



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

The City of Billings Zoning Commission met on Tuesday, December 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, December 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 January 8, 2024 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 January 22, 2024 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	1	1
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1	1	1	1	1
Greg McCall	Vice Chairman	E	-	1	1	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	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	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	2		21
Special Review	1	-	-	1	-							1	3

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Brenda Berns, Planning Clerk

Attending: Stephanie Donovan, Cushing Terrell; Jeremy Morgret, Stockman Bank; Steve Tucker; Shannon Christensen.

Chair Larson called the meeting to order at 4:30pm.

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: November 7, 2023: Delayed

Disclosure of Conflict of Interest

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

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		

Daniel J. Brooks		x		
David Goss		x		
Greg McCall		x		

Commissioners Goss and Brooks visited the location of 1040.

Public Hearings:

City Zone Change 1040 –1404 and 1406 Avenue B – N2 to NO - N2 (Mid-century Neighborhood) to NO (Neighborhood Office) - A zone change request from N2 (Mid-century Neighborhood) to NO (Neighborhood Office), on Lots 45 to 48 of Block 2, Evergreen Subdivision, a 14,000 square foot parcel of land. A pre-application neighborhood meeting was held on October 23, 2023, at the Stockman Bank at 1403 Grand Avenue.

Neighborhood Office (NO) allows:

- Professional Offices, Personal and Business Services, Medical, and Dental
- Residential Uses – either in a mixed-use building or separate dwellings (1 to 4 family structures)
- Any new development will require conformance with all zoning, building and site development requirements.

No zone district requires special review approval for new surface parking lots.

Staff Recommendation: Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1040.

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 parking lot for Stockman Bank at 1404 Avenue B approved through special review to conform to the 2021 zoning code, and will allow a small addition to that parking lot through a zone change and new special review for 1406 Avenue B. The Stockman Bank development about 12 years ago, provided a significant reinvestment in an underdeveloped and vacant commercial property. The Grand Avenue lots were not deep enough to accommodate all the parking needs of the bank, so the corner lot at 14th St West and Avenue B was developed for a few additional off-street spaces. The bank would like to provide more off-street parking for employees and bank customers. This 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 that may be intrusive to the neighborhood. For example, a coffee kiosk or any restaurant food service would not be allowed. Consideration of a special review

and not just the zone change is required for the parking lot expansion. This will reinforce the compatibility of the new parking spaces.

2. Is the new zoning designed to secure protection 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 are promoted by both the existing 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 landscaping. The proposed NO zone will also allow the retention of the existing home at 1406 Avenue and development of the parking lot expansion through special review.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? Transportation: The proposed zoning will not increase traffic on the adjacent streets. The zone change and special review may reduce the demand for on-street parking on 14th St West and Avenue B. This increase will not require a traffic study. Any changes to drive approaches will need approval from the City Engineering Division. Water and Sewer: The city provides water and sewer for 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 will not be affected by the proposed zoning. Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about 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 affect motorized and non-motorized transportation? The existing property has a fully developed sidewalk on Avenue B and 14th St West. The sidewalks appear to be in good condition. The new zoning designation itself should not have any measurable effect on the transportation system. Demand for on-street parking may decrease slightly.

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 west and north of the subject parcels is zoned N2. Zoning lots at block ends for more dense residential development or for neighborhood service business is a common development pattern in Billings. 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 a small expansion of an existing parking lot and allow the existing parking lot to conform to the 2021 zoning code.

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. The expansion of the parking lot will require positive findings for the special review criteria and will have conditions of approval. These conditions are expected to conserve and protect the value of buildings.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings? The proposed zoning will allow the property to conform to the 2021 zoning code, and request a small expansion of an existing parking lot. Any future re-development of the lots will allow compatible uses such as small offices and personal services. Supporting local business needs will have a positive impact on the Billings economy.

Discussion. Questions for staff: Commissioner Goss requested clarification on the water for both properties.

Nicole clarified the water is in for 1406, but water is for irrigation only at 1404.

