



**City of Billings Zoning Commission
Meeting Minutes of October 1, 2024**

The City of Billings Zoning Commission met on Tuesday, October 1, 2024 at 4:30 p.m., 316 N 26th St., 3rd 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, October 1, 2024. All e-mails received prior to this time will become part of the record for the public hearing.

ZC 1056 - The City Council has designated October 28, 2024 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on November 12, 2024 at 5:30 pm.**

ZC 1057 - The City Council has designated October 28, 2024 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on November 12, 2024 at 5:30 pm.**

Commission and Staff		01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024
Daniel J Brooks	Chairman	C	A	1	1	1	C	1	1	1	A		
Greg McCall	Vice Chair	C	1	1	A	1	C	A	1	1	1		
David Goss	Commissioner	C	1	1	1	1	C	1	1	1	1		
Beau Mulvaney	Commissioner	C	1	1	1	A	C	1	1	1	1		
Andy Megorden	Commissioner	C	1	1	1	1	C	1	1	1	1		
Nicole Cromwell	Zoning Coordinator	C	1	1	1	1	C	1	1	1	1		
Karen Husman	Planner 1	C	-	-	-	-	C	-	-	-	-		
Wyeth Friday	Director, PCSD	C	-	-	-	-	C	-	-	-	-		
Anna Vickers	Planning Division Manager	C	-	-	-	-	C	1	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	2			14
Special Review	-	-	-	-	-	-	-	-	-	-			

Vice Chairman McCall introduced the Planning Division Staff and Commissioners.

Attending staff: Anna Vickers, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Hunter Kelly, Planner; Brenda Berns, Planning Clerk

Attending: Agent for the Applicant; John Halverson, Planner with Sanbel (formerly Sanderson Stewart)

Vice Chairman McCall called the meeting to order at 4:30 PM

Public Comment

Vice Chairman McCall called for public comments, there were none.

Approval of Minutes: September 3, 2024

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

Disclosure of Exparte Communication

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

Disclosure of Conflict of Interest

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

Commissioner Goss visited the site of Zone Change 1057

Public Hearings:

- a. **City Zone Change 1056 – High Sierra ***** Applicant has requested a delay to the December 3, 2024 Zoning Commission meeting *******

*Zoning Commission will consider and likely (99% likely) approve the delay.

*If delayed, there is NO PUBLIC HEARING today. No testimony or public comments will be received today.

*The new hearing date, time & location will be noticed and posted at the beginning of November 2024. Any modification to the zone change application will be posted and mailed in November.

Nicole Cromwell advised that the applicant has submitted a request, in writing to the Zoning Commission, to delay this application hearing to the December 3, 2024 meeting.

Agent

John Halverson stated the Applicant for Zone Change 1056 is requesting a 60-day delay.

Motion:

Commissioner Megorden made a Motion, Seconded by Commissioner Mulvaney to continue the hearing until December 3, 2024.

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 delay the hearing on Zone Change 1056 with a unanimous vote.

- b. **Zone Change 1057 –Southwest of Rimrock Road & 58th St.- from N3 & RR3 to N2 –**
A zone change request from Suburban Neighborhood Residential (N3) & Rural Residential 3 (RR3 – County) to Mid-Century Neighborhood (N2), on portions of Lot 6A-1 and 27A of Sunny Cove Fruit Farms Subdivision, an approximate 18-acre parcel of land. A concurrent annexation petition has been submitted for the RR3 zoned land.

Hunter Kelly, Planner provided an overview of the subject parcel as well as adjacent properties. Hunter stated the property is partially within City limits and that which is outside, will be requested to be annexed. Zoning designations are nearly identical, both are generally meant for single-family zoning, however the N2 district is intended to continue the existing character of the residential neighborhoods with single-family and two-family homes developed during the middle of the twentieth century.

