



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, PO Box 1178, Billings MT 59103
  - 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 406-247-8676.

Please direct questions to Brenda Berns, Planning Clerk (406)247-8610 or [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 Meeting Minutes: July 2, 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:**

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

**Public Hearings:**

- Zone Change 1051 - 122 N 12th St - EBURD-IS to EBURD-13 Main Street - a zone change request for property within the East Billings Urban Renewal District. The property is located at 122 N 12th St, north of 1st Ave N, and the previous location of the Billings Bronze foundry. The foundry experienced a catastrophic fire in February 2018, and the property has been vacant since that time. The current owner and potential developer is intending to build some live and work units on the property that will eventually front both N 12th St and 2nd Ave N with buildings. The property is legally described as Lots 6-12, Block 77, Billings Original Town.
- City Zone Change 1053 -- 529 S Billings Blvd -- N2 (Mid-Century Neighborhood) to CX (Heavy Commercial) -- A zone change request from N2 to CX on Certificate of Survey 666, Parcel 1, a 22,651 sf parcel of land generally

located at 529 S Billings Blvd. A pre-application neighborhood meeting was held on June 17, 2024, at 430 S Billings Blvd (Hanser Automotive) TAX Id: D01574

## Other Business/Announcements

### Adjournment

**The City Council has designated August 26, 2024 at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on September 9, 2023 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 at [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

**Date:** 08/06/2024  
**Title:**  
**Presented by:**  
**Department:** Planning & Community Services  
**Presentation:**

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**Information**

**RECOMMENDATION**

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

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

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

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**Attachments**

Minutes of July 2, 2024



**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                    | -          | -          | -          | -          | -          | -          | -          |            |            |            |            |            |       |



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

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 (3<sup>rd</sup> 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"> <li>❖ Neighborhood corners and interior lots – highly walkable &amp; accessible</li> <li>❖ Smaller lots with offices, some personal services</li> <li>❖ 1 to 2.5 story buildings</li> <li>❖ Multifamily (up to 5 units/structure)</li> <li>❖ Medical services, small animal vet clinics</li> <li>❖ Special review required for surface parking as principal use, or civic or religious assemblies</li> <li>❖ Uses not allowed: multifamily with &gt;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</li> </ul> | <ul style="list-style-type: none"> <li>❖ Multifamily developments including large apartment buildings or a complex of several separate buildings</li> <li>❖ Retirement homes or villages</li> <li>❖ Appropriate for corridor frontage</li> <li>❖ 1 to 4 story buildings</li> <li>❖ Customary residential accessory uses including home occupations</li> </ul> |

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.

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

**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*

## Zoning Commission

**Date:** 08/06/2024  
**Title:** Zone Change 1051 - 122 N 12th St - EBURD-IS to EBURD-13 Main Street  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Planning staff recommends approval of Zone Change 1051 and adoption of the findings of the 10 review criteria.

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

This is a zone change request for property within the East Billings Urban Renewal District. The property is located at 122 N 12th St, north of 1st Ave N, and the previous location of the Billings Bronze foundry. The foundry experienced a catastrophic fire in February 2018, and the property has been vacant since that time. The current owner and potential developer is intending to build some live and work units on the property that will eventually front both N 12th St and 2nd Ave N with buildings. The property is legally described as Lots 6-12, Block 77, Billings Original Town.

The type of structure (frontage type) the developers would like to use is allowed in both EBURD-IS (current zoning) and EBURD-13 Main Street (proposed zoning). However, the EBURD-IS zone does not allow residential use except for employees and caretakers. In addition, only two such "dwelling units" would be allowed for each 10,000 square feet of building area. The proposed buildings will have much less floor area than required and may or may not provide housing for "employees or caretakers". The recent amendment to the zoning code regarding the allowance for multi-unit developments in mixed-use and commercial zones does not apply to industrial zone districts including the EBURD-IS zone. It does apply to the EBURD-13 Main Street zone. The property is just east of the current EBURD-13 Main Street zone boundary and does fit in with the intended uses and description of this proposed zoning district:

*EBURD 13th: The North 13th Street Main Street is intended to provide a walkable, shopping and dining corridor including office and residential areas adjacent to the Central Works and Industrial Sanctuary districts, while allowing appropriate craftsman industrial and commercial businesses.*

The property owner, Cal Paulson, and the agent, Zach Schopp, intend to develop the site with commercial shop spaces on the first floor and residential units above the shops. It is likely the structures will be attached side-by-side to achieve the urban form intended for the EBURD districts. There are no specific intended uses for the new structures other than shop space with residential apartments above those spaces.

#### APPLICATION DATA

**OWNER:** Cal Paulson  
**AGENT:** Zach Schopp  
**LEGAL DESCRIPTION:** Lots 6-12, Block 77, Billings Original Town  
**ADDRESS:** 122 N 12th St  
**CURRENT ZONING:** EBURD-Industrial Sanctuary (EBURD-IS)  
**PROPOSED ZONING:** EBURD-13 Main Street  
**EXISTING LAND USE:** Vacant  
**PROPOSED USE:** Side-by-side live/work buildings  
**SIZE OF PARCEL:** 24,500 square feet (.562 acres)

#### SURROUNDING LAND USE & ZONING

**NORTH:** Zoning: EBURD-IS Land Use: Western Ranch Supply storage lot  
**SOUTH:** Zoning: EBURD-IS Land Use: Adult Store  
**EAST:** Zoning: EBURD-IS Land Use: Wild Willy's Casino  
**WEST:** Zoning: EBURD-13 Main Street Land Use: Shafer's Wild Game Processing, Home Grown retail

The city adopted the East Billings Urban Renewal Master Plan in 2009 with the idea of updating and revising the existing zoning to support revitalization of this 400+ acre area east of downtown. The prior zoning for all property within EBURD was either Controlled Industrial or Heavy Industrial. The zone district boundaries were set based on how the master plan envisioned the redevelopment patterns. These included areas for residential, mixed uses, artisan and maker spaces, as well as the more industrial oriented uses on the far eastern end of the district. The Central Works district covers much of the center of the EBURD, while the mixed use and residential areas are geographically closer to downtown. The industrial focus

has been along the eastern edges and part of the railroad interface along Montana Avenue.

The previous use on the property, Billings Bronze, produced sculpture and bronze pieces for decades before it burned down in February 2018 due to an electrical problem. The foundry produced bronze sculptures for artists that are featured in Billings, in Montana, throughout the United States and world-wide. The loss of the foundry had a significant impact on the local artist community and the EBURD development district. The property is south and west of the current location of Red Oxx manufacturing and sits just 1/2 block north of 1st Ave North, a major transportation corridor into and out of downtown Billings. Re-development of the property would help the east end of the EBURD district increase the vitality of the district and improve public safety in the area.

The Planning staff has reviewed the request and is recommending approval based on our proposed findings of the 10 review criteria. The proposed zoning fits in with the existing master plan and zoning plan for the EBURD. More industrial type uses are for the Industrial Sanctuary zone districts. The proposed zone of EBURD 13 Main Street will allow compatible development to the adjacent EBURD-IS zones and will complement the existing EBURD-13 Main Street district to the west. Adding a residential population to this area will help with "eyes on the street" natural surveillance and increase public safety as well as the livelihood of the area. The adjacent uses and zones are compatible with the proposed zoning. No objections were received from the adjacent owners.

## **STAKEHOLDERS**

The applicant conducted the pre-application neighborhood meeting on April 24 at the subject property. No surrounding owners attended the meeting. The Planning staff published the legal advertisement, posted the property with a Zoning Request sign, mailed notice of the hearing to the property owners within 300 feet and published the application on the Current Zoning Application web page. Planning staff received no comments or inquiries concerning the zone change.

## **ALTERNATIVES**

The City 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 zone change should have no effect on the Planning Division budget.

