



CITY ZONING COMMISSION  
**AGENDA-Tuesday, November 7, 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 October 23, 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. **Return Item 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 1039 - 713 Avenue D - Public 2 (P2) to First Neighborhood (N1)**  
This is a zone change request for a parcel located at 713 Avenue D and legally described as the West 66 ft of the east 132.75 feet of Block 4, Lot 4 (less North 10 ft for the alley), of Billings Heights Subdivision. The current zoning is Public 2 (P2), a zoning that was updated in 2021 to match the existing use of a church. The proposed zoning is First Neighborhood (N1), a zone district in place for all properties to the east and west of this property.

## Other Business/Announcements

### Adjournment

**The City Council has designated November 27, 2023, 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 on the **first reading**. If approved on first reading, a **second reading will occur on December 11, 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:** 11/07/2023

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**Information**

**Subject**

The minutes of the Board meeting of October 23, 2023

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**Attachments**

BZC\_2023\_1003

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**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.**

<b>Commission and Staff</b>		<b>01/03/2023</b>	<b>02/07/2023</b>	<b>03/07/2023</b>	<b>04/04/2023</b>	<b>05/02/2023</b>	<b>06/06/2023</b>	<b>07/11/2023</b>	<b>08/01/2023</b>	<b>09/05/2023</b>	<b>10/03/2023</b>	<b>11/07/2023</b>	<b>12/05/2023</b>
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.– 4<sup>th</sup> 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 33<sup>rd</sup> 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 1<sup>st</sup> 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.

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

**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*

## Zoning Commission

**Date:** 11/07/2023  
**Title:** Return Item-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. The request was originally scheduled for October 3, 2023, but the public notification had errors. Staff worked with the applicant and they supported a 30-day delay in order to remedy the notice errors. The property was re-posted, corrected notices sent, and the legal ad has been republished to ensure proper public notice and due process.

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 Lincoln 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.

### Zoning Commission October 3, 2023

Due to an error public notification requirements, the applicant and agent requested that the Zoning Commission postpone the hearing to the next meeting to allow proper notification. The Zoning Commission at their meeting on October 3, 2023, granted the request to delay the hearing to the meeting on November 7, 2023. The 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?**

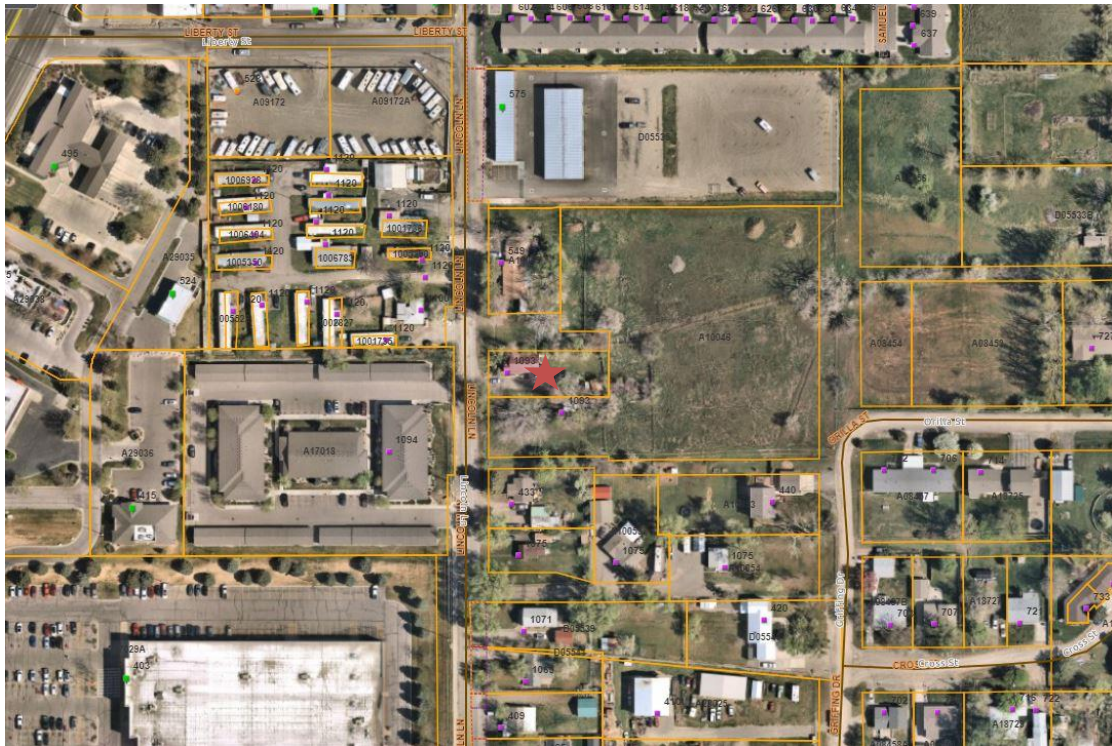
The proposed zoning will allow a residential property outside the City limits of Billings to be annexed into the City and connect to City services, so the property can be used for a residential dwelling. There are no indicators the N3 zoning is not the most appropriate use of the land.

