



CITY ZONING COMMISSION
AGENDA-Wednesday, November 6, 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 12:00 pm on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
 - Email: bernsb@billingsmt.gov
- NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8247.

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of October 1, 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 1058 -- 2135 Grand Avenue -- CMU1 to CMU2** - A zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2, on GRAND VISTA SUBD, S35, T01 N, R25 E, BLOCK 1, Lot 3, W22 FT LT 3 & ALL LT 4-9, a 1.22-acre parcel of land. A pre-application neighborhood meeting was held on September 17, 2024, at the subject property. Tax ID: A08080

Other Business/Announcements

Adjournment

The City Council has designated November 25, 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 December 9, 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 or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

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

City Zoning Commission
Meeting Date: 11/06/2024

Information

Subject

The minutes of the Board meeting of October 1, 2024

Attachments

Minutes of October 1, 2024



**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

Zoning Commission

Date: 11/06/2024
Title: City Zone Change 1058 - 2135 Grand Ave- CMU1 to CMU2
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending denial based on the findings of the 10 criteria for Zone Change 1058.

REQUEST

A zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2), on GRAND VISTA SUBD, S35, T01 N, R25 E, BLOCK 1, W22 FT of LT 3 & ALL LT 4-9, a 1.22-acre parcel of land.

A pre-application neighborhood meeting was held on September 17, 2024, at the subject property.

Tax ID: A08080.

Presented by: Karen Husman, Planner I

APPLICATION DATA

OWNER: Enterprise Investments, LLC., Paul Beck, Sole member

AGENT: Miles Ryan

LEGAL DESCRIPTION: Grand Vista Sub. Block 1, Lot 3-9

ADDRESS: 2135 Grand Ave.

CURRENT ZONING: CMU1

EXISTING LAND USE: Multi-purpose, Retail, multi-occupancy (Formerly Montana Flooring)

PROPOSED USE: Used Auto Sales

SIZE OF PARCEL: 1.228 Acres

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: P1

Land Use: Rose Park

SOUTH: Zoning: CMU1

Land Use: Commercial multi-purpose retail, Bar/Casino, Offices

EAST: Zoning: CMU1

Land Use: Commercial multi-purpose retail

WEST: Zoning: CMU1

Land Use: Commercial multi-purpose retail

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

This is a zone change request from Corridor Mixed Use (CMU1) to Corridor Mixed Use and Commercial Centers (CMU2) to allow an existing auto dealership, Ryan Auto, to relocate to this location. There will be no new development or alteration to the existing building, other than maintenance. A building change of use permit application will be required should the rezoning be approved.

The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, any story could accommodate residential and/or office uses. CMU2 district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Ground stories along streets are still intended for commercial uses, any story could accommodate residential and/or office uses. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors.

The Corridor Mixed Use zones (CMU1 and CMU2) are districts appropriate for higher volume arterial and collector streets

where access to the site accommodates both vehicle trips and pedestrian access. The CMU2 district specifically outlines larger, deeper parcels along the corridors and accommodation for larger-scale commercial and warehouse-style buildings. The parcel's shallow depth and proximity to a large public park, Rose Park, does not fit the intent of the CMU2 district. Additionally, the CMU2 district is not intended to be closer to neighborhood zones, including adjacent or across an alley from residences. While either zone would prohibit casinos or bars due to the parcel's proximity to Rose Park, it is the other allowed uses, such as, large format retail, car washes, outdoor sales lot, RV and trailer sales/service, taxi service yard, auto sales, and animal shelters that do not fit with the shallow lot and close proximity to residential development and parks.

STAKEHOLDERS

The applicant conducted a pre-application meeting at the subject property on September 17, 2024. There were no surrounding property owners or interested parties that attended the pre-application meeting. The pre-application information and notes are attached to the report. Planning staff posted the property, mailed notices to owners within the required radius of the subject property, and published a legal ad in the newspaper. The planning staff also posted the application on our "Current Zoning Applications" web page. Planning staff has received no comments or emails on the application prior to the writing of this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt different findings of the 10 review criteria; or,
- Recommend Denial of the Zone Change and adopt the findings of the 10 review criteria; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change should 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 10 statutory review criteria:

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

The proposed zone change is not consistent with the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods: Neighborhoods that are safe and attractive and provide essential services are much desired.

