



**City of Billings Zoning Commission  
Meeting Minutes of March 5, 2024**

The City of Billings Zoning Commission met on Tuesday, March 5, 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, March 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 **March 25, 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 April 8, 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
Greg McCall	Vice Chair	C	1	1									
Daniel J Brooks	Chairman	C	A	1									
David Goss	Commissioner	C	1	1									
Wyeth Friday	Director, PCSD	C	-	-	-	-	-	-	-	-	-	-	-
Nicole Cromwell	Zoning Coordinator	C	1	1									
Hunter Kelly	Planner I	C	-	-									
Dave Green	Planner II	C	-	-									
Karen Husman	Planner I	C	-	-									
Brenda Berns	Planning Clerk	C	1	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	4										5
Special Review	-	-	-										

Commissioner Brooks introduced the Planning Division Staff and Commissioners: Attending Staff were Nicole Cromwell, Zoning Coordinator, Brenda Berns, Planning Clerk

**Attending:** Aaron Redland, WWC Engineering; Greg Reid, WWC Engineering; Taylor Kasperick, Performance Engineering; Craig Dalton, Performance Engineering; John Halvorson, Sanderson Stewart; Howard Holz, West End Task Force

Commissioner Brooks called the meeting to order at 4:30 PM

**Public Comment**

Commissioner Brooks called for public comments. There were no public comments. Commissioner Brooks closed the public comment portion of the meeting.

**Nomination. Motion. New City Zoning Commission Chairman and Vice Chair**

Commissioner Brooks called for nominations.

**Nomination. Motion for Chairman**

Commissioner McCall nominated and made a Motion to Approve Commissioner Daniel Brooks as Chairman, seconded by Commissioner Goss. The Motion was approved with a unanimous vote. Commissioner Brooks further herein identified as Chair Brooks.

**Nomination. Motion for Vice Chair**

Commissioner Goss nominated and made a Motion to Approve Commissioner Greg McCall as Vice Chair, seconded by Commissioner Megorden. The motion was approved with a unanimous vote.

**Approval of Minutes: February 6, 2024**

Commissioner Goss stated there was a correction to the February 6, 2024 minutes; “Commissioner Brooks was not present and did not vote on any agenda items”. Commissioner Goss made a Motion to approve with the correction, seconded by Commissioner McCall. The Motion was carried with a unanimous vote.

**Disclosure of Exparte Communication**

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

**Disclosure of Conflict of Interest**

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Beau Mulvaney		X		
Daniel J. Brooks		X		
David Goss			1046	
Greg McCall			1045	
Andy Megorden		X		

Commissioner Mulvaney visited the location of Zone Change 1047

Commissioner McCall visited the locations of Zone Changes 1043,1045

Commissioner Goss visited the locations of Zone Changes 1043,1044,1045,1047

The Representative for the Applicant, Mr. Halvorson, Sanderson Stewart made a formal request to delay the hearing on Zone Change 1047 until May 7, 2024.

**Motion**

Chair Brooks called for a Motion to Approve the request to delay the hearing on Zone Change 1047. Commissioner Goss made a motion, seconded by Commissioner Megorden. The Motion was Approved with a unanimous vote.

Nicole Cromwell, Zoning Coordinator stated there will be signs reposted on the property, a new legal ad published, and notification to neighboring property owners. Any additional information will be available on the City of Billings website in early April 2024.

**Public Hearings:**

- a. **City Zone Change 1043** - 4190 S Frontage Rd - RMH to CX - A zone change request from Residential Manufactured Home (RMH) to Heavy Commercial (CX) for C/S 741, Parcel 2A, Amd Tr 1 & 2, a 1.6 acre parcel of land. Nicole Cromwell, Zoning Coordinator.

Nicole gave an overview of the current zoning and the requested zone change. Proposed zoning allows the following:

- Warehousing, wholesale and contractor warehouse uses
- Requires connection to arterials and transportation corridors
- Limited connections to neighborhoods and residential areas
- Any new development will require conformance with all zoning, building and site development requirements

Heavy Commercial zone is adjacent to the east and south

The Subject Parcel is between neighboring Heavy Commercial zoned businesses. There were two manufactured homes previously on the property, but due to disrepair they were removed. It is not feasible to replace with the same.

The City Council shall consider the Zoning Commission recommended findings of the 10 review criteria:

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

### **Discussion**

There was discussion regarding septic services available on the property. The Applicant's Representative, Greg Reid, WWC Engineering stated he needed to make a clarification regarding the trunk main currently on the property. The existing large trunk main was put in years ago (lays approximately 20-feet deep and runs adjacent to the property. However, city services cannot be hooked up to it without significant expansion to the existing pipe.

