



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, September 3, 2024, 4:30 p.m.**  
316 N 26th St, Room 3101  
3rd Floor Stillwater Building, Billings MT

**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:

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 at PO Box 1178, Billings MT 59103 or 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 406-657-8247.

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

**Call the meeting to order.**

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

**Public Comment**

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

**Disclosure of any Conflict of Interest-Members of the Commission and Staff**

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

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

**Public Hearings:**

- a. **City Zone Change 1054 - North of Highway 3 - Agriculture to Public 3 - Civic Campus - A zone change request from Agriculture (A) a county zone district to Public 3-Civic (P3), on Tracts 4,5,6A and 6B of C/S 1889 in Section 26, T1N, R25E, with total acres of 78.15. A concurrent annexation has been submitted. Tax IDs: D04591; D04592; D04593; D04593A**

- b. **City Zone Change 1055 -- Galaxy Subdivision -- Planned Development to N3, N2 and NX2** - A zone change request from Planned Development -- Galaxy to Suburban Neighborhood (N3), Mid-Century Neighborhood (N2) and Mixed Residential 2 (NX2), on Block 3, Lots 1-6, 8, 10, 11, & 13-19; Block 4, Lots 15-44; Block 5, Lots 10-18 & Park parcel; Block 6, Lots 2-9, 11-26, 31 & 33; all in Section 21, T1N, R26E, with total acres of 32.13.

## **Other Business/Announcements**

### **Adjournment**

**The City Council has designated October 14, 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 October 28, 2024 at 5:30 pm.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, PO Box 1178 Billings MT 59103

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda Berns, Planning Clerk; [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

**Date:** 09/03/2024  
**Title:**  
**Presented by:**  
**Department:** Planning & Community Services  
**Presentation:**

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**Information**

**RECOMMENDATION**

The minutes of the Board meeting of August 6, 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 August 6, 2024



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

The City of Billings Zoning Commission met on Tuesday, August 6, 2024 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. The public may attend in person or watch the meeting live on Facebook (see below). Comments may be sent to **Board via email before 1:00 PM on Tuesday, August 6, 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.

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

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

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

**Attending:**

Shel Hanser 529 S. Billings Blvd; J.Papez Billings

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

**Public Comment**

Chair Brooks called for public comments, there were none.

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

Commissioner Megorden made a Motion, seconded by Commissioner Mulvaney 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		
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

Commissioner Goss visited the site of Zone Change 1051.

Commissioners McCall, Goss, and Brooks visited the site of Zone Change 1053.

**Public Hearings:**

- a. **City Zone Change 1051** –122 N 12<sup>th</sup> St – EBURD – 13 Main St. – A zone change request for property within the East Billings Urban Renewal District. The property is located at 122 N 12<sup>th</sup> St, north of 1<sup>st</sup> 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 12<sup>th</sup> St and 2<sup>nd</sup> Ave N with buildings. The property is legally described as Lots 6-12, Block 77, Billings Original Town.

Nicole gave a summary of the current zoning regulations and the proposed amendments. The proposed zone change EBURD-13 allows for retail & service businesses, residential throughout a building and walkable street frontages. The subject parcel is located within the East Billings Urban Renewal District.

The Planning staff recommends approving the zone change, noting that it aligns with Growth and Infill policies and the EBURD Master Plan. It is deemed compatible with nearby properties, with enhancements to streets, lighting, and public safety.

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

Planning staff recommends approval of the zone change.

- Meets the Growth Policy, Infill Policy, and the EBURD Master Plan
- Adjacent uses and zoning compatible with proposed zoning.
- Located in an area with street improvements installed – storm drains, sidewalks, and street lighting.
- Vacant parcels tend to de-value adjacent property.
- Development will increase public safety and tax value for TIF district.

**Questions**

Commissioner Goss inquired about the setback requirements for the commercial outdoor frontage. Nicole clarified that the design is intended for businesses with small buildings but with large display areas, like car dealerships.

**Agent**

Zack Shopp, representing the applicant, explained that the rezoning is essential for their plans to proceed. They aim to develop a total of 7 lots in Phase 2, with commercial spaces on the lower level and residential units above. The lower section will feature coffee shops or similar businesses.

Chairman Brooks then invited any further comments or questions before closing the discussion for Zone Change 1051.

**Motion:**

Commissioner McCall made a Motion, Seconded by Commissioner Megorden to recommend Zone Change 1051 with the 10 Review Criteria to City Council to be heard on August 26, 2024 at 5:30pm.

Commissioners McCall and Brooks remarked on the project's diversity and emphasized the importance of developing these types of communities.

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 1051 with a unanimous vote.**

- b. 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 420 S Billings Blvd (Hanser Automotive) TAX ID: D01574**

Nicole provided an overview of the subject parcel as well as adjacent properties. The property had approximately a half-acre of salvage debris that has since been cleaned up. The owner’s plan is to store abandoned vehicles that are towed off the city and county streets for up to 60 days. Additionally, their plan is to provide neighborhood residential housing in the future.

Planning staff recommends approval of the zone change.

- Meets the Growth Policy, Infill Policy, and the SBBURA Master Plan.
- Adjacent uses and zoning may be compatible with proposed zoning – buffering and screening will be required for nonresidential use.
- Adjacent to existing Hanser development – access will be through existing wrecking yard.
- Vacant parcels tend to de-value adjacent property.
- Development will increase public safety and tax value for TIF district.

**Applicant's Agent:** JW Papez, Billings MT – Mr. Papez stated the requested zone change would allow for more flexibility and would complement the Hanser's current business. The applicant intends to fence the entire property and include a buffer.

**Questions**

Chairman Brooks asked if the intent of the fencing was to cutoff the East, South, and West sides, creating the entrance through the wrecking yard.

**Shel Hanser 529 S. Billings Blvd, Billings** – Mr. Hanser affirmed they were installing consistent fencing for all sides except the point of entrance.

**Public Hearing**

Chairman Brooks asked if there was anyone wanting to speak in favor or against on Zone Change 1053, there were none, and the public hearing was closed.

**Motion:**

Commissioner Goss made a Motion, Seconded by Commissioner Megorden to approve Zone Change 1053 to City Council to be heard on August 26, 2024 at 5:30pm.

The motion was passed with a unanimous vote.

**Other Business:** There was none.

**Adjournment:** The meeting adjourned at 5:06 PM

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

*--Brenda J Berns, Planning Clerk*

## Zoning Commission

Date: 09/03/2024  
Title: ZC 1054 - Montana National Guard  
Presented by: Hunter Kelly, Planner 1  
Department: Planning & Community Services  
Presentation: Yes

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### Information

#### RECOMMENDATION

Planning Staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1054.

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

This is a zone change request for property legally described as Tracts 4 and 5 of COS 1889 and 6A and 6B of Certificate of Survey 1889 Amended, approximately 78.15 acres of land, from Agriculture (A), a county zone district, to Public 3 - Civic Campus (P3- Civic), a city zone district. The proposed zoning would facilitate the Department of Montana Military Affairs in the development of an Army National Guard facility. In order for these parcels to be developed, they will be annexed into the City of Billings. This will give access to municipal water and sewer, among other utilities. When properties are annexed into the City of Billings (City), they must also go through a concurrent process to have the property re-zoned to a City Zoning District. In this case, the applicant is seeking a zone change to Public 3 Campus (P3). The P3 district is intended for public and civic uses involving multiple structures that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three (3) or more principal buildings. The Army National Guard facility, more specifically known as the Billings Readiness and Innovation Campus (BRIC) is considered a civic campus in accordance with zoning and buildings will likely be constructed over the course of several years. But once the project is completed, it will achieve the campus feel as intended by the district.

The following is background information on the proposed facility and operations provided by the Army National Guard:

*" We intend to build a Montana Army National Guard Readiness Center on the site as a whole -- the parcels we are proposing to annex now and the 2 parcels adjacent to Hwy 3 that are zoned heavy commercial. The neighborhood meeting notes in the application narrative state that the current leadership's intent is for a Readiness Center and a Vehicle Maintenance Shop. LTC John Gerhing is heading the planning process, with the assistance of engineering firms. A typical readiness center would have 1-3 full time staff conducting office work and minor vehicle maintenance M-F. One weekend a month around 50-150 part time staff would arrive for training on a scheduled drill weekend. Depending on the month this could include classroom instruction, group physical fitness and more significant vehicle maintenance. For a consecutive 15 days (usually in the summer) it would be most intensively used by the entire staff for an annual training period. This could include convoy practice, a community open house and more of the activities that happen on the drill weekends.*

*We have a total of 138 acres that make up the Billings Readiness and Innovation Campus (BRIC). 40 acres have already been changed from Agricultural to P3 and annexed into the City of Billings. The 78 acres we are currently requesting zone change for will complement our development of that initial 40 acres. It is our intent to have all 138 acres developed in a campus-like environment. We are not currently funded for any projects on the property in question, but it is our intent to incorporate a vehicle maintenance facility, a short-term lodging facility, a dining facility, and dedicated outdoor physical fitness area. Additionally, this property will serve as a buffer to our aviation support facility under construction. The northernmost track is essentially undevelopable due to airport height restrictions and will purely be a buffer. Our intent would be for a low-density use of the four tracts in question. Parcel 6A has significant FAA restrictions based on proximity to the Logan Intl Airport. Then portions of Parcels 5 and 6B will have FAA restrictions resulting from our helipad."*

#### APPLICATION DATA

OWNER: Montana Department of Military Affairs  
LEGAL DESCRIPTION: Tracts 4 and 5 of COS 1889 and Tracts 6A and 6B of COS 1889 Amended located in Section 26, Township 1 north, Range 26 east, Principal Meridian Montana, Yellowstone County, Montana  
ADDRESS: N/A  
CURRENT ZONING: Agriculture (County)  
PROPOSED ZONING: Public 3 (City)  
EXISTING LAND USE: Agriculture/Vacant  
PROPOSED LAND USE: Civic Facility - Montana National Guard Readiness Center  
SIZE OF PARCEL(S): approximately 78.15 acres

## **SURROUNDING LAND USE & ZONING:**

NORTH: County Agriculture - Residential/Vacant

SOUTH: County Rural Residential 3 - Residential

EAST: Public 2 and Public 3 - Aviation

WEST: County Agriculture - Residential

Planning staff recommends approval and adoption of the findings for the 10 review criteria for Zone Change 1054 as detailed in the summary section of this report. The proposed P3 zone is compatible with nearby existing aviation facilities and would not be overly intrusive to nearby low-density residential developments considering existing aviation activity.

## **STAKEHOLDERS**

Planning staff notified the surrounding owners, published a legal ad, and posted the property as required by the zoning regulations. At the time this staff report was submitted, Planning staff has not received any correspondence on the proposed zone change from surrounding owners. A pre-application neighborhood was conducted by the applicant on July 17, 2024 at 2121 Hangar Drive, and 16 persons signed the attendance sheet. The pre-application meeting notes and sign in sheet are attached.

## **ALTERNATIVES**

The Zoning Commission may take one of the following actions:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1054; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1054; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

In case of a tie vote on the zone change, the application will be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council. The applicant has not requested a delay or a withdrawal of the application at this time.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change will not have an 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 and neighborhood plans?**

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

#### **Essential Investments** (relating public and private expenditures to public values)

- Infill development and development near existing City infrastructure may be the most cost-effective
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Mobility and Access (transportation choices in places where goods and services are accessible to all)

#### **Prosperity** (promoting equal opportunity and economic advancement)

- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses

The proposed zoning would allow for the development of a military facility that would serve the region and promote safety. There is only one other facility in the state that serves this role, and a facility like this in Billings will provide faster response times to this part of the state. Additionally, this activity is being located in proximity to an area of the city that already has established aviation operations. The proposed zone aligns with allowed development on adjacent parcels. The P3 district allows civic campuses.

### **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. Additionally, the annexation of the property provides for municipal water service for the site. Any new construction on the site will follow applicable building codes.

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

Public health and public safety are promoted by the proposed zoning. This is not unique to the P3 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-500.1 in

the P3 district promote the minimum standards to ensure public health and safety and promote general welfare. New construction on the site will follow building code requirements to ensure and promote public health, public safety and general welfare. Public health and public safety will be promoted by the proposed zone change.

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

**Transportation:** The proposed zoning itself will have no appreciable effect on the adjacent transportation network, however once the property is developed there will be some impact to nearby roadways. The property will be served by AJ Way, a public road that is accessed by Highway 3. Montana Highway 3 is a National Highway System (NHS) non-interstate route that extends from Billings to Great Falls. In the project vicinity, Highway 3 generally runs east to west providing access to several public streets and numerous residential driveways. Currently, the facility has a single travel lane in each direction with left-turn lanes at Rod & Gun Club Road (eastbound), Zimmerman Place (westbound), Apache Trail (westbound). Highway 3 also has right-turn lanes at its intersections with Rod & Gun Club Road (westbound) and a roundabout at Zimmerman Trail. In prior actions, the Army National Guard annexed Tracts 2 and 3 of COS 1889, as part of the annexation agreement any development on the property requires a traffic impact study. The City of Billings Master Site Plan requires that all developments generating over 500 Average Daily Trips (ADT) shall submit a traffic impact study.

The Billings Area Transportation Plan classifies Highway 3 as a Principal Arterial. Principal arterial roadways are built to carry higher volumes of traffic generally between 30,000-55,000 (ADT). Today, traffic volumes in the corridor are approximately 11,500 Average Daily Traffic (ADT). Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040.

Generally, the Level of Service (LOS) through the corridor operates at A or B which is well above the average LOS for the Billings community.