Discourage random zone changes within the neighborhood that would conflict with the character of the neighborhood. The CMU2 zone district does not align with the subject property. The CMU2 district is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along transportation corridors. The subject property does not fit the CMU2 design for larger scale commercial "warehouse style" buildings. Approval of the zone change would have negative effects on the neighborhood public health, safety and welfare given the existing conditions and site development.

Prosperity (promoting equal opportunity and economic advancement):

- *A diversity of available jobs can ensure a strong Billings' economy.*

- *Retaining and supporting existing businesses helps sustain a healthy economy.*

The proposed zoning would allow an existing automobile sales operation to relocate its operations. Ryan Auto currently employs one employee, according to their City of Billings Business License. One job does not create a diversity of jobs. While the Growth Policy does advocate for supporting and retaining existing businesses for a healthy economy, the parcel is inappropriately sized and its proximity to the park and neighborhood create an impact to the community due to the larger scale uses that are allowable within CMU2. These uses are large format retail, vehicle sales and rental, RV and trailer sales, vehicle maintenance and repair, bus or taxi and parking, large format (over 50,000 sqft) amusement. While the proposed use is Ryan Auto and the existing building would remain the same, the rezoning must be evaluated based on all allowable uses.

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

The new zoning (CMU2) requires minimum setbacks, open and landscaped areas and building separations, which creates security from fire and other dangers. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. Any new structures would comply with the building code and other development codes in Billings intended to keep places safe. The existing structure will be required to submit a change of use building application. The use will be evaluated for compliance with any differences in building code and parking requirements as well as site requirements. The parcel has access to municipal water which allows for fire protection. There is an existing fire hydrant adjacent to Grand Avenue on the east side of the parcel.

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

Public health, public safety and general welfare are not promoted by the proposed zoning. This parcel's size and proximity to residential neighborhoods and Rose Park do not protect public health, public safety or general welfare. The parcel is not a larger or deeper parcel that is designed for a "warehouse style" building. The uses allowed in CMU2 such as large format retail, vehicle sales and rental, RV and trailer sales, vehicle maintenance and repair, bus or taxi and parking, large format (over 50,000 sqft) amusement are not compatible to the neighborhood.

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

Transportation: CMU2 allowance of larger scale warehouses and commercial uses could create more traffic for the site and area. Grand Avenue is classified as a principal arterial. The proposed used car lot will create issues of loading and unloading cars, vehicle transporter, tow trucks, etc. The intersection of 22nd Street West and Grand Ave is not a fully controlled intersection. There is a stop sign on 22nd Street at Grand Avenue. Parking of vehicles for sale would be prohibited in clear vision areas. The parcel sizing is not adequate for larger scale uses and will contribute to issues and disruption on the adjacent streets for the uses allowable in CMU2.

Water and Sewer: The City provides water and sewer to the property.

Schools and Parks: This is a commercial development, therefore there are no identified concerns for schools. The parcel's proximity to a park and the associated community use is of concern. Rose Park is one of the larger City parks. The associated traffic through use of the park and additional possible traffic through allowable uses in CMU2, including the alley that runs behind the subject property and adjacent to the Park increases safety concerns in the area.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change. As mentioned in criteria 2 there is a fire hydrant on the east side of the parcel adjacent to Grand Avenue.

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

The proposed CMU2 zoning includes minimum setback requirements to ensure adequate separation between structures, as well as sufficient light and airflow. The proposed zoning provides appropriate setbacks to meet these needs. The subject property in this case is already established with a completed building and surface parking. The new use will be required to submit a change of use application to the Building Division. The existing infrastructure will be evaluated to ensure adequate parking, site and building code requirements are met.

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

CMU2 allowance of larger scale warehouses and commercial uses could create more traffic for the site and area. Grand Avenue is classified as a principal arterial. The proposed used car lot will create issues of loading and unloading cars, vehicle transporter, tow trucks, etc. The intersection of 22nd Street West and Grand Ave is not a fully controlled intersection with a stop sign on 22nd Street at the Grand Avenue intersection. Parking of vehicles for sale will be prohibited in clear vision areas. The parcel sizing is not adequate for larger scale uses and will contribute to issues and disruption on the adjacent streets for the uses allowable in CMU2. The current site also has a shortage of parking.