## **SUMMARY**

Before making a recommendation to the City Council, the City Zoning Commission will consider the findings of the following:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Essential Investments:

- Infill development and development near existing city infrastructure may be the most cost effective.

Community Fabric:

- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels

- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Prosperity:

- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

The property is an underutilized site with access to full city services. Entrepreneurship in Billings has always been a foundation of the local economy. Providing a live/work housing option will support these local small business owners as well as providing an affordable housing choice in an area in need of people. The proposed residential use will support the principles of CPTED and will help deter crime in the area.

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

The new zoning is a form-based code that requires site development standards and regulates uses to a lesser degree. The implementation of the form-based code along with building and fire codes during re-development will provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The property has the potential to allow new mixed-use structures to be built to current building and safety codes. A full re-development of the property will benefit the general welfare by adding to the tax increment value of the EBURD. Vacant lots tend to attract vandals and transients. Development of this lot will help make this area of the EBURD safer.

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

Transportation: The proposed zoning will not have any effect on the existing transportation system. The surrounding street system consists of arterial and local streets. Development of the property may require some changes in the infrastructure, but most of the right-of-way has been updated.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed zoning.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

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

The proposed zoning provides for sufficient building separations to allow for adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The new zoning will have no effect on the transportation system. Traffic generation will not affect the local street network and surrounding intersections are traffic controlled.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to develop for residential and commercial uses that are compatible with the urban growth pattern.

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. The proposed zoning is identical to the zoning to the north and west of the subject property and is an appropriate zone with the adjacent businesses and arterial streets.

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

There are no buildings on the property.

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

The proposed zoning will encourage an appropriate industrial use and building form on this property.

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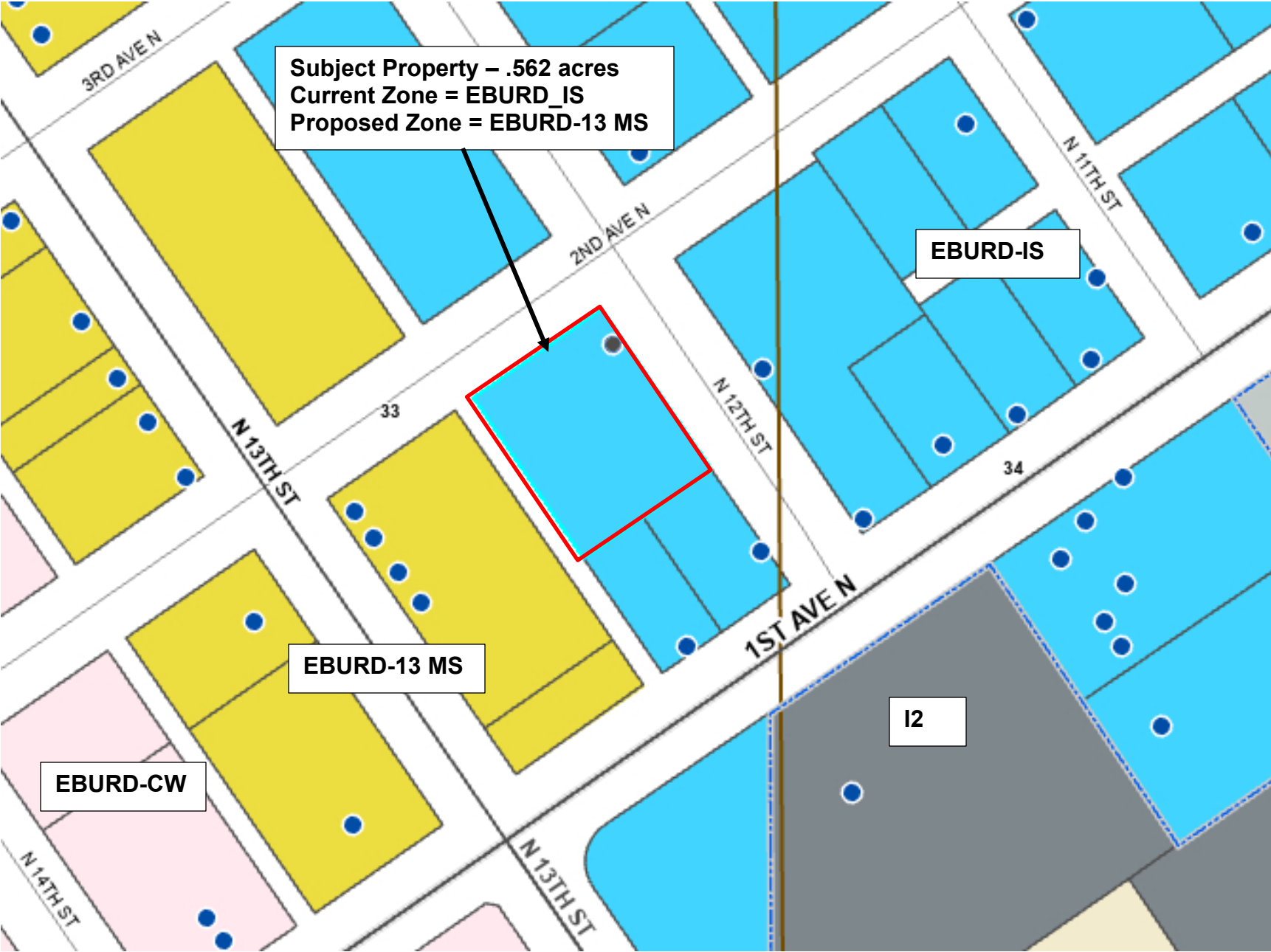
**Attachments**

ZC 1051 Zoning Map and Site Photos

ZC 1051 Zoning History  
Pre application info ZC 1051  
ZC 1051 application and letter

City Zone Change 1051 – 122 N 12<sup>th</sup> St – EBURD-IS to EBURD-13 MS

Zoning Map and Site Photos







Original Zone District Map for EBURD district 2012



Current Zone District Map for EBURD 2024 – changes noted



Subject Property – view west from N 12<sup>th</sup> St



View south along N 12<sup>th</sup> St



View north at intersection of N 12<sup>th</sup> St and 2<sup>nd</sup> Ave N



View northeast across intersection of N 12<sup>th</sup> St and 2<sup>nd</sup> Ave N



View east across N 12<sup>th</sup> St



Billings Bronze Foundry on subject property prior to February 2018 fire

Zoning History for ZC 1051 – 122 N 12<sup>th</sup> Street

| <b>SUBJECT PROPERTY</b>                                       | <b>Zone Change #</b> | <b>DATE</b>   | <b>FOR</b>           | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                       |
|---|----------------------|---------------|----------------------|-----------------------|--|
| 122 N 12 Street   | <b>City ZC 901</b>   | Sept 10, 2012 | CI to EBURD-IS       | Yes                   | Part of EBURD zone change and text amendment |
| <b>SURROUNDING PROPERTY</b>                                   | <b>Zone Change #</b> | <b>DATE</b>   | <b>FOR</b>           | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                       |
| Kairos Center – N 15 <sup>th</sup> St & 1 <sup>st</sup> Ave N | 966                  | 6/25/2018     | EBURD-IS to EBURD-CW | Yes                   | Kairos Center Condos                         |
| Yellowstone Ice and Water – 1523 Montana Ave                  | 989                  | 4/12/2021     | EBURD-CW to EBURD-IS | Yes                   | New Ice Plant                                |

**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:** EBURD Industrial Sanctuary

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

Currently EBURD Industrial Sanctuary, proposed to be EBURD-13th st Main Street

3. **Legal Description of Property:**

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 77, Lot 6 - 12

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

No

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 24th, day of April, 2024.