Applicant representative: Stephanie Donovan, 13 N. 23rd St, Billings MT

Questions for applicant: Commissioner Brooks asked how the interactions have gone with the resident of the house at 1406.

Stephanie stated it is vacant and there are no known issues with the property or the surrounding properties.

Commissioner Brooks asked if there were traffic and/or parking studies?

Stephanie stated yes and believes the 9 parking spots are sufficient to meet the current needs.

Commissioner Brooks asked if there will be any plans to remove more residential housing?

Stephanie stated no.

Public Hearing:

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1040. There was none.

Discussion: Commissioner Brooks stated that he is not keen on removing future housing for public parking lots in the City of Billings, as there is a serious housing shortage. However, Government should not dictate what owners do with their property, therefore agrees with the requested zone change as submitted.

Motion

Chair Larson called for a motion to approve Zone Change 1040. Commissioner Brooks made a motion and seconded by Commissioner Goss.

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

The Motion **passed** to Approve City Zone Change 1040 with a unanimous vote.

Special Review 998 – 1406 Avenue B – New surface parking lot in NO zone. The adjacent parcel at 1404 Avenue B is already developed for a surface parking lot for Stockman Bank directly south of the alley at 1405 Grand Avenue. This was done through a special review (SR 840) in 2011. The applicant will remove a portion of the sight obscuring fence on the common boundary line to build 9 new parking stalls on the south and east areas of the property at 1406 Avenue B. The existing home at 1406 Avenue B will remain in place and occupied by a tenant. A new sight-obscuring fence and landscaping will be installed to shield this residence and the residence at 1410 Avenue B. The site development details are shown on the attached site plan for the property.

Staff Recommendation: The Planning staff recommends conditional approval of the proposed parking lot spaces on the south and east sides of the property at 1406 Avenue B, and adoption of the findings of the review criteria.

1. The special review use is consistent with the City's growth policy and applicable neighborhood plans, if any. The proposed establishment of 9 new surface parking spots for employees of Stockman Bank on the rear of the property at 1406 Avenue B is in conformance with the following growth policy guidelines: Infill development and development near existing city infrastructure may be the most cost-effective. (Essential Investments and Strong Neighborhoods) 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. (Strong Neighborhoods) Neighborhoods that are safe and attractive and provide essential services are much desired. (Strong Neighborhoods) Successful businesses that provide local jobs benefit the community. (Prosperity) Community investments that attract and retain a strong, skilled and diverse workforce also attract businesses. (Prosperity) Retaining and supporting existing businesses helps sustain a healthy economy. (Prosperity) Stockman Bank at 1405 Grand Avenue is a convenient location for customers and employees. In general, adequate and accessible parking is desired for commercial and retail services. Surface parking on commercial corridor streets can be challenging and may not be the best return on investment for high-value street frontage. Grand Avenue does not have on-street parking. 14th St W does have some on-street parallel parking. The Billings zoning code requires new surface parking in commercial mixed-use corridors to be to the side or rear of new buildings. This preserves the highest value frontage for new buildings. New buildings should frame the corridor to help manage traffic flow and to assist customers with finding their destination. Developing the right number and location of employee and customer parking stalls helps businesses succeed. The location of the new parking stalls is in the right place and will not intrude unnecessarily on the neighborhood of Avenue B. The site plan shows new fencing and buffer yards to protect the home and residents of 1406 Avenue B and adjacent homes.
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed use of up to 9 surface parking spaces located north of the alley at the rear of the property at 1406 Avenue B will not be detrimental to public health, safety, or general welfare. The applicant will retain the existing home on the street frontage, and it will be occupied as a residence. A new landscaped

buffer yard will be put in place, so there is private backyard space for the residents. Two existing mature landscape trees will be retained. These site-specific development conditions will preserve public health and safety.

3. The site is adequate for the proposed use and has topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking. The proposed use of a small portion of the lot is adequate for the proposed 9 parking spots. The remaining area on the lot will be used by the residents of the home that will remain at 1406 Avenue B. Street trees will be added to the front of 1406 Avenue B and one missing street tree will be replaced on 14th St West.