Off-Street Parking at 2135 Grand Avenue

- Current Requirements:
 - (13,638sqft) Retail Use: Requires 49 off-street parking spaces
 - (3,870sqft) Warehouse Use: Requires 4 off-street parking spaces
 - Total Required: 53 off-street spaces

Currently, 20 of the existing 58 off-street spaces are within the arterial setback (40 feet from the centerline of Grand Avenue) so they cannot be counted toward the overall required parking. This means the current requirements for the existing space are short parking spaces with no change is use.

- Proposed Use Requirements:
 - 1 parking space per 1,000 sq. ft. of sales floor area, plus parking for at least 4 vehicles for sale.

Parking requirements are listed per Section 27-1300 (BMCC). Parking requirements for the proposed used auto car lot will be evaluated in the change of use application.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is not compatible with the adjacent zoning and existing urban growth in the vicinity. Existing CMU1 zones are located to the south, east and west. The subject property will be separated from residential uses by a street width and is directly adjacent to a large public park. The CMU2 district is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. The subject property does not fit the CMU2 design for larger scale commercial "warehouse style" buildings or the more intense uses

CMU2 allows. Approval of the zone change would have negative effects on public health, safety and welfare given the existing conditions and site development.

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

The proposed zoning of CMU2 will allow an existing auto sales business to relocate. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. The subject property does not fit the desired description of the CMU2, as it is meant to accommodate larger-scale commercial, warehouse-style buildings on deeper lots with multiple buildings. While the current proposed use is Ryan Automotive, a small-scale used car sales lot, all allowable uses in CMU2 must be evaluated. These uses include large format retail, vehicle sales and rental, RV and trailer sales, vehicle maintenance and repair, bus or taxi and parking, large format (over 50,000 sqft) amusement, and animal shelters. These uses would not be considered suitable for this location and do not fit the character of the district.

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

Since no building improvements are planned it is likely that surrounding building values will not be affected. Livability would diminish as any new use that is totally vehicle oriented will impact the adjacent neighborhood streets. The closest signalized intersection is two blocks to the east. Safe left turns could require people to drive through the neighborhood to get to 19th Street West to make those turns.

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


The property does not align with the specific intent of CMU2 zone specification, which is designed for larger-scale commercial, warehouse-style buildings, and multiple structures on larger, deeper parcels along major corridors. Additionally, the allowable uses such as large format retail, vehicle sales and rental, RV and trailer sales, vehicle maintenance and repair, bus or taxi and parking, large format (over 50,000 sqft) amusement, and animal shelters. These uses would not be considered suitable for this location and do not fit the character of the district.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
History

