



**City of Billings Zoning Commission  
Meeting Minutes of September 3, 2024**

The City of Billings Zoning Commission met on Tuesday, September 3, 2024 at 4:30 p.m., 316 N 26<sup>th</sup> St., 3<sup>rd</sup> Floor, Room 3101 Stillwater Building. The public may attend in person. Comments may be sent to Board via email before 1:00 PM on Tuesday, September 3, 2024. All e-mails received prior to this time will become part of the record for the public hearing.

**ZC 1054 - 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.

**ZC 1055 - The City Council has designated September 23, 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 14, 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          | 1          |            |            |            |
| Greg McCall          | Vice Chair         | C          | 1          | 1          | A          | 1          | C          | A          | 1          | 1          |            |            |            |
| David Goss           | Commissioner       | C          | 1          | 1          | 1          | 1          | C          | 1          | 1          | 1          |            |            |            |
| Beau Mulvaney        | Commissioner       | C          | 1          | 1          | 1          | A          | C          | 1          | 1          | 1          |            |            |            |
| Andy Megorden        | Commissioner       | C          | 1          | 1          | 1          | 1          | C          | 1          | 1          | 1          |            |            |            |
| Nicole Cromwell      | Zoning Coordinator | C          | 1          | 1          | 1          | 1          | C          | 1          | 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          | 1          |            |            |            |

| Total Number of 2024 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          | 2          |            |            |            | 12    |



|               |  |   |  |  |
|---------------|--|---|--|--|
| Beau Mulvaney |  | X |  |  |
| Andy Megorden |  | X |  |  |

**Commissioners Goss, McCall, Brooks visited the site of Zone Change 1054  
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**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 (3), on Tracts 4,5,6A and 6B of C/S 1889 in Section 26, TIN, R25E, with total acres of 78.15. A concurrent annexation has been submitted. Tax IDs: D04591, D04592, D04593, D04593A

Hunter Kelly, Planner gave a brief overview of the proposed zoning.

**Public 3 Civic**

Proposed zoning allows:

- Planned Civic Campus
- Government buildings, offices and other facilities
- Limited selection of commercial and retail uses

Proposed use is an allowed use

- Development of the site will require compliance with site development standards
- Vehicle traffic increases should be minimal (1-3 full-time employees, 1 training weekend per month, and an annual training period in the summer lasting approximately 2 weeks) AJ Way is served by Hwy 3, a principal arterial.

The Planning staff recommends approval of the zone change:

- Meets the Growth Policy
- P3 compatible with adjacent zones and uses
- P3 considers public health, safety and welfare, light and air, fire and other dangers
- Compliance required for any site improvements

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

**Questions**

Chairman Brooks asked if there were any questions from the Board. There was none.

**Applicant**

LTC John Gehring from the Montana National Guard introduced project managers Joel Miller and Mimi Wolock. He explained the project, structured in three phases, is expected to involve 6-10 employees over the first decade, with military construction slated to start in 2034.

Chairman Brooks asked if anyone was present wished to speak on behalf of Zone Change 1054. There was no one.

Chairman Brooks then invited the Board for any further comments or questions before closing the discussion for Zone Change 1054. There was none.

**Motion:**

Commissioner McCall made a Motion, Seconded by Commissioner Goss to recommend Zone Change 1054 with the 10 Review Criteria to City Council to be heard on October 14, 2024 at 5:30pm.

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

**The Motion passed to Approve City Zone Change 1054 with a unanimous vote.**

- b. **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, TIN, R26E, with total acres of 32.13.

Nicole Cromwell, Zoning Coordinator provided an overview of the subject parcel as well as adjacent properties. Ms. Cromwell compared the existing zoning with the proposed zoning stating N3 allows single-family homes only, N2 allows 1 or 2 family homes, and NX2 allows 2-to-8-unit buildings.

Planning staff recommends approval of the zone change.

## Zone Change 1055

### Planning staff recommends approval of the zone change

- Meets the Growth Policy (2016), Infill Policy (2011) and the Heights Neighborhood Plan
- Adjacent uses and zoning are compatible with proposed zoning
- Proposed zoning is more predictable with some flexibility
- Vacant parcels tend to de-value adjacent property
- Completion of the subdivision, looping water and service lines and making a second full access will increase public safety

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

### **Questions**

Chairman Brooks asked if there were any questions from the Board. Commissioner McCall clarified the previous zoning was written for 12 units specifically. Nicole stated it ranged from 8-12, however was predetermined. Commissioner McCall stated the new NX2 zoning is only 2-8 units with flexibility depending on the lot's topography or soil.

### **Applicant's Agent**

Greg Reid, WWC Engineering –Mr. Reid explained that the zone change was needed due to the park, that required zoning as N2. The area around the park with steep slopes, was being moved from PD zoning into the City, towards the interior. The owner was interested in removing the cul-de-sacs, and the developer was waiting for the zone change to be finalized before proceeding with subdivision, though no construction was planned at this stage—only subdivision.

Two primary concerns were raised: traffic on Aronson and water pressure in the southern areas. The traffic issues are not directly related to the subdivision but involve around six or seven intersections. The water pressure problems stem from the pressure zone, akin to Alkali Creek, where pressure ranges from 50-55 psi above Senators and 120-125 psi below due to elevation differences. The City is aware of these issues, and local residents have expressed their concerns, prompting discussions about possibly splitting the pressure zones.

### **Board Comments**

Commissioner McCall clarified that this is the 1<sup>st</sup> filing of N3 zoning that backs up to the power lines and will require multiple connections for new development.