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

**Owner (s):**

Cal Paulson Telephone: (406)670-0671

**Address:**

122 N 12th st, Billings MT 59101 Email: \_\_\_\_\_

**Agent (s):**

Zach Schopp Telephone: (406)855-8204

Address: 1719 E Castle Stone Sq, Billings, MT 59106 Email: zach@seedoflifelabs.com

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

Sign in sheet

|         |         |
|---------|---------|
| Brune   | Tam     |
| Cal     | Paulson |
| Zach    | Schopp  |
| Matthew | Tucker  |

The Foundry Project  
122 N 12<sup>th</sup> st, 59101  
Billings, MT 59101

**Meeting Synopsis**

The Pre application meeting was held from 1-2pm on the 24<sup>th</sup> of April, 2024 at 122 N 12<sup>th</sup> st, Billings, MT 59101. The meeting was also available via zoom.

Sign-in sheet attached

Meeting synopsis:

Zach Schopp, Bruce Tonn, and Matt Tucker held the meeting via zoom and in-person. The only attendee who came was the current property owner, Cal Paulson. Cal had asked about our vision for the property with the rezoning, and we explained that in order to add residential living above commercial spacing, we would need to rezone. He was excited about the idea. The rest of the meeting was spent chatting and waiting for any other potential attendees, none of whom showed up.

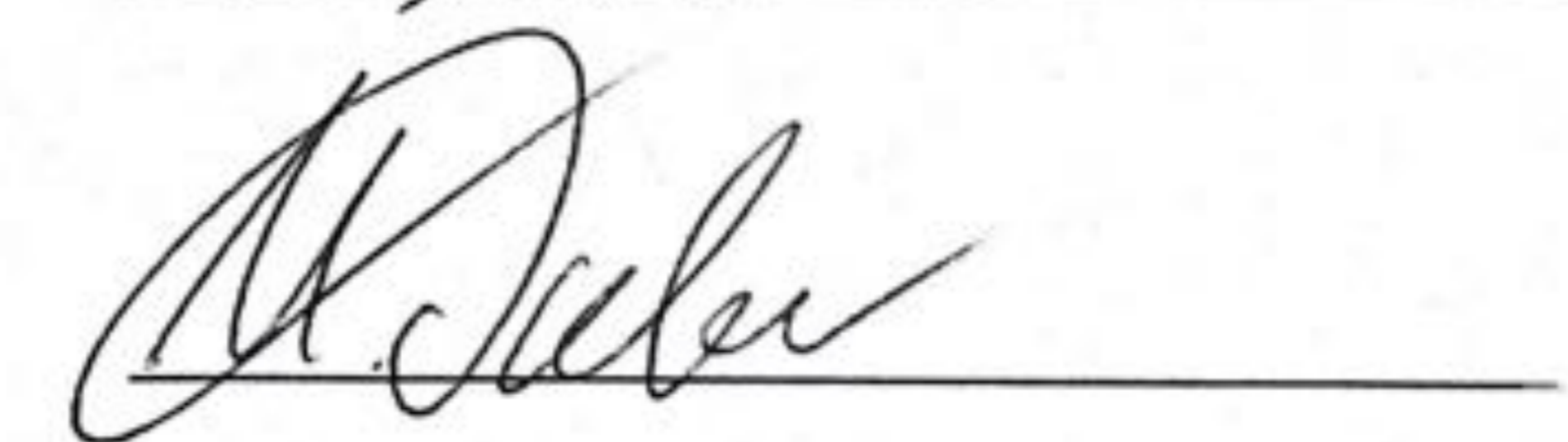
Zach Schopp



Bruce Tonn



Matt Tucker



Date: 6/17/2024

CITY ZONE CHANGE APPLICATION FORM

**CITY ZONE CHANGE**

Billings Zone Change # 1051 Project # PZX-24-00130

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 EBURD Industrial Sanctuary

Proposed Zoning: EBURD-13th st Main Street

PARCEL TAX ID# A005180 CITY ELECTION WARD WARD I

Legal Description of Property: Billings Original Townsite, S33, T01N, R26E, Block 77 Lot 6-12

Address or General Location (If unknown, contact City Engineering): 122 N 12th st, Billings, MT 59101

Size of Parcel (Area square feet or acres): .562 Acres

Present Land-Use: None

Proposed Land-Use: Commercial/Residential structures

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

Owner(s) Cal Paulson

(Record Owner)

119 N 13th st Billings, MT 59101

(Address)

406-670-0671

(Phone Number)

(email)

Agent(s): Zach Schopp

(Name)

1719 E Castle Stone Sq, Billings, MT 59106

(Address)

4068558204 zach@seedoflifelabs.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: Calvin Paulson Date: 06-11-2024

(Record Owner – Digital Signature Allowed)

**To: City of Billings Planning Department**

**Subject: Zone Change Application for The Foundry Project at 122 N 12th St, Billings, MT 59101**

**Introduction:**

The Foundry Project LLC is under contract to purchase the property located at 122 N 12th St, Billings, MT 59101, with the intention to develop commercial and mixed-use buildings featuring commercial shop space on the ground floor and residential apartments above. This project aims to enhance the downtown area by providing workforce housing opportunities and fostering a vibrant, integrated community where people can live, work, and enjoy local amenities.

**Alignment with the City's Growth Policy:**

Our development plan aligns with the City of Billings' Growth Policy, which emphasizes managing growth by encouraging development within existing city limits, prioritizing areas with existing infrastructure, and fostering strong neighborhoods. The Foundry Project will contribute to this vision by redeveloping an underutilized property within the Billings Industrial Revitalization District (BIRD) into a dynamic mixed-use space that supports both commercial and residential needs.

**Statutory Criteria for Zone Change:**

*1. Designed in accordance with the growth policy:*

The Foundry Project supports the City's vision of promoting development within city limits where infrastructure exists, enhancing the unique character of neighborhoods, and offering diverse housing options. By integrating commercial and residential spaces, we aim to create a thriving community hub that reflects Billings' growth objectives.

*2. Secure from fire and other dangers:*

The new zoning and development will incorporate modern building codes and fire safety measures, ensuring a safe environment for residents and businesses. We will work closely with local fire departments to ensure compliance with all safety regulations.

*3. Promote public health, public safety, and general welfare:*

By providing workforce housing and local commercial spaces, our project will enhance the general welfare of the community. Residents will benefit from reduced commute times and improved access to amenities, contributing to their overall well-being.

*4. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements:*

The Foundry Project will leverage existing infrastructure and services, minimizing the need for new public investments. Our development will support the use of public transportation and non-motorized transportation, reducing traffic congestion and environmental impact.

*5. Provide adequate light and air:*

The design of our mixed-use building will ensure ample natural light and ventilation for both commercial and residential units, promoting a healthy living and working environment.

*6. Effect motorized and non-motorized transportation:*

Our project is strategically located to encourage walking, cycling, and the use of public transportation. We will include bike racks and pedestrian-friendly pathways to support non-motorized transportation options.

*7. Compatible with urban growth in the vicinity of cities or towns:*

The proposed development is in line with urban growth patterns in downtown Billings, complementing nearby commercial and residential areas. It will contribute to the ongoing revitalization efforts in the BIRD.

*8. Considers the character of the district and the peculiar suitability of the property for particular uses:*

The property's history as a commercial foundry makes it uniquely suitable for a mixed-use development that honors its industrial past while meeting current needs for commercial and residential space.

*9. Conserve the value of buildings:*

By redeveloping and repurposing the existing property, The Foundry Project will help conserve and potentially increase the value of nearby buildings, contributing positively to the overall property market in the area.

*10. Encourage the most appropriate use of land throughout Yellowstone County:*

Our project exemplifies the most appropriate use of land in this district by transforming a former industrial site into a mixed-use development that addresses contemporary urban needs, aligning with the county's broader goals for sustainable development.