Zoning Map & Site Photos



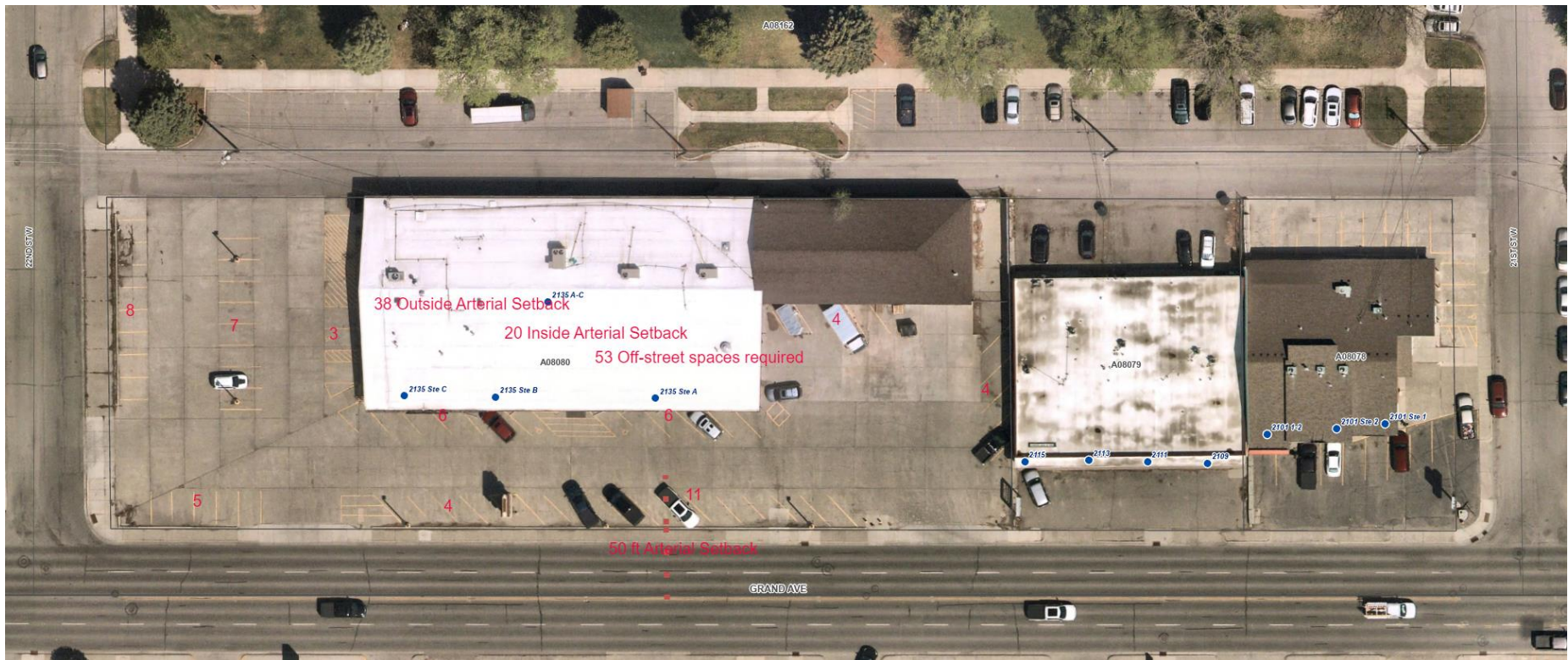
 Subject Property



2135 Grand Avenue – view northeast



2135 Grand Avenue view northwest



Off Street Parking at 2135 Grand Avenue - Existing Uses

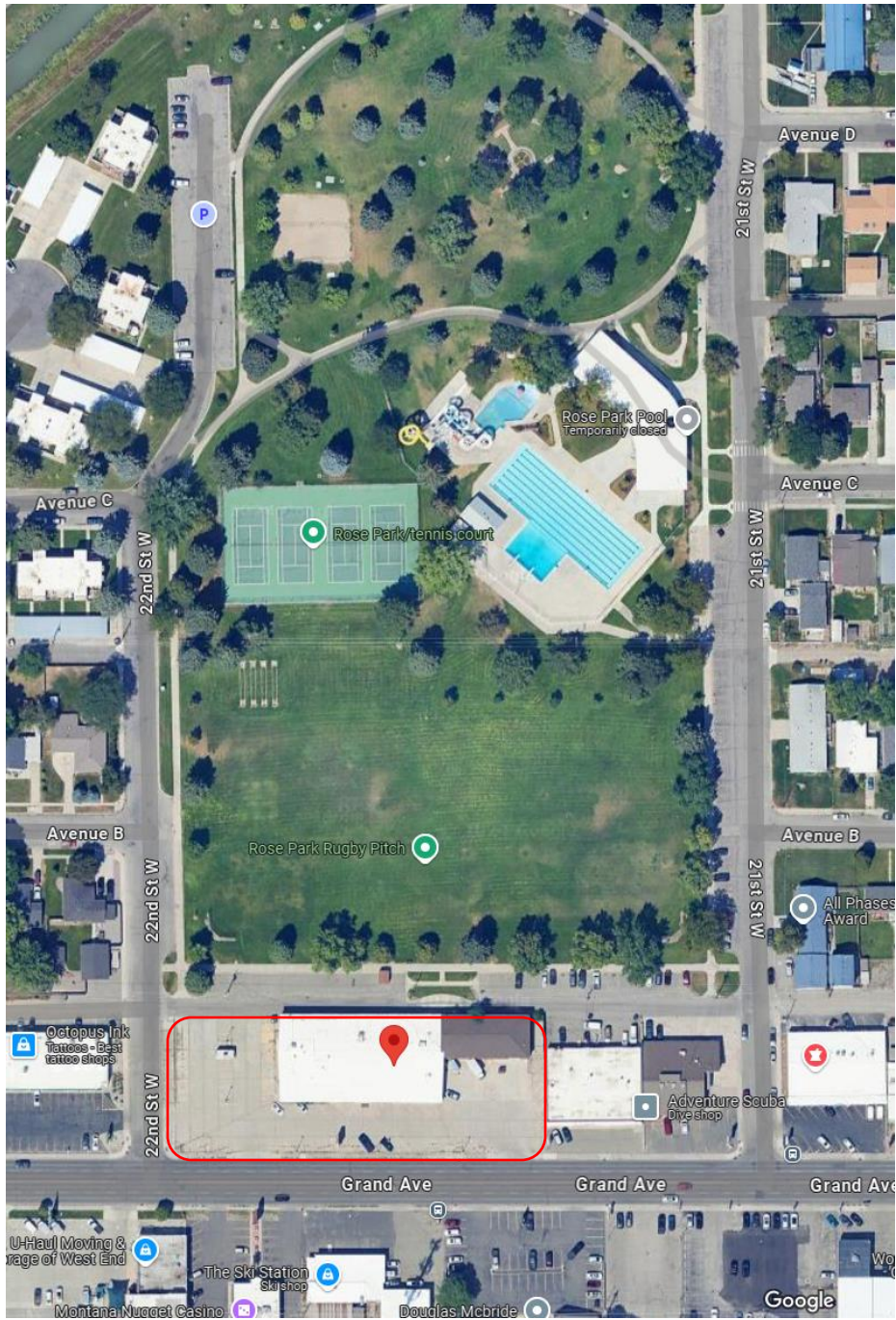
Existing Use Retail requires 49 off-street spaces