Mr. Reid affirmed.

### **Public Hearing**

Chairman Brooks asked if there was anyone wanting to speak in favor or against on Zone Change 1055.

**Linda Holmes 657 Oasis Dr, Billings** – Ms. Holmes acknowledged that the development would benefit the neighborhood but expressed concerns about traffic and water pressure. She hopes that a traffic light might be installed. She also inquired whether the existing bylaws for the Galaxy subdivision would remain in effect.

Commissioner McCall stated that typically, covenants and restrictions stay with the land, and a zone change does not alter these bylaws. However, the developer might modify the bylaws to align with the new zoning, a significant concern for homeowners.

Additionally, Ms. Holmes asked about the proportion of single-family versus multi-family units.

**Wendy Ross 768 Asteroid, Billings** – Ms. Ross expressed concern about the high population density, noting that over 50% of the development being multi-family seems excessive. She is worried about the increased traffic and the challenge of additional vehicles merging onto through-streets, though she is uncertain how this issue will be addressed. With many feeder streets in the area, there will be an increase in school populations across all grades, potentially adding 1.5 more vehicles per household. She asked how many households will be added with this development. Additionally, Ms. Ross is concerned about construction, as the ground is almost solid rock, and she is questioning how the roads will be built on such a surface. Ms. Ross inquired about Hultgren Park and if Northwestern Energy right-of-way will be all that exists?

**Lou Hanebury 656 Oasis Dr, Billings** – Mr. Hanebury stated that he supports the zone change but would prefer single-family homes. He acknowledges the current housing shortages. He is concerned about traffic flow, noting backlogs on Aronson, and requests traffic impact studies. He would also like to see a traffic light installed on Aronson. Additionally, he is worried about water pressure and hopes it will be improved.

**Sue Cozzens 755 Asteroid Ave, Billings** – Ms. Cozzens expressed concerns about traffic, particularly with merging onto Aronson. She was informed that construction was previously halted because of the rock composition and believes all utilities are already underground. She anticipates that construction may involve breaking through the rocks. Additionally, she thinks there is fill dirt on Neptune from past construction. The City is struggling to manage water runoff and poses a

problem as it flows downhill. She also noted that parking on the streets has increased due to the multi-family housing.

**Walt Schopfer 647 Sahara Dr, Billings** – Mr. Schopfer expressed concerns about traffic merging onto Aronson. He is also worried about the lots behind his property, he believes are made of sandstone, and fears that construction could cause foundation cracking. Living at the end of a cul-de-sac, he has experienced multiple breaks in the old water system and backyard flooding every other year. He noted that water flows through the sandstone and creates standing water on his property.

**Applicant’s Agent Rebuttal** - Mr. Reid explained that Hultgren Park was sold by the City in the early 2000s and subsequently purchased by the developer. With the zone change, the park would effectively be removed, although parks by Northwestern Energy will remain. He acknowledged the presence of rock and potential construction issues, noting that geotechnical reports will assess the rock hardness to determine whether to dig through it or consider alternative approaches. He mentioned that schools have not yet been contacted about the potential increase in students due to the new households. While additional vehicles per multi-family household are anticipated, the developer currently has no plans to alter the CCRs. Regarding stormwater, he noted that runoff typically decreases significantly after subdivision development.

### **Questions**

Commissioner McCall noted that the City Engineer had identified around six intersections that could potentially be affected by the traffic. The developer would need to allocate funds for future improvements to those intersections.

Mr. Reid concurred and added that the engineer had requested additional intersections be considered for a wider analysis. He also mentioned that there was a request for traffic-calming measures on Aronson, an adjacent road, is somewhat uncommon.

### **Board Comments**

Commissioner Goss mentioned that he participated in the initial meetings regarding the Galaxy subdivision. At that time, the Heights was experiencing rapid growth. Several challenges arose that impacted the development. In Montana, Special Improvement Districts were utilized to finance infrastructure, such as sidewalks. The local government was responsible for making guaranteed interest payments to bondholders, and ultimately led to a decline in the market. While Commissioner Goss stated he cannot speak to how everything concluded, he believes this was a significant issue.

Chairman Brooks inquired with the Planning staff about the number of buildings or households, noting that there are currently 312 dwelling units. He asked if the proposed reduction of 138 was based on maximum capacity or if it was an estimate derived from historical data.

Nicole Cromwell responded that it’s a reasonable estimate and could even be lower.

**Motion:**

Commissioner Goss made a Motion, Seconded by Commissioner McCall to approve Zone Change 1055 with the 10 Review Criteria to City Council to be heard on September 23, 2024 at 5:30pm.

**Board Comment**

Commissioner Goss emphasized that if the zone change is denied, development will still proceed. He noted that this is not agricultural land, and restarting the process now would help move through the subdivision process. While he acknowledged the validity of the concerns raised, he pointed out that if the zone change isn't approved, the existing regulations from 1978 will be in effect, significantly limiting the potential for future changes.

Chairman Brooks mentioned that regarding the traffic calming issue, we are seeking public input specifically about Aronson Ave. He also expressed his gratitude to the developer for addressing the community's need for affordable housing.

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

**The motion was passed to Approve City Zone Change 1055 with a unanimous vote.**

**Other Business:** There was none

Nicole Cromwell, Zoning Coordinator advised the Board there will be a City Zoning Commission meeting on October 1, 2024 with several agenda items. Chairman Brooks advised the Board that he will be unable to attend the meeting.

**Adjournment:** The meeting adjourned at 5:43PM

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

*--Brenda J Berns, Planning Clerk*