



CITY ZONING COMMISSION  
**AGENDA-Tuesday, July 2, 2024, 4:30 p.m.**  
Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> 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: [bernsb@billingsmt.gov](mailto:bernsb@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 406-247-8610.

Please direct questions to Brenda Berns, Planning Clerk at email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of May 7, 2024

**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 1052 - Zimmerman Home Place Block 1, Lot 3 - NO to NX3 - a zone change request from Neighborhood Office (NO) to Mixed Residential 3 (NX3) to allow multifamily development in multi-story structures on one 3.17-acre lot in the Zimmerman Home Place Subdivision (3rd Filing - Block 1 Lot 3). Presented by: Nicole Cromwell  
Department: Planning & Community Services

## **Other Business/Announcements**

### **Adjournment**

**The City Council has designated July 22, 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 August 12, 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 3<sup>rd</sup> Avenue North, 4<sup>th</sup> 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 Brenda Berns, Planning Clerk at email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov) or phone: 406-247-8610

**City Zoning Commission**  
**Meeting Date:** 07/02/2024

---

**Information**

**Subject**

The minutes of the Board meeting of May 7, 2024

---

**Attachments**

Minutes of May 7, 2024

---



**City of Billings Zoning Commission  
Meeting Minutes of May 7, 2024**

The City of Billings Zoning Commission met on Tuesday, May 7, 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, April 2, 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 **May 28, 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 June 10, 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
Daniel J Brooks	Chairman	C	A	1	1	1							
Greg McCall	Vice Chair	C	1	1	A	1							
David Goss	Commissioner	C	1	1	1	1							
Beau Mulvaney	Commissioner	C	1	1	1	A							
Andy Megorden	Commissioner	C	1	1	1	1							
Nicole Cromwell	Zoning Coordinator	C	1	1	1	1							
Karen Husman	Planner 1	C	-	-	-	-							
Wyeth Friday	Director, PCSD	C	-	-	-	-							
Brenda Berns	Planning Clerk	C	1	1	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	2	1								8
Special Review	-	-	-	-									



**City of Billings Zoning Commission  
Meeting Minutes of May 7, 2024**

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

**Attending:**

John Halvorson, Sanderson Stewart  
Hillary Johnson, Ace Olszowka, Erick Panknin, Gary Lapin, Angela Lapin, Angela, Denise Smith, Dave Holland.

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

**Public Comment**

Chair Brooks called for public comments, there were none.

**Approval of Minutes: April 2, 2024**

Commissioner Goss clarified during the meeting that there was a revision to the minutes of April 2, 2024, to accurately state that there was no conflict of interest regarding Zone Change 1050 on his part. Following this clarification, Commissioner McCall proposed a motion to approve the minutes of April 2, 2024, with the necessary correction, which was seconded by Commissioner Goss. The motion was unanimously approved by all commissioners in attendance.

**Disclosure of Exparte Communication**

<b>COMMISSIONER</b>	<b>DISCLOSED</b>	<b>NONE</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Daniel J Brooks		X		
Greg McCall		X		
David Goss		X		
Beau Mulvaney				X
Andy Megorden		X		

**Disclosure of Conflict of Interest**

<b>COMMISSIONER</b>	<b>DISCLOSED</b>	<b>NONE</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Daniel J Brooks		X		
Greg McCall		X		
David Goss		X		

Beau Mulvaney				X
Andy Megorden		X		

Commissioner Goss visited the site of Zone Change 1047

**Motion:**

Commissioner McCall proposed a motion, which was seconded by Commissioner Megorden, to change the sequence of the two zone changes listed on the agenda, starting with Zone Change 1047 instead. The motion was unanimously approved by all commissioners in attendance.

**Public Hearings:**

- a. **City Zone Change 1047** – Copper Ridge 7<sup>th</sup> & 8<sup>th</sup> Filing – N3 to P1 and N1 – a zone change request for a property currently zoned Suburban Neighborhood (N3) in the 7<sup>th</sup> and 8<sup>th</sup> Filings of Copper Ridge Subdivision located on the west end of Rimrock Road essentially dead ends at the railroad right of way at the city limits. Presented by Nicole Cromwell, Zoning Coordinator.

Nicole provided an overview of both the existing zoning regulations and the proposed changes. Following this, the Applicant asked for a postponement of the zoning change hearing to adjust their application to the board. Originally, the application sought a transition from N3 zoning to N1, NX1, NX2, and Public 1. However, the revised application sought to eliminate NX1 and NX2, while retaining Public 1 and N1 zoning designations.

The City Council shall consider the Zoning Commission recommended findings of the 10 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, sewer, schools, parks, and other public requirements.
- 5) Whether the new zoning will provide adequate light and air;
- 6) Whether the new zoning will affect 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 clarified that the zoning regulations prior to the 2021 Recode update would have permitted duplexes under residential 5000 zoning.

Commissioner Goss provided information indicating that there were 378 lots plotted in Filings 7 and 8, with 162 of them already laid out. This leaves 216 lots remaining. He inquired if these remaining lots are proposed for N3 zoning and how many units are planned to be constructed.

Nicole explained that Filings 7 and 8 were developed under N3 zoning with the intention of building out all 378 lots. She further clarified that the current plan for constructing units is based on street frontage rather than solely lot size.

### **Agent**

John Halvorson, Planner with Sanderson Stewart and Agent for the applicant, Williams Homes Mr. Halvorson outlined the updated proposal for a zone change to N1 and P1, which would facilitate the construction of around 50 new units. These residences would exclusively consist of single-family homes, spanning from modest entry-level cottages to more spacious family dwellings. The subdivision's streets will adhere to Billings' specifications, measuring 34 feet curb-to-curb. The zoning adjustment is aimed at incorporating Crime Prevention Through Environmental Design (CPTED) principles. By transitioning to N1 zoning, the neighborhood will accommodate a diverse range of homes suitable for various income levels, fostering a secure and family-friendly environment.

The 50 new units is a slight increase in the density of this area and is considered the most appropriate use of the land. Property values will be maintained by spreading the tax burden over a wider number of property owners.

### **Questions**

Commissioner Goss asked when Williams Homes acquired this parcel. It was affirmed 2 years ago.

### **Public Comment**

Gary Lapin – Copper Ridge Billings.