Existing Use Warehouse requires 4 off-street spaces

53 off-street spaces required

20 of the existing 58 off street spaces are within the arterial setback (40 ft of centerline of Grand Ave)

Proposed Use requires 1 per 1,000 sf of sales floor + parking for vehicles for sale (4+)



2135 Grand Avenue – Subject Property

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 MIXED COMMERCIAL USE 1

Proposed Zoning: MIXED COMMERCIAL USE 2

PARCEL TAX ID# A08080 CITY ELECTION WARD WARD 5

Legal Description of Property: GRAND VISTA SUBD, S35, T21N, R25E, BLK 1, LOT 3, L22
PT LT3 & ALL LT4-9

Address or General Location (If unknown, contact City Engineering): 2135 GRAND AVE, STE B
Billings, MT 59102

Size of Parcel (Area square feet or acres): 1.228 acres

Present Land-Use: Empty Building Connected to Flooring Company

Proposed Land-Use: USED CAR SALES

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

Owner(s) MUS RYAN

(Record Owner)

2910 Palm Dr., Billings, MT 59102

406 671 4224 MUS@RYANAUTOMT.COM

(Phone Number)

(email)

Agent(s): MUS RYAN

(Name)


2910 Palm Dr., Billings, MT, 59102

406 671-4224 MUS@RYANAUTOMT.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:  Date: 9.24.24
(Record Owner - Digital Signature Allowed)

10 Statutory Criteria's

1. Yes, with the zone change, after reading through the growth policy, Ryan Automotive will continue to follow and play its part in what Billings stands for and has planned for the future
2. This zone change will not require any construction so the fire plan will remain the same
3. Within this zone change, Ryan Automotive will be adding exterior security cameras around the building, so it should create a safer environment for the surrounding businesses and residents in the area.
4. The zoning for this location will not change any of the current transportation, water, sewer or public requirements. Ryan Automotive will continue to enforce all city rules.
5. This location will not change any of the current policies/rules and will continue to provide adequate light and air.
6. This zone change will not change the current motorized and nonmotorized transportation. All exits and entrances will remain the same.
7. This zone change for this location will promote growth for the area. Ryan Automotive will be connected to other businesses and I believe it will help all the other businesses gain customers.
8. This zone change will follow along with a couple of the other businesses on this street. Dana Motors and Uhaul. Ryan Automotive will have the same reputation that we have had for the past 7 years in the location we have been working out of.
9. This zone will not affect the building or any infrastructure as all will remain the same.
10. This zone change will help create and bring new business into the area. Ryan Automotive will promote the location and with the traffic from our customers, it should allow other businesses to grow along side of this lot.