*11. Compatibility with the zoning of nearby cities and towns:*

The mixed-use nature of our project is compatible with the zoning and development patterns in nearby areas, fostering a cohesive and integrated urban landscape.

**Conclusion:**

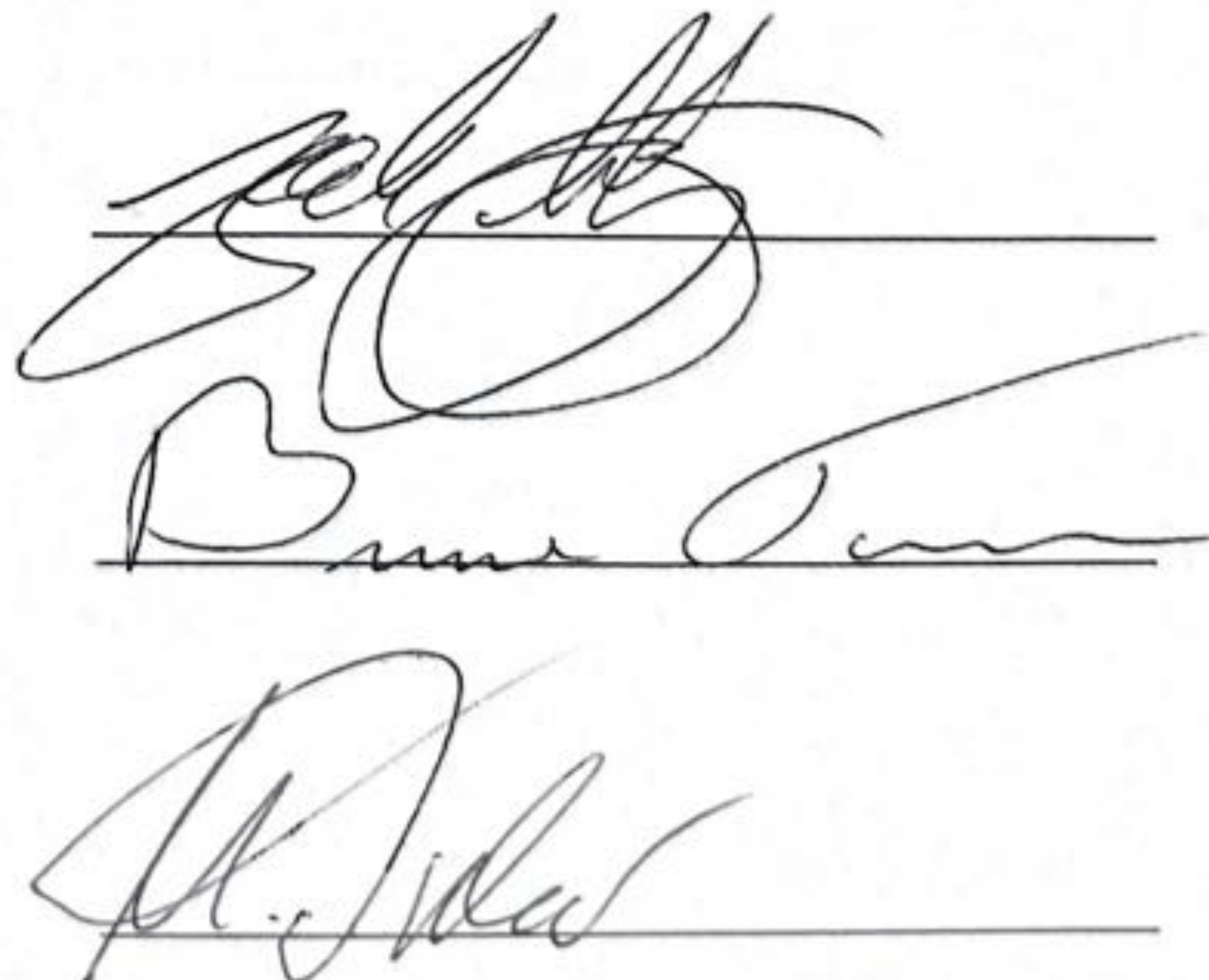
The Foundry Project LLC is committed to contributing to the City of Billings' vision for growth and community betterment through the thoughtful development of 122 N 12th St. Our project will enhance the downtown lifestyle, provide essential workforce housing, and support local businesses, aligning with the city's growth policy and statutory criteria for a zone change. We respectfully request approval for the proposed zone change to enable this transformative project.

Sincerely,

Zach Schopp

Bruce Tonn

Matt Tucker



## Zoning Commission

**Date:** 08/06/2024  
**Title:** Zone Change 1053 - 529 S Billings Blvd - N2 (Mid-Century Neighborhood) to CX (Heavy Commercial)  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Planning staff recommends approval and adoption of the 10 review criteria for Zone Change 1053.

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

This is a zone change request for property located at 529 S Billings Blvd legally described as Parcel 1 of Certificate of Survey 666. The property is currently zoned N2 (Mid-Century Neighborhood), and shares a property line with Hanser's vehicle wrecking yard to the north. The site was originally developed with a residential home (1925) that is in significant disrepair. Hanser Properties purchased the parcel in late 2023 and the deed was filed in January 2024. Prior to this purchase, the property was filled with junk, trash, debris and salvaged materials by the previous owner and tenants. There were 11 code enforcement cases on the property between 2008 and 2023 - eight of those in the last 5 years. Since purchasing the property, Hanser Properties has cleared the lot of all debris and trash and secured the home. The residence is currently vacant.

The intent of the zone change is to allow Hanser Properties to use the rear portion of the property for storage of equipment used for the business. This would not include wrecked vehicles. Those vehicles would still be stored in the wrecking yard to the north. A wrecking yard is not a permitted use in the CX zone district. The wrecking yard to the north is zoned Light Industrial and has previously received special review approval from the City Council (2016).

This property is intended for the storage of abandoned vehicles that are towed by Hansers' Towing. Abandoned vehicles are reported to the Police Department or other public safety agencies. These are towed off the public street if not removed in a short period of time after notice is given to the owner. The towing company is required to store the towed vehicle for at least 30 days to give the owner time to retrieve the vehicle. Afterward, if not retrieved by the owner, the vehicle can be moved to the wrecking yard for parts or sent to a facility to be crushed. In addition, Hanser Properties would like to preserve the option in the future for residential uses on the property that will include all types of housing options, from single family to multifamily dwellings. The existing driveway will not be used for the immediate planned use as secure storage for abandoned vehicles. The tow trucks will enter through the wrecking yard and bring the abandoned vehicles into the rear portion of the subject property. The owners intend to remove the existing dwelling from the front, and install new fencing around the proposed storage area. Conversion of the property to this new use will require improvements to buffer the residential areas to the east and south.

South Billings Blvd is an arterial street with a large volume of daily traffic including all types of vehicles including tractor trailers, school buses, passenger vehicles and delivery vehicles. This section north of King Ave E is a main connection between the interstate and other arterial streets that go east to downtown and west to Laurel frontage Road and King Ave W. About 10,000 vehicle trips per day use this section of S Billings Blvd that does not include school traffic (Sept to May). An adjustment factor to adjust these traffic counts is between 1.1 and 1.2. There is a multi-use path constructed on this side of the street and is heavily used by school students and neighborhood residents.

The subject property received two previous zone changes prior to the 2021 zoning code overhaul and update. In May 1974, the property was changed from single family zoning (R96) to small lot single family zoning with options for multifamily dwellings (R60) - County Zone Change 14. In 2001, this lot and surrounding property was re-zoned from R60 and R96 to R70 and RMH zoning.