Mr. Lapin is opposed to higher density. Map shows only 2 exits to Rimrock, this entire half of the neighborhood will use Shiny Penny and Bronze Road. Mr. Lapin would like clarification regarding the development of Rimrock Road prior to development of the new lots.

Hillary Johnson – 33015 Cove Creek Circle Billings.

Ms. Johnson stated there are several things she wished to review. The current school enrollment at current Billings schools are high and has stressed the school system. Medium and High-density residential neighborhoods should be located near commercial areas, which has not been the case thus far. The traffic on Rimrock is concerning and she would ask that another traffic study be done

after the roundabout is completed. We ask that the Commissioners consider matching what already exists in the area, which is N2 housing with a buffer zone.

Ace Olszowka - 4818 Audubon Billings.

Mr. Olszowka stated he echoes Hillary Johnson's comments and requests Zone Change 1047 be put on hold until completion of a safe bike path.

Eric Panknin – 7035 Shiny Penny Way Billings.

Mr. Panknin mentioned that the homes within the subdivision are priced at approximately \$500,000. He also noted the existence of undeveloped lots and expressed worry that the developer might potentially leave the new development in a similarly undeveloped state.

Angela Lapin – Copper Ridge Billings.

Construction has been going on for over 2 ½ years and this will be more construction and Copper Ridge has not been completed yet. There should be a new road directing traffic out from the new development area, not Shiny Penny and Bronze roads.

Ms. Lapin readdressed the board requesting clarification as to how the Zone Change process works. Chair Brooks responded with the process and advised that the board reviews the 10-review criteria and recommends to the City Council and County Commissioners ultimately makes the final decision.

Commissioner McCall stated that the board is comprised of volunteer members, we listen to the public comments, the agent, and the staff and make a recommendation. The information provided here is forwarded to the City Council and they will make the ultimate decision as to whether it will pass or not.

Nicole clarified that what's being shown is a concept, only the zoning is being considered.

Denise Smith – 3039 Forbes Blvd., Copper Ridge Billings.

Ms. Smith mentioned that when she bought her home, it was portrayed as being situated in a single-family neighborhood. Ms. Smith voiced her concern about safeguarding the value of her property and highlighted issues related to Rimrock Road, particularly its existing traffic congestion. She noted the absence of adequate walkways or bike trails along Grand Avenue to accommodate pedestrian traffic. While she supports high-density areas if appropriately planned, she believes that their subdivision was not originally designed with high-density intentions. Ms. Smith pointed out that the developer has yet to complete construction that was previously initiated in the neighborhood, raising concerns about the potential for additional undeveloped lots detracting from the appearance of the subdivision.

Dave Holland – Copper Ridge Billings.

Mr. Holland remarked that Rimrock Road is already showing signs of wear and tear due to the heavy traffic and frequent construction projects. While he supports the idea of affordable housing, he doesn't think Copper Ridge is the appropriate location for it. He pointed out that the nearby Albertson's store has higher prices, suggesting that it caters to residents in the surrounding subdivisions, which primarily feature higher-priced properties.

## **Rebuttal**

John Halvorson mentioned his intention to conduct another traffic impact study to address pedestrian facilities. He stated the developer fully intends to construct sidewalks along the north side of Rimrock. He also emphasized that considerations regarding schools are factored into the subdivision process. While there is a perception that the housing in this area is more affordable, he clarified that these are still market-rate priced homes and not specifically targeted as high-density housing for first-time buyers.

**Motion:**

Commissioner McCall made a Motion, Seconded by Commissioner Megorden to recommend Zone Change 1047 with the 10 Review Criteria to City Council to be heard on May 28, 2024 at 5:30pm.

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

**The Motion passed to Approve City Zone Change 1047 with a 3-to-1 voice vote.**

**Discussion:**

Commissioner McCall acknowledged that much of the public commentary centered on traffic concerns, and he expressed alignment with the public sentiment, particularly concerning the density of housing situated along the rear of the subdivision. Reflecting on the situation, he remarked that it might have been more suitable for the developer to position the higher-density housing closer to the front. Commissioner McCall noted that the slightly smaller lots would enable a blend of more affordable homes, which he deemed appropriate at present, and he doesn't anticipate any adverse effects on current homeowners.

Commissioner Goss stated originally the area was zoned R5000, which is considered more medium density. The zone change to N3 occurred in 2021, and according to when it was recorded, the developer knew in advance that it would be N3. Commissioner Goss would like to see more development where commercial businesses have already been established.

Commissioner McCall stated he believes that the influence of interest rates may dictate a change to future growth based on the changing culture. Developers typically do not create residential subdivisions around commercial developments, the houses most often come first.

Commissioner Megorden stated he agreed with Commissioners McCall and Goss regarding the order of operations and feels this amended zone change request is much more palatable, offering some moderately priced homes in the area.

Chair Brooks acknowledged that the concerns voiced by members of the public were duly noted. However, he indicated that for this N1 zone change, which largely aligns with the existing homes in the area, he doesn't anticipate significant impacts from the addition of approximately 50 new homes. He suggested that the outcome might have been different if the original proposed zone change had been implemented.

- b. **Zone Change 1041 – Text Amendment – SB 245 Amendments** – The planning staff recommends the Zoning Commission forward a recommendation of approval for Zone Change 1041, the amendments to the zoning regulations to comply with the elements of SB 245. Presented by Nicole Cromwell, Zoning Coordinator.

SB 245 – Intent:

- Increase the available land area for multifamily development in cities.
- Require codes that allow this use by right in all commercial and mixed-use districts.
- Limit the requirement for off-street parking for dwelling units in these districts.

State law was effective immediately (July 2023) and applies retroactively to local zoning adopted prior to July 2023.

Proposed Amendments to Conform With SB 245:

- Revise missed use and commercial district descriptions to allow use by right (Sections 27-400 and 27-900)
- Revise Use Table (Table 27-1000.1) to include the “multi-unit” choice of 5-units/structure.
- Revise Use Table to allow use across all mixed-use and commercial districts.
- Revise Section 27-1003 to remove language concerning required location in mixed use structures.
- Revise off-street parking code (Section 27-1300) to require only 1 off-street parking space per dwelling unit in a multi-unit/multi-family or mixed-use structure.

