



CITY ZONING COMMISSION
AGENDA-Tuesday, February 6, 2024, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd 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
- 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.

NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. 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 the Planning Division Office, at 406-247-8676.

Please direct questions to Administrative Secretary Robbin Bartley at 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

1. The minutes of the board meeting of December 5, 2023
2. The minutes of the board meeting of November 7, 2023

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **City Zone Change 1042 - 655 W Wicks Lane - N3 (Suburban Residential) Neighborhood to P2 (Public 2 - Civic and Institutions) -**

A zone change request from N3 to P2, on Lots 3 and 4, Block 4 of the Amended Plat of Block 4, Lake Hills

Subdivision 2nd Filing, an 8.1 acres parcel of land. A pre-application neighborhood meeting was held on December 14, 2023, at the Lake Hills Golf Course. Tax IDs: A221021B and A22021C

Other Business/Announcements

Adjournment

The City Council has designated February 26, 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 March 11, 2024 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 3rd Avenue North, 4th 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

City Zoning Commission
Meeting Date: 02/06/2024

Information

Subject
Approval of Minutes

Attachments

No file(s) attached.

City Zoning Commission
Meeting Date: 02/06/2024

Information

Subject

The minutes of the board meeting of December 5, 2023

Attachments

Minutes of December 5, 2023



**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

City Zoning Commission
Meeting Date: 02/06/2024

Information

Subject

The minutes of the board meeting of November 7, 2023

Attachments

Minutes of November 7, 2023



**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.**

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	
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

Zoning Commission

Date: 02/06/2024
Title: Zone Change 1042 - 655 W Wicks Lane - N3 to P2
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1042.

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

This is a zone change request for a parcel located at 655 W Wicks Lane and legally described as Lots 3 and 4 of Block 4, of the amended Plat of Block 4, Lake Hills Subdivision 2nd Filing. The current zoning is N3 -- Suburban Residential Neighborhood and the proposed zone is Public 2 (P2), a zoning that would allow the development of a church. The proposed zoning is compatible and identical to the zoning on the adjacent lots to the east and the small utility lot on the southwest corner established for a pump station operated by the Billings Heights Water District. North across Pebble Beach Road is Mixed Residential 1 (NX1) where there are several two and four family dwellings. To the west of Inverness is a mix of residential and commercial zones including corridor mixed use (CMU), neighborhood mixed use (NMU) and Mixed Residential 2 (NX2) zoning for multi-unit dwellings. Across Wicks Lane is NX2 zoning and several apartment buildings. The property has remained vacant since it was first platted in the county in the 1950s. The church to the east was built in 1982.

The proposed zone change will allow the property to be developed for a new church, Grace Point Church. The proposed zoning does require compatibility with adjacent zoning districts (Sec 27-500 BMCC). For example, any district that is different from the P2 zone that is within 150 feet of the exterior property line will require any construction along that property line to match the adjacent zone. This compatibility requirement includes build-to zones, maximum height and setbacks (Table 27-500.1 BMCC). Height exceptions are allowed for spires and similar un-occupied building appurtenances. Buildings may also exceed the maximum height (for occupied space under a roof) if the building is setback an additional two feet for every foot the building exceeds the height limit.

Churches in general serve as focal points for the community and add significant value to adjacent neighborhoods. The use typically does not generate consistent daily traffic but is day and time dependent on worship services and other activities. Depending on the capacity of the proposed church, a traffic impact study might be required. According to the applicant's agent, access to and from the property would likely be from Wicks Lane and from Inverness Drive.

The P2 zone allows a variety of civic and institutional uses, but individual sites are limited to two primary structures. Sites that intend to develop three or more primary buildings (i.e. college campuses, church/school campuses, medical facilities, Metra Park) would choose a Public 3 (P3) zone district. Residential use is allowed if those homes are offered to persons who are affiliated with a primary use. For religious institutions, this could mean a home for the church leader, or acolytes of the institution. Other uses that may be allowed include schools, government offices, hospice facilities, day care, a cemetery, and some recreational uses.

