



**City of Billings Zoning Commission  
Meeting Minutes November 7, 2023**

**The City of Billings Zoning Commission met on Tuesday, November 7, 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, November 7, 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 November 27, 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 December 11, 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	1	
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1	1	1	1	
Greg McCall	Vice Chairman	E	-	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	
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	1	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	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	-								2

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

\*RETURNING AGENDA ITEM

**Attending:** Scott Aspenlieder, Lavonne Anderson

**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: October 3, 2023**

Commissioner Brooks motioned and Commissioner McCall 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		x		

**Disclosure of Outside Communication**

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

No Commissioners visited the locations of 1036 and 1039

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

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 attract 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 protection 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 requirements? 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 exist 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 any concerns about 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 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 affect 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 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 specific 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.

**Discussion. Questions for staff:** There was none

**Applicant:** Scott Aspenlieder, PEC

**Questions for applicant:** There was none.

**Opposed: LaVonne Anderson 1093 Lincoln Lane, Billings MT**

Ms. Anderson stated that she agrees to the zone change solely for the fact that public utilities were being established on her property, however she was adverse to the development of the land due to the loss of her view and the visiting wildlife.

Commissioner McCall offered that the property’s value will increase and have added appeal to a potential buyer.

**Motion**

**Chair Larson called for a vote, it was unanimous.**

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 1036 with a 4-0 vote.**

**City Zone Change 1039– 713 Avenue D – Public 2 (P2) to First Neighborhood (N1)** - 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.

**Staff Recommendation:**

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1039.

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 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. 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 tend 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 requirements? Transportation: The proposed zoning should not have any measurable impact on transportation. The re-development of 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 a 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 affect 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.

**Discussion. Questions for staff:** There was none.

**Applicant:** Casey McLennan; not in attendance

**Agent:** Jeff Wollschlager; not in attendance

**Questions for applicant:** There was none.

**Public Hearing:**

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1039. There was none.

**Discussion:** There was none.

**Motion**

**Commissioner Dan Brooks made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1039 with 10 criteria**

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 1039 with a 4-0 vote.

**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