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**Attachments**

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

# 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

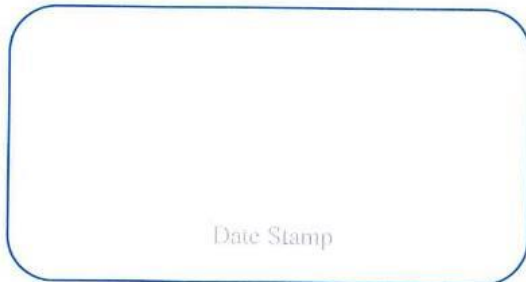
(Name) 608 N. 29th St., Billings, MT 59101

(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**

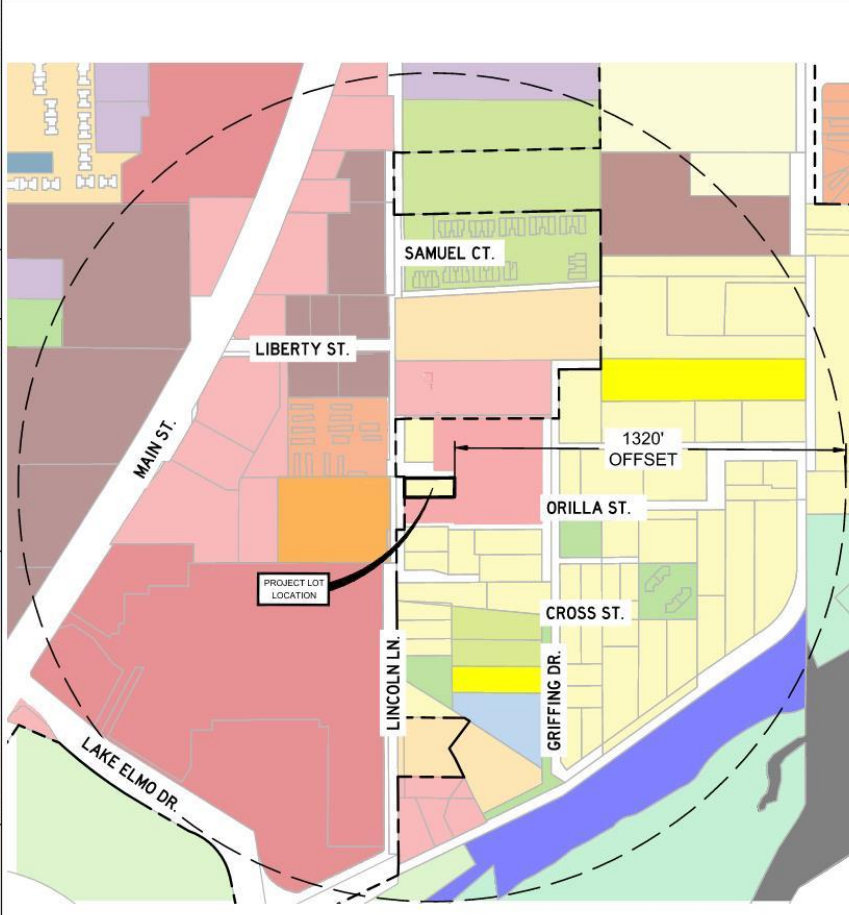
**PERFORMANCE ENGINEERING**

608 NORTH 29TH STREET  
 BILLINGS, MT 59110

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

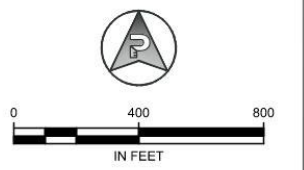
EXHIBIT  
**EX A**

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  
 \_\_\_\_\_





## Subject Property

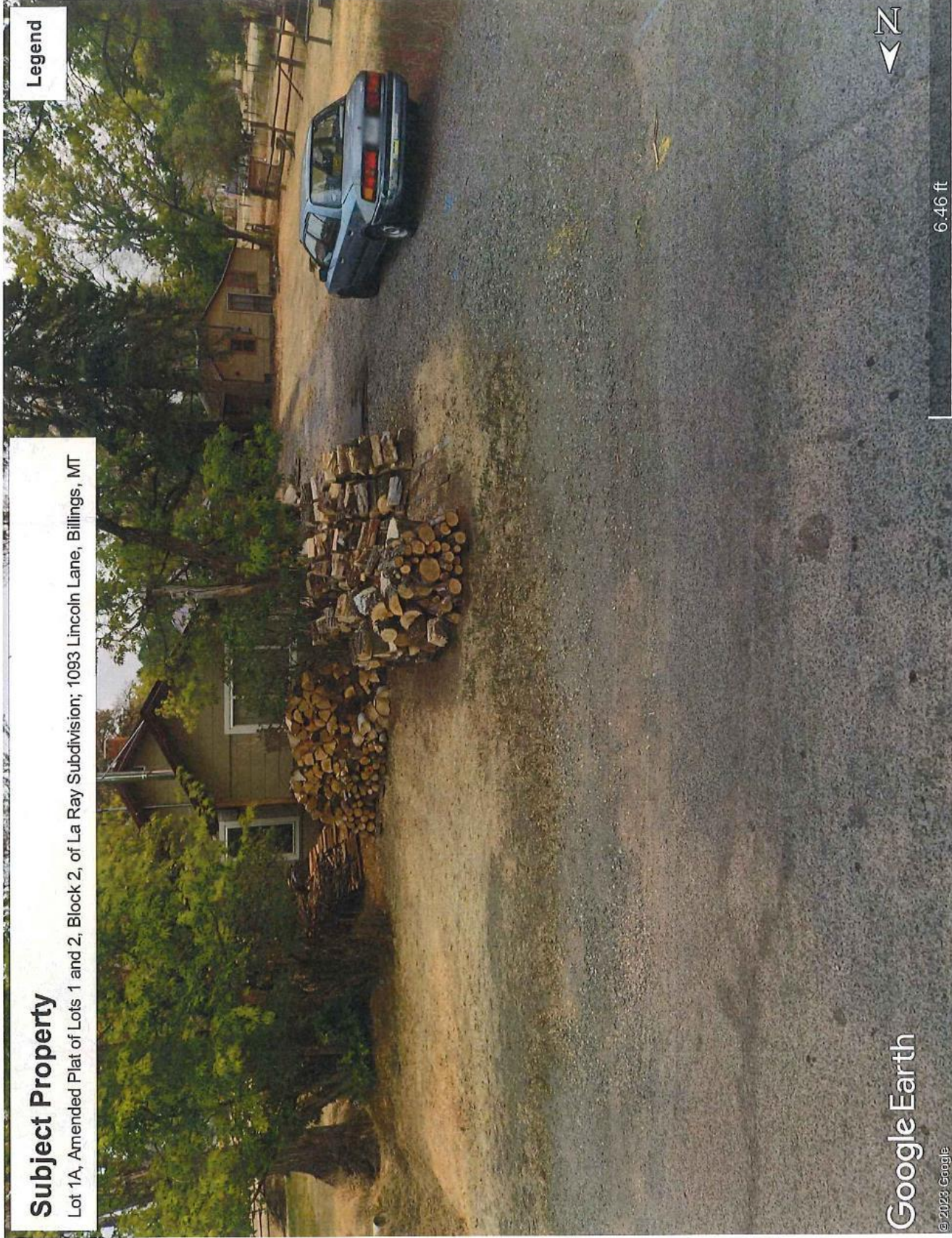
Lot 1A, Amended Plat of Lots 1 and 2, Block 2, of La Ray Subdivision; 1093 Lincoln Lane, Billings, MT

