



**City of Billings Zoning Commission
Meeting Minutes of July 2, 2024**

The City of Billings Zoning Commission met on Tuesday, July 2, 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, July 2, 2024**. 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 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.

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	C	1					
Greg McCall	Vice Chair	C	1	1	A	1	C	A					
David Goss	Commissioner	C	1	1	1	1	C	1					
Beau Mulvaney	Commissioner	C	1	1	1	A	C	1					
Andy Megorden	Commissioner	C	1	1	1	1	C	1					
Nicole Cromwell	Zoning Coordinator	C	1	1	1	1	C	1					
Karen Husman	Planner 1	C	-	-	-	-	C	-					
Wyeth Friday	Director, PCSD	C	-	-	-	-	C	-					
Brenda Berns	Planning Clerk	C	1	1	1	1	C	1					

Total Number of 2023 Applications	01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024	TOTAL
Zone Change	-	1	4	2	1	-	1						9
Special Review	-	-	-	-	-	-	-						



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

Attending:

Craig Dalton, Performance Engineering
Pete Castellano, Billings MT
Virtual: Andrew Schaefer, Applicant

Chair Brooks called the meeting to order at 4:32 PM

Public Comment

Chair Brooks called for public comments, there were none.

Approval of Minutes: May 7, 2024

Commissioner Goss made a Motion, seconded by Commissioner Megorden to approve the meeting minutes as submitted. The motion was carried by a unanimous vote.

Disclosure of Exparte Communication

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

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall				X
Davi		X		
Beau Mulvaney		X		
Andy Megorden		X		

Commissioners Goss, Megorden, and Brooks visited the site of Zone Change 1052

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, Zoning Coordinator.

Nicole gave a summary of the current zoning regulations and the proposed amendments. She mentioned that the entire 3.17-acre parcel is being requested for a zone change to NX3, with the exception of a 31-foot section on the eastern side, which will remain in the NO zone.

The subject property is south of Colton Blvd and east of Green Valley Drive, with the 31 feet exception bordering Zimmerman Trail.

NO	NX3
<ul style="list-style-type: none"> ❖ Neighborhood corners and interior lots – highly walkable & accessible ❖ Smaller lots with offices, some personal services ❖ 1 to 2.5 story buildings ❖ Multifamily (up to 5 units/structure) ❖ Medical services, small animal vet clinics ❖ Special review required for surface parking as principal use, or civic or religious assemblies ❖ Uses not allowed: multifamily with >5 units per structure, long-term care, out-patient surgery center, casino or bar, funeral home, craft alcohol, general retail, auto repair, gas station, and personal self storage 	<ul style="list-style-type: none"> ❖ Multifamily developments including large apartment buildings or a complex of several separate buildings ❖ Retirement homes or villages ❖ Appropriate for corridor frontage ❖ 1 to 4 story buildings ❖ Customary residential accessory uses including home occupations

The Planning staff recommends approval of the zone change;

- Meets the Growth Policy (2016), Infill Policy (2011) and the West Billings Neighborhood Plan
- NX3 is compatible with adjacent NO and NX3 zones
- Adjacent uses and zoning compatible with proposed zoning
- Multifamily residential along transportation corridors supported by West Billings Neighborhood Plan

- Proposed zoning will support the development of a cooperative housing facility for aging residents.

The City Council shall consider the Zoning Commission recommended findings of the 11 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

Commissioner Goss expressed reservations regarding the parcel size specified in the application and the 31-foot exception requested in the zone change. Chairman Brooks affirmed that the application adheres to proportional correctness.

Craig Dalton clarified that zoning boundaries are not necessarily aligned with property lines.

Nicole Cromwell addressed the procedural issue, noting that minor notification discrepancies do not invalidate the process.

Commissioner Goss inquired about whether neighbors across Zimmerman Trail had been notified.

Nicole Cromwell provided clarification on the notification procedures. Following the discussion, the board agreed to proceed with the review of Zone Change Request 1052.

Applicant

Andrew Schaefer presented an overview of the proposed project, which focuses on senior housing cooperatives designed for older adults. Established in 1972, the company has successfully developed over 100 such projects nationwide, marking its debut in Montana with this venture.

In senior housing cooperatives, residents or members own shares in the cooperative, which in turn owns the common areas and covers operational costs. A board of Directors, elected by the members, oversees governance according to by-laws and oversees maintenance staff. The community plans to offer 58 homes in a three-story building designed without steps for accessibility. Additional amenities include underground parking, guest suites, and multi-purpose rooms accessible to residents and their guests.

Agent

Craig Dalton, Performance Engineering

Craig stated that the surrounding neighborhoods were notified, and the turnout was disappointing. Some of the comments have been about the height of the building or surface parking. Craig stated they will have underground parking, as well as a parking lot for residents and guests. He spoke on the necessity for this type of community and fits well within the surrounding developments.

Questions

Chairman Brooks stated that at the last meeting, they passed the Text Amendments for SB245 reducing the minimum parking requirement down to one.

Craig Dalton, Agent, responded that the parking spots are calculated based on principles developed over the last 20 years and have been sufficient to date.

Andrew Schaefer, Applicant stated the number of cars to residents is approximately 1:1. Therefore, there is adequate parking for residents and guests.

Anna Vickers, Planning Division Manager addressed the Board and read the Zoning Code 27-1608.C6a – “Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties. To reiterate what Nicole Cromwell stated, notice was applicable and valid.”

Nicole stated that applications are reviewed and attempts made to contact the Applicant to correct errors and omissions.

Chairman Brooks closed the Public Hearing.

Motion:

Commissioner Megorden made a Motion, Seconded by Commissioner Mulvaney to recommend Zone Change 1052 with the 10 Review Criteria to City Council to be heard on May 28, 2024 at 5:30pm.

Discussion:

There was additional discussion regarding the notification process and public notice procedures.

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 1052 with a unanimous vote.

Discussion:

Other Business: There was none.

Adjournment: The meeting adjourned at 5.37 PM

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

--Brenda J Berns, Planning Clerk