The language clarifies that residential uses can be on any floor in commercial or mixed-use structures. Changes were made to zone district descriptions for CBD, CMU1 & 2, NMU, EBURD – RSVMS and 13<sup>th</sup> Street MS.

## **Discussion**

Chair Brooks proposed changes to the CBD (Central Business District), to keep the upper story residential and allow office use on the ground floor. For downtown, we want to keep our bottom floors with uses that stay open past 5:00pm, which would generally be restaurants and retail. Nicole proposed changing the language to read "...with storefronts and residential on the ground floor, and upper story with lodging and office uses."

Chair Brooks addressed the fact that the Use Table created specifically for 5-units could present confusion and asked for clarification as to its purpose.

Nicole stated that the Neighborhood Office District only allows 4 units, therefore, to have the 5-units, the distinction needed to be made.

Commissioner Goss sought clarification on the definition of Mixed-Use.

Nicole indicated that she understands it as a broad concept, but it may not be identical across all cities. She mentioned that the initial section of the SB addresses zones designated solely for commercial purposes, aiming to integrate mixed-use developments comprising both commercial and residential elements. Concerns were raised about the importance of accurately labeling developments as mixed use and avoiding misrepresentation when they clearly do not meet the criteria.

Commissioner Goss asked about the allowable parking spaces per unit and requested clarification about whether it is for residential or multi-use.

Chair Brooks stated that the multi-use for residential is computed is 1 per unit, the other portion which is commercial, is computed separately.

Nicole covered the revision of the off-street parking code. Many developers will provide 1 ½ spots per unit.

**Public Comment**

John Halvorson, Billings

Mr. Halvorson clarified that he was speaking in his capacity as a public citizen. He discussed the issue of permissible parking spaces, suggesting that it should be determined by market forces.

Regarding ground floor residential areas, he indicated that they could be acceptable if they meet the minimum grade separation requirements and have a ceiling height suitable for commercial use. He expressed that ground floor office space is not optimal, as it usually only occupies underutilized commercial areas.

**Motion**

Commissioner Goss made a Motion, seconded by Commissioner McCall to recommend approval of the Zoning Code Text Amendment with wording modifications.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Daniel J Brooks	X			
Greg McCall	X			

David Goss	X			
Beau Mulvaney				X
Andy Megorden	X			

**The Motion passed to Approve recommendation of City Zone Change 1041 Text Amendments with a unanimous vote.**

**Other Business: There was none.**

**Adjournment:** The meeting adjourned at 6.07 PM

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

*--Brenda J Berns, Planning Clerk*

## Zoning Commission

**Date:** 07/02/2024  
**Title:** City Zone Change 1052 - Zimmerman Home Place Block 1, Lot 3 - NO to NX3  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

---

### Information

#### RECOMMENDATION

The Planning staff is recommending approval and adoption of the proposed findings of the 10 criteria for Zone Change 1052.

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

This is a zone change request from Neighborhood Office (NO) to Mixed Residential 3 (NX3) to allow multifamily development in multi-story structures on one 3.17-acre lot in the Zimmerman Home Place Subdivision (3rd Filing - Block 1 Lot 3). The lot is directly south of the lot at the intersection of Colton Blvd and Zimmerman Trail that is under development for a multi-tenant office building. The lot is separated from the Children's Clinic medical office at 3401 Avenue E to the south by another undeveloped lot that is not part of this zone change application. The eastern 31 feet of the subject property is not included in the zone change and will remain in the NO zone district. There are allowed uses in the NO district such as wireless communications, electric vehicle charging stations, parks, small solar energy systems and community gardens.

Prior to the adoption of the new zoning code, the city and county regularly zoned property on arterial street frontages with low density residential or low-intensity commercial zones such as Residential Professional (RP). The new zoning for the city requires different choices for arterial street frontages, including mixed-use districts or mixed residential districts. This is to ensure that lower density neighborhoods are in areas away from traffic noise, and do not need to "wall off" the neighborhood from the adjoining street. In the code update in 2021, the corollary zone for RP was Neighborhood Office (NO) and parcels that were vacant at the time of the update, went from RP to NO. Neither the RP zone nor the NO zone are appropriate for such a large area, such as the subject property on an arterial street. The property to the north at the intersection of Colton Blvd, a collector street, and Zimmerman Trail, an arterial street, does fit in the NO zone district intended use categories at the entry to the Zimmerman Home Place neighborhood. The district description for NO includes this language: "*The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.*" (BMCC 27-402) The subject property and the lot to the south do not meet the district descriptions for a NO zone being at street intersections at entrances to the neighborhood. The lot to the south is not included in this zone change application.

The proposed zoning of NX3 is intended to allow multifamily development for older residents in a cooperative corporation building or buildings. Cooperative housing development is similar to "unit-ownership" but the building and land is owned wholly by a corporation and the right to occupy a dwelling unit is purchased as "shares" of the property. All maintenance and care of the dwelling units and grounds is part of the service the corporation provides. For example, if a major building system needs to be replaced, it is done by the corporation. Snow removal, landscape maintenance and other daily necessities are provided. When you buy into a co-op, you're not purchasing a piece of property or unit in a building. You're buying shares in the nonprofit corporation that owns the building. You'll receive stock instead of a title as you would with a traditional home purchase. A co-op's ownership structure makes this a unique housing option, with its focus on shared ownership and collaboration to run the property. Buying a co-op typically involves a demanding application process, including an interview with a co-op board. The board may ask you to submit character references and require financial vetting before approving you to purchase shares.

The NX3 zoning allows buildings up to 4 stories in height while the NO zone allows up to 2.5 stories. The minimum story height in the NO zone is nine feet and the maximum is 12 feet. A building within the NO zone can range from 22.5 feet (plus a roof) to 36 feet (plus a roof). In the NX3 zone there is no minimum or maximum story height. A typical minimum story height measured from floor to floor is 9 feet. A four-story building could be up to 36 feet plus a roof structure. As a comparison, the N3 zone district can allow a 3-story dwelling up to 34 feet in height.