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 See Article 27-1500 existing lots of record. See 27-306.C for exemption from minimum lot widths.
<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 See BMCC Section 6-1200 for driveway access standards.
B. Height		
	Principal Building: Maximum Height (stories) Maximum Height (feet)	3 34 See Article 27-1800 for instructions for measuring height.
	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building Accessory roof pitch shall match 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:** 11/07/2023  
**Title:** Zone Change 1039 - 713 Avenue D - Public 2 (P2) to First Neighborhood (N1)  
**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 1039.

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

This is a zone change request for a parcel located at 713 Avenue D and legally described as the West 66 ft of the east 132.75 feet of Block 4, Lot 4 (less North 10 ft for the alley), of Billings Heights Subdivision. The current zoning is Public 2 (P2), a zoning that was updated in 2021 to match the existing use of a church. The proposed zoning is First Neighborhood (N1), a zone district in place for all properties to the east and west of this property. North across the alley is Mixed Residential (NX) zoning for multi-unit dwellings. The church was constructed in 1950, prior to current zoning regulations. The building as a church has reached the end of its useful life. A new owner would like to convert the existing structure to a two family dwelling to meet demand for housing in the neighborhood.

The proposed zone change will allow the property to be developed for a one or two unit structure with off-street parking for the new residents. There is a variety of housing options in the area including 2-unit dwellings, single family detached dwellings and multi-unit dwellings. Most of this housing is approximately the same age as the current church but has been reasonably maintained by the owners. Conversion of the existing structure to residential use will require building permits and updates to utility systems. Allowing the existing structure to remain will ensure the new use will fit in with the existing neighborhood fabric. Two off-street spaces are required per dwelling unit, but the two "on-street" spaces on Avenue D in front of the parcel may count towards this requirement. Two additional spaces will need to be created in the rear yard. The proposed zoning of N1 is appropriate given the surrounding zoning and uses.

The N1 zone allows one or 2-unit dwellings. Home occupations are allowed that do not affect the residential character of the area. Planning staff is recommending approval based on the compatibility with the adjacent residential homes and duplexes on Avenue D. The proposed zoning is in conformance with the 2016 Growth Policy guidelines. The proposed use and zoning will benefit the orderly transition of this property from a civic institution to a residential property. The proposed zoning supports the city's Infill Policy.

#### STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on September 25, 2023, at the subject property. Five surrounding owners attended the meeting. The primary concern expressed by the surrounding owners was regarding parking for the new residents. Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application webpage, 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 1039; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1039; 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:

- Infill development and development near existing City infrastructure may be the most cost-effective
- The history and heritage of Billings are cornerstones of our community
- 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, good will 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
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

The proposed zoning would allow an existing vacant church to be re-purposed for residential use. The current zoning of Public 2 (P2) was put in place during the zoning code update of 2020/2021. Prior to this time, the parcel was zoned residential. The P2 zone is a specific zone for churches, schools and other civic institutions. The property is located west of the intersection of Avenue D and 7th St West. There is N1 zoning to the east, west and south of the parcel and NX zoning to north across the alley. The N1 zoning allows one or two unit dwellings for each 20 feet of street frontage.

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. The site will be developed in conformance with 27-300.3 or in proportionate compliance.

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

Similar to criteria two, Public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed N1 zoning would allow the vacant building to be re-occupied. Vacant land or structures tends to detract from the neighborhood, and invites vandalism or trespassing. Vacant structures also tend to add unpredictability to 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 should not have any measurable impact on transportation. The re-development for a two-unit dwelling will require provision of some off-street parking.

**Water and Sewer:** The City provides water and sewer to the property. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The nearby elementary school (Highland Elementary) had 245 students enrolled last year with a student teacher ratio of 12 students per teacher. Lewis and Clark Middle School serves this location. Lewis and Clark Middle School had 726 students enrolled last year with a student teacher ratio of 10 students per teacher. Senior High School had a 2022/2023 enrollment of 1,823 students with student teacher ratio of 18:1. The student population capacity of Highland Elementary is 275, Lewis and Clark Middle School can handle up to 542 students, and Senior High School can accommodate 1,600 students. The school district provided no comments on the proposed zone change.

