning maintained for Colton Blvd frontage; NX3 and NX2 zones facing across the street from subject property
- NX2 and NX3 zones are height and density limited by structure type and length of public or private street frontage.
- NX2 zone only allows 2-8 dwelling unit structures; NX3 allows a minimum 5 dwelling unit structure and no maximum – limited by off-street parking requirements and lot coverage of 60%
- Buffer yards required on property lines where adjacent zone or use is different
- Development will provide a variety of housing choices from 1-family detached to townhomes, to multifamily attached dwellings
- NX zone district requires development of this size to provide on-site open space for use by new residents

Discussion. Questions for staff:

Applicant: Scott Aspenlieder, PEC

We agree with Planning staff. Zoning is considerate of adjacent zones and neighbors. He lives in the neighborhood. This entire subdivision has gone through 3 traffic impact studies, the contribution is \$200,000.00. It includes a 160 page document. The vast majority will go east and south. The development will require a traffic signal at Ave E and Zimmerman. We have gone to great lengths to honor existing zoning. The traffic is being mitigated and the parks are accessible.

Questions for applicant:

Commissioner Goss inquire why not match the zone across the street.

Preliminary layouts indicate an NX1 width is ok. NX2 follows or will follow a street line.

Public Hearing: 5:24 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1038.

In Favor: Preston Lees, 6130 White Ash

When we do a large development like this we have unknowns. We are passionate about mixed residential neighborhoods. We have done some pre-layouts. The purpose of zone boundaries is to follow future street layouts. Block 2 could have been more density. Code requires open space. We

always exceed minimum requirements. We do need density but it can be done well. We want to build something very nice. We spend considerable time to figure out details.

Opposed: None

Public Hearing closed at 5:31 PM

Motion

Commissioner Brooks made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1038 with staff findings, recommendation and conditions.

Commissioner Brooks agrees with staff findings.

Chair Larson understands traffic concerns but developers do pay their way.

Commissioner White is happy with the comments on traffic and development concerns.

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 1038 with a 4-0 vote.**

Other Business: November 7 meeting to include BZC 1036.

Adjournment: The meeting adjourned at 5.35 PM.

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

--Robbin Bartley, Administrative Assistant