There is a variety of zone districts in the area including the Mixed Residential 3 (NX3) to the west, NO north and south of the subject property, and Suburban Neighborhood Residential (N3) east across Zimmerman Trail, a 120-foot wide principal arterial street. The homes in the N3 zone do not take frontage from Zimmerman Trail and are behind some landscaping and a

sight-obscuring fence that runs parallel to the street. Most of these patio homes and townhomes were built on private streets in the late 1990s and early 2000s. Most are single-story, single-family homes. The 2023 assessed value of these dwellings ranges from 340K to over 400K. The multifamily apartments to the west are under construction with some buildings complete and occupied and others completing construction. The listed rents for these one and two-bedroom apartments range from \$1,800 to \$2,200 per month depending on size. There is a resident clubhouse and amenities within the complex that make this an above average rental development that commands a higher market price. There are also two-unit townhomes planned for the Colton Blvd frontage.

Zimmerman Trail is an arterial street and was completed from Poly Drive to Broadwater Avenue in 2004/2005. Prior to this time, Zimmerman Trail was known as 34th St West north of Grand Avenue and 32nd St West south of Broadwater. The city acquired the right-of-way and built the connection as an arterial street to complete this part of the city's street network. There are few north/south arterial streets west of 17th St West. Zimmerman Trail carries about 15,000 vehicle trips per day along this corridor between Broadwater Avenue and Poly Drive. Additional traffic is expected when several new apartment projects are completed in the next few years including the Zimmerman Home Place development and the Icon and Steward Land apartments south of Grand in Cardwell Ranch Subdivision. Zimmerman Trail is a 2-3 lane arterial street with a capacity to handle larger volumes of traffic. There are traffic signals at Rimrock Road, Poly Drive, Grand Avenue and Broadwater Avenue. South of Broadwater Avenue, the street name changes to 32nd St West. A mixed residential development on these parcels would likely require a traffic study update to ensure nearby intersections can still function as designed. Any traffic management or upgrades would be the responsibility of the project developer per the direction of the City Engineering Division. Zimmerman Home Place subdivision has already paid the proportionate share for nearby street and traffic management improvements. Any updates to the traffic impact study may or may not require addition payments.

#### **APPLICATION DATA**

OWNER: Highlands ZHP Subdivision LLC, Preston Lees  
AGENT: Performance Engineering, Craig Dalton, P.E.  
LEGAL DESCRIPTION: Lot 3, Block 1, Zimmerman Home Place Subdivision, 3rd Filing  
CURRENT ZONING: NO  
EXISTING LAND USE: Vacant  
PROPOSED USE: Mixed residential with a cooperative housing development  
SIZE OF PARCEL: 3.17 acres

#### **SURROUNDING ZONING AND LAND USE**

##### **NORTH:**

Zoning: NO - Neighborhood Office  
Land Use: Multi-tenant office building under construction at 3412 Colton Blvd

##### **SOUTH:**

Zoning: NO  
Land Use: Vacant land

##### **EAST:**

Zoning: N3 - Suburban Neighborhood Residential  
Land Use: Single family homes

##### **WEST:**

Zoning: NX3 - Mixed Residential 3 and P1 - Public 1  
Land Use: Apartments and parkland

This area of Billings has been developing over the past 10 to 15 years following the connection of Zimmerman Trail through the Yegen Family Grand Avenue Farm and the major reconstruction of Shiloh Road, another major north/south connection. The Zimmerman family chose to zone the property outside the city limits in 2016, and then market the pre-entitled property to developers who would then annex and build within the city limits. In 2017, Town Pump bought all the commercially zoned property on the southeast corner of the subdivision and put in a new gas station, convenience food store, liquor store and casino. The property to the northwest went through a Planned Neighborhood Development zone change when it was annexed in early 2022. A PND zone change was not required, but the owner preferred this zoning process to allow for placement of the Public 1 zone parcels within the new apartment development (Zone Change 1009).

There are challenges to an area of urban development that is on an infill property with existing development around it. This is not meant to ensure homogenous development patterns between neighborhoods, but the development plan should include similar and compatible zone districts, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed zoning of NX3 for the subject property with arterial street frontage. The NX3 zone district is intended to be placed on arterial street corridors where neighborhood zoning can be adjacent or across the street. The uses allowed within the NX3 zone is a residential zone district that would not cause noise or disruptions to adjacent or nearby neighborhoods. The West Billings Neighborhood Plan goals and objectives stated the need to locate more intense uses along arterial street corridors and offer a range of housing choices and development densities. The proposed zone change supports these goals.

The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

## **STAKEHOLDERS**

The applicant conducted a pre-application meeting at Arrowhead Elementary School on April 16, 2024. The synopsis of the meeting questions and answers are attached to this report. There were two surrounding owners who attended. Planning staff has not received input from any neighboring property owner. The Planning staff posted the property, mailed the surrounding property owners and placed a legal ad in the Yellowstone County News as required by the zoning regulations. In addition, the application was posted on line on the "Current Zoning Applications" webpage maintained by the Planning Division.

## **ALTERNATIVES**

The Zoning Commission may:

- Recommend approval of the Zone Change and adopt the proposed findings of the 10 review criteria; or,
- Recommend denial of the Zone Change and adopt different findings of the 10 review criteria; or,
- Delay action on the zone change request to a date certain not more than 60 days in the future; or,
- Allow the applicant to withdraw the application.

BMCC Section 27-1628.E., guides the Zoning Commission's actions in the zone change decision process. This section is attached to the report.

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 should not have an effect on the Planning Division budget.

## **SUMMARY**

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is most consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian-friendly, urban development patterns with a mix of uses and an efficient, creative use of land."
- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."
- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change will accommodate uses that are compatible with a new mixed residential neighborhood. The proposed development will also have good access to the adjacent street network and is in proximity to several residential neighborhoods. The proposed zoning and development will provide for a variety of retail and commercial services as well as housing choices that are not abundant in this area of West Billings. The property is within walking distance to the multi-use trail system and neighborhoods.

The proposed amendment is also 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
- A mix of housing types that meet the needs of a diverse population is important

## Home Base

- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

## Prosperity and Essential Investments

- Infill development and development near existing City infrastructure may be the most cost effective
- A diversity of available jobs can ensure a strong Billings' economy
- Retaining and supporting existing businesses helps sustain a healthy economy

2) Is the new zoning designed to secure from fire and other dangers?