Parks Director Mike Pigg provided the following comments: Parks should not be negatively impacted by the proposed zoning. The proposed development would create one two-family dwelling if approved. The closest public park to this location is Pioneer Park which is less than 0.5 miles away and Lions Park is 0.3 miles away. There are no comments 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?

Similar to criteria 2 and 3, The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any redevelopment or additions must be in compliance with BMCC 27-300.3.

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

The existing property has a fully developed sidewalk on Avenue D and appears to be in good condition. Traffic volume on

Avenue D is not regularly measured but is in the range of a typical local street of less than 500 trips per day. The existing streets can handle any small increase in traffic volume. 1 or 2 dwellings will not create a negative impact on the existing facilities.

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, west and south of the subject parcel is zoned N1. North across the alley is NX zoning for multifamily apartments. 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 the re-use of an existing structure to provide more housing in this neighborhood.

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 any proportionate compliance with site development and make improvements to any deferred maintenance on the adjacent public improvements such as sidewalks, curbs and gutters.

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

The proposed zoning will allow the re-development of the property in a desirable neighborhood close to downtown for additional housing. The proposed zoning and use will encourage the most appropriate use of the parcel.

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#### **Attachments**

Zoning Map and Site Photos

Chart of Zoning History for ZC 1039

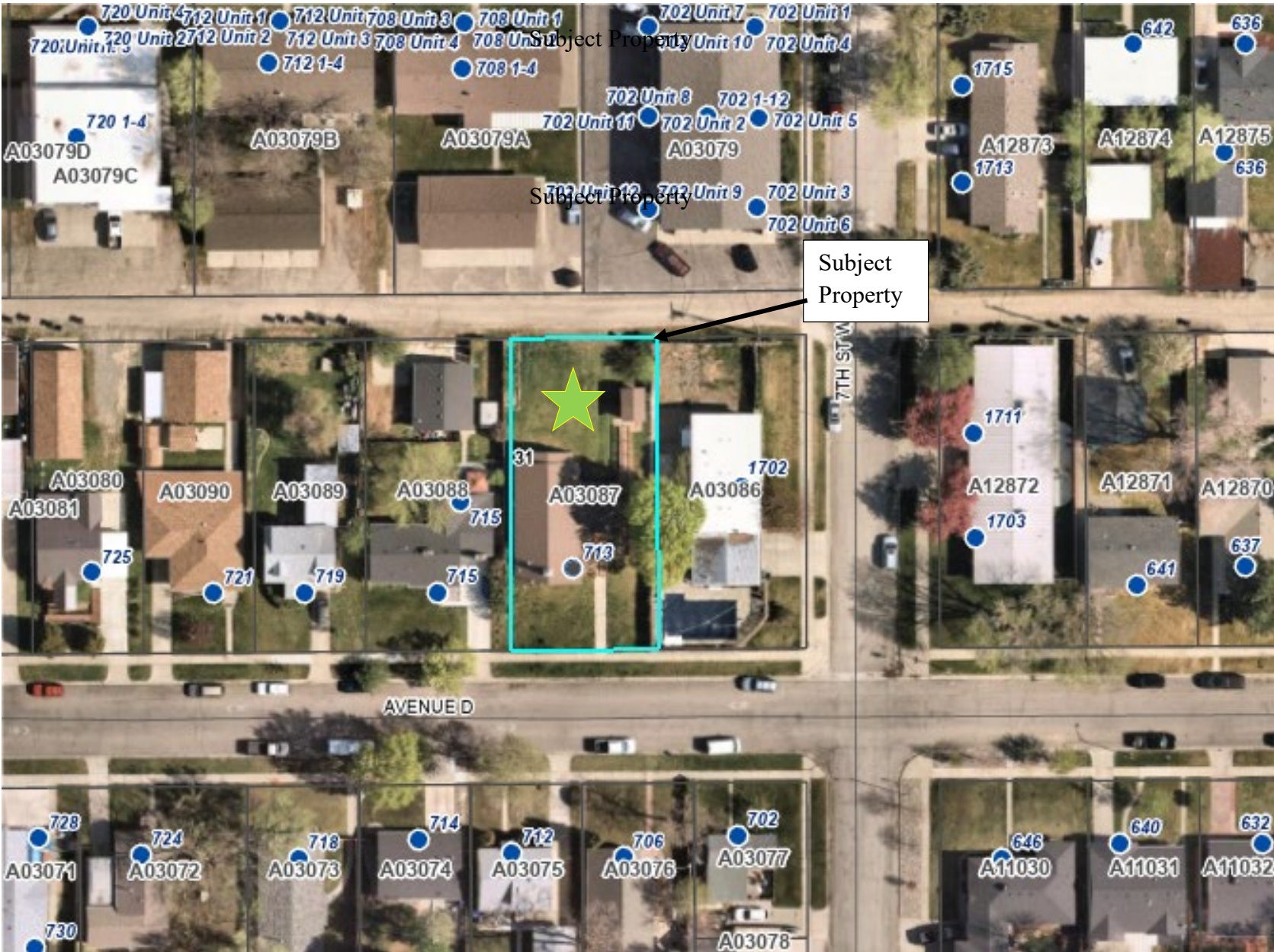
Applicant Letter ZC 1039

Pre application meeting and minutes

Proposed redevelopment plan

City Zone Change 1039 – 713 Avenue D  
Zoning Map and Site Photos







Subject Property view from Avenue D



View north east to adjacent residence at 1702 7<sup>th</sup> St W



View north west to adjacent duplex at 715 Avenue D



View west on Avenue D



View south east across Avenue D

Zoning History for City ZC 1039 – 713 Avenue D

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
	None				Previous zone of R60 update to P2 in 2021