The subject property was not re-developed under those previous zoning changes while the property to the south and east was developed. Rebecca Estates off Newman Avenue is located in the former R70 zone district and Rebecca Estates Manufactured Home Park is located to the south in an RMH zone district. The current zoning for this parcel and for Rebecca Estates off Newman Avenue is N2 - Mid-Century Neighborhood and the manufactured home park is still zoned RMH. Property to the north and west is zoned Light Industrial (I1) and all these parcels are owned by Hanser Properties. Hanser's Automotive started the development of the wrecking yard on the east side of S Billings Blvd in 2004 and completed the southern portion adjacent to the subject property in 2019.

The Planning staff has reviewed the application and is recommending approval based on the proposed findings of the 10 review criteria for zone changes. The proposed zoning of CX is an interim and transitional zone between the existing I1 zoning and the N2 zoning to the south. The CX zone now allows the option for future development for residential use. The proposed use for storage of Hanser commercial vehicles as well as a dedicated long term storage space (30 to 60 days) of abandoned vehicles will allow the businesses to have secure off-street parking, reserving the ability for future redevelopment. Expansion of the wrecking yard to this property would not be allowed in the CX zone. Re-development of the property will require a shielding fence and landscaping installed as per the B3 bufferyard standards in the zoning code. A B3 bufferyard is required between a CX zone used for non-residential purposes and any adjacent developed neighborhood zone. The B3 bufferyard is intended to diminish any negative impact on the adjacent homes by including trees and shrubs in addition to a sight-obscuring fence. Impacts to neighbors might include noise, dust, commercial lighting and similar activity that does not improve the quiet enjoyment of residential property. The required bufferyard should diminish these impacts to a great degree. Buildings and surrounding properties will benefit from property improvements and removal of nuisance conditions. Standards for commercial property adjacent to residential neighbors will apply to this property in addition to the landscaping requirements including shielded light fixtures if any are proposed. Single family residential uses along an arterial street tend to have a lower quality of life due to the impact of traffic volume and types of traffic that may include heavy trucks, buses and tractor trailers. Not all arterial streets have the same variety or volume of traffic, but S Billings Boulevard does have the volume and types of traffic that would tend to make single-family homes less comfortable.

OWNER: Hanser's Properties LP; Ralph Hanser  
AGENT: JW Papez, P.E.  
LEGAL DESCRIPTION: Parcel 1 of C/S 666  
ADDRESS: 529 S Billings Blvd  
CURRENT ZONING: N2  
PROPOSED ZONING: CX  
EXISTING LAND USE: one single family home  
PROPOSED USE: Storage of equipment for Hanser's Automotive  
SIZE OF PARCEL: 22,651 square feet

**NORTH:**

Zoning: I1  
Land Use: Hanser's vehicle wrecking yard

**SOUTH:**

Zoning: N2  
Land Use: Single family home

**EAST:**

Zoning: N2  
Land Use: Single family homes

**WEST:**

Zoning: I1  
Land Use: Hanser's Wrecking Service

**STAKEHOLDERS**

The applicant conducted a pre-application meeting at 502 S Billings Blvd on June 17, 2024. The synopsis of the meeting is attached. There were no surrounding owners who attended. The planning staff have not received input from any neighboring property owners. 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 online on the "Current Zoning Applications" web page 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

The zone change will not have any effect on the Planning Division budget.

## SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

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

The proposed zone change is consistent with the following goals of the Growth Policy:

### Community Fabric:

- Attractive street-scapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.

### Essential Investments:

- Infill development and development near existing city infrastructure may be the most cost-effective.

### Strong Neighborhoods:

- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

### Prosperity

- Successful businesses that provide local jobs benefit the community.
- Retaining and supporting existing businesses helps sustain a healthy economy.

The South Billings Urban Renewal Master Plan envisioned this area between Newman Lane, Parkway Lane, Laurel Frontage Rd and King Ave E as the "Amend Village". This area of the Amend Village neighborhood north of Simpson Street up to Laurel Frontage Road was designated to increase business opportunities. The plan focused on re-invigorating the businesses along Laurel Frontage Rd by reintroducing street trees and better urban infrastructure. Hanser's Automotive has been a key agent of improvements on S Billings Blvd, including the installation of a "hawk" signal for a pedestrian crossing between their facilities on the west and east sides of the street, street lighting and street front landscaping.

The Hanser Automotive property on the west side of S Billings Blvd is constrained by adjacent property owners and uses. Additional areas for secure parking or equipment and business vehicles are limited on the west side of S Billings Blvd. The proposed zoning of CX on the subject property would allow some additional area for parking and storage of business vehicles. The existing wrecking facility directly north of the subject property would not expand on to this parcel as CX zoning does not allow this use. The existing zoning of N2 would only allow one structure with 1 or 2 units without additional street frontage. A re-development under this zone could include a private street that would expand the number of dwellings on the property from 2 dwelling units. It is not likely a new development of one or two-family dwellings would make sense at this location. The proposed zoning would allow re-development to provide a secure parking storage area for Hanser's Automotive. The CX zone and other non-residential development has to provide an effective buffer between this use and the adjacent residential neighborhood. The zoning district is compatible with the character of S Billings Blvd and there are protections in place for the adjacent residential neighborhoods. The Infill Policy encourages development of vacant and undervalued property within the city limits with emphasis on efficient use of existing city infrastructure and services. The Growth Policy supports increasing opportunities for businesses to stay in Billings and continue to provide local jobs.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. Re-development of the vacant land in the city will promote public health and safety as well as the general welfare by improving the appearance of the area and adding value to the tax increment district. The adjacent residential neighborhood will be protected through the application of the zoning standards for any new development of the property and landscaping.

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

**Transportation:** The proposed zoning will have little impact on the surrounding transportation system. The City Engineering Division will work closely with the owner to ensure any impacts are minimized.

**Water and Sewer:** The City already provides water and sewer to the property, but the existing residence is vacant. There will be no additional impact to the system at this time from the proposed zoning.

**Schools and Parks:** Schools and parks should be unaffected by the proposed zone change.

**Fire and Police:** The subject property is served by city public safety services. The Police Department had no concerns with the zone change and the Fire Department will be involved in any development plan and building permit(s).

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The new zoning will not have an immediate effect on vehicle and pedestrian traffic. The drive approach will remain in place. If the property is re-developed in the future, impacts on transportation will be evaluated at that time. Construction and demolition on the site may disrupt traffic patterns for short periods of time.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow commercial activity on an underutilized property as an infill project.

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. Development will include new buffer yards and landscaping to better insulate the existing neighborhood from commercial uses.

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

The property is currently developed with one single family dwelling. The existing home can remain and will not be devalued by the proposed zoning. Residential use is allowed in the CX zone.

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

The proposed zoning will permit commercial uses similar to surrounding uses to the north and west. Existing residential neighborhoods to the south and east will be protected by commercial development standards when that use is adjacent to a residential neighborhood.

