



**City of Billings Zoning Commission
Meeting Minutes of February 6, 2024**

The City of Billings Zoning Commission met on Tuesday, February 6, 2024 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 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.**

Commission and Staff		01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024
		C											
Daniel J. Brooks	Commissioner	C	A										
Greg McCall	Vice Chair	C	1										
	Chairman	C											
David Goss	Commissioner	C	1										
Wyeth Friday	Director, PCSD	C	-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-	-
Nicole Cromwell	Zoning Coordinator	C	1										
Hunter Kelly	Planner I	C	-										
Dave Green	Planner II	C	-										
Karen Husman	Planner I	C	-										
Brenda Berns	Planning Clerk	C	1										

Total Number of 2023 Applications	01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024	TOTAL
Zone Change	-	1											1
Special Review	-	-											

Vice Chair McCall introduced the Planning Division Staff and Commissioners: Attending Staff were Nicole Cromwell, Zoning Coordinator, Brenda Berns, Planning Clerk

Attending: There were none.

Vice Chair McCall called the meeting to order at 4:30 PM.

Public Comment

Vice Chair McCall called for public comments. There were no public comments. Vice Chair McCall closed the public comment portion of the meeting.

Approval of Minutes: December 5, 2023 & November 7, 2023

Vice Chair McCall asked for a Motion. Commissioner Goss made a Motion, Seconded by Vice Chair McCall to approve the meeting minutes as submitted. The motion was carried with a unanimous vote.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Beau Mulvaney		X		
Daniel J. Brooks				X
David Goss		X		
Greg McCall		X		
Andy Megorden		X		

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Beau Mulvaney		X		
Daniel J. Brooks				X
David Goss		X		
Greg McCall		X		
Andy Megorden		X		

No one visited the location of ZC 1042

Public Hearings:

City Zone Change 1042 - 655 W Wicks Lane - N3 to P2- A zone change request for a parcel located at 655 W Wicks Lane and Inverness, 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.

Nicole Cromwell, Zoning Coordinator gave a brief overview of the Zone Change request. Subject property is owned by Gracepoint Church, Performance Engineering is the agent.

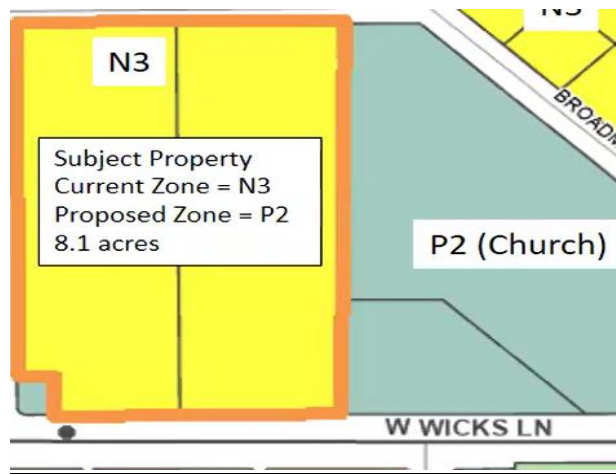
Public 2 (P2)

Proposed zoning allows:

- > Churches, schools, government offices, healthcare offices and services, adult and child day care, indoor and outdoor recreation, cemeteries and similar
- > Residential Uses – allowed when related to primary occupancy of the site
- > Any new development will require conformance with all zoning, building and site development requirements

Current N3 zone requires a special review approval for a church

Subject Property Current Zone N3. Proposed Zone P2 (8.1 acres)



Staff Recommendation: Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1042.

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 of providing 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 curbs, gutters or sidewalks on both sides of the street. Drive approaches will be determined and approved by City Engineering in accordance 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. Infilling large vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Discussion

Vice Chair McCall asked the zoning of the corner section of the subject property near Wicks Ln, Nicole confirmed it is zoned 'NO', currently has a daycare business on it.

Commission Goss requested clarification between NX1 and NX2.

Nicole stated, the code reads if NX zoning is adjacent to the subject property, you must use the same building standards. However, if the property is across the street, the restrictions are less. As we look to the church, if there is a taller business, it must be pulled away from the lot lines so it's not looming over the adjacent building. Any adjacent building must meet the standard requirements regarding height, setback, and spires, such as what a church would have. The current code stresses street front landscaping and does not require landscaping on all sides. The owner may decide to have a parking lot, or grass, but there is not a rule that states it must be one way or the other.

Applicant Representative:

Taylor Kasperick, Performance Engineering 608 N 29th St, Billings MT

This is a great fit for Grace Point Church as to what they are attempting to achieve. They currently serve their congregation out of the Medicine Crow School. There is a mix of zoning around the property with a wide reach. There are currently 2 properties, with a total size of 8.1 acres. We are looking for access off w wicks ln, with multiple access points.

Questions for Applicant: There were none.

Public Hearing:

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1042.

In Favor

Rebecca Utter 621 Pebble Beach Rd, Billings MT

Ms. Utter was in attendance to support the efforts of the applicant and their agent. Ms. Utter believes it will be a great asset to the community.

Discussion

Vice Chair McCall asked if there was any discussion from the board. There was none.

Public Hearing:

The public hearing was closed at 4:50 PM.

Motion

Vice Chair McCall called for a Motion. Commissioner Goss made a Motion, seconded by Commissioner Megorden to recommend Zone Change 1042 to City Council to be heard on February 26, 2024 at 5:30 PM.

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 1042 with a unanimous vote.

Other Business: No Other Business

Adjournment: The meeting adjourned at 4:54 PM.

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

--Brenda J Berns, Planning Clerk