<b>SURROUNDING PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
924/932 Avenue B	53	4/23/74	R96 to RMF-A	Yes	Now CMU1
833 Avenue D	79	3/24/1975	R60 to RMF	Yes	Now NX3
800 Block of Ave E and Ave F	86	6/2/1975	R60 to RMF-R	No	Now NX3 and NX1
601 Parkhill Dr	182	11/28/1977	R96 to R60	Yes	Now N1
544 Parkhill Dr	214	7/24/1978	R96 to R60	No	Now N1
602 Beverly Hill Blvd	382	1/24/1983	R96 to R60	Yes	Now N1
702 Beverly Hill Blvd	387	4/25/1983	R96 to R60	Yes	Now NX2
800 Block Avenue E	777	5/22/2006	R60 to RMF	Yes	Now NX3

**Written Statement for Zoning change request.**

PROJECT#: 713 Ave D Zone change

Property Address: 713 AVENUE D  
Township: 01 N Range: 26 E Section: 31  
Subdivision: BILLINGS HEIGHTS SUBD Block: 4 Lot: 4  
Full Legal: BILLINGS HEIGHTS SUBD, S31, T01 N, R26 E, BLOCK 4, Lot 4, W66' OF E132.75' LESS N10' FOR ALLEY

To whom it may concern,

We are proposing a Zone change from P2 to an N1-Zoning. The zoning change will allow the existing structure, formerly a church, to be built-out as a residential duplex. This zone change will match the zoning of surrounding properties. The existing structure size and location on the lot meets all zoning requirements for the proposed N1 zoning. This zone change is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Sincerely,



Jeff Wollschlager  
Agent/ Representative

## Zoning change request meeting minutes:

PROJECT#: 713 Ave D Zone change

Property Address: 713 AVENUE D  
Township: 01 N Range: 26 E Section: 31  
Subdivision: BILLINGS HEIGHTS SUBD Block: 4 Lot: 4  
Full Legal: BILLINGS HEIGHTS SUBD, S31, T01 N, R26 E, BLOCK 4, Lot 4, W66' OF E132.75' LESS N10' FOR ALLEY

Meeting was held at 5pm 9-25-23 at 713 Ave D.

Attendance/ Comments:

Casey McLennan, owner of 713 Ave D

Kay Bartlett, owner of 1702 7<sup>th</sup> St W. Parking was a concern.

Mark and Stephanie Thorm, owner of 707 Ave E. Illegal aliens living there was their concern

Vangie, owner of 708 Ave E. Parking was a concern

Galys , owner of 1703 7<sup>th</sup> St W. Parking was a concern.

Parking concern was addressed by informing them there will not be an addition onto the existing structure and will be built out for no more than 2 units. On street parking in the front and off-street parking in the rear lot is more than adequate.

Future Occupants addressed. No illegal immigrants will be living there. Commented that with new construction and finishes this property will demand the upper end of the rental market (Price per SQ FT). No section 8, low income, or illegal immigrants.