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on December 14, 2023, at the Lake Hills Golf Course Clubhouse. Ten surrounding property owners signed into the meeting. The primary concern expressed by the surrounding owners was regarding parking, traffic (entry and exit) and improvements to Inverness and Pebble Beach. 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 1042; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1042; 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.
- 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.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The Billings Heights Neighborhood Plan (2006) will be updated in 2024. The current plan emphasized the need for more meeting and activity spaces in Billings Heights. This can be provided by government facilities or private facilities. There are more than 30 churches in Billings Heights that serve the entire community, including the only mosque in Billings. Church congregants also come from outside the city limits. Additional space for community gatherings will help meet the goal to provide more meeting and activity space in Billings Heights.

The proposed zoning would allow an existing vacant property to be developed for a religious institution. The parcel is over 8 acres and can accommodate the initial development with space for a future building and activity areas. The existing zoning (N3) was the zone that translated from the previous zoning of R96 for this parcel. Public 2 (P2) was applied to the existing church to the east and to the Billings Heights Water utility parcel. The single-family zoning was put in place first in the County (1973) and remained in place at the time of annexation (1984). The P2 zone is a specific zone for churches, schools and other civic institutions.

The property is located on an arterial street (W Wicks Lane) that currently handles over 5,700 vehicle trips per day (2022). As building activity increases in the High Sierra Subdivision and the Dover Ranch property, traffic volume will increase on W Wicks Lane. In addition, the completion of the Inner Belt Loop connection to Highway 3 will also add traffic. The City Engineering Division will work with the church to properly locate access driveways on the property. This will likely include one access from Inverness.

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 Section 27-500 (Public zone district standards).

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 P2 zoning would allow the vacant property to be developed. Developed land will increase property values. Vacant land tends to add unpredictability to the area. Public health and safety will be promoted by reducing the calls for service to the Code Enforcement Division for untended grass and weeds. Every summer since 2016, the owner has neglected to mow the grass and weeds on the property, prompting calls to Code Enforcement.

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 until the church is constructed and occupied. The capacity of the church will determine the need for a traffic impact study. The development will require the completion of the street improvements on Inverness Dr (east side) and Pebble Beach (south side). The streets currently do not have curb, gutters or sidewalks on both sides of the street. Drive approaches will be determined and approved by City Engineering in accord with the access management policy.

Water and Sewer: The City will provide a sewer connection to the property. The Billings Heights Water District will

provide water. The property is on the southern boundary of the water district. The Utilities Division voiced no concerns. **Schools and Parks** : Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The closest public park is across the street from the subject property. This is Castle Rock Park. **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?

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 development of the property would follow the requirements of Section 27-500 (BMCC) and other city regulations for development.

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

The existing property has a fully developed sidewalk on W Wicks Lane. The curb, gutter and sidewalk will need to be installed on Inverness and Pebble Beach. This will have a positive effect on pedestrian safety and access. The development of a new church may require a traffic impact study if the anticipated number of new trips is 500 or more per day. The two closest intersections -- Inverness and Broadmoor -- are stop controlled intersections. There is a signalized intersection further west at Gleneagles and W Wicks Lane and one to the east at Lake Hills Dr and W Wicks Lane. The signalized intersections can act to regulate traffic flow and safe turning movements can be accomplished at Broadmoor and Inverness. During peak traffic times, drivers can navigate to these signalized intersections along internal streets to decrease their wait times at these unsignalized intersections.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and southwest are also zoned P2. North of Pebble Beach is NX1 zoning and to the west of Inverness in mixed use zoning and NX2 zoning. The development of the adjacent property matches the zoning for the properties. The P2 zoning is compatible with the surrounding property and development. 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 development of this vacant parcel to complete the infill of this section of Lake Hills Subdivision.

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 code requirements for Public zoning, and other city development and building regulations. New development tends to increase surrounding property values.

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

The proposed zoning will allow the development of property in a desirable neighborhood in Billings Heights. Public and private service organizations add value to neighborhoods. Infill on large vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