The NX3 zone district requires adequate building separations and density limits which creates security from fire and other dangers. Specifically, the NX3 zone regulates setbacks, lot coverage, height and other site characteristics which preserve the ability to protect 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 the proposed zoning. This is not a unique trait to the Mixed Residential zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-308 and in Table 27-300.7 for the NX3 district promote the minimum standards to ensure public health and safety and promote general welfare. Public health and public safety will be promoted by the proposed change. The property will not have direct vehicle access to Zimmerman Trail but pedestrian access to the multi-use trail will happen as part of the development. Primary vehicle access will be from Green Valley Drive, the west boundary of the property.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

**Transportation:** The applicant will likely need to provide an update to the already completed traffic impact study for the subdivision. The applicant will coordinate with the city Engineering Division. The traffic study will analyze each of the adjacent street intersections and determine if mitigation or improvements are needed to accommodate the additional traffic. The City Engineer will determine the required improvements based on the specific information provided in the update or existing traffic study.

**Water and Sewer:** This property is located in the City Limits and is required to be served by city water and sewer. There are no known negative capacity impacts related to water and sewer that are identified through any adopted studies or staff input.

**Schools and Parks:** Schools and parks may be effected by the proposed zone change. The NO zoning allows 1-4 family dwellings. The intended development is a housing cooperative that markets to older residents. Development of apartments may or may not attract families with children. SD #2 had no comment on the proposed zoning. The Planning Division coordinates input from the School District administration. The District is beginning the process of evaluating its various districts for elementary, middle and high schools and may make adjustments to address capacity levels at various schools. The closest public park is to the west in the apartment development on the west side of Green Valley Drive. In addition, there are two city-managed public parks to the west; one on 38th St West and a second park in Circle Fifty Subdivision.

**Fire and Police:** The subject property is served by city public safety services. Development of the property, regardless of the zoning will be served by existing police and fire services. The Police and Fire Departments had no concerns with the zone change as requirements for access, water supply and fire codes would apply to the site and any construction on the subject property.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed NX3 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant. Therefore, any new structure will be required to meet the standards required by Section 27-300.7.

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

Non-motorized travel -- walking and biking -- is an essential part of the city's transportation plan both within the proposed development and connecting to adjacent areas. Pedestrian connections to the new development will be allowed from Zimmerman Trail as well as across Green Valley Drive to the west. The subdivision has a no vehicle access strip across the frontage of Zimmerman Trail, so all vehicle access will be from internal streets. The property is close to three fixed route MET bus lines (two on Grand and one on Poly Dr). There are no specific traffic counts on Zimmerman Trail between Rimrock Road and Broadwater Avenue. Traffic counts on Poly Drive near the Zimmerman Trail intersection are about 5,000 to 6,000 vehicle trips per day. Traffic counts on Grand Avenue near the Zimmerman Trail intersections are between 18,000 and 20,000 vehicle trips per day. A traffic impact analysis already completed for the apartment project to the west will need to be updated based on the new zoning and land uses allowed on this 7.5 acre parcel. Mitigation may be required by the City Engineering Division to ensure all existing and future street intersections are maintained in good capacity.

7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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. This area between Broadwater Avenue and Rimrock Road is beginning to experience growth and development similar to areas further south in West Billings with similar uses. Zimmerman Trail acts as a major transportation corridor, so the expectation of more intense uses along the corridor is appropriate. A principal arterial street like Zimmerman Trail also acts as a buffer/separation, making the existing single and two-family development on the east side of Zimmerman Trail separated from the proposed NX3 development. The proposed zoning is suitable for the property based on its principal arterial frontage with 151 feet of separation for the N3 zoning on the east side of the principal arterial, the vehicle access from Green Valley Drive.

9) Will the new zoning conserve the value of buildings?

There are currently no buildings on the property, therefore the new zoning does not propose a risk of creating a nonconformity or other value associated issues with existing buildings on site. Any new development must be in conformance with the zoning regulations, thus conserving the value of buildings surrounding the parcel. There has been no evidence to support the zone change will negatively affect the surrounding property and existing buildings. The new zoning is not expected to alter the value of any buildings in the area. In general, new construction adds property value to existing parcels in the area.

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

The proposed zone change will encourage the most appropriate use of this land in Billings.