Meeting adjourned at 5:20pm

# 713 DUPLEX

## 713 AVE D

BILLINGS

MONTANA

### OWNER

MCLENNAN, CASEY JAMES &  
ROBERT L  
406-998-7447

### CONTRACTOR

CONTRACTOR

### INDEX OF DRAWINGS

T1.0 TITLE/SITE PLAN  
A1.0 EXISTING PLAN  
A1.1 MAIN LEVEL PLAN

### SCOPE OF WORK

BUILD OUT OF EXISTING CHURCH TO A  
RESIDENTIAL DUPLEX

### ADOPTED CODES

INTERNATIONAL RESIDENTIAL CODE, 2021  
EDITION

### GENERAL NOTES

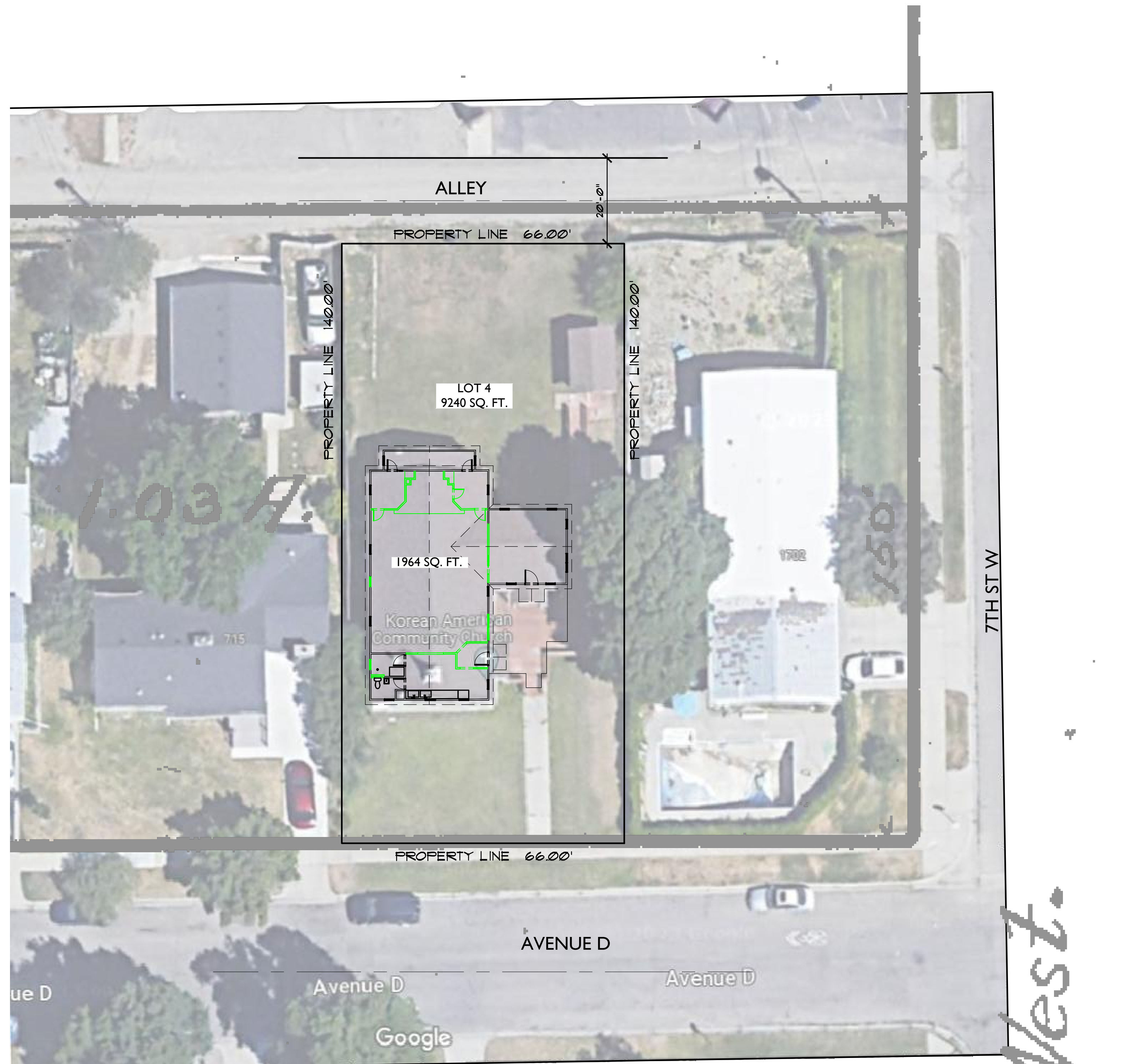
-CONTRACTOR TO VERIFY ALL EXISTING  
CONDITIONS PRIOR TO CONSTRUCTION

-ALL EXISTING AND FINISHED GRADES AND  
ELEVATIONS TO BE VERIFIED PRIOR TO  
CONSTRUCTION

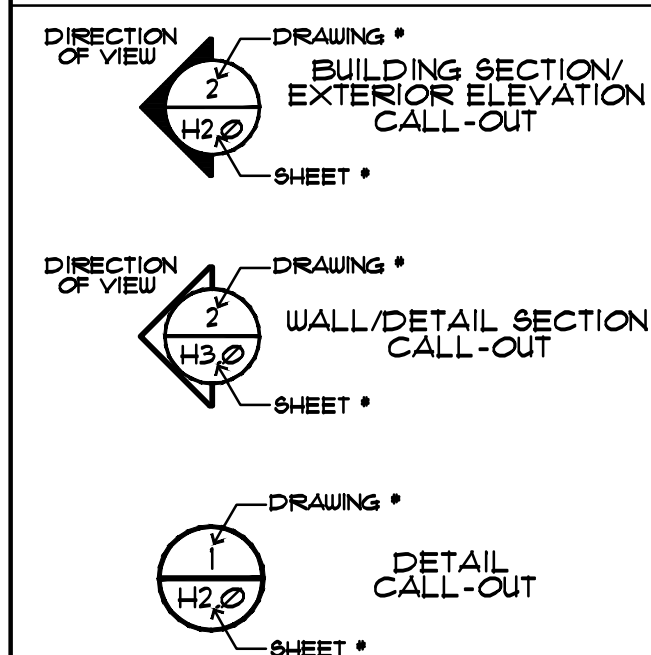
### SITE INFO

Property Address: 713 AVENUE D  
Township: 01 N Range: 26 E  
Section: 31  
Subdivision: BILLINGS HEIGHTS  
SUBD Block: 4 Lot: 4  
Full Legal: BILLINGS HEIGHTS  
SUBD, S31, T01 N, R26 E, BLOCK 4,  
Lot 4, W66' OF E132.75' LESS N10'  
FOR ALLEY

LOT SIZE: 9240 SQ. FT.  
ZONING: P2-PUBLIC, CIVIC AND INSTITUTIONS  
EXISTING AREA: 1964 SQ. FT.



### SYMBOLS LEGEND



1 SITE PLAN  
T1.0 SCALE: 1/16"=1'-0"

713 AVE D  
CASEY

TITLE/ SITE

### DATES

REV 9-25-23  
REV  
REV

### SET:

PROJECT NO. 15923  
DRAWN BY: JJW  
CHECKED BY: JJW

TITLE/ SITE

SHEET

T1.0

PRELIMINARY

NOTE:  
 -ALL WALL DIMENSIONS ARE TAKEN TO THE  
 EDGE OF FRAMING. WINDOWS AND DOORS  
 ARE DIMENSIONED TO THE CENTER OF THE  
 OPENING. OPENINGS NOT DIMENSIONED TO  
 BE CENTERED IN SPACE PROVIDED.