Existing Zoning: N3 & RR3	Proposed Zoning
<ul style="list-style-type: none"> ▪ Single-Family Zoning ▪ Building Height : 34 feet/ 3 stories ▪ Maximum Building Coverage: <ul style="list-style-type: none"> ▪ N3: 30% ▪ RR3: 25% ▪ Minimum setbacks 	<ul style="list-style-type: none"> ▪ Single Family & Duplexes ▪ Maximum building height: 27 feet/ 2 stories ▪ Maximum Building Coverage: 40% ▪ Front Build-to zones : 10-23 feet, minimum setbacks on sides and rear.

Hunter stated the proposed zoning allows for single-family dwellings, duplexes, and accessory dwelling units. The development of the site will require compliance with the site development standards and although increased vehicle traffic will commensurate with an 18-acre subdivision, the proposed use has not been specifically identified by the applicant. Specific impacts would be analyzed with a Traffic Impact Statement as requested by Public Works.

The subject property is surrounded by subdivisions with a similar mix of zoning.

Planning staff recommends approval of the zone change.

- Meets the Growth Policy
- N2 compatible with adjacent zones and uses
- N2 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

Vice Chairman McCall inquired about the requirement that, since this is being annexed concurrently, any parcel in the county must consist of more than one zoning area. Mr. Kelly clarified that the property must be over 10 acres; this property is 18 acres being rezoned and 9 acres being annexed. Commissioner Goss sought clarification on whether a county road would be part of a traffic impact study. Mr. Kelly explained that a traffic impact study (TIS) is developed as part of a master site plan and would not include a plan to annex a road within that study.

Applicant's Agent

J.W. Papas, agent for the developer. The zone change is consistent with the single-family residences in surrounding neighborhoods. Mr. Papas clarified the County PW's request for the City to annex some of the area at Rimrock & 58th St.

Board Comments

Vice Chairman McCall asked for clarification of the distance from the intersection of 58th & Rimrock to the corner of the subject NE property. Mr. Papas indicated approximately 400'.

Public Hearing

Vice Chairman McCall asked if there was anyone wanting to speak in favor or against on Zone Change 1057.

In Opposition

John Ballard 5806 Mared St – Mr. Ballard voiced his concerns about Rimrock being over capacity and inquired whether there are plans to widen it to improve safety for accessing the neighborhoods. He noted that they rely on well water and are facing a decrease in supply, prompting them to raise the riser. As they do not have access to city services, they feel they are not benefiting from any city resources. He also expressed worries about contractors driving at high speeds and the presence of dump trucks on 58th, mentioning uncertainty about speed and weight limits.

Vice Chairman McCall explained that the board sends their recommendation regarding the proposed land use to the City Council, which will then decide on the next steps.

Gina Ballard 5806 Mared St – Mrs. Ballard asked the board about the options available to residents if the zoning change is approved. She inquired what recourse they would have regarding the annexation of their road and its use as access to other neighborhoods. Mrs. Ballard expressed her belief that the schools are already over capacity and that the necessary infrastructure is lacking. She noted that there are several subdivisions at various stages of completion, with numerous vacant lots creating hazards for residents.

Nicole Cromwell, Zoning Coordinator, shared the relevant contact information for City personnel with the attendees.

Theresa Ehrlick 5819 Mared St – Ms. Ehrlick expressed her belief that the zoning is unsuitable for her subdivision, which consists of large single-family lots. She stated that it would not be feasible to accommodate multifamily housing on their sized lots. She concurred with others, noting that increased density is not necessary.

Jody Goddard 5811 Mared St – Ms. Goddard also opposes the zoning change, stating that Mared cannot handle the increased traffic, which she estimates would rise by approximately 2000% on an unmaintained county road.

Tammy Cosgrove 2508 58th St W – Ms. Cosgrove opposes the zoning change because of the increased density it would create, noting that they are located far from hospitals and services. She expressed concern for her daughter's safety while driving to school, as there are no streetlights or traffic signals.

Applicant's Agent Rebuttal

Mr. Papas acknowledged the residents' concerns, noting that such issues are common with most developments, as people often resist change. He mentioned that Rimrock is set to undergo a Capital Improvement Plan soon for storm drain upgrades, though he is uncertain if this plan includes any widening or traffic control enhancements.