---

#### Attachments

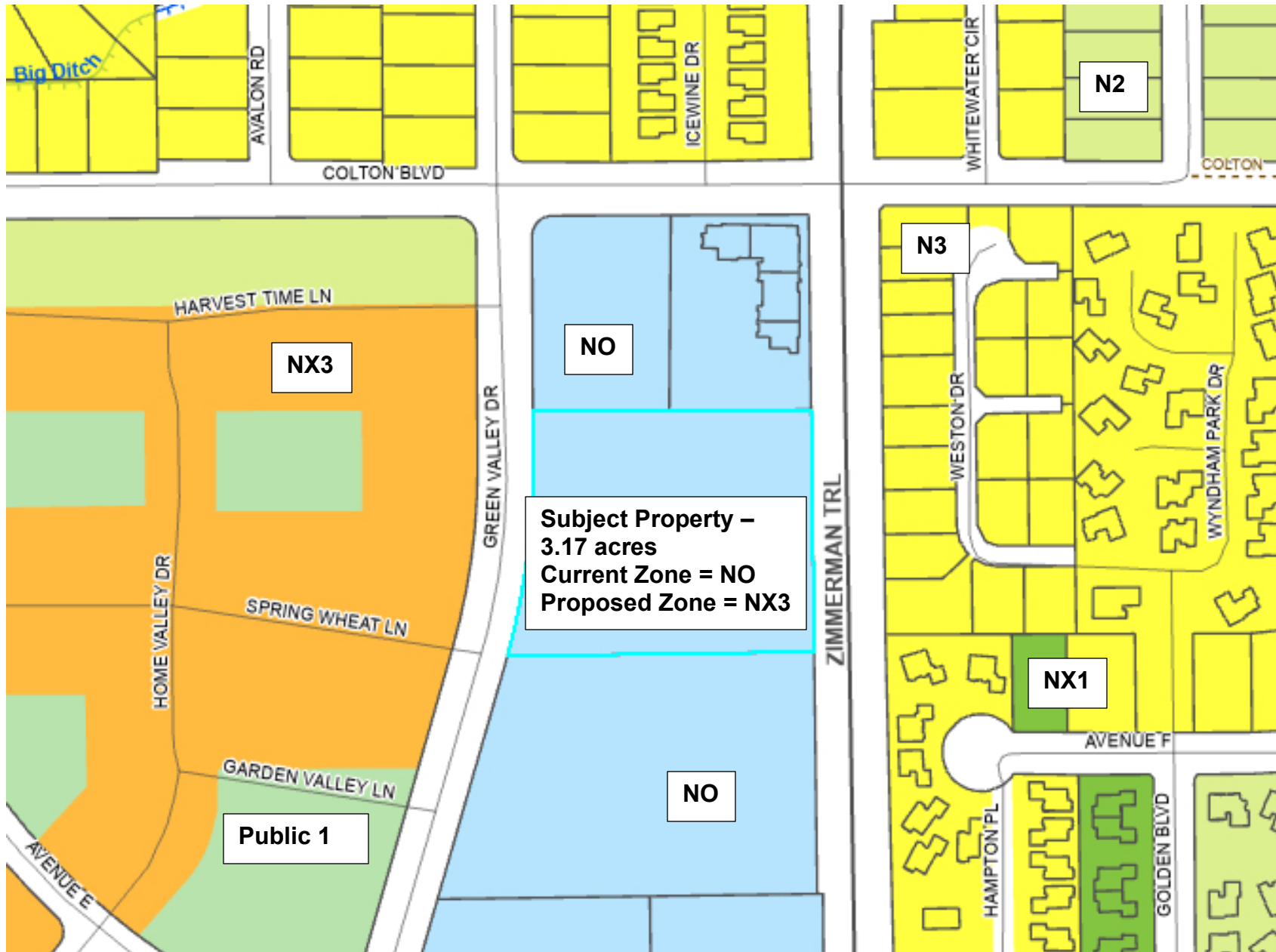
ZC 1052 Zoning Map and Site Photos

Chart of Zoning History ZC 1052

ZC 1052 pre app info

Application and Letter ZC 1052

City Zone Change 1052 – Zimmerman Home Place Sub 3<sup>rd</sup> Filing – Block 1, Lot 3  
Zoning Map and Site Photos







Subject Property – view west from Zimmerman Trail



View north on Zimmerman Trail



View north and east across Zimmerman Trail



View south to the Children's Clinic – directly south of subject property



View south on Zimmerman Trail



View north on Zimmerman Trail

Zoning History for ZC 1052 – Zimmerman Home Place Sub 3<sup>rd</sup> Filing Block 1, Lot 3

<b>SUBJECT PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Zimmerman Home Place Subdivision	<b>County ZC 675</b>	August 2, 2016	A-1 to CC, NC, RP, Public, RMF-R, R-50, R-70 and R-96	Y	CC & NC parcels annexed for Town Pump development 3411 Grand Ave 2018
Zimmerman Home Place Subdivision	<b>City Zone Change 1009</b>	March 14, 2022	N3, NX1, NX3, and P1 through a PND to N2, NX1, NX3, and P1	Yes	Concurrent Annexation
Zimmerman Home Place Subdivision	<b>City Zone Change 1019</b>	January 9, 2023	NO to CMU1	No	Council allowed withdrawal of application
<b>SURROUNDING PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Michelloti Sawyer	1020	10/24/2022	A to NX1 and NX3	Yes	Steward Land townhomes
Cardwell Ranch PD	986	10/26/2020	Update to PD	Y	
E.D. King Sub	782	7/10/2006	A-1 to CC	Y	Country Meadow Apts 1997
1501 Zimmerman Trail	807	7/9/2007	R-60-R to CC & RP	Y	Ace Hardware & Offices
3737 Grand Ave	779	6/26/2006	RP to NC	Y	Multi-tenant office/retail
1500 Golden Blvd	572	2/28/1994	A-1 to RMF	Y	Carriage Homes 1997
3155 Avenue C	413	10/25/1983	R-96 to RMF-R	Y	Aspen Meadows 2005
2291 Avenue C	68	8/26/1974	PD to R-60	Y	Rosepark Plaza Apts 1981

CITY 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: Neighborhood Office (NO)
  
2. Written description of the Zone Change Plan including existing and proposed new zoning:  
Change of 3.17 acres of existing NO to NX3 generally located on Lot 3, Blk 1 of ZHP Sub 3rd Filing
  
3. Legal Description of Property:  
Lot 3, Block 1 of Zimmerman Home Place Subdivision, 3rd Filing
  
4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force  
West End 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 16th, day of April, 2024.
  - 2) The zone change application is based on materials presented at the meeting.

Owner (s):

Highlands ZHP Subdivision LLC Telephone: 406.839.7661

Address:

2116 Broadwater Ave, Suite 101, Billings, MT 59102 Email: preston@beartoothholding.com

Agent (s):

Performance Engineering, Craig Dalton Telephone: 406.384.0080

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

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



608 North 29<sup>th</sup> Street, • Billings, MT 59101 • (406) 384-0080

April 9<sup>th</sup>, 2024

Dear Interested Neighbor,

On behalf of Highlands Apartments, LLC, 2116 Broadwater Ave., Suite 101, Billings, MT 59102, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **April 16, 2024** at Arrowhead Elementary School, 2510 38<sup>th</sup> St. West, Billings, MT 59102. Interested parties can attend the meeting held in the Library from 6-7 PM.

The meeting is being held to discuss a proposed zone change regarding the existing properties located southwest of the intersection of Colton Boulevard and Zimmerman Trail. The owner is requesting the properties shown in the attached exhibit, and described below, be re-zoned to accommodate future development:

**Lot 3, Block 1, of Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing, S34, T01N, R25E, City of Billings, Yellowstone County, Montana except the eastern most 31-feet. Having a total area of approximately 3.17 acres.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing zoning and the proposed zone changes:

Existing Zone District	Existing Area (acres)	Proposed Zone District	Proposed Area (acres)
NO	3.17	NX3	3.17