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### Attachments

ZC 1053 Zoning Map and Site Photos

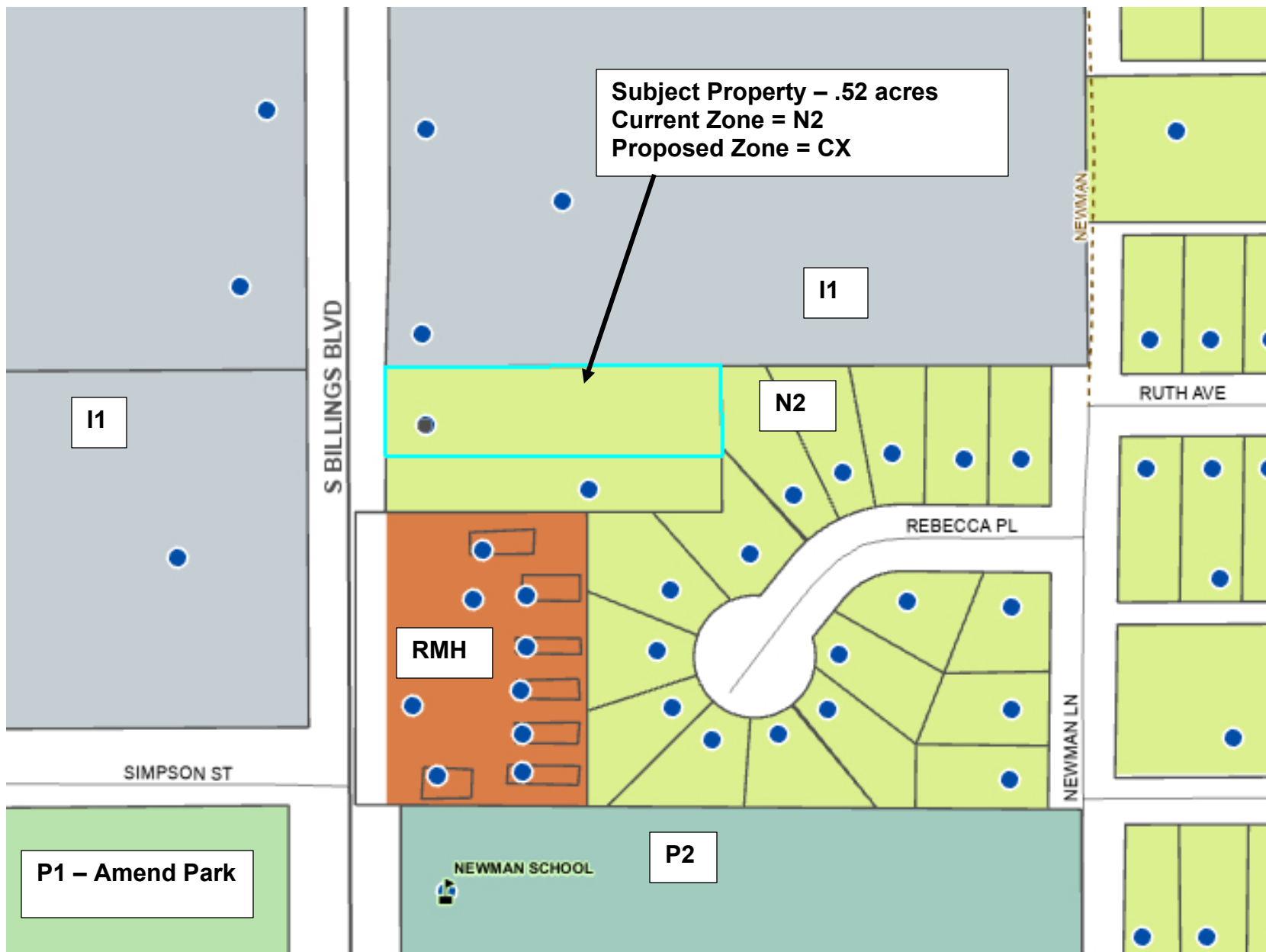
ZC 1053 Zoning History

City Code Section 27-1628

ZC 1053 App and Letter

Pre application info ZC 1053

City Zone Change 1053 – 529 S Billings Blvd – N2 to CX  
Zoning Map and Site Photos





Subject Property May 2023 aerial



Current aerial of subject property





Subject Property – 529 S Billings Blvd



View southeast to adjacent residential properties



View southwest across S Billings Blvd



View northwest across S Billings Blvd



View north on S Billings Blvd



View southeast across subject property



View east into subject property rear yard

Zoning History for ZC 1053 – 529 S Billings Blvd – Parcel 1 C/S 666

| <b>SUBJECT PROPERTY</b>                       | <b>Zone Change #</b> | <b>DATE</b>    | <b>FOR</b>                    | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>              |
|---|----------------------|----------------|-------------------------------|-----------------------|-------------------------------------|
|   | <b>County ZC 14</b>  | May 15, 1974   | R-96 to R-60                  | Yes                   |                                     |
|   | <b>City ZC 671</b>   | March 12, 2001 | R-96 and R-60 to R-70 and RMH | Yes                   | Includes surrounding land           |
| <b>SURROUNDING PROPERTY</b>                   | <b>Zone Change #</b> | <b>DATE</b>    | <b>FOR</b>                    | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>              |
| Hanser's Wrecking Yard<br>439 S Billings Blvd | ZC 745               | 11/28/2004     | RMF to CI                     | Yes                   | Yard improvements completed in 2019 |
|   | ZC 858               | 10/26/2009     | R96/R70 to CI                 |                       |                                     |
|   | ZC 860               | 2/18/2010      | R60 to CI                     |                       |                                     |
|   | ZC 947               | 8/8/2016       | R60 to CI                     |                       |                                     |
| 766 Calhoun Lane                              | ZC 871               | 1/24/2011      | R96 to EGC                    | Y                     | Updated to Public 2                 |

**Sec. 27-1628. Zone change.**

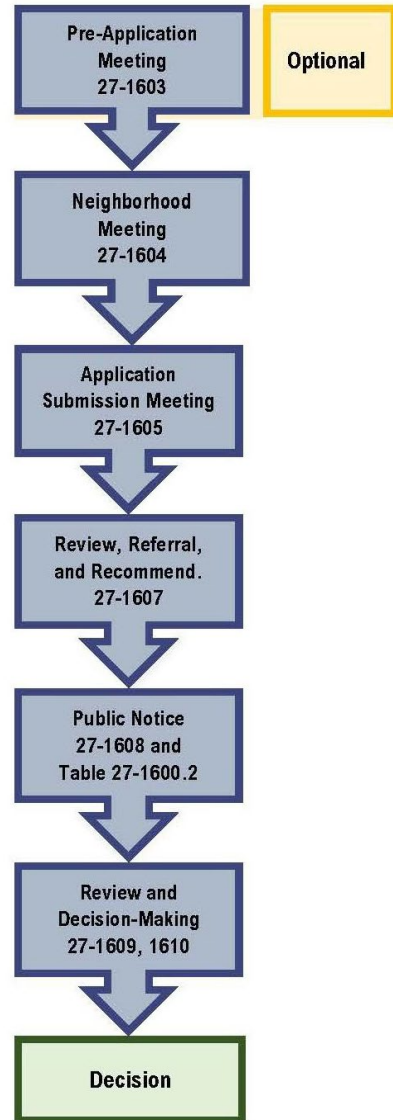
A. *Purpose.* This zoning code, including the official zoning map, may be amended by the city council.

B. *Initiation of zone change.*

1. *Text amendment.* Proposals to amend the text of this zoning code (text amendment), may be initiated by the city council, the zoning commission, or the Yellowstone County Board of Planning.
2. *Zone change (map amendment).* Unless initiated by the city council, all applications for zone change must be submitted by the owner of the subject property, the contract purchaser, or the authorized agent of the owner.

C. *Procedures.*

1. *Common procedures.* Common procedures for review and decision of a zone change application are identified in Table 27-1600.1 and are summarized here for applicant convenience.
2. *Specific procedures.*
  - (a) A pre-application neighborhood meeting is required per section 27-1604.
    - (1) The applicant shall provide a signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of subsection 27-1604(b)(3), and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.
  - (b) Notice of a zone change application shall be provided as follows:
    - (1) *Publication.* Notice of the application shall be advertised in a newspaper of general circulation at least fifteen (15) calendar days in advance of the date of the public hearing.
    - (2) Mailed notice shall be provided to the applicant and/or applicant's authorized agent; and
      - a. Where the subject property is equal to or more than six hundred (600) feet to exterior coterminous city limits: All property owners within a 300-foot radius. Where the subject property is less than six hundred (600) feet to exterior coterminous city limits: All property owners within one thousand three



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hundred twenty (1,320) feet. Coterminous city limits do not include unincorporated islands within the city limits.