The Army National Guard (ANG) will have an estimated 14 full-time employees. Additionally, the ANG will host monthly trainings 1 weekend per month. Staff has identified no concerns with access from AJ Way and Highway 3 that would create a negative finding given the above-mentioned information specific to the function of Highway 3.

**Water and Sewer:** The City provides water and sewer to the property. The utilities will be provided in accordance with the associated annexation agreement that is mutually agreed upon between the City of Billings and the Property Owner/Developer. This agreement is a strict condition of approval for annexations. Water will be extended to the property via AJ Way. Per the annexation agreement, the Developer shall pay any water system and wastewater system development fee prior to the issuance of any building permits.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The proposed development does not include residential uses, therefore, additional students due to this zone change would not be anticipated. It should be acknowledged that with new jobs in the community, the school district may realize some increase in student population, however, the zone change does not have a direct correlation to this.

**Fire and Police:** The subject property is served by city public safety services. The property is currently served by the Billings Fire Department and upon annexation will continue to be served. The nearest fire station is Fire Station 1 which is located approximately 4.0 miles away. The Police and Fire Departments expressed no concerns with the zone change.

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

Similar to criteria 2 and 3, the proposed P3 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure(s) will be required to meet the standards required by Section 27-500.1 and Building Code Requirements.

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

The new zoning itself will not impact motorized and non-motorized transportation. Once developed, there will be increased volume to the transportation network, both motorized and non-motorized. At this time, the readiness center will house up to 3 full-time employees and will host trainings once per month with an estimated 50-150 personnel. AJ Way provides direct access to the property and upon annexation of these parcels, the access will be in the same location. Highway 3 provides access to AJ Way. Highway 3 is a principal arterial road and a United States (US) highway. Principal arterial roads are built to carry higher volumes of traffic generally between 30,000-55,000 ADT. Today, traffic volumes in the corridor are approximately 11,500 ADT. Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040, well under the designed capacity.

Over time, some improvements may need to be made along Highway 3. In prior action, the Army National Guard annexed Tracts 2 and 3 of COS 1889, as part of the annexation agreement any development on the property requires a traffic impact

study. All identified improvements shall be the responsibility of the developer. Should any improvements be required at the intersection of A J Way and Highway 3, the Developer shall contribute its proportionate share. The City of Billings Master Site Plan requires that all developments generating over 500 Average Daily Trips (ADT) shall submit a traffic impact study. These may include traffic management facilities like turn lanes. The addition of improvements such as these will need to be coordinated with the Montana Department of Transportation. Also in the vicinity is the Skyline Trail, which is located south of Highway 3. The Skyline Trail is a multi-use trail that extends from the intersection of Highway 3 and Zimmerman Trail through Airport Road along the south side of Highway 3. Users of the trail system will observe more air traffic, but the development of the parcel would not obstruct access to the trail.

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

The proposed zoning is compatible with the adjacent zoning and existing uses in the vicinity. This property is near the Billings Flying Service, the Billings Airport and other undeveloped P2 zoned land owned by the City of Billings. The Billings Flying service is a commercial heliport. The use of this property for the Army National Guard close to a heliport and municipal airport does not create compatibility concerns. The proposed Army National Guard readiness center will also be adjacent to agricultural lands, some that have single family residences. These residences will remain in Yellowstone County. Based on existing activity from the Billings Airport and Billings Flying Service, there are no additional findings to suggest the P3 zone for the use of the National Guard would not be suitable next to agricultural zoned land.

**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 will allow a civic campus to be used by the Army National Guard. The proposed zoning is compatible with the adjacent zoning and existing development and uses in the vicinity. The property is suitable for the proposed use and will fit in with the already existing and established aviation uses in the vicinity (Billings Airport and Billings Flying Service). Further, this use is compatible with the character of the surrounding districts of Public 2 (P2), Public 3 (P3), Heavy Commercial (CX), and Agriculture (A).

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

The property is currently vacant, therefore the new zoning will not have an impact on the value of buildings for the parcel. Any new structures will need to be in compliance with zoning and building codes, therefore, there are no concerns related to the conservation of value of buildings on the parcels subject to the zone change.

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

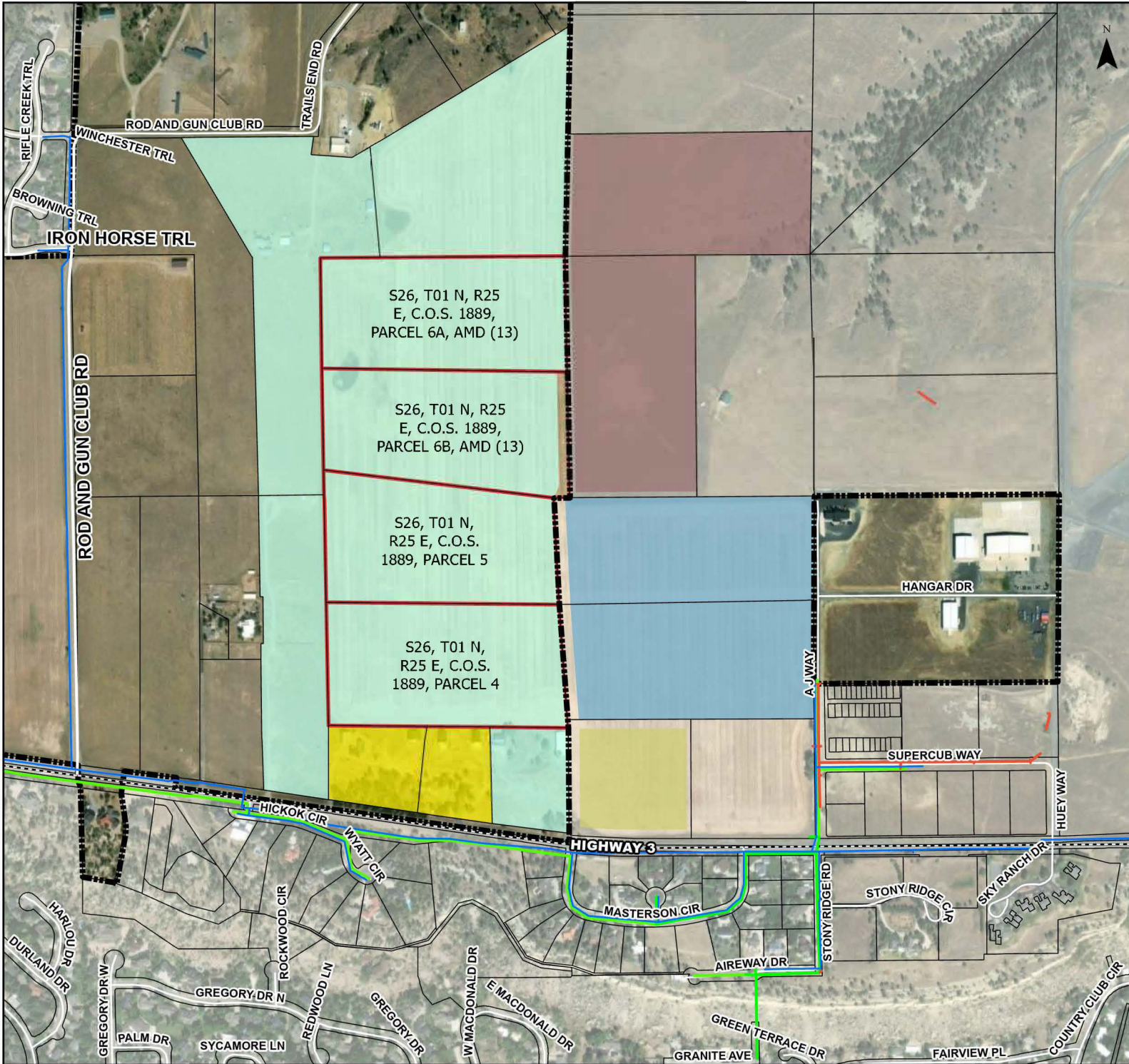
In order for the property to be annexed into the City it requires the property be rezoned to a zone recognized by the City. The Department of Military Affairs owns the property and intends to develop it for the Army National Guard. The landowner has chosen the P3 zone as the most appropriate zone and intends to develop the property in accordance with the requirements of the zoning. A use like this near already established civic facility, aviation operations, and businesses does encourage the most appropriate use throughout the City of Billings.

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**Attachments**

Zoning Map and Site Photos  
Application Letter  
Narrative & Pre-Application Notes  
Zoning History

# Annexation & Rezoning Map



## Legend

- Water Main
- Stormwater Main
- Sewer Main
- Sewer Pressurized Main
- Parcel Boundary
- Existing City Limits
- Parcels to be Annexed
- A - Agriculture (10+ acres)\*
- CX - Heavy Commercial
- P2 - Public- Civic, Institutional
- P3 - Public- Campuses - Medical, Civic, Educational
- RR3 - Rural Residential (3 to 9.9 acres)\*

Date: 3/11/2024

Scale: 1:9,000









ROAD  
CLOSED





**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 County Ag

Proposed Zoning: P3

PARCEL TAX ID# D045910, D045920, D045930, D045930A \_\_\_\_\_ CITY ELECTION WARD Ward 1

Legal Description of Property: Tracts 4 and 5, COS 1889, S26, T1N, R25E; and Tracts 6A and 6B, COS 1889AM, S26, T1N, R25E

Address or General Location (If unknown, contact City Engineering): 3648 AJ Way, Billings

Size of Parcel (Area square feet or acres): 78.15 acres

Present Land-Use: vacant

Proposed Land-Use: Montana National Guard Readiness Center

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

Owner(s) Department of Military Affairs, an agency of the State of Montana

(Record Owner)

1956 Mt. Majo St., Ft. Harrison, MT 59636

(Address)

(406)324-3112

(Phone Number)

miriam.s.wolok.nfg@army.mil

(email)

Agent(s): Mimi Wolok, Realty Officer

(Name)

1956 Mt. Majo St., Ft. Harrison, MT 59636

(Address)

406324-3112

(Phone Number)

miriam.s.wolok.nfg@army.mil

(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: 7/23/24

(Record Owner – Digital Signature Allowed)





## 3648 AJ Way | Zone Change (Phase 2)

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## Plans

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# Introduction

## Overview

This is a proposal to change the zoning of four parcels from County Agricultural to P3 Public Civic Campus zoning. The City of Billings adopted a rezoning petition submitted on behalf of the Montana Department of Military Affairs (“DMA”) for two adjacent parcels on 26 June 2023 (Ord. 23-5840), from county Agriculture to City P3. (The City also approved an annexation petition for this same property.) By 2023, DMA purchased 4 additional parcels that are the subject of this rezoning petition. The property in its entirety is owned by DMA and will be used collectively as the Montana National Guard’s new Billings Readiness and Innovation Center (“BRIC”), should federal funding become available.

The reasons for the proposed zone change are that the eastern portion of the entire property owned by DMA is existing CX (Heavy Commercial) zoning adjacent to Highway 3 or annexed into the City and zoned as P3, and the parcels proposed for rezoning in this application are also proposed to be annexed into the City of Billings. Agricultural zoning is not allowed within city limits, so this zone change is an accompanying piece of that process. Annexation of these parcels into the City will provide for uniform use of the BRIC in its entirety and will provide these parcels with City utilities, in uniformity with the adjacent rezoned parcels. In turn, the BRIC will provide public safety and resources to the community.

## Growth Policy

The zoning objectives of 3648 AJ Way were designed in line with the 2016 City of Billings Growth Policy and City of Billings City Code. These documents and others are referenced throughout the application. The Growth Policy contains Limits of Annexation maps, in which these parcels are slated to be annexed by 2026, or within the Long Range Urban Planning Area, as ‘Zone 1’. The Growth Policy states, “Shallow bedrock and unstable slopes can pose difficulties for construction.” The principal reasons for annexation are to 1) connect to City utilities to limit such impacts to construction and 2) ameliorate impacts of independent water, wastewater and stormwater systems may have on neighbors and geology.

## Existing or Planned Developments in the Area

This proposed rezone fits with existing or planned developments in the area. The eastern portion of the entire property owned by DMA is existing CX (Heavy Commercial) zoning adjacent to Highway 3 or annexed into the City and zoned as P3. Together, the entire property if zoned P3 and CX is intended to become the new BRIC

over the years. Much of the adjacent county acreage is active agriculture. The parcel immediately east of the DMA property is an isolated county parcel adjacent to the Billings-Logan International Airport and houses the private Billings Flying Service and the DMA-leased Billings Hangar. A large barn was recently built on private agricultural land to the east of the subject parcels. Three rural residences exist immediately to the south of the subject parcels, and several residences exist south of State Highway 3. The airport and related uses predate most of the residences south of the highway.

## **Neighborhood Plans**

No neighborhood plans exist for this area.