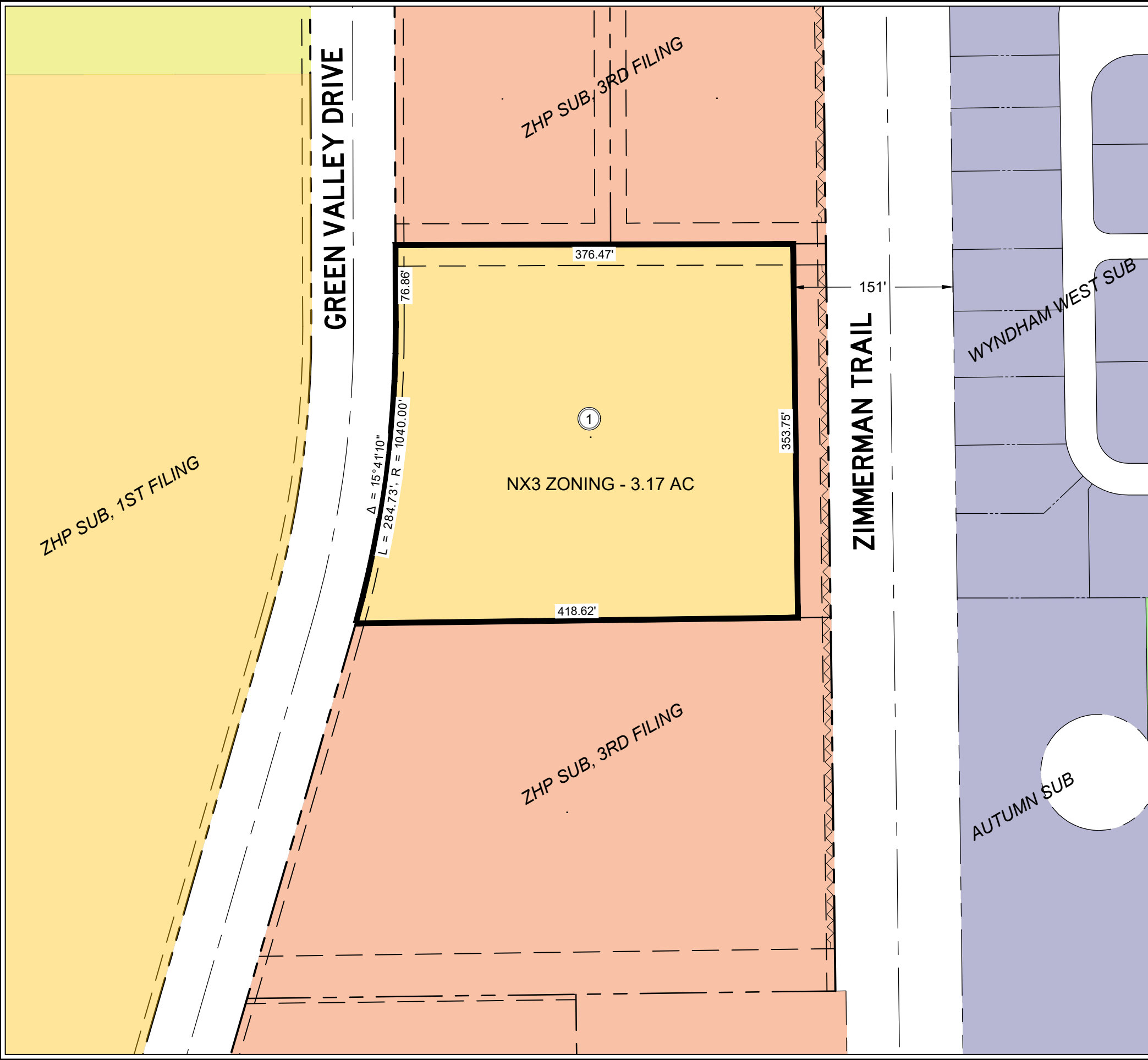
The City of Billings generally describes the zoning districts included in this application as:

- NO: Neighborhood Office-Residential
- NX3: Mixed Residential 3
- A total of 3.17 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 608 North 29<sup>th</sup> Street, Billings, MT 59101, attention Craig Dalton, or emails may be sent to [craig@performance-ec.com](mailto:craig@performance-ec.com). We look forward to discussing the proposed zone change with you and hope to see you on **April 16, 2024 at Arrowhead Elementary**.

Sincerely,

Craig Dalton, PE  
Project Manager



**LEGAL DESCRIPTION**

① LOT 3, BLOCK 1 ZIMMERMAN HOME PLACE SUB, 3RD FILING  
149,149.4 SF (3.424 ACRES)

**ZONING LEGEND**

- CMU1: COMMERCIAL MIXED USE 1
- NX1: MIXED RESIDENTIAL 1
- NX2: MIXED RESIDENTIAL 2
- NX3: MIXED RESIDENTIAL 3
- NO: NEIGHBORHOOD OFFICE
- NMU: NEIGHBORHOOD MIXED USE
- N2: MID-CENTURY NEIGHBORHOOD
- N3: SUBURBAN NEIGHBORHOOD

PROPOSED ZONE CHANGE BOUNDARY

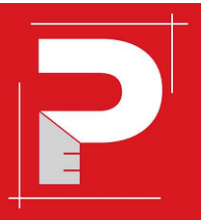
ON-SITE LOT BOUNDARY

**SITE AND STRUCTURE REGULATIONS**

CITY OF BILLINGS ZONING CODE, ARTICLE 27-300, SECTION 27-308 & ARTICLE 27-400, SECTION 27-400-1

**TABLE 27-300.9 & 27-300.10 & 27-400-5**

<b>BUILDING SITING</b>	<b>NX3</b>	<b>NO</b>
MAXIMUM BUILDING COVERAGE (%)	60	75
FRONT BUILD-TO ZONE (FT)	10-20	
STREET-SIDE BUILD-TO ZONE (FT)	5-15	
BUILD-TO CORNER		REQUIRED
<b>HEIGHT</b>	<b>NX3</b>	<b>NO</b>
OVERALL MAXIMUM HEIGHT (STORIES)	NX3: 3-4 (BASED ON HOUSING)	NO: 2.5 MIN. STORY HT: 9' MAX. STORY HT: 12'



VILLAGE CO-OP

BILLINGS, MT., 59102

ZIMMERMAN TRAIL

CPD DESIGNED BY	QUALITY ASSURANCE	
ADH DRAWN BY	CPD CHECKED BY	
MARCH 2024 DATE	MARCH 2024 DATE	
REV BY	DATE	CHKD BY

SHEET TITLE  
**PROPOSED ZONING CHANGE**

PROJECT NUMBER  
2024-011

SHEET NUMBER  
1 OF 1

DRAWING NUMBER

**A**

COPYRIGHT 2023 ©





608 North 29<sup>th</sup> Street, • Billings, MT 59101 • (406) 384-0080

---

## Lot 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on April 16, 2024 at the Arrowhead Elementary School. The meeting was hosted by Craig Dalton of Performance Engineering (agent) and Shane Wright (developer).