- b. PD zone change: All property owners within one thousand three hundred twenty (1,320) feet.
- c. PND zone change: All property owners within one thousand three hundred twenty (1,320) feet.
- d. In addition to the notice above and before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed map amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made at least fifteen (15) calendar days in advance of the date of public hearing.

(3) *Posted.* Place notice of the public hearing on the property subject to the zone change fifteen (15) calendar days in advance of the public hearing.

(4) Notice of a text amendment shall be published in the same manner as the publication requirement of a zone change application.

(c) Public hearings shall be held for both the city zoning commission review and city council review of the request for zone change or text amendment.

D. *Decision criteria.* The review and decision-making bodies shall consider the following statutory criteria in making a recommendation or decision regarding a zone change application:

- 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 affect motorized and nonmotorized 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.

E. *Review and decision-making.*

1. *City zoning commission recommendation.*

(a) The city zoning commission shall make a recommendation to the city council to:

- (1) Deny the application;
- (2) Approve the application; or
- (3) Allow the application to be withdrawn.

- 
- (b) Recommendations from the zoning commission shall be based on findings of fact and shall be transmitted to the applicant or applicant's agent, and the city council within fifteen (15) calendar days of the date of the public hearing before the zoning commission.
  - (c) The recommendation of the zoning commission shall be published in a newspaper of general circulation.
  - (d) The zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) calendar days, without prejudice to the applicant. A report of the commission's recommendation and the zoning coordinator's findings and conclusions shall be submitted to the city council.

2. *City council action.*

- (a) The city council shall hold a public hearing within thirty (30) calendar days after the publication of the zoning commission recommendation.
- (b) Before taking action on a zone change application, and after presentation of the zoning commission report, the city council shall hold a public hearing on the application.
- (c) A second reading of the ordinance as required by BMCC section 2-232.
- (d) The city council shall:
  - (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) calendar days.

3. *Protest petition triggers supermajority vote requirement.* As provided in MCA 76-2-305(2), in the event of a protest petition against such zone change 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 ( $\frac{2}{3}$ ) of the present and voting members of the city council.

- (a) For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest.
- (b) If the property, as defined in MCA 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.
- (c) 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.
- (d) The protest petition must be received in the planning and community services department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the city council.

( Ord. No. 21-5748 , § 3(Exh. A), 1-25-21; Ord. No. 22-5807 , § 3(o), 5-9-22)

July 1, 2024

City of Billings Zoning Commission  
Attn: Zoning Commission Chairman  
2825 3<sup>rd</sup> Ave. North  
Billings, MT 59101

**RE: Zone Change Tract 1, CS 666**

Mr. Chairman,

Hanser Properties, LP recently acquired a property located at 529 South Billings Boulevard. The subject property is located immediately adjacent to their existing operational facilities along South Billings Boulevard. The subject property is currently zoned Mid-Century Neighborhood (N2), and my client would seek to rezone the property to Heavy Commercial (CX). This zone change is necessary to facilitate usage of the property that is compatible with their existing operations, which are not permitted within (N2) zoning.

The rezoning from N2 to CX would not only allow Hanser Properties LP to utilize the property as part of their operations but would also allow for the potential construction of multi-family residential in the future.

The proposed zone change is in line with the City of Billings Growth Policy and will allow for more flexible usage of the property for future development.

Kind Regards,

James W. Papez

Papez Development Services

**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 Mid-Century Neighborhood Residential (N2)

Proposed Zoning: Heavy Commercial (CX)

PARCEL TAX ID# D01574 CITY ELECTION WARD 3

Legal Description of Property: S09, T01, R26E, Parcel 1 of Certificate of Survey 666

Address or General Location (If unknown, contact City Engineering): 529 South Billings, Blvd.

Size of Parcel (Area square feet or acres): 22,651 sf

Present Land-Use: Residential

Proposed Land-Use: Commercial

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

Owner(s) Hanser Properties, LP

(Record Owner)

430 South Billings Blvd., Billings, MT 59101

(Address)

(406) 248-7795

(Phone Number)

ralph@hansers.com

(email)

Agent(s): James Papez, P.E.

(Name)

5420 Molo Road, Billings, MT 59106

(Address)

(406) 545-5284 james@pds-eng.net

(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: 7-1-2024  
(Record Owner – Digital Signature Allowed)

## Tract 1, Certificate of Survey 666 Zone Change Questions

**1. Whether the new zoning is designed in accordance with the growth policy;**

The rezoning of the property is in line with the current adopted growth policy of the City of Billings. This project would be considered an “infill development” that already has access to established City infrastructure making it a cost-effective solution to redevelopment. The commercial zoning will allow Hanser’s to utilize the property in conjunction with their existing operations that provide local jobs and valuable services to the greater Billings area. Additionally, the proposed zone change will also allow for both commercial and multi-family residential redevelopment potential on the subject property.

**2. Whether the new zoning is designed to secure from fire and other dangers;**

The proposed zone change from N2 (Mid-Century Neighborhood) to CX (Heavy Commercial) should not create any additional fire dangers. The redevelopment of the property will remove an abundance of accumulated waste and debris that currently exists on the property thereby reducing existing fire dangers. Additionally, two existing fire hydrants are located within 275’ of the subject property to provide adequate fire protection.

**3. Whether the new zoning will promote public health, public safety, and general welfare;**

The change from N2 to CX zoning will promote public health, safety and general welfare by removing existing dilapidated buildings from the subject property, thereby enhancing the neighborhood. The rezoned property will be equipped with a security fence that will reduce the potential for transient gathering. The CX zone also allows for the potential development of multifamily housing on the property in the future.

**4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;**

The zone change will not impact existing transportation and the property will retain the existing drive approach located on South Billings Blvd. Water and

sewer services are currently extended into the property which could be utilized, unless future development exceeds the capacity of the existing services. If this were to occur, both water and sewer mains are readily available in South Billings Blvd. to meet any increased usage. The change from N2 to CX is not anticipated to have any impact on schools or parks since the zone change would still allow for potential multi family housing in the future.

**5. Whether the new zoning will provide adequate light and air;**

The zone change will have minimal impacts on light and air in the surrounding area. Redevelopment of the property will likely increase the amount of open area compared to the existing site conditions. Any future improvements would be completed in compliance with the City of Billings zoning code for open areas and light.

**6. Whether the new zoning will affect motorized and nonmotorized transportation;**

The zone change is not anticipated to have any impact on motorized and non-motorized transportation. The subject property will retain the existing drive approach onto South Billings Blvd. An existing 10-foot wide multi-use path is located along the property frontage which promotes non-motorized transportation as well as enhanced access to motorized transportation facilities.

**7. Whether the new zoning will promote compatible urban growth;**

The zone change from N2 to CX will promote compatible urban growth through the increased allowable uses for the property. The CX zoning contains compatible uses that compliment the adjacent Light Industrial zoning to the north, while allowing for the potential future development of multifamily housing adjacent to the properties to the south and east.

**8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;**

The subject property is surrounded primarily by a mix of Light Industrial, Mid-Century Neighborhood, and Residential Mobile Home districts. The zone change from N2 to CX will allow for uses compatible with both the industrial and residential surrounding uses. The CX zoning contains compatible uses that complements the adjacent Light Industrial zoning to the north, while

allowing for the potential future development of multifamily housing adjacent to the residential properties to the south and east.

**9. Whether the new zoning will conserve the value of buildings;**

The existing property is occupied by a dilapidated residence, garage and discarded materials. The rezoning of the property will facilitate removal of the existing buildings, waste, and debris and promote redevelopment that enhances the appeal of the neighborhood, further discouraging transient presence. The variety of uses and redevelopment potential associated with CX zoning will help conserve and promote the value of buildings in the district.