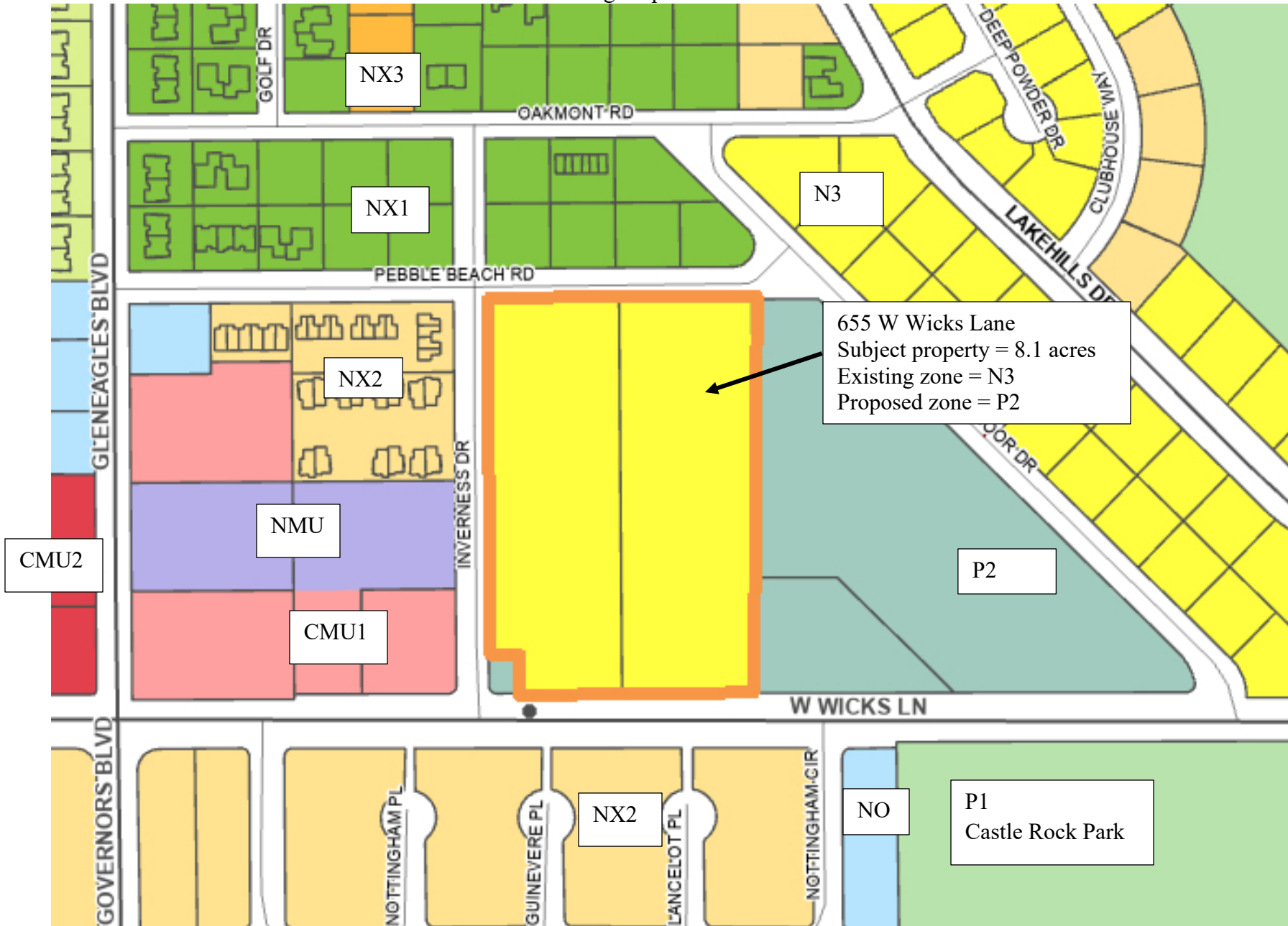
Zoning Map and Site Photos

Zoning History ZC 1042

Application and Letter ZC 1042

Pre application meeting info ZC 1042

City Zone Change 1042 – 655 West Wicks Lane
Zoning Map and Site Photos



Subject Property





Subject Property – view north from West Wicks Lane



View east along West Wicks Lane



View west on West Wicks Lane



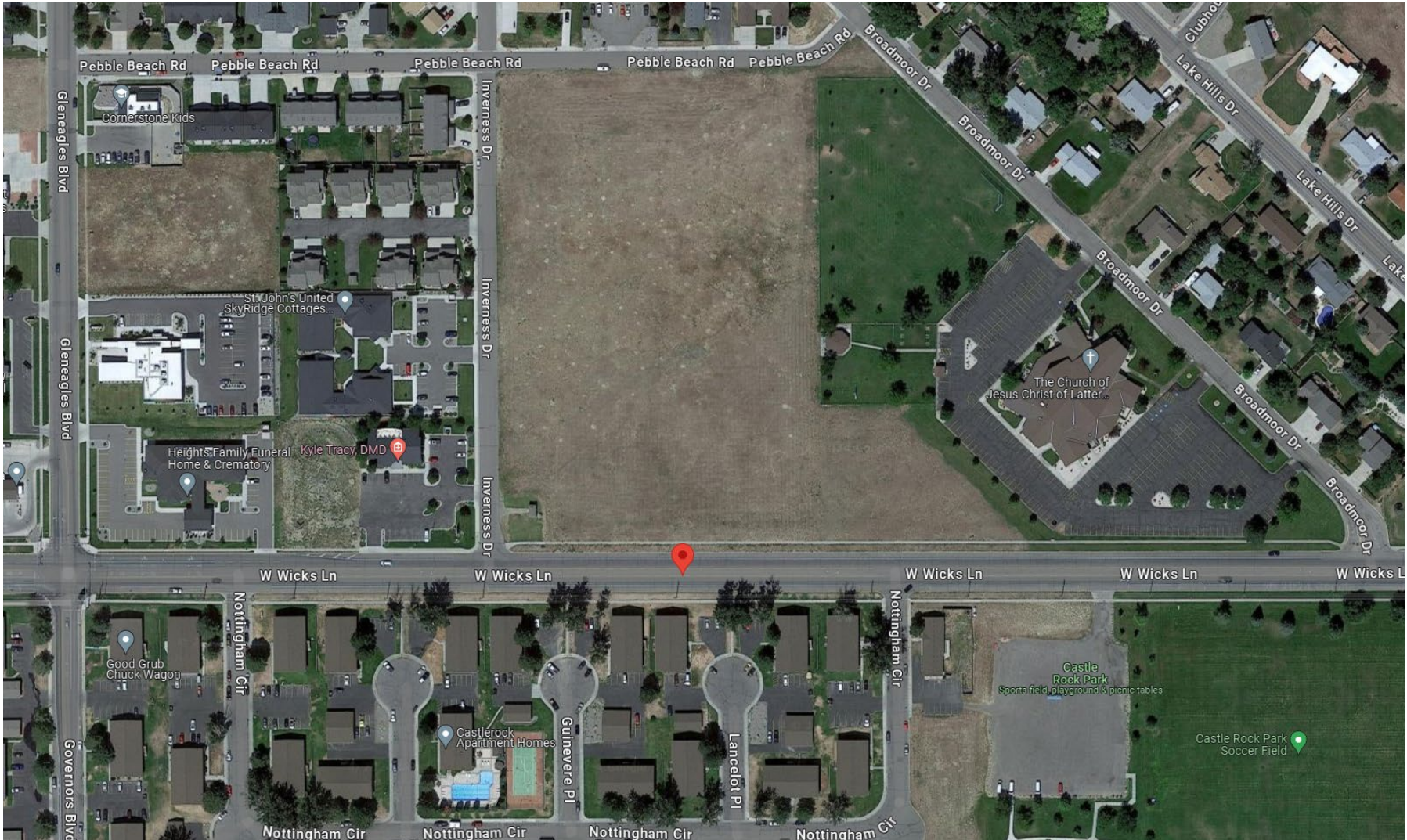
View south across West Wicks Lane



View south and east across West Wicks Lane



View south east across West Wicks Lane



Aerial View of Property

Zoning History for City ZC 1042 – 655 West Wicks Lane

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
655 W Wicks Lane	None				Zoning was R-96 Update to N3
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1640 Broadmoor	Var 61	9/14/1979	Increased height for new church	Yes	Churches were allowed uses in R zones in 1979
Lake Hills, 1 st , 3 rd , 4 th , 6 th , 15 th , 17 th and 18 th Filings	County ZC 16	7/1974	From R-96 to RMF and CC	Yes	
1706 St Andrew's Dr	County ZC 330	9/1/1982	R96 to R70	No	Request for duplex lot
2 Almadin Ln	City ZC 665	2/26/2001	R96 to R70	Yes	Now P1 zone
2 Almadin Ln	City ZC 753	2/14/2005	R70 to Public	Yes	Heights Water Pump Station
2107 Clubhouse Wy	County ZC 95	7/6/1976	R96 to R60	Yes	4-unit bldg.
1645, 1649 & 1653 Lake Hills Dr	County ZC 319	4/23/1982	Public to R96	Yes	
241 & 301 Glenhaven	City ZC 791	10/10/2006	Public to R96	Yes	
North & south of Lake Hills Golf Clubhouse	City ZC 817	9/10/2007	Public to R80	Yes	Lots still vacant
Lots between Fantan and Picador Place	City ZC 496	4/28/1996	R96 to CC	No	Developed as SFR