# Decision Criteria

27-1628 D

- 1 Whether the new zoning is designed in accordance with the growth policy**  
Yes. These parcels are consistent with the primary objectives listed in the Growth Policy: In 'Essential Investments, Locations for Investments', infill and contiguous County properties is the primary objective. Also, the City annexed the eastern portion of the BRIC in 2023. An integrated water system for the BRIC property as a whole would promote 'Integrated Water Systems' in 'Essential Investments'. The first objective of 'Public Services' is 'Public Safety'. The first objective of 'Business' is 'Public Services'. 'Integrated Water Systems' is the first objective of 'Infrastructure'. For 'Regulation', objectives 2-6 will be achieved on these parcels.
- 2 Whether the new zoning is designed to secure from fire and other dangers**  
Yes. P3 zoning will be served by the City's emergency services, including police and fire. Future site development will conform to the City's public safety, building and land use requirements in compliance with the City Code, as well as all applicable building codes, to help secure safety from fire and other dangers.
- 3 Whether the new zoning will promote public health, public safety and general welfare**  
Yes. The City conducts extensive planning for municipal transportation, water, sewer, parks and other facilities and services provided by it. The adopted plans allow the City to consider existing conditions and identify enhancements needed to provide additional service needed by new development. The development of public infrastructure improvements to serve the BRIC will be required to conform to the City's adopted standards, which require properties to construct public infrastructure and/or pay impact fees and assessments to support transportation, water, sewer, school, park and other public requirements.
- 4 Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements**

Yes. The City conducts extensive planning for municipal transportation, water, sewer, parks and other public facilities and services provided by it. The adopted plans allow the City to consider existing conditions and identify enhancements needed to provide additional service needed by new development. The development of public infrastructure improvements to serve the BRIC property as a whole will be required to conform to the City's adopted standards, which require properties to construct public infrastructure and/or pay impact fees and assessments to support transportation, water, sewer, school, parks and other public requirements.

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

Yes. The City Code includes provisions requiring adequate light and air, including park and recreation requirements, maximum building height, on-site open space requirements, lot coverage and setback requirements. Future development of the BRIC on these and the adjacent parcels already rezoned to P3 will be subject to these provisions and of the state Building Code, which contains standards for ingress and egress, ventilation and related topics that further support the provision of adequate light and air.

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

Neutral. With the change in zoning, no direct change in transportation will occur. Please note that improvements at AJ Way and Highway 3 will be needed because of existing and planned growth. The zone change for these parcels does not directly impact the area's transportation. A traffic Impact Study for the future proposed BRIC development is required, has been completed, and will be updated if required during the building permitting process.

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

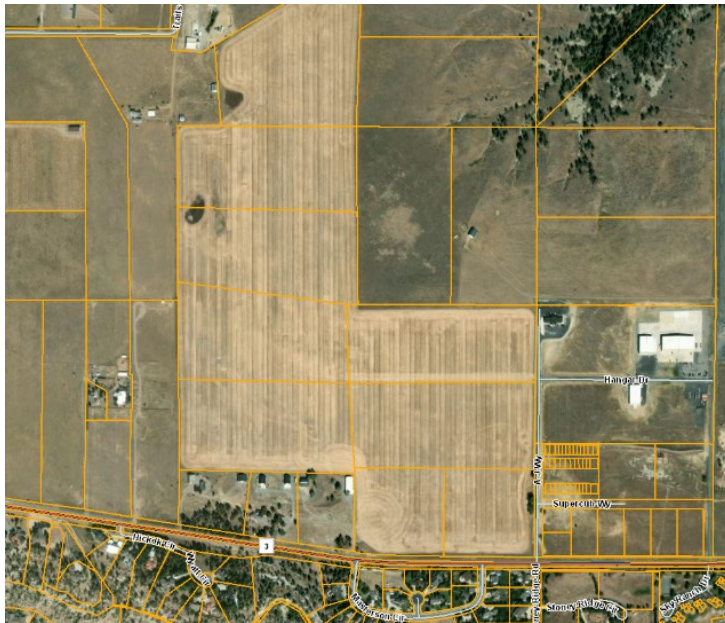
Yes. The P3 zoning classification promotes more growth than agricultural county zoning. P3 zoning is also compatible with future plans from the 2016 Growth Policy. Specifically, the Public Preferred Scenario of the Growth Planning Scenarios contains these parcels, listed as Heavy Commercial High Density/Industrial Light. Although P3 is not listed as a future zone in the Growth Policy, P3 uses are similar and lesser-included or lighter uses (see North Public Preferred Scenario in the Growth Policy).

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

Yes. The proposed P3 can support many types of urban development that serves the immediate area and broader region. P3 zoning will fit well with adjacent P3 (located in the other portion of the BRIC), P2, I1 and CX zoning.

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

No buildings exist on the site. Any future building of structures on the site will meet City Code setback and height requirements. This will alleviate potential impacts to the value of adjacent buildings on bordering parcels, which currently are sparse on the north, east and west boundaries (see figure below). Any future development will be subject to P3 zoning standards, which will help conserve adjacent building values.



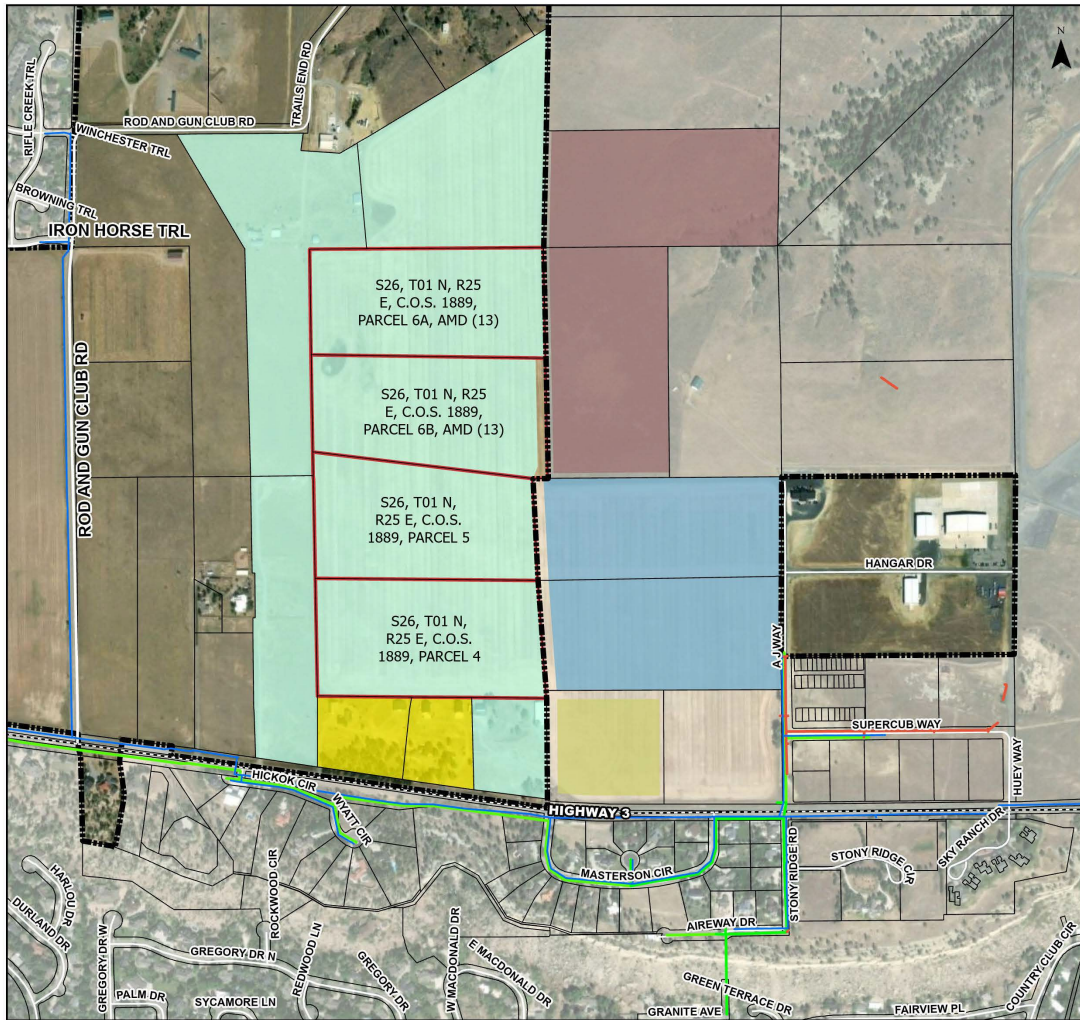
Surrounding structures

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

Yes. P3 zoning is compatible with adjacent P3, P2, CX and I1 zoning. P3 zoning fits the projected uses of the Growth Policy as stated in the Overview.

# Annexation Map

## Annexation Map



### Legend

- Water Main
- Stormwater Main
- Sewer Main
- Sewer Pressurized Main
- Parcel Boundary
- Existing City Limits
- Parcels to be Annexed
- A - Agriculture (10+ acres)\*
- CX - Heavy Commercial
- P2 - Public- Civic, Institutional
- P3 - Public- Campuses - Medical, Civic, Educational
- RR3 - Rural Residential (3 to 9.9 acres)\*

Date: 3/11/2024

Scale: 1:9,000

0 0.05 0.1 0.2 Miles

# Neighborhood Meeting Minutes

## DMA Rezoning Neighborhood Meeting\*

\*Two meetings were held, as the Rimrock Neighborhood Task Force requested an earlier meeting for Task Force members. The first meeting (for Task Force members) began at 1530, and the second meeting began at 1715.

Handouts available for the public: Draft zoning application packet (narrative, pre-application statement of owner, City zone change application form), submitted annexation petition, annexation maps.

## **First Meeting**

Start 17 July 2024 at 1530

Introductions and opening statement by Montana Department of Military Affairs (DMA) – Mimi Wolok and LTC John Gehring.

Open discussion and public comment:

1. Teresa Holus – Question regarding what the different colors of the map mean.  
LTC Gehring – Provided clarification to map legend.
2. Barb Ramalow – Question to clarify which parcels DMA is seeking rezoning for at this time.  
Howard Evans – same question as Barb Ramalow.  
LTC Gehring – Responded with clarification using large map as reference.
3. Howard Evans – What is the conceptual content of the future campus going to contain?  
LTC Gehring, Joel Miller – The existing campus master plan is extremely conceptual and no construction funds have been acquired for anything other than the Limited Army Aviation Support Facility (LAASF) that is currently under construction on the parcels that were rezoned last year. The current leadership's intent is for a Readiness Center (RC) and a Vehicle Maintenance Shop (VMS) in the future, but again, no funding is available at this time. Also explained that these facilities are the current leadership's priorities and that priorities may change with changes in leadership over time.
4. Barb Ramalow – question regarding how parcels were acquired.  
LTC Gehring, COL Robert Oleson – Described the DMA Land Account and State Legislative appropriations and how those mechanisms allowed for the acquisition of all the parcels.
5. Teresa Holus – When does DMA envision a community center and pool on the campus?  
LTC Gehring – Those ideas are merely conceptual at this time; there is no timeframe, and no design or construction funding is available.
6. Howard Evans – Why DMA is seeking rezoning at this time?  
LTC Gehring – DMA and the Montana National Guard (MTNG) are trying to get the real estate positioned for future development if and when construction funding becomes available. Having the rezoning completed at this time helps DMA position itself to request funding within the planning horizon.
7. Barb Ramalow – What other MTNG entities are envisioned to be at the campus?  
LTC Gehring – It is too early to know and completely pre-decisional to project.

8. Howard Evans – How will lots be taken care of/maintained until construction occurs?  
LTC Gehring – DMA has environmental and maintenance staff that will coordinate taking care of the property to include mowing and weed control.
9. Barb Ramalow – Commented on issues with Russian Thistle.
10. Howard Evans – Commented on issues with tumbleweed.
11. Kevin Moser – Is DMA funded for any other construction activities at this time?  
LTC Gehring, COL Oleson – Not at this time; only funded for the LAASF that is currently under construction.
12. Alicia Lay – Will Masterson Street have to be dug up to facilitate utility tie ins for current project?  
LTC Gehring – No; the tie-ins will happen at AJ Way.
13. Teresa Holus – How will drainage would be handled for the current project?  
LTC Gehring – Described the stormwater drainage plans for the current LAASF project.
14. Barb Ramalow – Will there be parking available for the Blue Angels air show? Commented that it would be nice to have a driveway to accommodate parking for it.  
LTC Gehring – DMA will investigate further.  
  
COL Oleson – Sewer and water capacities for the campus were worked through the City of Billings.
15. Alicia Lay – Where has the MTNG has been flying? Commented that helicopters are conducting training right over Highway 3.  
COL Oleson – Explained that he is the point of contact for flight concerns and complaints and will investigate.
16. Kevin Moser and Barb Ramalow – Agreed with the comment and question from Alicia Lay.  
COL Oleson – Reiterated that he would investigate and provided his direct contact information.
17. Kevin Moser – How soon would there be enough people using the campus to trigger traffic impacts and measures?  
LTC Gehring, Joel Miller, COL Oleson – DMA conducted a traffic impact study taking into account a full build out of the campus. The Montana Department of Transportation (MDT) has the study. MDT is the sole determiner of any traffic measures and controls; DMA and the MTNG do not have a say. COL Oleson has met with the director and deputy director of MDT to inform them of concerns and what development will be happening.
18. Howard Evans – Will there be any intermediate traffic measures during construction?  
LTC Gehring – Temporary traffic measures will be put in place by the construction contractor on an as-needed basis during construction of the LAASF.
19. Howard Evans – Commented on traffic jams early in the morning. Asked how many workers were currently on site for the construction of the LAASF.  
LTC Gehring – Currently, 10 workers are on site for the construction of the LAASF.
20. Barb Ramalow – Commented on the overall state of roads in the City of Billings.

Meeting closed at 1609.

## Second Meeting

Start 17 July 2024 at 1715

Introductions and opening statement by Montana Department of Military Affairs (DMA) – Mimi Wolok and LTC John Gehring.

Open discussion and public comment:

1. Mike Tuss – is DMA pursuing both rezoning and annexation?

Mimi Wolok – Yes; DMA is pursuing both.

2. Dallas Ricktick – question as to where the 78 acres for rezoning are located.

LTC Gehring – Using the map, LTC Gehring clarified which parcels and where they are situated.

3. Helmsworth Rio – what are the blue colored parcels on the map for?

LTC Gehring – Answered describing that is where the Limited Army Aviation Support Facility is being constructed.