**Questions for Applicant:** There were none.

**Public Hearing:**

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

**Motion**

Chair Brooks called for a Motion. Commissioner McCall made a Motion, seconded by Commissioner Megorden to recommend Zone Change 1043 with 10 Review Criteria to City Council to be heard on March 25, 2024 at 5:30 PM.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Beau Mulvaney	X			
Daniel J. Brooks	X			
David Goss	X			
Greg McCall	X			
Andy Megorden	X			

**The Motion passed to Approve City Zone Change 1043 with a unanimous vote.**

- b. **City Zone Change 1044** - 5900 Block of Grand Ave - RRI to NX2 - A zone change request from Rural Residential 1(RR1) a county zone to Mixed Residential 2 (NX2), for C/S 2735, Tract 4-B, a 1-acre parcel of land. Nicole Cromwell, Zoning Coordinator.

Nicole gave an overview of the current zoning and the requested zone change.

Proposed Mixed Residential 2 (NX2) zoning allows the following:

- Two to eight unit residential structures
- Building and siting standards required
- Home occupations allowed

Mixed Residential zone is adjacent to the north in Buffalo Crossing Subdivision

Planning staff recommends approval of the zone change:

- Meets the Growth Policy (2016), Infill Policy (2011) and the West Billings Neighborhood Plan (2001)
- Adjacent uses and zoning compatible with proposed zoning
- Located within a new subdivision with adjacent NX2 zoning
- New development will require all building and siting standards to be met

The City Council shall consider the Zoning Commission recommended findings of the 10 review criteria:

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

**Discussion:** There was none.

**Applicant's Representative:**

Greg Reid, WWC Engineering. This zone change affects primarily the property located to the west and has shown to not have any opposition from the adjacent property owners.

**Questions for Applicant:**

Commissioner Goss asked if the property was separate in ownership. Greg Reid responded that there are separate owners currently, however, the Applicant is in the process of purchasing the property.

**Public Hearing:**

Chair Brooks opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1044. There was none.

**Motion**

Chair Brooks called for a Motion. Commissioner McCall made a Motion, seconded by Commissioner Goss to recommend Zone Change 1044 with 10 Review Criteria to City Council to be heard on March 25, 2024 at 5:30 PM.

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Beau Mulvaney	<b>X</b>			
Daniel J. Brooks	<b>X</b>			
David Goss	<b>X</b>			
Greg McCall	<b>X</b>			
Andy Megorden	<b>X</b>			

**The Motion passed to Approve City Zone Change 1044 with a unanimous vote.**

- c. **City Zone Change 1045 - 4524 Central Ave - A to CMU1, NMU, NX1, NX2, N2 & P1 - A** zone change request from Agriculture (A) a county zone, to Corridor Mixed Use 1 (CMU1), Neighborhood Mixed Use (NMU), Mixed Residential 1 (NX1), Mid-Century Neighborhood (N2) and Public 1 (P1) on Tract 2 of C/S 3844, a 48.49 acre parcel of land. Nicole Cromwell, Zoning Coordinator.

Nicole gave an overview of the current zoning, the requested zone change, and concurrent annexation.

The proposed zone change is in line with the adopted 2016 Growth Policy goals for Strong Neighborhoods. 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, goodwill 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. Implementation of the Infill Policy is important to encourage development of underutilized properties.

The proposed zoning plan will have urban development adjacent to county agricultural land to the east, west and south. The property to the south may be an addition to the city in the near future if

this development is successful. The layout of the parkland will provide an "entry" type park for the development when the connection is made to the existing west end of Bell Avenue.

Staff recommends approval of the zone change:

- Meets the Growth Policy (2016), Infill Policy (2011) and the West Billings Neighborhood Plan (2001)
- Adjacent uses and zoning compatible with proposed zoning
- Located within a new subdivision with adjacent NX2 zoning
- New development will require all building and siting standards to be met

The City Council shall consider the Zoning Commission recommended findings of the 10 review criteria:

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

### **Discussion**

There was discussion regarding the future growth and development of the roads between neighboring subdivisions. It was also noted that parklands would be designated at the time of subdivision, not at zoning.

### **Applicant Representative:**

Craig Dalton, Performance Engineering representing the developer on the project. Craig stated the subject property is surrounded by County land and was the reason he reached out to the County regarding the project.

The City recognizes Central Avenue as an important corridor and has made significant improvements to accommodate the ongoing development, however, these costs are high. The City Planning Department reached out to see if this would potentially be a project in the City, as there are projects already in the works to extend water on Central Avenue, which is approximately 800-feet to the next City connection. There was discussion regarding road improvements and controlled access around the subdivision, MDT is proposing a roundabout at 48<sup>th</sup> & King, most likely 5-10 years out. The intention is to have parks in the subdivision however, it is unsure where the parks will be located. The zoning selected represented the middle ground for transitioning between different types of housing and allowing for the young and aged to find affordable housing.