Lots between Fantan and Picador Place	City ZC 516	4/28/1996	R96 to NC	No	Developed as SFR
1000 to 1100 blocks of Siesta Ave, El Rancho Dr, Sierra Granda Blvd, 1100 blocks of Cortez Ave and Matador Ave	City ZC 712	4/14/2003	R96 to R70	Yes	Developed as SFR
1200 to 1400 blocks of Sierra Granda Blvd, Cortez Ave and Matador Ave	City ZC 719	9/18/2003	R96 to R70	Yes	Developed as SFR
All land north of Matador Ave and Annandale Rd in High Sierra Sub and Marsiela Sub	City ZC 822	11/13/2007	Agriculture to R96 & R70R	Yes	Dover Ranch 400 acres
Skyview Ridge – State Land south of Wicks Lane	City ZC 814	12/5/2006	Agriculture to CC,NC, RP, RMF-R, R60, R70, R70R, R96 and Public	Yes	Undeveloped State Lease land
800 to 900 Blocks on the north of Mission Oaks Dr	City ZC 979	8/10/2020	R70R to R50	Yes	2-unit townhomes

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change #

1042

Project #

24-00001

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N3 - Suburban Neighborhood Residential

Proposed Zoning: P2- Public, Civic, and Institutional, Small

TAX ID# A22021B & A22021C

CITY ELECTION WARD 2

Legal Description of Property: Lots 3 and 4, Block 4, of the Amended Plat of Block 4 Lake Hills Subdivision 2nd Filing

Address or General Location (If unknown, contact City Engineering): 655 W. Wicks Lane

Size of Parcel (Area square feet or acres): Total Area = 8.108 Acres

Present Land-Use: Vacant Land

Proposed Land-Use: Church Building

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Gracepoint Church of Billings, Montana

(Recorded Owner - Printed)

PO Box 50759, Billings, MT 59105

(Address-Printed)

406-318-7731

(Phone Number-Printed)

jim@gracepointbillings.com

(email-Printed)