4. Joe Holden – Why would we (public) want to have something developed that would make more noise? Why not build houses or leave as agricultural land?

Mimi Wolok, Joel Miller, LTC Gehring – Rezoning actions do not create noise. DMA, as a state agency supporting the Montana National Guard (MTNG) does not build houses or conduct agricultural work. This meeting is regarding rezoning of 4 parcels only.

5. Toby Palmer – What are the red sections on the map?

LTC Gehring – Red sections on the map are parcels that DMA does not own.

6. Mike Tuss – Commented that he will recommend to the City of Billings that a condition of rezoning be that DMA must follow all approved City development rules and building codes.

LTC Gehring – Understood.

7. Mike Tuss – Commented that the agreement between the FAA, Billings Flying Service, and the MTNG for flight patterns did not include public input. He wanted to see the agreement, but the Airport Authority and the MTNG would not provide it to him. He filed a Freedom of Information Act request and received it.

8. Toby Palmer – Is there any intention of developing a road from the DMA parcels to Rod & Gun Club Road?

LTC Gehring – Not that we are aware of at this time.

9. Richard Van – Does DMA own any lots bordering Highway 3?

LTC Gehring – Answered using the map and demonstrated the 2 parcels DMA owns that border Highway 3.

10. Joe Holden – Commented that to endear the neighbors more, work to reduce the speed limit to 35 – 45 MPH on Zimmerman.

COL Oleson – Safety is his biggest concern as well as his job responsibility. He has met with the director and deputy director of the Montana Department of Transportation (MDT). MDT is the sole determiner of what traffic control measures happen and when.

11. Marion Agent – There should be a turn lane in the middle of Zimmerman. Please mention to MDT.

12. Mike Tuss – It would be nice to keep the ground as a wheat field. P3 zoning is a developed campus setting. This type of zoning is positive and is the best choice. Concerned with landscaping and that DMA will not seek an

exception to the landscaping ordinance. Part of the airport influence zone. He envisions greenery and trees.

LTC Gehring – Landscaping efforts will be extensive. Beautification efforts do have height restriction in the airport influence zone. Intent is to make the property look nice and inviting.

13. Marion Agent – Even though no solid plans at this time for future development, will there be more aircraft in the future?

LTC Gehring – No plans include bringing in any additional aircraft at this time.

14. Mike Tuss – He has seen the conceptual master planning. That (conceptual) was the way it was presented. What are some realistic timelines for future development?

LTC Gehring, Joel Miller, COL Oleson – Broadly discussed the difficulty and timeframes of acquiring federal funding for military construction and how projects take upwards of 10 years or more from plan to execution. Current leadership's intent is to develop a Readiness Center (RC) and Vehicle Maintenance Shop (VMS) once funding is acquired on the campus. The current conceptual plan is an approximately 50-year look at the property. COL Oleson detailed how the LAASF project concept started in 2005 and the MTNG is just breaking ground now. DMA and MTNG leadership are looking to create a soldier focus in Billings. Important for search and rescue and benefits to the soldiers of the MTNG.

15. Marion Agent – Will development of the other parcels increase aircraft noise?

COL Oleson – future development should actually help mitigate aircraft noise. He does not anticipate any additional flights with future development. Will not be adding any more soldiers to LAASF than what currently uses the rented facility.

16. Joe Holden – Asked for clarification that the current rezoning request does not include use for aviation.

LTC Gehring – That is correct.

17. Mike Tuss – Commented that the Blaine's had a public meeting on flight paths previously for approaches and departures. Stated the MTNG has created new flight paths.

18. Marion Agent – Will DMA be sending out letters or additional notice regarding the upcoming zoning and annexation meetings?

Mimi Wolok – DMA was required to secure a certified mailing list through the Clerk & Records office for this meeting. The City of Billings will supply notices regarding the upcoming zoning and annexation meetings, not DMA.

19. Heidi Brosavitch – This will be a great project. Is DMA looking to acquire any more land for the campus?

LTC Gehring -- There are no plans to acquire any more land for this campus at this time.

Meeting closed at 1759.



# STATE OF MONTANA

## OFFICE OF THE ADJUTANT GENERAL

ARMED FORCES RESERVE CENTER  
1956 MT MAJO STREET - PO BOX 4789  
FORT HARRISON, MONTANA 59636-4789  
406.324.3010



THE HONORABLE GREG GIANFORTE  
GOVERNOR

MAJOR GENERAL J. PETER HRONEK  
ADJUTANT GENERAL

## City Zone Change Neighborhood Meeting

To Whom It May Concern:

The Montana Department of Military Affairs would like to invite you to a Neighborhood Meeting for the Zone Change of parcels D045910, D045920, D045930, and D04593A, all located at 3648 AJ Way, Billings, MT. These parcels are in the process of annexation into the City of Billings with an accompanying zone change from County Agricultural Zoning to City of Billings Public 3 Civic Zoning (P3). This zone change is being requested because Agricultural Zoning is not allowed within the City of Billings, the Public Zoning accommodates the future needs of the site and community, and the parcels owned by the same landowner were previously annexed and rezoned to Public 3 Civic Zoning in 2023.

**WHEN: 5:15pm, July 17, 2024**

**WHERE: Billings Limited Aviation Support Facility  
2121 Hangar Drive  
Billings, MT**

**Directions:** From Montana Highway 3, turn north onto AJ Way. Turn right onto Hangar Dr. Pass by Billings Flying Service and go to the end of Hangar Dr. Turn left into the parking lot. The Billings Limited Aviation Facility is the large white building directly north of the parking area.

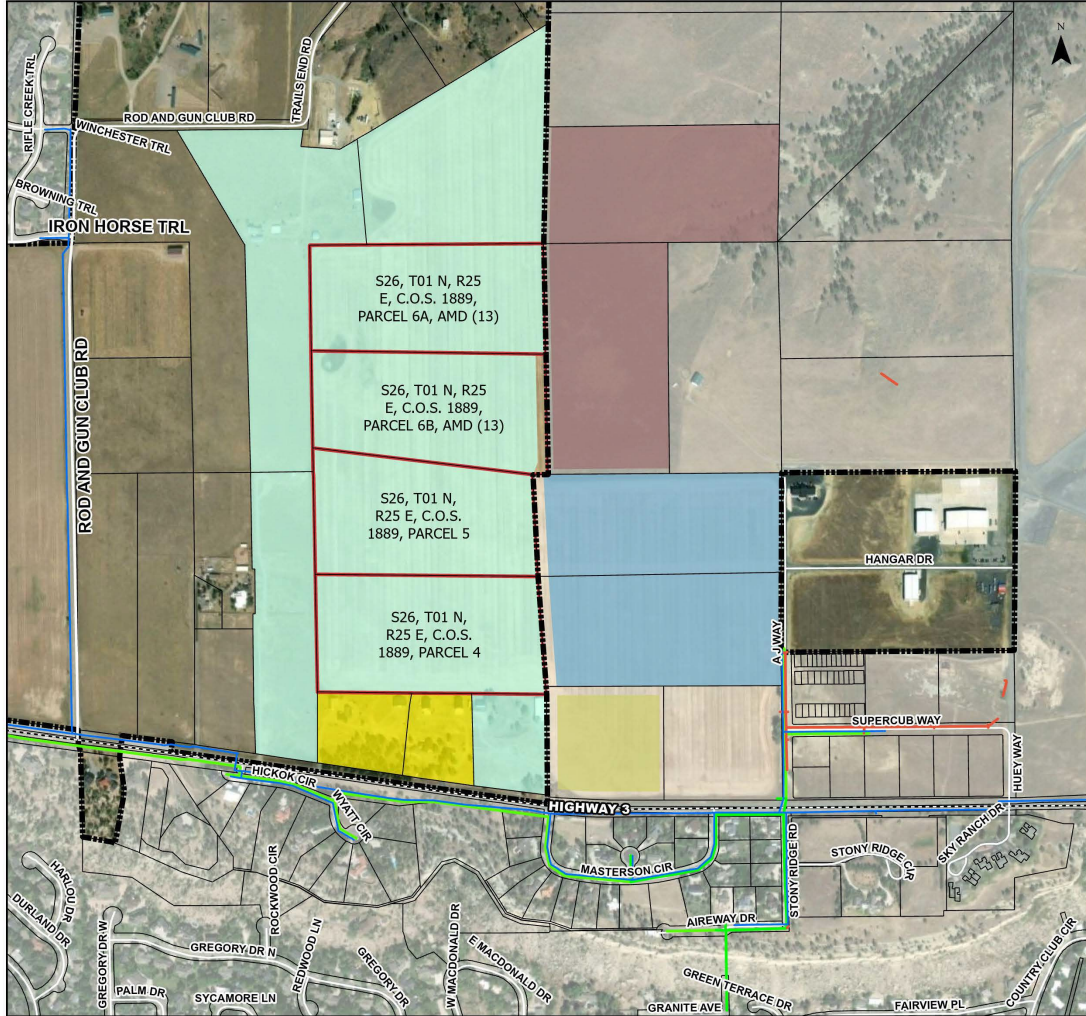
Address of property subject of rezoning application: 3648 AJ Way, Billings, MT

Legal Descriptions:

- 1) Tract 4, COS 1889, Sec. 26, Township 1 North, Range 25 East;
- 2) Tract 5, COS 1889, Sec. 26, Township 1 North, Range 25 East;
- 3) Tract 6A, COS 1889AM, Sec. 26, Township 1 North, Range 25 East; and
- 4) Tract 6B, COS 1889AM, Sec. 26, Township 1 North, Range 25 East.

Owner contact: The Department of Military Affairs, PO Box 4789, Fort Harrison, MT 59636  
Contact: Mimi Wolok, Realty Officer, (406) 324-3112, miriam.s.wolok.nfg@army.mil

# Annexation Map



- Legend**
- Water Main
  - Stormwater Main
  - Sewer Main
  - Sewer Pressurized Main
  - Parcel Boundary
  - Existing City Limits
  - Parcels to be Annexed
  - A - Agriculture (10+ acres)\*
  - CX - Heavy Commercial
  - P2 - Public- Civic, Institutional
  - P3 - Public- Campuses - Medical, Civic, Educational
  - RR3 - Rural Residential (3 to 9.9 acres)\*

Date: 3/11/2024

Scale: 1:9,000



City Zone Change 1054 – Tracts 4,5,6A and 6B of C/S 1889

Chart of Zoning History

<b>SUBJECT PROPERTY</b>	<b>Application</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Tracts 4,5,6A and 6B of C/S 1889	ZC 1054		A to P3		
<b>SURROUNDING PROPERTY</b>	<b>Application</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
2300 Block Hwy 3	County ZC 669	4/2016	A-1 to P and CI	Y	Helipad and Ancillary Aviation Businesses
Hwy 3	County ZC 676	11/2016	A-1 to HC	Y	
Hwy 3	County ZC 680	4/2017	CI to HC	Y	
3648 AJ Way	City ZC 1026	5/2/23	A to P3	Y	Same applicant

## Zoning Commission

**Date:** 09/03/2024  
**Title:** Zone Change 1055 - Galaxy PD - from PD to N3, N2 and NX2 - Multiple lots  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

---

### Information

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1055.

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

This is a zone change request to remove multiple lots in the Galaxy Subdivision from the 1978 Planned Development zone district and place these lots in standard zone districts of Suburban Neighborhood (N3 - single family detached), Mid-Century Neighborhood (N2 - one or 2-family dwelling) and Mixed Neighborhood Residential 2 (NX2 - 2 to 8 unit buildings). The current PD zoning identifies the lots by area: single family or multifamily. It also distinguishes between condominiums and apartments in the multifamily area. The single family area requirements closely match the archived Residential 9,600 (R96) zone, and each multifamily lot was designated for a specific structure based on the number of units. For example, in Block 6, Lots 3 to 9, Lot 12, 21, 22, and Lots 26 to 30 (multifamily) are designated for 8-plex structures, while Lots 1, 10, and 11 are designated for 12-unit structures.

The original Planned Development zone was approved by the City Council in 1978. The Galaxy Subdivision attempted to make infrastructure improvements by using an SID. The SID required a bond sale. The bond sale failed. The owners then decided to proceed in phases with the improvements. The area north of Senators Boulevard was done first and then the northern part of the subdivision south of Senators Blvd. The area north of Senators Blvd is a single family designated area. There are only four vacant lots out of the 43 lots in this area. Most of the vacant lots are south of Senators Blvd and are the subject of this zone change. In this area south of Senators Blvd, there are 29 attached (multifamily) dwelling units and 24 detached single-family dwellings. One of these units is a county hospice home. There are a total of 91 lots included in this zone change application, totaling 32.13 acres in area. This is about 58% of the total development area south of Senators Blvd. The proposed zoning of the 32.13 acres is 13.66 acres of N3, 2.79 acres of N2 and 16.53 acres of NX2. The applicant estimates this would allow up to 235 dwelling units. The existing zoning of the 91 lots would allow up to 373 dwellings.

The specificity of the existing PD agreement along with the soil challenges of shallow sandstone and the type of sandstone, have contributed to the lack of build-out of this subdivision. In 2002, the city declared the parkland in Galaxy Subdivision as surplus (former Hultgren Park). The 1.6-acre park was purchased by the applicant and the deed was recorded in 2004. The underlying zoning of the park was not changed to reflect the ownership change. The proposed zone change includes this part of the subdivision. The incomplete status of the development has caused neighborhood confusion, with some residents incorrectly assuming it was all parkland and would not be developed. Every growing season, residents complain about the overgrowth of weeds on the property. This requires city notification of the owner to mow the weeds. Casual use of the vacant property happens on a daily basis by people taking a walk or kids playing in the open area. There are three other adjacent parcels that are city parks that were dedicated, including the linear park under the power lines (5.6 acres), the linear park along the south side of Senators Blvd (2.7 acres) and the rimrock sandstone cliff to the south and east of Asteroid Avenue (3.8 acres).