**Public Hearing:**

Chair Brooks opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1045.

**In Opposition**

**Craig Jardine 110 Saddle Tree Pl Billings 59106**

Mr. Jardine stated he is opposed to this zone change request. The multi-family construction does not fit in with what is already in on the north side of Central. Most homes in the subdivision are single-family. With the volume of traffic on Central, it would be more difficult to enter or exit the subdivision, especially with multi-family housing adding to the congestion. Mr. Jardine does not support businesses near residential subdivisions and a buffer should be created with green space, not commercial businesses.

**Andrew Wilson 4355 Wells Place, Billings 59106**

Mr. Wilson stated he lives near where the commercial businesses are proposed and does not believe it is safe to have businesses so close to the residential neighborhoods. He believes it will devalue property values, especially with a 3 or 4-lane road. Mr. Wilson believes zoning should be like other residential communities, similar to Sundance or Shiloh Estates subdivisions. He does not support a bar, restaurant, or gas station near his subdivision.

**Laura Wilson 4355 Wells Place, Billings 59106**

Ms. Wilson stated the commercial strip proposed does not fit with the residential neighborhood it is near. These businesses would bring crime, as well as potentially hazardous fluids leaking into the ground water, should a gas station be constructed. There seems to be the potential for 3 & 4-story buildings, which would bring light, noise, and pollution. Mr. Wilson believes too many people would be brought into a small area. We hear traffic, motorcycles, and loud noises, which will be made worse with the proposed construction.

**Applicant Representative**

Craig Dalton, Engineer stated they want to be transparent, there could be up to 4-story buildings. Casino’s, we addressed in the neighborhood meeting, needs 150’ setback from a casino to a residential zoned area. A bar could be constructed here with the requirements, however unlikely. Having commercial amenities may reduce traffic, this would allow people to walk to the retailers versus driving, keeping pollution to a minimum to residential neighborhoods.

**Motion**

Commissioner McCall recused himself on Zone Change 1045 due to a conflict of interest. Commissioner Goss made a Motion, seconded by Commissioner Megorden to recommend Zone Change 1045 to City Council to be heard on March 25, 2024 at 5:30 PM.

**Discussion**

Commissioner Goss stated the residents could request a zone change. Chair Brooks stated he would like to see more growth upward and not as much out into the surrounding area. He shares concerns with residents regarding traffic, as future improvements are not specified in the Capital Improvement Plan (CIP).

**Chair Brooks called for a voice vote of the Commission.**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Beau Mulvaney	<b>X</b>			
Daniel J. Brooks	<b>X</b>			
David Goss	<b>X</b>			
Greg McCall			<b>X</b>	
Andy Megorden	<b>X</b>			

**The Motion passed to Approve City Zone Change 1045 with a unanimous vote.**

- d. **City Zone Change 1046 - 1202 W Wicks Lane - NX3 to CMU2** - A zone change request from Mixed Residential 3 (NX3) to Corridor Mixed Use 2 (CMU2), for an 8.60-acre portion of an un-platted parcel in Section 20, TIN, R26E - North 1/2 to be known as Lots 1 and 2 of Skyview Ridge 2nd Filing Subdivision. Nicole Cromwell, Zoning Coordinator.

Nicole gave an overview of the current zoning and requested zone change.

**Corridor Mixed Use (MNU2) - Proposed zoning allows:**

- Mixed uses, retail services, business services, storage, restaurants
- Building and siting standards required
- Personal storage warehousing in CMU2 requires:
  - Overhead doors, loading areas must be screened from the street
  - Security fencing must be located behind landscaping
  - Buildings facing the front street (W Wicks Lane) must meet CMU2 building standards for doors/windows and other façade requirements
  - Exterior overhead doors may not face a street unless located behind another structure
  - No self-storage facility greater than 3 acres in area

**Staff recommends approval of the zone change:**

- Meets the Growth Policy (2016), Infill Policy (2011) and the Heights Neighborhood Plan (2006)
- Difficult soil conditions make development under current zone (NX3) challenging
- CMU2 requirements for building and siting will protect adjacent uses and zoning
- State trust land is leased – not sold
- New development will require conformance with landscaping standards

The City Council shall consider the Zoning Commission recommended findings of the 10 review criteria:

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

### **Discussion**

Chair Brooks stated with it being state land and powerlines, soil issues, what else might go in here. Have not seen anything as complex.