Agent(s): Performance Engineering, LLC; Taylor Kasperick, PE

(Name – Printed)

608 N. 29th Street, Billings, MT 59101

(Address – Printed)


406-384-0080

(Phone Number-Printed)

taylor@performance-ec.com

(email-Printed)

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: 

James r. Taber (Jan 2, 2024 12:58 MST)

Pastor

Date: Jan 2, 2024

(Recorded Owner – Digital Signature Allowed)



608 North 29th Street • Billings, MT 59101 • 406-384-0080

Lot 3 and 4, Block 4, of the Amended Plat of Block 4 Lake Hills
Subdivision, 2nd Filing.
Zone Change Written Statement

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is already within the Heights Water District boundary and service from the City sewage infrastructure is readily available making it a very cost-effective, in-fill property for the City. In addition, Iverness Drive and Pebble Beach Road are not complete streets that will be improved with the development by the Owner per City of Billings improvement requirements. This will be consistent with the essential investment to improve adjacent property values.

Place Making/Community Fabric - Utilizing the subject properties as Public space will enhance the currently vacant property and facilitate a public space for community members to meet, which is integral to a vibrant community.

Strong Neighborhood - The goal of the proposed project is to focalize a public gathering space that fosters faith, good will, and social interaction. By re-zoning to allow for the intended development as a church, the properties will be developed per the City of Billings development standards, providing safe walking spaces on the east side of Iverness Drive and south side of Pebble Beach Road.