Tom Romine 1128 N 32nd St – Mr. Romine noted that there is a roundabout at 62nd and Rimrock. He mentioned that exiting the farmhouse can be dangerous on the curve, and he believes the roundabout should help address that issue.

John Kelly 2520 58th St W – Mr. Kelly opposes the zone change, as he wants to keep the lot sizes as they are.

Janet Luttschwager 2616 58th St W – Janet Luttschwager, residing at 2616 58th St W, expressed her opposition to the zoning change, citing concerns about potential water issues with the wells. She stated that Mared cannot accommodate the additional traffic and that 58th St W is already unable to handle the influx from all the new subdivisions being developed. She expressed her worries about the wells, calling the situation very concerning.

Questions

Commissioner Goss inquired about who would be responsible for the costs if improvements are made to Mared. Hunter responded that the developer would cover construction costs, while the city would handle maintenance for annexed areas. If it's a subdivision, it could be managed through a RSID, but the specific maintenance program is currently unclear.

Commissioner Goss asked if the developer would be responsible for the costs, to which Hunter confirmed, "Yes." Commissioner Goss noted that Mared is a gravel road with no curbs, gutters, or sidewalks. Hunter added that sidewalks would be included, and for existing roads, the scope of work would fall under the Public Works Department.

Commissioner Mulvaney mentioned that the City Council is currently conducting an annexation study and inquired about any conclusions. Nicole responded that if the question pertains to the cost of services, the study has stalled, but once it resumes, it should take about 6 months to a year to complete. She explained that the cost of services depends on various factors and is based on annexation, and considering, general zoning densities and other considerations.

Vice Chairman McCall noted that while we can observe the income streams, the costs remain unclear. He pointed out that higher density can lead to a larger tax base and emphasized that there are many factors to consider.

Board Comment

Vice Chairman McCall noted that the commission's role is to evaluate whether they agree with staff on the proposed land use. Drawing from his experience with various developments, he emphasized the importance of being good neighbors and shared a story about working with a farmer who was struggling with declining water. As a developer, they provided water and sewer services to help. He also pointed out the advantages of development, particularly concerning the Traffic Impact Study, which mandates funding for necessary improvements.

Commissioner Goss expressed his primary concern about access to the subdivision, highlighting that other subdivisions have faced similar issues. He stressed that this one needs to be wider, as he cannot see the access points on Rimrock and believes there are significant problems. He questioned how the proposed changes would improve traffic flow. Vice Chairman McCall mentioned that there is over 600 feet of space at one point. Commissioner Goss added that while he typically supports new developments, there are several limitations on the subject property that he must consider.

Motion:

Commissioner Megorden made a Motion, Seconded by Vice Chairman McCall to approve Zone Change 1057 with the 10 Review Criteria and forward the recommendation to City Council to be heard on October 28, 2024 at 5:30pm.

Board Discussion

Commissioner Mulvaney raised concerns about the ongoing annexation on the west end, particularly regarding land use and the costs that the City will ultimately bear. He noted interest in the results of a cost study but expressed that he has lost trust over the years. As a teacher, he understands the concerns about overcrowding in schools and encouraged attendees to reach out to their school boards to voice their opinions.

Vice Chairman McCall noted that the board focuses on whether a zone change is appropriate rather than discussing traffic issues. He believes a greater mix of housing types is needed, not just an increase in housing quantity. The northwest area of Billings currently has low-density N3 housing, which contributes to a limited tax base. He emphasized that increasing density can enhance the tax base by providing more housing options. He also acknowledged that Public Works effectively ensures that developers cover the associated costs.

Commissioner Goss agreed that traffic is not generally the scope of the board, however he believes they need to look at the impact a subdivision has on traffic and the surrounding area, as well as meeting the Review Criteria.

Vice Chairman McCall called for a vote from the board.

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 1057 with a vote; 3 For and 1 Against

Other Business: City Board appreciation dinner will be held October 17, 2024. The City Zoning Commission and City Board of Adjustment Meetings will both be held on Wednesday, November 6, 2024.

Adjournment: The meeting adjourned at 5:22PM

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

--Brenda J Berns, Planning Clerk