This zone change will fit in with all the updating we are seeing within the city. A new business on a busy street will create traffic, excitement, and will help create jobs and bring money in the community. The Ryan Family has been in the car industry in Billings for the last 70 years when my grandfather started Ryan Oldsmobile back in the 50's. Our reputation as car dealers has continued to remain the same and will continue as long as I am in business. I am only looking to create a professional, fun, safe, new business on Grand Ave and am committed to follow all rules and regulations that I have been down on 6th Ave N for the past 7 years. With all the crime downtown, I allowed the Police Department to use my security cameras any time they needed to rewind and watch footage. Multiple times, I will going down there 10Pm- 1 am to allow them inside the car lot to watch footage. I am really looking forward to keeping that same relationship with the PD that I have had for the last several years.

Growth Policy, Neighborhood Plans, and other applicable city development policies.

The location we are currently looking to have the zoning changed, 2135 Grand Ave, Billings, MT, 59102, the exterior building and the parking lot will not be changed at all. We will continue to keep the location exactly how we found it; clean, professional, and will follow all city codes. We will be adding security cameras to the exterior of the building which we believe will help create a safer environment for the surrounding businesses/homes.

At our location, we would try our best to create a safe location for customers, our neighbors, and the community. We believe in keeping Billings attractive, safe, all while creating more options for residents to shop and bring in customers from other cities as well.

We do not look to change anything on the building or create any waste. We will be bringing a fresh "face" to Grand Ave which we hope will create excitement and create more business on the street.

08/22/24

To whom it may concern:

My name is Miles Ryan with Ryan Automotive here in Billings. Since 1951 the Ryan family has been selling cars to the Billings community starting out as Ryan Oldsmobile, later becoming Ryan Automotive on 6th Ave N. We have loved our downtown location and serving our community, but it has been our dream to move our location to Grand Ave; specifically, 2135 Grand Ave, Suite, B.

I am writing you to let you know we are looking at the community and the City of Billings, to allow us to change the current zoning back, which it has been for many previous years, from a Mixed Use 1 to a Mixed Use 2 to allow us to move our dealership to this new location. Changing the zoning to a "Mixed 2", will change nothing other than allowing us to move into this location and continue serving Billings and the surrounding areas we have enjoyed over the last 70 years.

I would like to invite you to stop by 2135 Grand Ave, Suite B, on September 17, 2024 at 5:30 PM for a meet and greet. I will be there to answer any questions you have on our business or to simply say "Hello".

Sincerely,

Miles Ryan

When: September 17, 2024 at 5:30PM.

We are simply looking to have the current commercial zoning changed back as it has previously been from a Mixed Use 1 to a Mixed Use 2.

Legal description of location: GRAND VISTA SUBD, S35, T01 N, R25 E, BLOCK 1, LOT 3, W22 FT LT 3 & ALL LT 4-9. Owner: Enterprise Investments, LLC, Paul Beck 406-425-2310

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Zimmerman Home Place	1038	10/3/2023	NX1 to NX2 & Nx3	Y	
Michelloti Sawyer	1020	10/24/2022	A to NX1 and NX3	Yes	Steward Land townhomes
ZHP 3 rd Filing Zimmerman Trail frontage	1019	1/9/2023	NO to CMU1	Withdrawn	
Cardwell Ranch PD	986	10/26/2020	Update to PD	Y	
733 S 31 st St. W	999	10/25/2021	CMU1 to CMU2	Y	
E.D. King Sub	782	7/10/2006	A-1 to CC	Y	Country Meadow Apts 1997
1501 Zimmerman Trail	807	7/9/2007	R-60-R to CC & RP	Y	Ace Hardware & Offices
3737 Grand Ave	779	6/26/2006	RP to NC	Y	Multi-tenant office/retail
1500 Golden Blvd	572	2/28/1994	A-1 to RMF	Y	Carriage Homes 1997
3155 Avenue C	413	10/25/1983	R-96 to RMF-R	Y	Aspen Meadows 2005
2291 Avenue C	68	8/26/1974	PD to R-60	Y	Rosepark Plaza Apts 1981