Prosperity - By re-zoning the properties to public space, additional civic gathering spaces will be provided that further foster a sense of community and togetherness that make Billings attractive for a strong, skilled, and diverse workforce.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning designed in accordance with the growth policy?
The new zoning to construct a public place of worship aligns with the City of Billings growth strategy aiming to develop adjacent to existing infrastructure, provide a low cost of service, and enhance strong, clean, safe neighborhoods.
 - b. Is the new zoning designed to secure from fire and other dangers?

There are fire hydrants located in close proximity to the site on the North and South corners of Lot 4. Fire Station #6 happens to be on the same street (Wicks Ln) and less than 2 minutes away from the site. Construction of the site will comply with building regulations and zoning code to allow for appropriate separation of buildings and proper lighting for public safety and security. The site is located outside of any floodplain.

c. Will the new zoning promote public health, public safety, and general welfare?

The proposed zone change opens the possibility of active engagement in community support services. Churches contribute to the overall well-being of individuals in the community, addressing health and safety needs. The buildout of this vacant land will bring social interaction and support networks within a community to positively impact mental health and general welfare.

d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

The change in zone will not require any major water or sewer improvements to the site as it can already be serviced readily by mains underneath Wicks Lane and Iverness Drive. Parking, landscaping, sidewalks, and storm retention will be addressed in the individual site layout per City of Billings development requirements. The development is served by MET transportation, with the closest stop being on Wicks Lane, and a multi-use trail within close proximity at the intersection of Governors Boulevard and Wicks Lane. The development does serve as a central point between elementary, middle, and high schools within the Heights.

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

The proposed zone change will have minimal impact on light and air in the surrounding area. The required open space within the proposed P2 district will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

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

As the zone change will convert vacant lots to public development, additional community members will travel to the area creating an impact on the motorized transportation in the area. The large number of existing and proposed sidewalks and multi-use trails in the area leading to popular residential areas, nearby parks, and schools within the Height's will also help mitigate additional unnecessary traffic. It should be noted that traffic generated by the development will see peaks on

weekends days when traffic flow is lower on adjacent existing residential streets.

- g. Will the new zoning promote compatible urban growth?**
The P2 zoning will promote compatible urban growth by constructing a church. Churches historically preserve a city's cultural heritage while accommodating modern needs. Like a downtown cathedral or an iconic silhouette against the city's horizon, the design and architecture of the church remains nestled between residents. This zoning will allow for new residents to move into a vibrant and aesthetically pleasing neighborhood that can easily meet most of their needs in the immediate area.
 - h. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**
With this zone change, the entire Block 4 of Lake Hills Subdivision 2nd Filing will become a public zone. East of the subject lots is an existing church providing adequate buffering and minimizing impacts to surrounding areas. Through proper planning and tiering away from existing neighborhoods, the proposed zone change from N3 to P2 will not impact the character of the existing community.
 - i. Will the new zoning conserve the value of buildings?**
The new zoning will conserve the value of buildings in the area by providing a community benefit to the surrounding neighborhoods and community. In addition, development of the property will improve both Iverness Drive and Pebble Beach Road to City standards, thus improving adjacent amenities.
 - j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**
As the subject properties are considered infill, the development of the land in conjunction with this zone change will provide the most appropriate use of the land, changing readily developable land from vacant to occupied. The proposed development integrates public health and safety, without strain to city infrastructure or EMS services, and acknowledges the heritage of the Heights community with respect to religious land usage.
- 3. Does the new zoning fit with the existing or planned developments within the area?**
The new zoning will fit seamlessly into the existing or planned developments due to a diverse and inclusive neighborhood. The residences that surround the area of interest will be provided with a community gathering space that complies with the city's regulations to foster health, goodwill, and social interaction of all ages and income levels.

ZONE CHANGE

Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** N3 - Suburban Neighborhood Residential

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

Change underlying zoning from N# - Suburban Neighborhood Residential to P2- Public, Civic and Institutional to allow for development as a church.

3. **Legal Description of Property:**

Lots 3 and 4, Block 4, of the Amended Plat of Block 4 Lake Hills Subdivision 2nd Filing

4. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force
Heights Neighborhood Task Force

5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to on line application

6. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to on line application

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

1) The pre-application neighborhood meeting was held on the 14th, day of
December, 2023.