4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The development will not be injurious to the existing use and enjoyment of the residential property in the immediate area. The value of property in the area should be improved through new development on the property. The value of site improvements to land value is a strong 4 to 5 ratio - e.g. improvements equal or exceed four times the value of the land. This indicates a stable neighborhood area with good maintenance and improvements to property over time.

5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed addition of 9 off-street parking spaces accessed from the alley will not impede the normal development of the surrounding neighborhood as all existing uses including the home and parking are being maintained, just altered slightly. If the bank may need additional parking in the future and wish to expand the parking to include the entire parcel, this will require another special review approval.

6. Conditions necessary to protect public health, safety, and general welfare can be established. Staff recommends the following conditions of approval for this project based on the findings of the review criteria:

1. The special review approval is for the establishment of up to 9 new off-street parking spaces on the south end of the property legally described as Lots 47 and 48, Block 2, Evergreen Subdivision. The address of the parcel is 1406 Avenue B. No other use is intended or implied.

2. The site will be developed in substantial conformance to the submitted site plan, including the retention of the two landscape trees (one honey locust and one apple tree), relocation of the 6-foot solid fence to enclose the smaller backyard, installation of the landscaping in the new buffer yard, and installation of new lighting.

3. The applicant will install two new street trees in front of 1406 Avenue B either in the boulevard or within 5 feet of the back of the sidewalk. The missing street tree on 14th St West will be replaced with a new street tree. New street trees should be large enough to have the lowest branch height trimmed up to at least 8 feet above grade to preserve clear vision at driveways and intersections. The applicant will choose trees from the City of Billings tree list for boulevard trees.

4. The applicant will ensure the new light fixtures are similar in style to the existing fixtures at 1404 Avenue B including a maximum height of 15 feet above grade (including the footing, pole and light fixture), and a fully shielded fixture, so no part of the lens is visible below the shielding.

5. No work on the site improvements will occur before 7 am or after 8 pm daily.

6. The applicant will apply for a permit for the work within one year of City Council approval and complete the work authorized within two years of Council approval.

7. Failure to meet the described deadlines above or complete the authorized work will void the special review approval. Abandonment of the use for more than 6 consecutive months will void the special review approval. Re-establishment of the use or expansion of the use will require a new special review application.

8. These conditions run with the land use and are binding upon and must be adhered to by the owner and any successors, transferees, or assigns.

9. The right of Building, Engineering, Final inspections, and Occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided. The site is served by water and sewer and the parking spaces will only be accessible from the alley. The existing residence will have the required two off-street spaces within the area reserved for their use. Given the existing use and the addition of parking, there are no concerns with adequate utilities, access, drainage, or other facilities.

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion on public streets. The site will not increase traffic on any adjacent street, and the bank has already improved the alley pavement and drainage to accommodate daily use by customers and employees. Some customers or employees that currently parking on 14th St W or Avenue B will have off-street spaces available. This will minimize traffic congestion on these streets.

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council. The proposed site improvements conform to the requirements for off-street parking, landscaping, and buffering. The applicant has not requested any variances or modifications of these requirements.

Public Hearing:

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against

Questions for Applicant: Chair Larson asked if the intent is to rent the house, assuming the bank intends to maintain ownership of the property.

Jeremy Morgret, Stockman Bank, stated the bank’s intent is to sell the house and solely retain the surface parking.

Commissioner Brooks commended the bank’s position to keep the residential property intact and return it to the community for purchase as much needed affordable housing.

Discussion: There was none.

Motion

Commissioner Goss made a motion to approve Special Review 998 with conditions and Commissioner McCall seconded the motion.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			

Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			

The Motion **passed to approve Special Review 998 with a unanimous vote.**

Other Business: No Other Business

Adjournment: The meeting adjourned at 5:00 PM.

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

--Brenda J Berns, Planning Clerk