The change in the zoning for these parcels will make the development of the lots more flexible but also more predictable. The proposed NX2 zoning does not allow structures with more than 8 dwelling units, where the existing multifamily area allows several lots with 10 or 12 unit buildings. The former parkland is proposed to be mostly zoned N2 with a small part in the N3 zone district. This zone change will not affect the zoning of other parts of Galaxy Subdivision as this underlying zoning and agreement will continue in effect. Section 27-107 of the new (2021) zoning code preserves these archived zone districts and planned development zones:

*Section 27-107.D. Planned developments and master site plans approved prior to the effective date.*

- 1. Any planned development identified on the zoning map and approved prior to the effective date shall remain valid. Planned developments that refer to zone districts not included in this zoning code shall use the archived zoning code requirements. For example, a reference to an underlying zone district of "community commercial" shall refer to the use table, use standards, and other requirements for that zone district in the archived zoning code.*
- 2. Planned development and master site plan approvals that predate the adoption of this zoning code shall be narrowly interpreted and are limited to the specified terms of approval. Where a term was not defined or a process not specified in the PD or MSP approval, the most closely similar provision of this zoning code shall be applied. For example, if a planned development does not specify a process for amendment, the process for amending planned*

*development approvals in this zoning code will be used.*

Planning staff is recommending approval of the proposed zone change to remove these lots from the PD agreement. The applicant will also submit a new subdivision plat to re-orient the street layout, remove the several un-built cul-de-sacs, and set up a new subdivision improvement agreement to meet current city subdivision development standards. Completion of the infrastructure in the area will help improve traffic circulation, water and sewer services, as well as improve public safety by completing second street access for the subdivision from Aronson Avenue. The proposed zoning meets several of the Council's Growth Policy goals (2016), the Heights Neighborhood Plan (2006) and the Infill Policy (2011). The specific findings for the criteria is in the Summary section of this report.

## **STAKEHOLDERS**

The applicant conducted a pre-application neighborhood meeting on July 9, 2024 on the subject property. Approximately 50 surrounding property owners attended the meeting along with the agents for the owners, Greg Reid and Aaron Redland of WWC Engineering. The meeting notes are attached.

The Planning staff published a legal ad, posted the property and sent notification to the 810 property owners within the required notice area of 1,320 feet. The Planning staff did not receive any letters, emails or phone calls regarding the proposed zone change at the time of this staff report.

## **ALTERNATIVES**

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1055; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1055; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or a withdrawal of the application. The Zoning Commission must make a recommendation to the City Council. In the case of a tie vote, the item will be delayed to the next Zoning Commission meeting date.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

## **SUMMARY**

Before making a recommendation to the City Council on Zone Change 1055, the Zoning Commission shall consider the following findings of the 10 review criteria.

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 and Heights Neighborhood Plan (2006):

### **Heights Neighborhood Plan**

- Encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.
- Provide safe, good quality and affordable housing in the Heights.
- Encourage infill housing.

### **2016 Growth Policy**

#### **Essential Investments:**

- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.
- Infill development and development near existing city infrastructure may be the most cost-effective.

#### **Community Fabric:**

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

## Strong Neighborhoods:

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.
- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces.

## Home Base:

- A mix of housing types that meet the needs of a diverse population is important.
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

## Mobility and Access:

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less cost for transportation.

The proposed zoning will enable the development of the remaining 32+ acres of undeveloped land in the Galaxy Subdivision according to current zoning standards for single family homes, two-family homes, townhomes and apartments. The original zoning from the 1978 planned development specified the exact configuration of multifamily structures for each lot with certain lots designated for "12-plex" and others for "6-plex" buildings. This level of detail limited the developers' flexibility to housing market demands.

The proposed zoning standards will allow for a range of building sizes and densities, determined by market demand and construction considerations such as soil conditions, storm water management and lot configurations. Under the proposed NX2 zoning, no structure can exceed 8 dwelling units, but smaller buildings with at least 2 dwelling units are permitted. The proposed N3 zoning is restricted to single-family detached homes, while the N2 zone allows one or two-family structures. The zoning proposal maintains the previous mix of single-family and multifamily uses but aligns with current standard zoning districts.

The new zoning regulations now emphasize building forms and development patterns that promote walkable streets, slower traffic, and enhanced neighborhood amenities. The proposed zoning and subsequent subdivision re-platting will facilitate the infill of this partially developed subdivision.

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

The subject property is currently served by the Billings Fire Department. Although some development has occurred, all the lots are on a system of dead-end streets. Completing the streets to connect to the south will improve the overall public safety in the area. The proposed zoning includes minimum setbacks and separations to ensure fire safety between structures. Additionally, completing a looped water system will improve water pressure for both existing and new homes. The nearest fire station, Station #6, is located on St Andrew's Drive just north of Wicks Lane, approximately 1.25 miles northeast of the subject property. Depending on the specific uses, further review for fire protection will be conducted during the property's development process. City water and other improvements will be implemented to protect the new residents from fire and other hazards.

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

Public health and public safety will be improved by the proposed change in zoning. Vacant land tends to attract unintended uses, inserts uncertainty into a neighborhood and can compromise public safety. Vacant land adjacent to a developed area can be mistaken for open space and public land. Changing the zone districts will allow the property to develop in a way that is predictable and compatible with the existing area.

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

**Transportation:** The existing zoning and new development will increase traffic on the adjacent street network. City Engineering will review any new development proposed to determine updates that may be required to any original traffic management plan. Surrounding intersections will be evaluated for any needed traffic management improvements. The new connection to Aronson Ave. will increase the safety of the neighborhood by providing a second full access, as required by the city's development rules. If approved, the applicant intends to reconfigure the subdivision road and lot layouts to match

the zoning and provide a better final design.

**Water and Sewerage:** The property will be served by city water and sewer. Looping the series of dead-end water and sewer services will improve service for the area.

**Fire and Police:** The subject property is served by the Billings Fire Department and the Billings Police Department. Completing this development will improve public safety by connecting the neighborhood to the south, allowing first responders to move more efficiently throughout the area. A second full access point is a crucial component of creating a safe and well-connected neighborhood.

**Schools and Parks:** The original subdivision plan and zoning anticipated the development of 525 dwelling units in 1978. Since that time, only 88 dwelling units have been developed in the Galaxy Subdivision. Most of these units (59) are single family detached dwellings and 28 of those units are in the area north of Senators Blvd. In 1978, the school district estimated the 525 dwelling units (at full build-out) would increase student populations in these schools by about 400. Since 1978, the school district has constructed six schools in Billings Heights -- three elementary schools, two middle schools and one high school. This location is within the Alkali Creek Elementary district, the Castle Rock Middle School district and Skyview High School. The most recent enrollment at Alkali Creek School is 335 with a 15:1 student to teach ratio; at Castle Rock the recent enrollment is 711 with a 17:1 student to teacher ratio; and Skyview High School enrollment is 1,602 with a 19:1 student to teacher ratio. The proposed addition of about 235 new dwelling units will increase student enrollment at each of these schools. It is not known how many years it would take for the developer to sell and build the new dwellings. Impacts to any of these schools may happen gradually over time.

The property had several parks dedicated at the time of the subdivision in 1978. These are primarily natural parks to the south, north and east. There was one internal neighborhood park parcel that was deemed to be excess land in the early 2000's. The applicant bid on the park, and it was sold and deeded to Mr. Lyndes in 2001. The zoning was not changed at the time. This park was known as "Hultgren Park" and never developed. The proposed zoning will change the underlying zoning of this former park to N3 and N2. The closest public parks developed for active recreation are Walsh Park and Edgerton Park in the Kimberley Heights Subdivision to the north across Governor's Blvd. The Lutheran church at the corner of Aronson and Governor's Blvd has a developed ball field, and Alkali Creek School to the south has playground equipment. It is about ¼-mile from the middle of the undeveloped lots to the Lutheran Church ball field and about ½ mile to the Kimberley Heights parks. Although the Alkali Creek school property is geographically close, walking distance is more than a mile unless a walking trail is built down the rimrocks to Pow Wow Park and a safe crossing of Alkali Creek is created.

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

The existing PD zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The zone change will increase some setbacks, increase height limits and lot coverage allowances. The proposed zoning should not affect the provision of adequate light and air.

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

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this area of Billings. There is a separate multi-use trail on Senators Blvd, marked bike lanes on Governors Blvd, and boulevard separated sidewalks on both sides of Aronson Blvd. The internal sidewalk system in Galaxy Subdivision was developed as a curb-sidewalk. Current city development standards require boulevard sidewalks. There are trails throughout the adjacent parks. Re-platting of the streets and lots will give the opportunity to ensure connections to these open spaces. Vehicle access to the development is currently through Neptune Blvd from Governors Blvd. When the second access is completed, traffic can enter from Aronson Ave. Both intersections will be permanent T-intersections with stop controls. A traffic study could be required to ensure existing street facilities and traffic management can handle the additional vehicle traffic. An estimate of potential new vehicle trips for 235 dwelling units with 100 single family detached dwellings and 135 townhomes/condos/or apartments is about 2,000 new vehicle trips per day at full build out. Full development is not likely to occur for at least 5 years and more likely 10 years.

7. Will the new zoning promote compatible urban growth?

The proposed new zoning for these lots is compatible with the adjacent and planned urban growth in this in-fill location. There is a lack of diverse housing options on the west side of Main Street in the Heights. Approximately 70% of the land area west of Main Street is zoned for single-family detached dwellings. Other zone districts such as N2 that allow two-family dwellings are restricted to single-family detached dwellings by subdivision covenants and restrictions. Mixed residential zoning such as NX1, NX2 or NX3 are very limited and no new multifamily or townhome attached dwellings have been constructed west of Main Street for several years.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zone change will take this property out of the current planned development zone and place it in three standard zone districts -- N3, N2 and NX2. These zoning designations closely match the existing PD without allowing any structure with more than eight dwelling units in the multifamily area. This proposed zoning does consider the character of the district and the suitability of the property for the proposed uses. The demand for housing choices, including townhomes, apartments and smaller single-family residences, is increasing. The underlying zoning is too restricted in some ways to allow flexible development of one or more types of housing. The current height limits are out-of-date with current

construction standards for most dwellings, and the demand for single-level homes does not fit with the lower limit for lot coverage. The proposed zoning allows this flexibility without becoming unpredictable.

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

The property consists of undeveloped parcels. Approval of the zone change to change the zoning will continue to provide certainty to surrounding landowners and may help to maintain property values of adjacent buildings. New developments tend to increase adjacent property values, and remove uncertainty.

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

The proposed zoning amendment for these lots will promote the most suitable use of this land in Billings. Planned development zones are often complex, making them challenging to administer and enforce.