**AREA**

1964 SQ. FT. EXISTING AREA PER COUNTY RECORD

DATES

REV 9-25-23  
 REV  
 REV

SET:

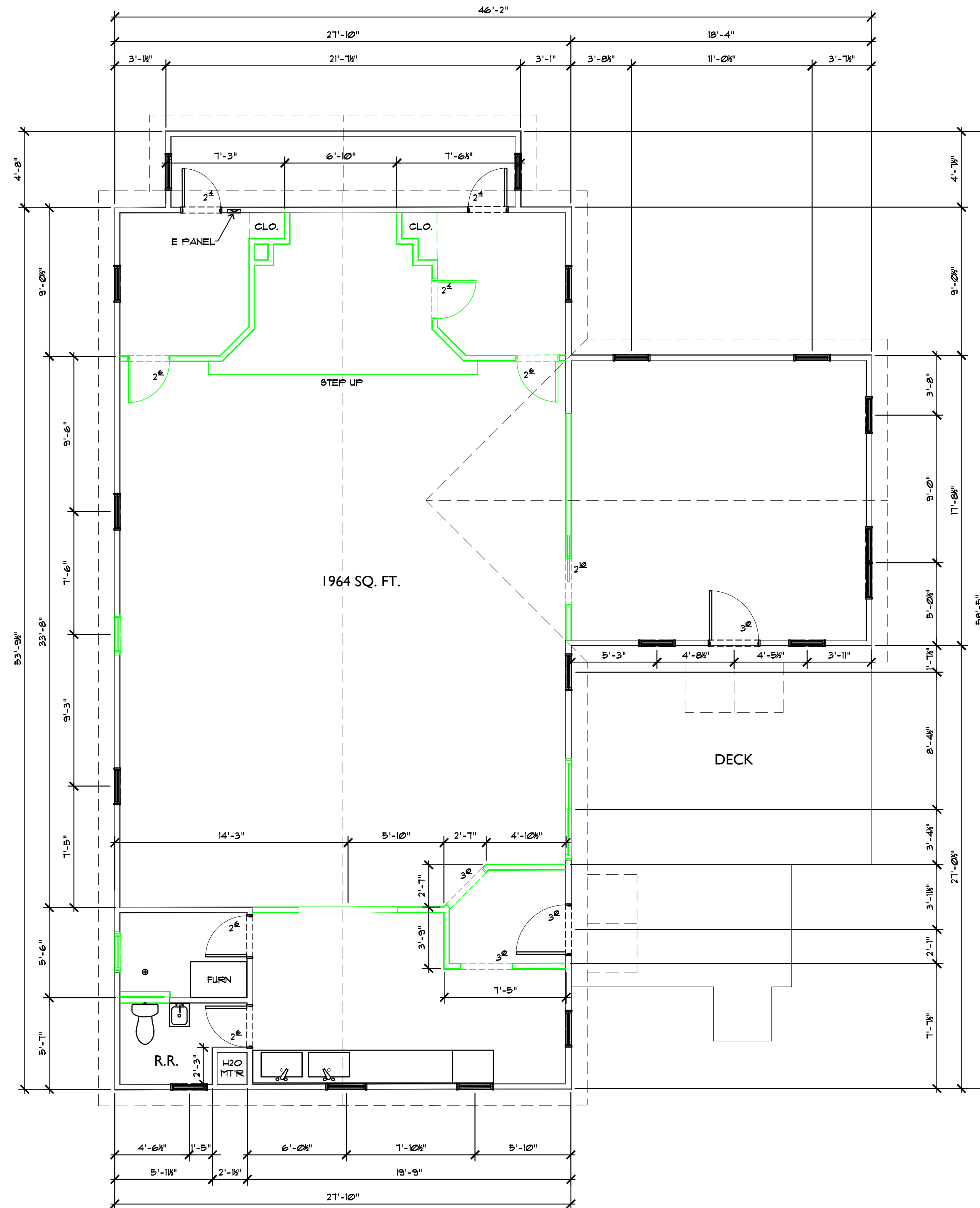
PROJECT NO. 15923  
 DRAWN BY: JWW  
 CHECKED BY: JWW

PRELIMINARY

MAIN LEVEL PLAN

SHEET

A1.0



1  
 A1.0 EXISTING MAIN LEVEL PLAN  
 SCALE: 1/4" = 1'-0"

**NOTES**

-VERIFY ALL WINDOW SIZES W/ MANUFACTURER SPECS.

-(UNIT 1) 2 BED 2 BATH  
 -(UNIT 2) 3 BED 2 BATH

**WALL LEGEND** SCALE 1/4" = 1'-0"

1E DESIGNATES EXTERIOR WALL SHEATHED WITH OSB + SIDING  
 2E DESIGNATES EXTERIOR WALL SHEATHED WITH OSB + SIDING  
 2B DESIGNATES WALL TO BE INSULATED.

INTERIOR APPLICATION TO BE PAINTED 5/8" GYP. BD.

MINIMUM INSULATION VALUES FOR ALL SYSTEMS ARE AS FOLLOWS:

1. CEILING	R-30 (w/ 2" energy heat)
2. WALLS	R-21
3. FLOOR (over heated space)	R-30
4. FOUNDATION WALLS	R-21
5. BASEMENT WALLS	R-19
6. DOORS	R-2
7. WINDOWS	U-0.32

- F EXHAUST FAN, 120CFM INTERMITTENT KITCHENS, 50 CFM BATHROOMS/ TOILET ROOMS INTERMITTENT
- SD SMOKE DETECTOR (SMOKE DETECTORS WITHIN 20' OF A COOKING APPLIANCE MUST BE THE ALARM SILENCING TYPE)
- HB HOSE BIB
- C CARBON MONOXIDE DETECTOR
- S.G. SAFETY GLAZING

NOTE:  
 -ALL WALL DIMENSIONS ARE TAKEN TO THE EDGE OF FRAMING. WINDOWS AND DOORS ARE DIMENSIONED TO THE CENTER OF THE OPENING. OPENINGS NOT DIMENSIONED TO BE CENTERED IN SPACE PROVIDED.

