



City of Billings Zoning Commission Meeting Minutes of November 6, 2024

The City of Billings Zoning Commission met on Wednesday, November 6, 2024, at 4:30 p.m. 316 N 26th St., 3rd Floor, Room 3101 Stillwater Building. The following Commissioners and staff were in attendance.

ZC 1058 - The City Council has designated November 25, 2024, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and conduct a public hearing for the first reading of the ordinance for this zone change request. If approved on the first reading, a second reading (non-public hearing) will occur on December 9, 2024, at 5:30 pm. The City Council meetings will be held on the 2nd Floor of City Hall at 210 N 27th St.

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	11/06/2024	12/03/2024
Daniel J Brooks	Chairman	C	A	1	1	1	C	1	1	1	A	A	
Greg McCall	Vice Chair	C	1	1	A	1	C	A	1	1	1	1	
David Goss	Commissioner	C	1	1	1	1	C	1	1	1	1	1	
Beau Mulvaney	Commissioner	C	1	1	1	A	C	1	1	1	1	1	
Andy Megorden	Commissioner	C	1	1	1	1	C	1	1	1	1	1	
Nicole Cromwell	Zoning Coordinator	C	1	1	1	1	C	1	1	1	1	1	
Karen Husman	Planner 1	C	-	-	-	-	C	-	-	-	-	1	
Wyeth Friday	Director, PCSD	C	-	-	-	-	C	-	-	-	-	-	
Anna Vickers	Planning Division Manager	C	-	-	-	-	C	1	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	11/06/2024	12/03/2024	TOTAL
Zone Change	-	1	4	2	1	-	1	1	2	2	1		15
Special Review	-	-	-	-	-	-	-	-	-	-			

Vice Chairman McCall introduced the Planning Division Staff and Commissioners.



**City of Billings Zoning Commission
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Attending staff: Anna Vickers, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner; Brenda Berns, Planning Clerk

Attending: Justin Harkins, Miles Ryan, Mike Ryan

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: October 1, 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’s McCall, Megorden, Goss visited the site of Zone Change 1058

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

Karen Husman, Planner provided an overview of the subject parcel with a comparison of the current zoning CMU1 district versus the proposed zoning CMU2.

Existing Zone:

- The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development 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.

Proposed Zone:

- CMU2 district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development is comfortably accessible via all modes of transportation.
- * The property does not align with the specific intent of CMU2 zone specification, designed for larger-scale commercial.
- * These uses would not be considered suitable for this location and do not fit the character of the district.

Planning staff recommends Denial of the zone change.

- The Growth Policy discourages random zone changes within neighborhoods would conflict with the character of the neighborhood.
- CMU2 district allowed uses do not align with the subject property & would have negative effects on the neighborhood public health, safety, and welfare.
- Allowance of larger scale warehouses and commercial uses could create more traffic for the site and area.

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

Questions

Vice Chairman McCall inquired whether small auto businesses are permitted under the CMU1 zoning. Referring to the auto dealership Dana Motors within a few miles of the subject property.

Karen explained that they are not, however the neighboring business, Dana Motors, is grandfathered in, as they were operating before the city wide zoning changed in 2021.

Commissioner Goss questioned whether the removal of the Village Inn Pizza building to expand Dana Motors' operations triggered the need for a zoning change at the time.

Karen clarified a zoning change was not required because the business did not cease operations at any point.

Further discussion arose regarding the requirement for each business to provide parking meets the specific needs of their operations.

Vice Chairman McCall opened the Public Hearing.

Applicant's Agent

Justin Harkins, attorney for Mike and Miles Ryan, the applicants, noted the Ryans have been successfully selling cars in Billings since the 1950s without receiving any complaints or criticism regarding their auto businesses. Mr. Harkins explained while larger commercial buildings on deeper lots may not be suitable for this parcel, Ryan Auto does not intend to construct such buildings. Their goal is simply to sell vehicles and is currently not permitted under the CMU1 zoning designation.

Mr. Harkins also said that he does not believe the proposed zone change would violate the growth policy or negatively impact neighborhood public health, safety, or welfare. Several CMU1 lots are located near the subject lot, including Lithia Toyota, Liberty Motors, Standard Auto, Streamline Auto, and Dana Motors. Lithia Toyota is the only business zoned CMU2; the others are all zoned CMU1. Mr. Harkins emphasized he believes the Ryan Auto business would blend in well with the surrounding businesses. He further argued that concerns about vehicle loading and unloading causing disruptions are unsubstantiated. The Ryan family and their businesses have been responsible members of Billings' business community and should be encouraged to continue operating in the city.

Applicant

Mike Ryan 3010 Shady Lane; Mr. Ryan explained they operated at their previous location on 6th Ave for 8 years and is only, a short distance from the Grand Ave property. The decision to relocate the auto business was driven by a lack of customers visiting the business, as the site was situated on a heavily congested road leading into the downtown metro area.

Board Comments

Vice Chairman McCall noted there are several small car lots in town and assumed they were all zoned CMU1. He asked if all CMU1 car lots were grandfathered in.

Nicole Cromwell said any auto sales business within a CMU1 zone is grandfathered in. She explained CMU1 allows vehicle service businesses in buildings of 5,000 square feet or less, and are compatible with neighboring properties without being intrusive. Additionally, these properties were designated CMU1 to prevent the sea of cars and auto dealers along this arterial street.

Vice Chairman McCall remarked he understood CMU2 zoning was intended for larger commercial spaces to serve as anchor businesses in strip developments, with smaller businesses occupying the interior spaces. He said he did not believe it would be appropriate to zone the subject parcel CMU2 but given the number of similar businesses already operating under CMU1, he considered if there is a process to have this parcel also grandfathered in for this type of use.

Motion:

Commissioner Goss made a Motion, Seconded by Commissioner Megorden to accept the staff's recommendation of Denial for Zone Change 1058 and forward to City Council to be heard on November 25, 2024, at 5:30pm.

Board Discussion

There was discussion regarding the applicant's intent for the property, should the zone change be approved to CMU2 and how future tenants might interpret the permitted uses. While the proposed use is for a small-scale auto dealership, staff must evaluate all permitted uses within the proposed CMU2 zoning district and assess their appropriateness for the subject property when reviewing the findings.

Nicole reminded the board if a zone change is denied, the applicant must wait 1 year before bringing another zone change request to the board; however, if the applicant withdraws the zone change before the hearing at City Council, the waiting period is 120 days.

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 recommend Denial of City Zone Change 1058 with a vote; 3 For Denial and 1 Against Denial.

Other Business: There was no other business.

Adjournment: The meeting adjourned at 5:24 PM

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

--Brenda J Berns, Planning Clerk