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#### **Attachments**

ZC 1055 Zoning Map and Site Photos

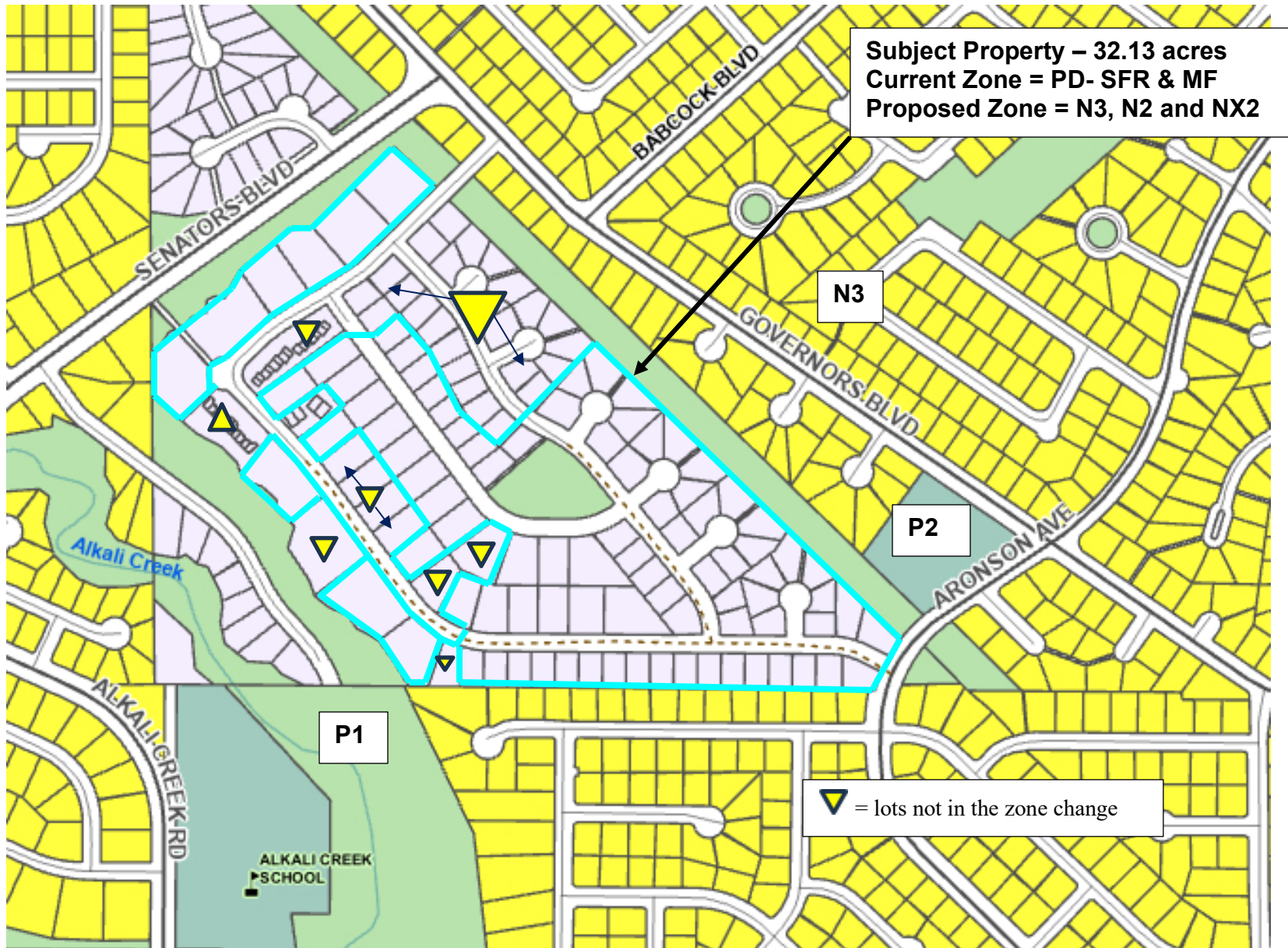
ZC 1055 Chart of Zoning History

ZC 1055 Application and letter

ZC 1055 Pre app information

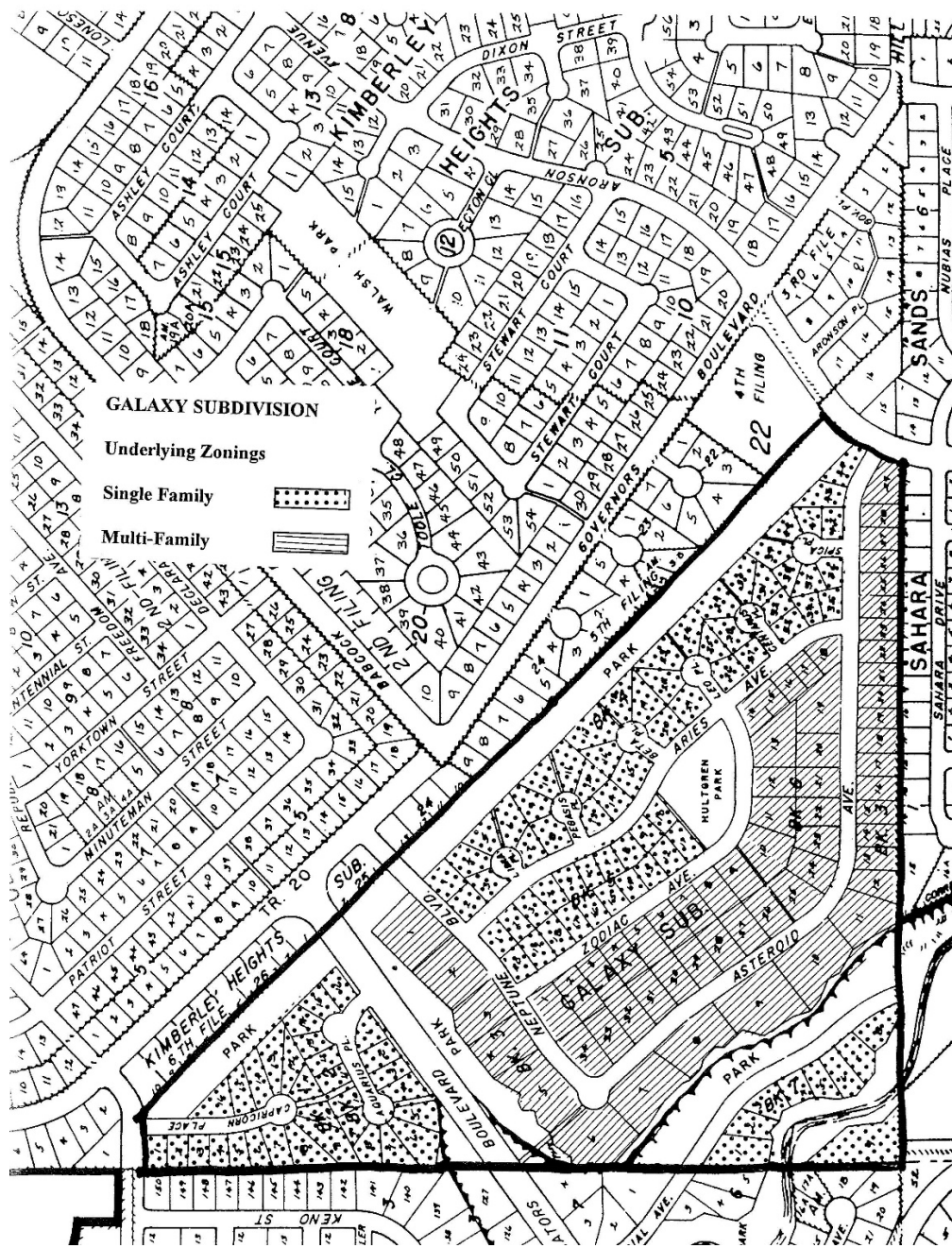
Galaxy PD Agreement

City Zone Change 1055 – Galaxy Sub – multiple lots – PD to N3, N2 and NX2  
Zoning Map and Site Photos

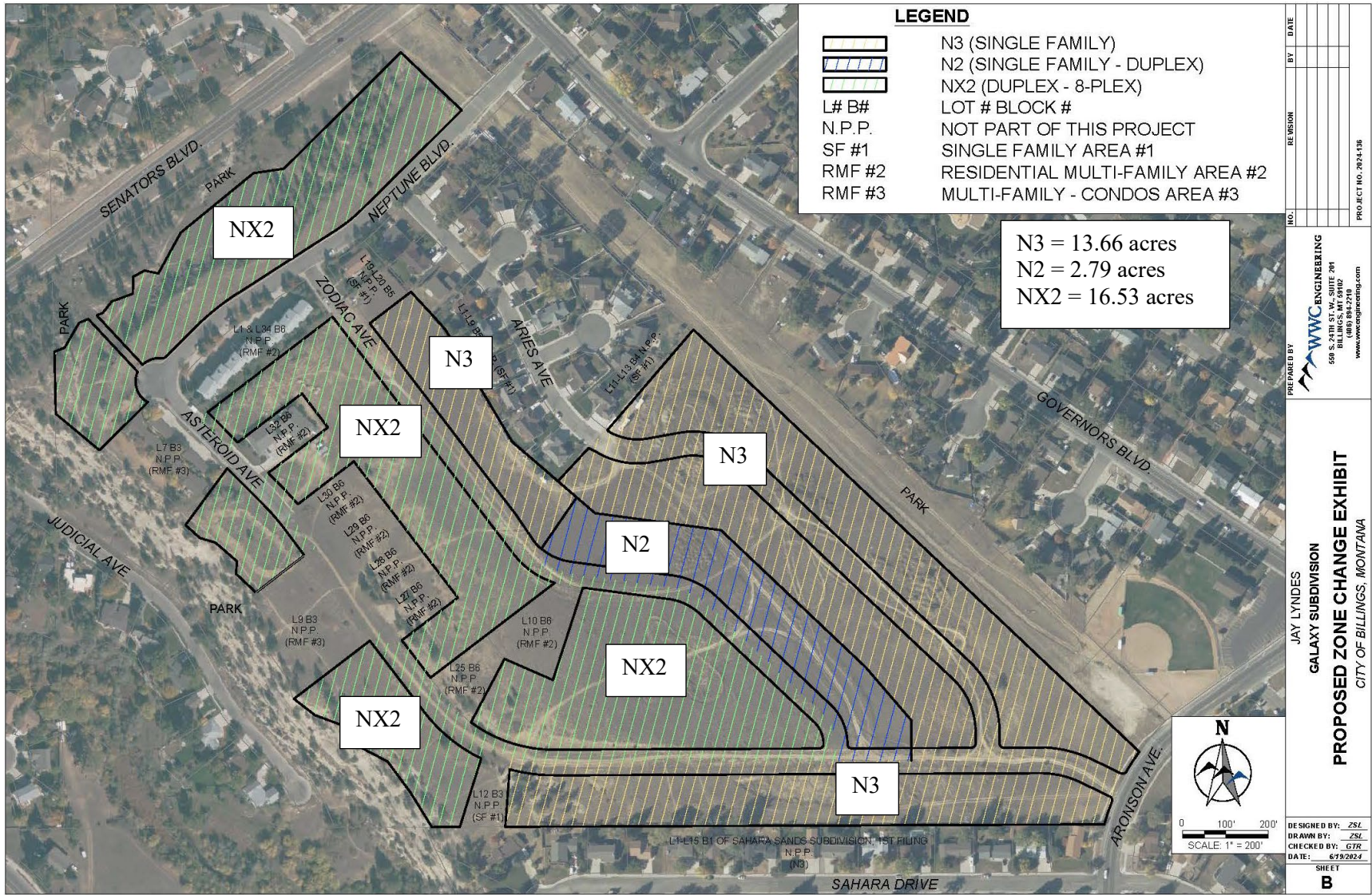




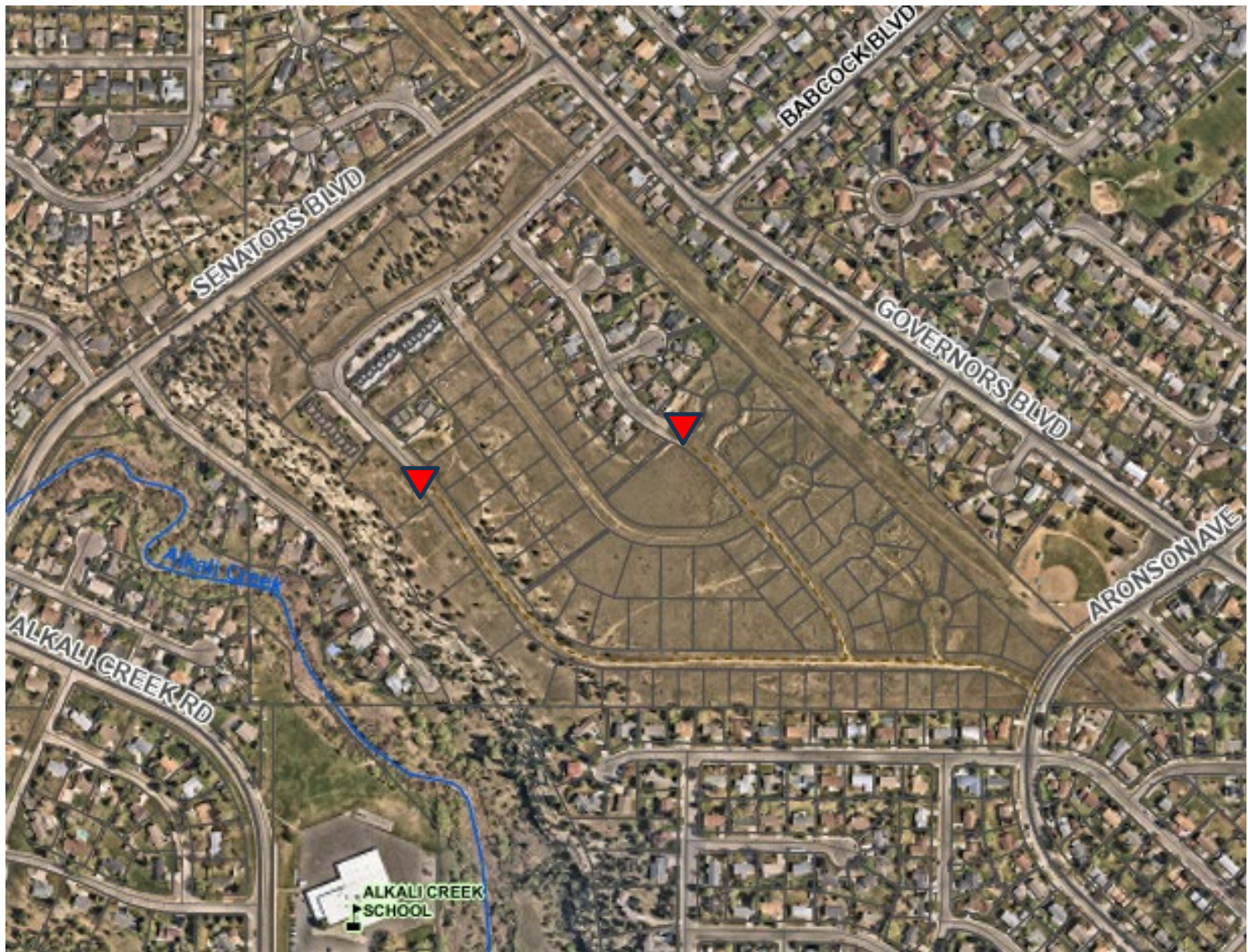
Current underlying zoning of subject parcels in Galaxy PD