Nicole stated anything with a foundation system that does not require much depth would work.

The Twin Oaks subdivision is built with slab on grade, due to the soil issues. Stormwater is challenging due to the lack of absorption, considerable run-off. Personal storage units are built slab on grade, this will support the proposed building.

Chair Brooks stated that we shouldn't expect large residential developments in this area.

Nicole said that is correct.

### **Applicant Representative**

Taylor Kasperick, Performance Engineering stated this would be leased land from the state, they have been talking to a multiple of developers. This area is next to powerlines, given its proximity to the substations. The plan is to develop a storage facility on this property, due to the growth in single family housing and the need for offsite storage. The building will fit into the rest of the surrounding development, held to the standards to CMU2. A storage facility would cause less traffic impact versus an apartment building, which it is currently zoned for. This is a challenging area to develop.

**Questions**

There was discussion regarding storage of RVs, travel trailers, vehicles, or similar. The Applicant's agent stated outside storage is not proposed for this property. It was also noted there is already dedicated public space.

**Public Hearing:**

Chair Brooks opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1046.

**In Opposition**

**Ed Hostettler 1305 Nutter Circle, Billings 59105**

Mr. Hostettler asked if the purpose of project RECODE was to eliminate the need for Zone Change requests.

Nicole Cromwell responded that the purpose of project RECODE was to update the language of the regulations. It was anticipated that with the revision of the language regarding the current zone districts, it would reduce the necessity for as many zone changes that have been filed in the past.

Mr. Hostettler stated he wanted the board to know that he also believed the Inter-Belt Loop would cause congestion coming onto Wicks Lane, which runs along the same road as the proposed storage building.

**Linnea Forseth 1056 Picador Way, Billings 59105**

Ms. Forseth stated she resides directly across the street from the proposed storage building. Ms. Forseth is opposed to the project, as it is zoned residential and should remain as such. She is concerned with the additional traffic, as well as the potential for intrusive lighted signage. Ms. Forseth noted the Applicant has another property near Laurel and finds it to be visually unattractive due to excessive signage. Ms. Forseth addressed rainwater run-off and how it will be managed. Ms. Forseth shared concerns regarding the multi-use path that people use for walking and biking and is hopeful it will remain intact.

**Applicant Representative**

Taylor Kasperick, Performance Engineering stated the Beehive Storage in Laurel is owned by the Applicant, however the standards are different for this zoned project versus their property in the county. The lighting will be required to meet the CMU2 code, no billboards will be allowed. We are still going through geotechnical processes and waiting for those reports. Bedrock is very close to the surface; therefore, we will be providing a comprehensive stormwater drainage plan.

Nicole Cromwell stated the allowed signage in the CMU2 zone allows for a standing 25' sign, with max area of 100 sq ft or 10x10, and 40% of the sign area can be electronic display, however no movement or motion. Signs on the building are allowed based on the available area and a temporary banner is also allowed for up to 30 days.

**Discussion**

There was discussion regarding landscaping, which has been proposed for the front of the building. It was noted that the north access is temporary and will be abandoned when the south facing portion of the property is developed. There will be exterior lighting, but only to the extent that is allowed with proper orientation away from neighboring residences and should aid in reducing potential crime, as proven in studies from Crime Prevention Through Environmental Design (CPTED). Decorative security fencing is proposed, as well as a required buffer.

**Motion**

Commissioner Goss recused himself on Zone Change 1046 due to a conflict of interest. Commissioner Megorden made a Motion, seconded by Commissioner McCall to recommend Zone Change 1046 to City Council to be heard on March 25, 2024 at 5:30 PM.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Beau Mulvaney	<b>X</b>			
Daniel J. Brooks	<b>X</b>			
David Goss			<b>X</b>	
Greg McCall	<b>X</b>			
Andy Megorden	<b>X</b>			

**The Motion passed to Approve City Zone Change 1046 with a unanimous vote.**

- e. **City Zone Change 1047 - Copper Ridge 7th and 8th Filings – DELAYED TO MAY 7, 2024**  
N3 to P1, N1, NX1 and NX2 - A zone change request from Suburban Neighborhood Residential (N3) to Public 1 (P1), First Neighborhood Residential (N1), Mixed Residential 1 (NX1), and Mixed Residential 2 (NX2), portions of Lots 15 & 16 in Block 3 of Copper Ridge Subdivision, 7th Filing and a portion of Lot 15A of Block 3 in Copper Ridge Subdivision, 8th Filing a 62.57-acre parcel of land. Nicole Cromwell, Zoning Coordinator

**Other Business:** No Other Business

**Adjournment:** The meeting adjourned at 6:40PM

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

*--Brenda J Berns, Planning Clerk*