**10. Whether the new zoning will encourage the most appropriate use of land throughout the city.**

The subject property is surrounded primarily by a mix of Light Industrial, Mid-Century Neighborhood, and Residential Mobile Home districts. The zone change from N2 to CX will allow for uses compatible with both the industrial and residential surrounding uses. The CX zoning contains compatible uses that complement the adjacent Light Industrial zoning to the north, while allowing for the potential future development of multifamily housing adjacent to the residential properties to the south and east.

**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:** Mid-Century Neighborhood Residential (N2)
  
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:  
The property would be rezoned from Mid-Century Neighborhood (N2) to Heavy Comercial (CX)
  
3. **Legal Description of Property:**  
S09, T01, R26E, Parcel 1 of Certificate of Survey 666
  
4. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force  
Yes, Southwest Corridor
  
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 17, day of June, 2024.
  - 2) The zone change application is based on materials presented at the meeting.

Owner (s):  
Hanser Properties, LP Telephone: 406-248-7795

Address:  
430 South Billings Blvd. Email: ralph@hansers.com

Agent (s):  
James Papez, PE Telephone: 406-545-5284

Address: 5420 Molo Road, Billings MT 59106 Email: james@pds-eng.net

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

**CITY ZONE CHANGE NEIGHBORHOOD MEETING**

Monday, June 17<sup>th</sup>, 2024

Hanser Automotive Conference Room

502 South Billings, Blvd., Billings, MT 59101

A neighborhood meeting will be held to consider a zone change for a property located at 529 South Billings Blvd., Billings, Montana 59101. The meeting will take place in the conference room of Hanser Automotive located at 502 South Billings Blvd, Billings, MT 59101, on June 17<sup>th</sup>, 2024 at 5:30 pm.

The existing property is currently zoned Mid-Century Neighborhood Residential (N2) and would seek to be rezoned to Heavy Commercial (CX).

The legal description and ownership of the subject property is as follows:

**Legal: S09, T01 S, R26 E, Parcel 1 of Certificate of Survey 666**

**Ownership: Hanser Properties, LP**

**430 South Billings Blvd.**

**Billings, MT 59101**

**(406) 248-7795**

This notice is provided to all property owners located within 300 feet of the subject property. Any person interested and/or affected by this change is welcome to attend to express their opinion.

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**MEETING MEMORANDUM**

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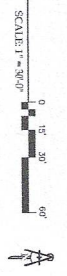
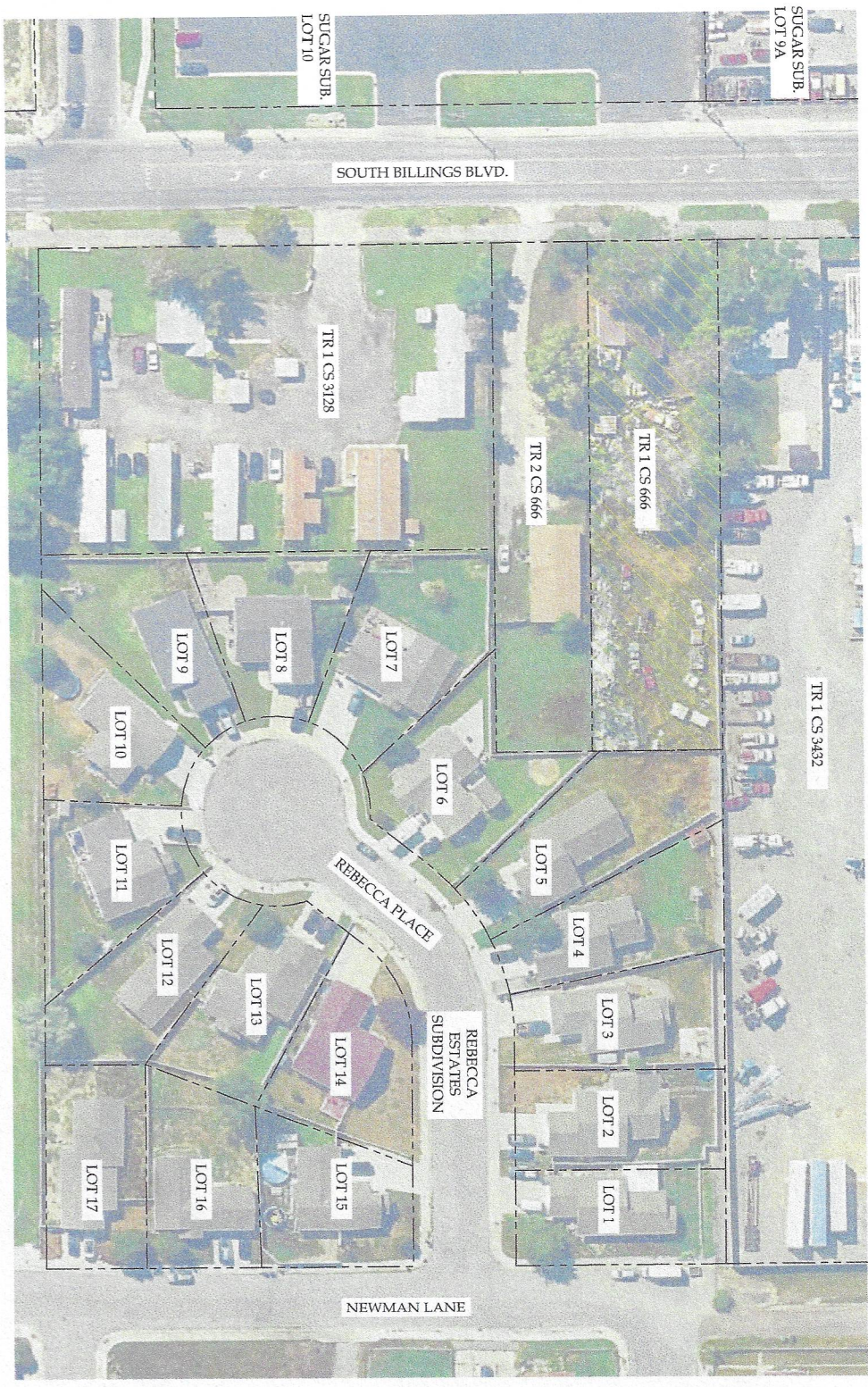
**TO:** CITY OF BILLINGS PLANNING DEPARTMENT  
**FROM:** JAMES W. PAPEZ, P.E.  
**SUBJECT:** NEIGHBORHOOD ZONE CHANGE MEETING\_PARCEL 1 CS 666  
**DATE:** JUNE 17, 2024

**NEIGHBORHOOD MEETING RECAP MEMORANDUM**

On Monday June 17<sup>th</sup> at 5:30 PM, a neighborhood meeting was conducted to collect comments and/or concerns associated with a proposed zone change of Parcel 1 of Certificate of Survey 666. The meeting was held in the conference room of Hanser Automotive located at 430 South Billings Blvd. Notification letters for the meeting were sent out on June 10<sup>th</sup> to notify all property owners located within 300-feet of the subject property.

In attendance at the meeting were James Papez (Owners Representative) and Shel Hanser (Property Owner/Applicant). None of the notified surrounding property owners attended the meeting, nor were any comments received. The meeting concluded at 6:00 PM.





- County Border
- Township
- Sections
- City address
- Residential
- Commercial
- Church
- Local/Private Roads
- Local Street or Rd
- Undeveloped Rd
- Federal/State/Arterial
- County Rd, Collector
- Easements
- Pedestrian (bike, walking, park, sidewalk)
- All other easements
- Parcels - Ownership lines
- Zoning
- N2 - Mid-Century Neighborhood
- P1 - Open Space, Parks, Recreation
- P2 - Public-Civic, Institutional
- RMH - Residential Mobile Home