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

Owner (s):

Gracepoint Church of Billings, Montana Telephone: 406-318-7731

Address:

PO Box 50759, Billings, MT 59105 Email: jim@gracepointbillings.com

Agent (s):

Taylor Kaypovich Telephone: 406-384-0080

Address: 608 N 29th Street, Billings, MT 59101 Email: taylor@performance-ec.com

Complete this form and upload to your on-line Zone Change application

Lots 3 & 4, Block 4 Amended, Lake Hills Subdivision, 2nd Filing

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 5:30-6:30 PM on December 14, 2023 at the Lake Hills Golf Course's upstairs meeting area. The meeting was hosted by Taylor Kasperick of Performance Engineering (Agent) and Jim Taber of Gracepoint Church Billings, Montana (Developer).

There were eleven (12) public participants for the meeting. We did not receive any calls prior to the meeting or following the meeting. In general, questions from the public included what the plan was for the land following the zone change, how much traffic could be expected, and who would be responsible for improvements to bring Iverness Drive and Pebble Beach Road up to City of Billings standards. Specific questions and information provided to the group in attendance are detailed below.

Questions from the individuals and subsequent responses are shown below:

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

The overall timeline of the project was discussed providing information on the planned zone change, which would be heard by City Council at the February 26th, 2024 meeting, preparation of site layout and design documents, and review by the City of Billings Engineering and Building Departments. Given these steps, it was discussed that commencement of construction would likely be in May of 2024 and the construction process would likely take approximately one year.

- **Where will the property be accessed from?**

It was discussed that based on the City of Billings proposed access control plan, it is likely that only a single approach off Wicks Lane would be allowable, meaning that the site would likely be accessed from both Wicks Lane and Iverness Drive. It was noted that a complete site plan has not been prepared at this juncture, but this would be coordinated with the City of Billings during review and approval of the site plan permitting process.

- **How much traffic would be expected for the proposed church building?**

The Developer noted they typically serve approximately 250-300 people in the congregation on a peak weekend service schedule. It was noted by the Agent that the City of Billings has a 500 trip/day threshold for conducting a Traffic Impact Study (TIS), and that should the proposed development trigger that threshold a study would need to be conducted that would recommend traffic measures to address this increased volume.

- Who will be responsible for the cost to improve Iverness Drive and Pebble Beach Road to City Standards? Surrounding owners were assessed the cost for previous improvements in the past and do not want to be assessed for additional improvements.

The Agent noted that per the City of Billings development requirements, the Developer will be responsible for improving their frontage to City standards including road widening (if necessary), curb and gutter, and sidewalk as part of the development process. It was noted that depending on final development plan and whether that is both subject lots in their entirety or only a portion, the frontage of the area of development would be required to be improved.

- Does the church plan to house any residents on the premises?

The Developer indicated that at this time there is not plans to house residents on the premises due to the amount of staff and resources it takes to do so. This would be an allowed use, Group Household Living, under the P2 zoning as a permitted use.

SHEET TITLE
PROPOSED ZONING MAP

PROJECT TITLE
GRACEPOINT CHURCH

CLIENT
GRACEPOINT CHURCH OF BILLINGS MT

608 NORTH 29TH STREET
BILLINGS, MT 59101



PERFORMANCE ENGINEERING

(406) 384-0000
www.performance-eng.com

EXHIBIT
EX A

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- LEGAL DESCRIPTION**
- LAKE HILLS SUBDIVISION 2ND FILING, LOT 3 AND 4, AMENDED BLOCK 4, S16, T01N, R26E
- ③ LOT 3: 178,207 SF, 4.091 ACRES
ZONING: EXISTING - N3; PROPOSED - P2
- ④ LOT 4: 174,821 SF, 4.013 ACRES
ZONING: EXISTING - N3; PROPOSED - P2
- ZONING LEGEND**
- CMU1: COMMERCIAL MIXED USE 1
 - NX1: MIXED RESIDENTIAL 1
 - NX2: MIXED RESIDENTIAL 2
 - NX3: MIXED RESIDENTIAL 3
 - P1: OPEN SPACE, PARKS, RECREATION
 - NO: NEIGHBORHOOD OFFICE
 - NMU: NEIGHBORHOOD MIXED USE
 - N3: SUBURBAN NEIGHBORHOOD
 - P2: PUBLIC, CIVIC, AND INSTITUTIONAL, SMALL
- PROPOSED ZONE CHANGE BOUNDARY**