All parcels in Galaxy PD underlying zoning



Proposed new zoning of subject parcels in galaxy Subdivision



Current aerial of subject property - Zoning Request signs noted



Subject Property – northeast side of Asteroid Ave at the dead end



Current dead end of Asteroid Avenue



View southwest from Asteroid Avenue



View north along Asteroid Avenue



South end of Aries Avenue



View of property on the northeast side of Aries Avenue at dead end



View northwest from dead end of Aries Avenue

Zoning History for ZC 1055 – Galaxy Sub – multiple lots – PD to N3, N2 and NX2

<b>SUBJECT PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
	<b>City ZC 221</b>	September, 1978	R-96 to PD – with single family and multifamily	Yes	
<b>SURROUNDING PROPERTY</b>	<b>Zone Change #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Summerhill Sub	ZC 102	October 1975	R96 to PD with single family and multifamily	Yes	Similar situation as Galaxy PD – more than 50% un-developed
405 Alkali Creek Road & adjacent land	ZC 441	11/4/1984	NC to RMF	No	Now NX2/NX3 and NMU
Alkali Creek School	ZC 84	5/5/1975	R96 to RMF	No	Proposed Apt Bldg Now zoned P2 for school
Eagles Nest Sub Blocks 2 thru 6	ZC 286	4/28/1980	R96 to R60	Yes	Now NX2
Golden View Sub	ZC 19	6/26/1973	R96 to R60	Yes	Now NX2

**CITY ZONE CHANGE APPLICATION FORM**

**CITY ZONE CHANGE** Billings Zone Change # 1055 Project # PZX-24-00190

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 single family and various multi-family within a Planned Development (PD)

Proposed Zoning: N3, N2, & NX2 - see attached Exhibit B

PARCEL TAX ID# see Exhibit C CITY ELECTION WARD Ward #1

Legal Description of Property: see Exhibit C

Address or General Location (If unknown, contact City Engineering): Aronson/Asteroid Avenue

Size of Parcel (Area square feet or acres): see Exhibit C

Present Land-Use: vacant

Proposed Land-Use: residential

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

Owner(s) Jay Lyndes

(Record Owner)

1693 Red Lodge Creek Road, Roberts, MT 59070

(Address)

406-855-6779

(Phone Number)

cowboymt@maverick-cattle.com

(email)

Agent(s): WWC Engineering - Greg Reid

(Name)

550 S. 24th Street W, Ste 201, Billings, MT 59102

(Address)

406-799-1415 greid@wwcengineering.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: Jay Lyndes Date: 07/30/24

(Record Owner – Digital Signature Allowed)

## GALAXY SUBDIVISION ZONE CHANGE - EXHIBIT C

<b>Lot</b>	<b>Block</b>	<b>Subdivision</b>	<b>TaxCode</b>	<b>Acres</b>
1	3	Galaxy Subdivision	A24485	0.89
2	3	Galaxy Subdivision	A24486	0.88
3	3	Galaxy Subdivision	A24487	0.68
4	3	Galaxy Subdivision	A24488	0.69
5	3	Galaxy Subdivision	A24489	1.02
6	3	Galaxy Subdivision	A24490	0.94
8	3	Galaxy Subdivision	A24492	0.85
10	3	Galaxy Subdivision	A24494	1.04
11	3	Galaxy Subdivision	A24495	0.70
13	3	Galaxy Subdivision	A24497	0.24
14	3	Galaxy Subdivision	A24498	0.22
15	3	Galaxy Subdivision	A24499	0.22
16	3	Galaxy Subdivision	A24500	0.22
17	3	Galaxy Subdivision	A24501	0.22
18	3	Galaxy Subdivision	A24502	0.22
19	3	Galaxy Subdivision	A24503	0.22
20	3	Galaxy Subdivision	A24504	0.22
21	3	Galaxy Subdivision	A24505	0.22
22	3	Galaxy Subdivision	A24506	0.22
23	3	Galaxy Subdivision	A24507	0.22
24	3	Galaxy Subdivision	A24508	0.22
25	3	Galaxy Subdivision	A24509	0.22
26	3	Galaxy Subdivision	A24510	0.22
27	3	Galaxy Subdivision	A24511	0.22
28	3	Galaxy Subdivision	A24512	0.25
29	3	Galaxy Subdivision	A24513	0.26
33	6	Galaxy Subdivision	A24610	0.40
31	6	Galaxy Subdivision	A24608	0.39
26	6	Galaxy Subdivision	A24603	0.38
24	6	Galaxy Subdivision	A24601	0.41
23	6	Galaxy Subdivision	A24600	0.41
22	6	Galaxy Subdivision	A24599	0.37
21	6	Galaxy Subdivision	A24598	0.38
20	6	Galaxy Subdivision	A24597	0.45
19	6	Galaxy Subdivision	A24596	0.64
18	6	Galaxy Subdivision	A24595	0.29
17	6	Galaxy Subdivision	A24594	0.23
16	6	Galaxy Subdivision	A24593	0.23
15	6	Galaxy Subdivision	A24592	0.22
14	6	Galaxy Subdivision	A24591	0.25

13	6	Galaxy Subdivision	A24590	0.60
12	6	Galaxy Subdivision	A24589	0.39
11	6	Galaxy Subdivision	A24588	0.46
9	6	Galaxy Subdivision	A24586	0.38
8	6	Galaxy Subdivision	A24585	0.38
7	6	Galaxy Subdivision	A24584	0.38
6	6	Galaxy Subdivision	A24583	0.38
5	6	Galaxy Subdivision	A24582	0.38
4	6	Galaxy Subdivision	A24581	0.38
3	6	Galaxy Subdivision	A24580	0.38
2	6	Galaxy Subdivision	A24579	0.38
18	5	Galaxy Subdivision	A24575	0.23
17	5	Galaxy Subdivision	A24574	0.24
16	5	Galaxy Subdivision	A24573	0.22
15	5	Galaxy Subdivision	A24572	0.21
14	5	Galaxy Subdivision	A24571	0.19
13	5	Galaxy Subdivision	A24570	0.19
12	5	Galaxy Subdivision	A24569	0.22
11	5	Galaxy Subdivision	A24568	0.24
PARK	5	Galaxy Subdivision	A24621A	1.61
10	5	Galaxy Subdivision	A24567	0.21
15	4	Galaxy Subdivision	A24528	0.30
16	4	Galaxy Subdivision	A24529	0.21
17	4	Galaxy Subdivision	A24530	0.32
18	4	Galaxy Subdivision	A24531	0.26
19	4	Galaxy Subdivision	A24532	0.28
20	4	Galaxy Subdivision	A24533	0.27
21	4	Galaxy Subdivision	A24534	0.30
22	4	Galaxy Subdivision	A24535	0.28
23	4	Galaxy Subdivision	A24536	0.28
24	4	Galaxy Subdivision	A24537	0.27
25	4	Galaxy Subdivision	A24538	0.21
26	4	Galaxy Subdivision	A24539	0.24
27	4	Galaxy Subdivision	A24540	0.22
28	4	Galaxy Subdivision	A24541	0.27
29	4	Galaxy Subdivision	A24542	0.29
30	4	Galaxy Subdivision	A24543	0.28
31	4	Galaxy Subdivision	A24544	0.23
32	4	Galaxy Subdivision	A24545	0.22
33	4	Galaxy Subdivision	A24546	0.24
34	4	Galaxy Subdivision	A24547	0.19
35	4	Galaxy Subdivision	A24548	0.22

36	4	Galaxy Subdivision	A24549	0.22
37	4	Galaxy Subdivision	A24550	0.24
38	4	Galaxy Subdivision	A24551	0.22
39	4	Galaxy Subdivision	A24552	0.27
40	4	Galaxy Subdivision	A24553	0.19
41	4	Galaxy Subdivision	A24554	0.19
42	4	Galaxy Subdivision	A24555	0.20
43	4	Galaxy Subdivision	A24556	0.31
44	4	Galaxy Subdivision	A24557	0.29

### **10 Statutory Review Criteria – Galaxy Subdivision**

- (1) Whether the new zoning is designed in accordance with the growth policy;  
Since the proposed area was previously platted and zoned with a PD (Planned Development), the new zoning is designed in accordance with the adopted 2016 Billings Growth Policy. The proposed zoning will decrease the allowable density within the development while keeping more consistent with the surrounding neighborhoods by following the current City zoning code. The proposed zone change would provide additional tax revenue to the city by spurring an expansion of city services onto the infill subdivision that is surrounded by existing residential developments.
  
- (2) Whether the new zoning is designed to secure from fire and other dangers;  
The current PD allows for 373 units of multi-family and single-family residences within the development. The proposed zoning will decrease the density to 235 units reducing the number of units and individuals living within the development, therefore providing more security from fire and other dangers. Further, spurring of development of the area will remove an open grassland without fire protection from the interior of the City and provide fire hydrants throughout the developed area.
  
- (3) Whether the new zoning will promote public health, public safety, and general welfare;  
The proposed zoning closely mimics the existing PD zoning on the property while updating it to follow the current City of Billings zoning code in lieu of following the PD code that is over 40 years old at this time. The existing PD zoning allows extremely high-density multi-family development (e.g., 8-plexes allowed on 16,500 square foot lots). The high-density development in the PD would be difficult to accomplish without removal of as much green space as possible for parking purposes and without minimizing living area within the units. By completing the proposed zone change, the property value of the neighborhood would be retained.
  
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;  
The development of the property as it is currently designed will create a significant amount of additional vehicular traffic on the adjacent roads without any contribution from the developer.  
The City of Billings will be providing the water service. Concerns were raised by area neighbors regarding water pressure and future affects. Follow up discussions with City staff identified that this concern was addressed with the addition of a booster station to what is identified as Zone 3 East of the City's water system. It is of note that this pressure zone extends from the bottom of Alkali Creek to the area of the proposed project on top of the hill. Due to the significant elevation differences, static water pressures in the area south of the development range from 55 to 70 psi, which is on the lower end of typical pressures. However, review of hydrant flow tests conducted by the City suggests that all hydrants are well within operating range. Further, spurring forward of this development would connect currently dead-end lines within Galaxy

Subdivision, providing better fire flows throughout that area. The property may also be served by the gravity sanitary main within Aronson Avenue, Aries Avenue, Zodiac Avenue, and Asteroid Avenue, as far as practical while maintaining burial depths on the sanitary main. That will be determined when the developer initiates the design of the system which will be reviewed and approved by the City of Billings prior to construction.

Since the development will be residential, the neighborhood schools and parks may be impacted by this zone change. This will depend on the types of individuals that purchase property within the development. Previous dedication of the Galaxy Subdivision included parkland contribution within it as well. Hultgren Park that was included with the development was previously auctioned off by the City, of which the developer has included rezoning of this property to allow development of it.

- (5) Whether the new zoning will provide adequate light and air;

With any city developments, there would be expected to be an increase of structures resulting in an increase in the impacts to light and air. By decreasing in number of units within the development, it is anticipated to decrease the impacts to light and air.

- (6) Whether the new zoning will affect motorized and nonmotorized transportation;

The proposed zoning will not have a negative effect on motorized and nonmotorized transportation. The proposed zone change is anticipated to decrease the potential number of building units as opposed to developed as is. In comparison this zone change would decrease any negative affects on transportation. The motorized transportation will be entering the property from either Aronson Avenue or from Neptune Boulevard. As part of the subdivision development requirements, installation of new curb/gutter and sidewalk based on the City of Billings standards will be continued along Aries Avenue, Zodiac Avenue, and Asteroid Avenue. Those improvements will allow nonmotorized transportation to travel safely throughout the neighborhoods.

- (7) Whether the new zoning will promote compatible urban growth;

The proposed zoning will spur the developer to expand the residential development within an infill subdivision. The development will be required to satisfy the City of Billings regulations for residential development on the street, sidewalks, water, sewer, and stormwater. The residential expansion is within a vacant subdivision immediately adjacent to City of Billings residential neighborhoods. Additionally, the required property improvements such as improvements for stormwater and pedestrian pathways, will increase the value of property within that area.

- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

The character of the district surrounding the subject property is a mix of multi-family and single-family. The proposed zone change would allow the property to stay

consistent with lots already improved within the development to the northeast which are zoned single-family and lots in the northwest that are zone multi-family within the PD. The development to the south is zoned N-3. It is of note that the proposed zoning generally follows that of the existing PD zoning and as such would be considered to remain with the character of the district. There is existing parkland dedicated along the easterly and westerly sides of the existing development. For completion of the residential development, the developer will be required to comply with the requirements for residential development such as (but not limited to) infrastructure improvements.

(9) Whether the new zoning will conserve the value of buildings;

Immediately adjacent to the proposed development is an existing N-3 development along with multi-family zoned by the PD to the north. As such, development of this property with the existing PD zoning or the proposed zoning would not be changing the type of residential development that exists within the neighborhood. Further, the vacant property will be spurred into development by changing the zoning, which will remove vacant property from the area and improve it to City of Billings standards with roadways, sidewalks, and infrastructure.

(10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings;

Given the demand for residential development within Billings, this proposed zone would provide additional residential property with a reasonable density. The development of residential property would generate a return on investment for the City of Billings due to the minimal extension of services throughout the development. The property is located adjacent to an arterial street and is in an area of significant other residential development of the City of Billings. Continued growth of this area as residential property increases the return on investment of the City for all improvements within the area. Further, this property is located off of arterials or major collectors within the City that could provide valuable property for commercial development desperately needed in the Heights. As additional access would not be available to the west to allow any part of this property to have greater flow through traffic, this area is suited well for the expansion of residential properties in the City.

**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: **single family and various multi-family within a Planned Development (PD)**

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

The proposed zoning will be similar to the existing but decreasing the allowable units within the lots.

3. Legal Description of Property:

**see Exhibit C**

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

**Yes; Heights Task Force**

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application

6. A brief synopsis of the meeting results including any written minutes or audio recording.

please attach to on line application

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 9, day of July, 2024.