**AREA**

AREA:  
 757.28 SQ. FT. UNIT 1  
 1165.01 SQ. FT. UNIT 2

**DOORS AND WINDOWS**

-ALL INTERIOR DOOR HEIGHTS TO BE 6'-8" h.  
 -EXTERIOR WINDOW/ DOOR HEIGHTS TO BE 7'-0" A.F.F. @ MAIN LEVEL

**EGRESS WINDOWS**

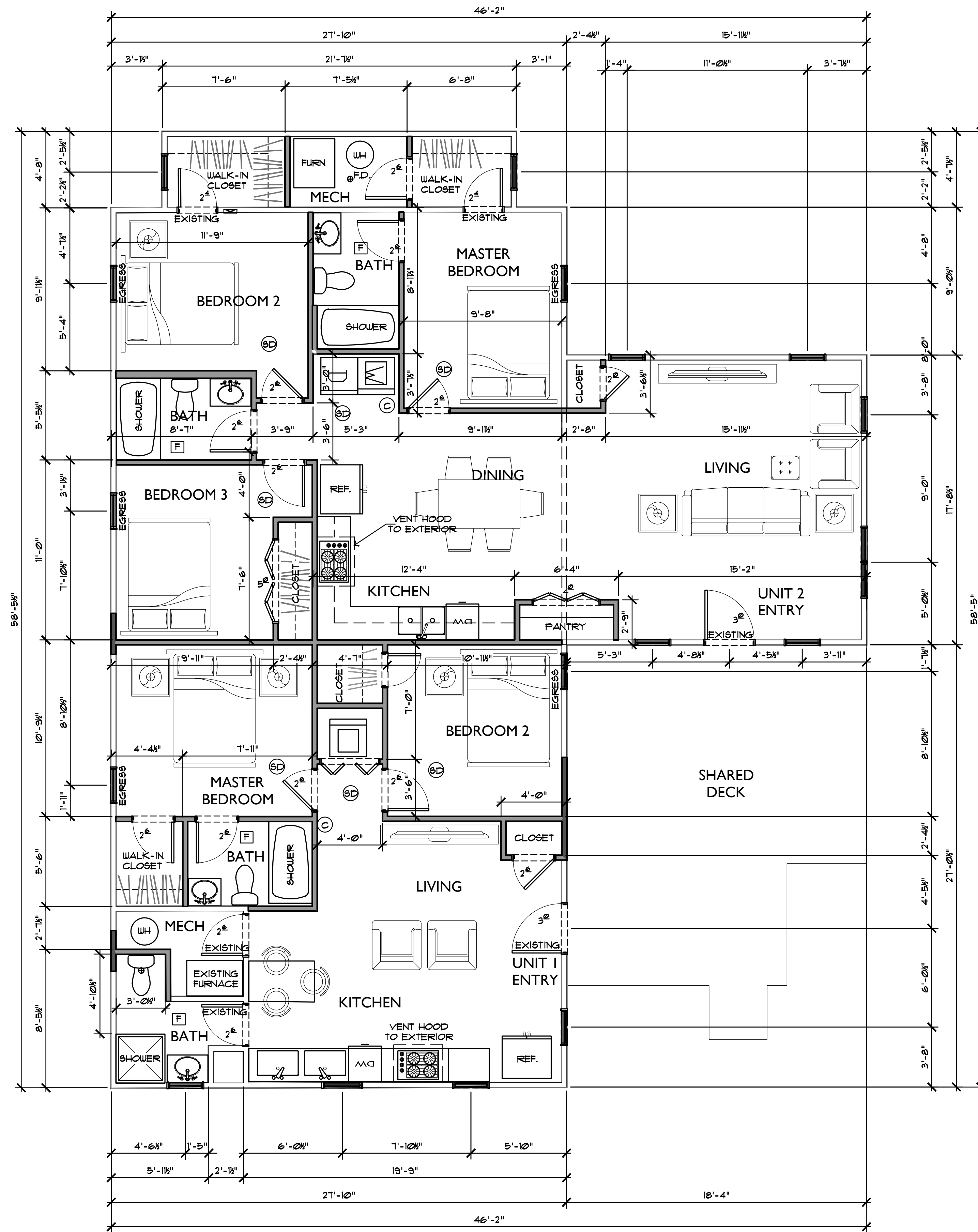
-EGRESS WINDOWS @ MAIN LEVEL TO HAVE A MIN. NET CLEAR OPENING OF 5.0 SQ. FT. WITH A MIN. HEIGHT OF 24" & A MIN. WIDTH OF 20". 44" A.F.F. TO OPENING MAX.

**SMOKE DETECTORS**

SMOKE DETECTORS ARE REQUIRED IN EACH SLEEPING ROOM, OUTSIDE SLEEPING AREAS, IN BASEMENTS, AND ON EACH STORY

**FUEL BURNING APPLIANCES**

FUEL BURNING APPLIANCES, WHERE OPEN COMBUSTION AIR DUCTS PROVIDE COMBUSTION AIR, TO OPEN COMBUSTION FUEL BURNING APPLIANCES SHALL BE INSTALLED IN ACCORDANCE WITH IECC 2018 R402.4.4



**1 MAIN LEVEL PLAN**  
 SCALE: 1/4" = 1'-0"

**DATES**

REV 9-25-23  
 REV  
 REV

**SET:**

PROJECT NO. 15923  
 DRAWN BY: JWW  
 CHECKED BY: JWW