There were two (2) public participants for the meeting. We did not receive any calls prior to the meeting nor after the meeting. The two attendees at the meeting were there in support of the proposed project and had no formal questions regarding the development or timeline. Planning received an email regarding the development prior to the Neighborhood Meeting however that individual did not reach out directly with any questions. The agent and developer had a full presentation prepared for any attendees to help answer questions about the development and plan for the property. It was unfortunate that no one attended to take advantage of the opportunity to interact and ask questions of the developer who traveled in to hold the meeting. At the time of application there have been no questions or emails from the neighboring properties about the zone change or project.

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # \_\_\_\_\_ Project # \_\_\_\_\_

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 Neighborhood Office (NO)

Proposed Zoning: Neighborhood Mixed Residential 3 (NX3)

PARCEL TAX ID# A36264B CITY ELECTION WARD 4

Legal Description of Property: Lot 3, Block 1 of Zimmerman Home Place Sub, 3rd Filing

Address or General Location (If unknown, contact City Engineering): Intersection of Spring Wheat Ln and Green Valley Drive

Size of Parcel (Area square feet or acres): 3.424 Acres

Present Land-Use: Vacant

Proposed Land-Use: Residential

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

Owner(s) Highlands ZHP Subdivision LLC

(Record Owner)

2116 Broadwater Ave, Suite 101, Billings, MT 59102

(Address)

406.839.7661

preston@beartoothholding.com

(Phone Number)

(email)

Agent(s): Performance Engineering, Craig Dalton

(Name)

608 N. 29th Street, Billings, MT 59101

(Address)

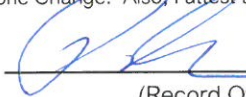
406.384.0080

craig@performance-ec.com

(Phone Number)

(Email)

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:  Date: 4/25/24  
(Record Owner – Digital Signature Allowed)



608 North 29<sup>th</sup> Street • Billings, MT 59101 • 406-384-0080

---

## Lots 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing Zone Change Questions

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 classified as an “infill development” within that will not require any additional city water or sewer infrastructure making it a very cost-effective option for the city. This fits the cost of service concerns of the City currently and provides boosts to tax base with minimal increase in costs to the City.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development. By rezoning this area it will stimulate diverse residential development in the area and provide a more enjoyable neighborhood environment for the residents. With the project targeting a very specific age demographic it will improve the housing choice in the area while adding a different flare and flavor to the neighborhood.

Diversified & Affordable Housing - This zone change will allow for affordable and safe housing for aging residents looking to downsize but not lose the ability to live independently. This zoning and its fit with the surrounding zoning allows for a good neighborhood feel and mix while still providing close proximity to services in the area. The development will also be an affordable option for the city due to the low cost of service being an infill development. This project will not require any additional utilities installation other than tying into the existing mains as well as the site exists within already established infrastructure.

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 adheres to the City of Billings growth policy through its expansion of residences, emphasis on public and non-motorized travel, and its cost-effective construction due to its classification as an infill development and low cost of service.
  - b. Is the new zoning designed to secure from fire and other dangers?

There are fire hydrants located an adequate distance from the site on Zimmerman Trail. The site is also located outside of any floodplain.

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

The proposed zone change will diversify the surrounding neighborhood and present a residential middle-ground between the family housing to the east and the apartment buildings to the west. This zone change to NX3 also requires some landscaped or natural open area which will improve the general well-being of the neighborhood. The site will tie into extensive walkable areas in the overall Zimmerman Home Place Subdivision to allow for walkability and mobility.

**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 additional water or sewer to the site as it is provided by the development being constructed to the west. Park land was identified and dedicated in the overall PD development associated with the Zimmerman Home Place development. Even with that, the site development will provide ties to neighboring parks and sidewalks/trails in the area.

**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 area 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.

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

As the zone change will allow for additional residents to move to the area, there be an impact on the motorized transportation in the area. That traffic impact has been accounted for in a Traffic Impact Study with contributions to intersection improvements already contributed to the City to mitigate any impact. The close vicinity of the MET bus stop will mitigate this effect. The large number of sidewalks in the area leading to popular commercial areas will also help mitigate the additional motorized transportation. This area has an extensive network of sidewalks and trails to allow for non-motorized transportation as well to minimize traffic in the area.

**g. Will the new zoning promote compatible urban growth?**

The NX3 zoning will promote compatible urban growth as it is nestled between low and high density residential on three sides and low density commercial on the last side. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their commercial 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?**

This zoning change considers the character of the district by introducing a very targeted age demographic into an infill development. This change to housing will continue the development of the city by filling in this small patch of farmland that is surrounded by residential and low-density commercial zones. The project will be pushed internally to move the building away from the lower density housing across Zimmerman Trail and closer to the higher density within the development. This came specifically from comments directed to the landowner through a previous zone change attempt in an effort to minimize impacts to existing low density housing across Zimmerman Trail.

**i. Will the new zoning conserve the value of buildings?**

The new zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them. It will also minimize urban sprawl thus leading to increased property value of the surrounding area.

**j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**

The zoning will encourage appropriate use of land by expanding the residential areas further west along Grand Avenue. The project will place higher density development along arterial corridors (i.e. Zimmerman Trail) as encouraged by the zoning code. Further it provides housing diversity within an area that provides neighborhood services already.

**3. Does the new zoning fit with the existing or planned developments within the area?**

The new zoning will fit seamlessly into the existing developments, land currently being developed, and future developments in the area due to its blending of the residential areas to the north with the more commercial focused, southern plots next to Grand Avenue. It can be fairly assumed that many of the developments to the west will be mostly high and low density residential in which a NX3 zoning will readily fit. The current pedestrian infrastructure in the area will allow for the new residents to navigate the surrounding areas easily and safely while providing excellent connectivity for multi-modal travel. The site will help provide new housing for existing aging residents looking to transition from a single-family home to multi-family living with less responsibility for caretaking of a home.