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

Owner (s):

**Jay Lyndes** Telephone: **406-855-6779**

Address:

1693 Red Lodge Creek, Roberts, MT 59070 Email: cowboymt@maverick-cattle.com

Agent (s):

**WWC Engineering - Greg Reid** Telephone: **406-799-1415**

Address: 550 S 24th Street W, Ste 201, Billings, MT 59102 Email: greid@wwcengineering.com

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

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Rachel Horton	495 Sahara Dr.	406-698-3855
David Hayes	948 Dixon St	406 647-5474
Sabrina Leonhardt	944 Governors Blvd	406-850-8002
Tanya Tenny	1345 Avenue Blvd	406 894-0211
JEROME RIES	333 STEWART CT N	406-690-2376
MIKE DOGENHART	1084 GOV. S	406-860-9797
Sue Cozzens	<sup>mailing</sup> P.O. Box 144 59103 755 Asteroid Ave.	406-245-2544
Bryce + Clauden Chapel	1165 Capricorn	406 839-3308
Jim LUCEY	800 SCORP	406 670 0776
Kristin Semon	690 Tabriz	281-723-4520
Tim Meeg	690 Tabriz	281-703-2664
Tammy Zemliska	782 Asteroid	371-3436
Josh Under	654 Aronson Ave	605 641 3974
Franck Cook	322 Sahara Dr.	406-855 1895
Jim WEIDMAN	624 OASIS DR	406 252 4574
Candy Harey	920 Governors	406 671 4462
* Ashley Harada	631 Aries Ave.	406 208 1886
Tim Harada	631 Aries Ave.	406 896 1313
Anita Saas	956 Pegasus	406-670-0202
Connie Clark	503 Caravan	406-690-7796
Matthew Clark	503 Caravan	406-850-3737
Kathryn Clark	503 Caravan	406-850-1827
Lou + BRIDGET HANEURY	656 OASIS	406-661-9114 406 661-9093
Josh + Linda Holmes	657 OASIS	406-698-1008 <del>406</del>
Randy LaeJeke	1148 Patriot	406-850-3766
Tim Keating	738 Tabriz	406-855-2776
Borden Thomas	1024 Governors	406-252-0619

James Anthony 842 Governors Blvd 406 671 697

Sandy Wong 780 Judicial Ave 406 855 4829

Brian Potts 593 Oasis 406 697 2141

Walter Shore 794 -1393

Lori Johnson 654 Aranson Ave 916 606 4248

Bob Larson 621 Sahara Dr. 406-671-3444

Crystal Randy 802 Constitution 406 679 337

Junetta Peck 999 Neptune Blvd 307-272-1773

unknown Governors Blvd

Greg & Jessica Turner 948 Governors Blvd 406)672-9018

Tom & Tracy Snyder 734 Aranson Ave 406-697-2254

Lou & Bridget Hanebury 656 Oasis Dr. 59105 406-661-9114

Rek & Pat Mahara 644 Oasis Dr 59105 406-2536

Walter Shore 545 Carnival Ave 406-794-1393

Tom Schultz 930 Calico Ave 406-546-0448

Joe Hallack 644 Aries Ave. 406-702-0192



**Galaxy Subdivision Pre-Application  
Neighborhood Meeting Minutes**

**July 9, 2024 6:00 p.m.  
On-Site**

**Attendance:**

Greg Reid - WWC Engineering  
Aaron Redland - WWC Engineering  
See attached sign-in sheet and emails received

The attached agenda was presented by WWC Engineering verbally to provide an overview of the proposed zone change and the steps following the zone change that would occur prior to development of any of the properties.

The meeting was opened for public comment or questions. The following items were mentioned and discussed:

- An attendee let us know that they believed the property was previously planned to be a low-income development with apartments, via a previous attempt at a zone change. That individual asked us where those were planned. A discussion was held as to WWC was unaware of any intention to do low-income development.
- A concern was raised that it would be helpful if the proposed map had more information on it. This concern was related to wanting to see the proposed future roads, upon re-subdividing the property, and also seeing the proposed lots. It was explained that the subdivision portion is the next part of the project and that we did not want to commit to an exact number of lots and/or depths/widths of them. An updated layout showing the roads was offered to be provided for future submittals and public meetings.
- The meeting concluded with several individuals providing their opinion of the overall project. The opinions varied with one individual pointing out that going through the process of zone change, re-subdividing, then to design and construction is what the neighborhood wants as it would consider the impacts to water/sewer/traffic/etc. Several individuals provided thoughts that the neighborhood needed to do what they could to band together to try to stop any development of the property, including attending upcoming meetings and letting the Council and/or Commission know that they are against development of the property.
- Discussions were raised surrounding the anticipated size of the lots for single family, which an approximate size of 9600 or 10,000 square feet was estimated, based on past developments by the owner and what he had liked to do. It was noted that the size of them is indeterminate though, as that is a decision that would be finalized during platting of the property.

- The reason for the zone change was asked and it was discussed that there are several reasons for different spots. The multi-family zoned parcels are primarily being changed as the NX2 zoning allows a smaller front set back, which due to the topography of the lots, makes development of them more feasible (large slopes at the back of the lot). The previously auctioned park area requires rezoning regardless so it is included. That area near the park is planned to be re-subdivided with a new layout to remove the cul-de-sacs and to subdivide the park. In doing so, the lots identified in the PUD agreement (that identifies their zoning requirements) would no longer exist so rezoning of them to City zoning at this time would remove complications as to what is allowed on each lot. This is also the case for the row of lots along the southern edge of the property. As part of this explanation it was pointed out that the ¼ mile notification boundary caused extra effort and time and that it was better to do any possibly desired changes to the zoning all at once, instead of in several steps.
- A question was raised regarding what would happen if this zone change isn't completed. It was explained that the property already is platted and has zoning on it, so the owner could just begin design and construction of the layout without going through any public processes.
- Attendees asked if the constructability of the utilities and homes within the subdivision due to bedrock had been addressed. It was discussed that geotechnical considerations are evaluated during design and construction.
- There was discussion on traffic concerns and what requirements were necessary from the developer. Discussion was held that evaluation of traffic impacts would happen in a traffic study, which is part of the subdivision process if that is completed.
- The power lines within the park on the eastern extent of the Galaxy Subdivision were noted as concerning by the attendees. It was discussed that the Zone Change is not doing anything with that park.
- The timing of the development was asked in regard to when roadway construction could happen. A couple of example timelines were provided with platting/design/construction being parallel timelines and approximately 12-18 months to road construction and those processes being subsequent resulting in a 18-30-month timeline.
- Discussion was held regarding when Hultgren Park was sold and how. Reference to the letter provided to the neighborhood was provided as it was explained in that letter.
- It was asked for clarification of what the spaces within Galaxy Subdivision on the map are that are not shaded a color. It was explained that those are properties owned by others, who are not the developer.
- Questions were asked regarding setback requirements and what setbacks were as those were referenced as reasons for the zone change.

## Aaron Redland

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**From:** Linda Schonsberg <linda.schonsberg@icloud.com>  
**Sent:** Friday, July 5, 2024 12:50 PM  
**To:** Greg Reid  
**Subject:** Proposed Zone Change, Galaxy Subdivision

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

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To Whom It May Concern:

Our neighborhood is requesting the presence of a City representative of ward 1 as well as a city engineer to address concerns at the meeting on Tuesday July 9th.

Thank you!

Sent from my iPhone

PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1981, by and between BERT D. REECE and the CITY OF BILLINGS.

WHEREAS, the undersigned is the owner of Galaxy Subdivision, a Planned Development as outlined within the City Zoning Ordinance;

WHEREAS, the aforesaid owner and the City of Billings desire to place building and use restrictions on the above-described premises;

NOW, THEREFORE, in consideration of the premises, the undersigned hereby establish and declare the following building restrictions which shall be applicable to all the above described real estate.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations or other entities, who shall hereafter acquire any interest in and to the above described real estate shall be taken and held to agree, to conform to and observe the following building restrictions, and stipulations as to the use thereof, and as to the construction of improvements thereon.

II. BUILDING AND USE RESTRICTIONS

Unless expressly designated below all other standards or requirements of the City of Billings Zoning Ordinance shall be followed for the type of use within each area.

A. Land Uses

1. Single Family - Area #1 (R-9600)

Block 1, Lots 1 thru 16  
Block 2, Lots 1 thru 16  
Block 3, Lots 12 thru 29  
Block 4, Lots 1 thru 44  
Block 5, Lots 1 thru 20  
Block 6, Lots 14 thru 18  
Block 7, Lots 1 thru 9

2. Residential Multi-Family - Area #2 (RMF)

Block 6

Lot 1 - 12-plex	Lot 21 - 8-plex
Lot 2 - 10-plex	Lot 22 - 8-plex
Lot 3 - 8-plex	Lot 23 - 10-plex
Lot 4 - 8-plex	Lot 24 - 10-plex
Lot 5 - 8-plex	Lot 25 - 10-plex
Lot 6 - 8-plex	Lot 26 - 8-plex
Lot 7 - 8-plex	Lot 27 - 8-plex
Lot 8 - 8-plex	Lot 28 - 8-plex
Lot 9 - 8-plex	Lot 29 - 8-plex
Lot 10 - 12-plex	Lot 30 - 8-plex
Lot 11 - 12-plex	Lot 31 - 10-plex
Lot 12 - 8-plex	Lot 32 - 10-plex
Lot 13 - 12-plex	Lot 33 - 10-plex
Lot 19 - 12-plex	Lot 34 - 12-plex
Lot 20 - 10-plex	

3. Multi-Family - Condominiums - Area #3 (RMF)

Block 3

Lot 1 - 12-plex	Lot 7 - 12-plex
Lot 2 - 12-plex	Lot 8 - 12-plex
Lot 3 - 8-plex	Lot 9 - 12-plex
Lot 4 - 8-plex	Lot 10 - 12-plex
Lot 5 - 12-plex	Lot 11 - 8-plex
Lot 6 - 12-plex	

B. Supplemental Area, Yard and Height Requirements

1. Single Family - Area #1 (R-9600)

Maximum Dwelling Per Lot	1
Minimum Yard Requirements:	
Front	20 ft.
Side	5 ft.
Side Adjacent to Street	10 ft.
Rear	5 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	25 ft.
Maximum Lot Coverage in Percent	30 Percent
Maximum Height all Fences:	
Front	3 ft.
Rear	6 ft.

2. Residential Multi-Family - Area #2 (RMF)

Maximum Dwellings Per Lot: (See Section A, Land Uses)	
Minimum Yard Requirements	
Front	20 ft.
Side:	
1 story	5 ft.
2 story	8 ft.
3 story	10 ft.
Side Adjacent to Street	15 ft.
Rear	20 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	30 ft.
Maximum Lot Coverage in Percent	55 Percent
Maximum Height of all Fences	
Front	3 ft.
Rear	6 ft.

3. Multi-Family - Condominiums - Area #3 (RMF)

Maximum Dwellings Per Lot: (See Section A, Land Uses)	
Minimum Yard Requirements	
Front	20 ft.
Side:	
1 story	5 ft.
2 story	8 ft.
3 story	10 ft.
Side Adjacent to Street	15 ft.
Rear	20 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	30 ft.
Maximum Lot Coverage in Percent	55 Percent
Maximum Height of all Fences	
Front	3 ft.
Rear	6 ft.

C. Development Schedule

- Phase 1
- Phase 2
- Phase 3

See attached map for phase outline.

D. Other Special Agreements

1. Building Location and Site Plan

The building location and site plan, as submitted, is not to be used to determine the size or location of buildings. The location and size shall be determined upon application for building permit based on all the standards outlined above and within the City of Billings Zoning Ordinance.

2. Parks and Landscaping

Subdivider agrees to install sidewalks within the south perimeter of the park area along Zodiac Avenue and the northeast perimeter of Nova Avenue and sidewalks adjacent to the park areas on Capricorn Place, Neptune Boulevard and Aronson Avenue. Subdivider also agrees to help develop said park located on Zodiac and Nova Avenues by contributing \$25,000.00 if the subdivision is developed privately or if the subdivision is developed through a special improvement district the sum of \$25,000.00 will be set aside from the special improvement district funds as a contribution to the development of said park. In either event, the park shall be developed in a manner and at a time approved by the City of Billings. It being understood should the City determine the park be developed at a later date the funds contributed will be set aside and invested by the City at the best and highest rate of interest until the \$25,000.00 and accrued interest is needed in the development of the park.

Subdivider agrees to the creation of a maintenance district for the purpose of assessing the lands within the subdivision to provide the necessary funds to maintain the public parks in the subdivision. The Subdivider further agrees to file a petition with the Billings City Council within six (6) months from the date the plat is filed of record for the creation of said special maintenance district. The said maintenance district shall utilize the funds obtained by said assessment in a manner approved by the City of Billings. That the creation of said maintenance district shall be included in the waiver and be enforceable against all landowners in the subdivision\* (see below).

III. PLANNED DEVELOPMENT AGREEMENT AMENDMENTS OR CHANGES

Amendments or changes in the Planned Development Agreement or other documents similarly approved and recorded shall be deemed a major change and considered the same as a new petition and reapplication shall be made in accordance with the procedures for a new application under Article V of the City of Billings Zoning Ordinance.

IV. RIGHT TO ENFORCE

The provisions of this Planned Development Agreement shall be enforced as provided for in Article VIII of the City of Billings Zoning Ordinance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

\_\_\_\_\_  
BERT D. REECE

STATE OF MONTANA        )  
                                  ) ss.  
County of Yellowstone)

On this \_\_\_\_\_ day of \_\_\_\_\_, 1981, before me, the undersigned, a Notary Public for the State of Montana, personally appeared BERT D. REECE, known to me personally to be the person who signed the foregoing instrument and acknowledged to me that he executed the same.

\*The visibility at intersections as provided for in the City Zoning Ordinance shall be maintained.