



CITY ZONING COMMISSION
AGENDA-Tuesday, December 3, 2024, 4:30 p.m.
3rd Floor Stillwater Building, Room 3108
316 N 26th St, 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 the Board via email before 12:00 pm on the meeting date. All emails received prior to this time will be entered 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 406-247-8610.

Please direct questions to Brenda Berns, Planning Clerk at 406-247-8610 or bernsb@billingsmt.gov

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 November 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:

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

Public Hearings:

- a. **City Zone Change 1059 -- Zimmerman Home Place -- from NO to CMU1** -- A zone change requested from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1) on Lot 2 of Block 1, Zimmerman Home Place Subdivision, 3rd Filing, on a 2.28 acre eastern section of the 4.088 acre parcel of vacant land. A Pre-application neighborhood meeting was held on October 23, 2024. Tax ID: A36264A
- b. **Return Item - City Zone Change 1056 -- High Sierra Sub - from N3 to N1, NX1, NX3, CMU1 & P1** - A zone change request from Suburban Neighborhood Residential (N3) to Residential First Neighborhood Residential (N1), Mixed Residential 1 (NX1) Mixed Residential 3 (NX3), Corridor Mixed-Use 1 (CMU1) and Public 1 (P1), on a 53.26-acre tract of land legally described as Tract 1 of C/S 3894 A pre-application neighborhood meeting was held on June 12, 2024, at the Lake Hills Golf Course Clubhouse at 1930 Clubhouse Way. The applicant was granted a delay by the Zoning Commission on October 1, to December 3, 2024, hearing. The zone change plan has been amended from the original application. Tax ID: D05244 and A37164 (portions of each)
- c. City Zoning Housekeeping Amendments 2025

Other Business/Announcements

Adjournment

The City Council has designated January 13, 2025, 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 January 27, 2025 at 5:30 pm. Zone Change 1056 & Zone Change 1059.**

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, 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 at 406-247-8610 or bernsb@billingsmt.gov

City Zoning Commission
Meeting Date: 12/03/2024

Information

Subject

The minutes of the Board meeting of November 6, 2024

Attachments

Minutes of November 6, 2024



**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
Meeting Minutes of November 6, 2024**

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

Zoning Commission

Date: 12/03/2024
Title: City Zone Change 1059 - Zimmerman Home Place Block 1, Lot 2 - NO to CMU1
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The Planning staff is recommending approval and adoption of the proposed findings of the 10 criteria for Zone Change 1059.

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

This is a zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1) to allow commercial and mixed-use development on the eastern 2.28 acres in the Zimmerman Home Place Subdivision (3rd Filing - Block 1 Lot 2). The lot is directly south of a lot the City Council approved a zone change to Mixed Residential 3 (NX3) in July 2024, and north of lots on Avenue E zoned NO. The lot at the corner of Avenue E and Zimmerman Trail (3401 Avenue E) is developed for the Children's Clinic, and was the first lot developed on the west side of Zimmerman Trail. The western 1.808 acres of the subject parcel will remain in the Neighborhood Office (NO) zone district.

Prior to the adoption of the new zoning code, the city and county regularly zoned property on arterial street frontages with low density residential or low-intensity commercial zones such as, Residential Professional (RP). The new zoning for the city requires different choices for arterial street frontages, including mixed-use districts or mixed residential districts. This is to ensure that lower density neighborhoods are in areas away from traffic noise, and do not need to "wall off" the neighborhood from the adjoining street. In the code update in 2021, the corollary zone for RP was Neighborhood Office (NO) and parcels that were vacant at the time of the update, went from RP to NO. Neither the RP zone nor the NO zone are appropriate for such a large area along a busy arterial street. The property to the north was recently re-zoned to Mixed Residential 3 (NX3) to allow a cooperative housing apartment development. At the intersection of Colton Blvd and Zimmerman Trail on a lot zoned NO, a two-tenant commercial office building was recently completed for NAI Business Properties and Performance Engineering. Additional developments to the west of the Children's Clinic are planned. The district description for NO includes this language: "*The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.*" (BMCC 27-402) The subject property does not meet the district descriptions for a NO zone being at street intersections at entrances to the neighborhood. The definition of CMU1 better fits the location of the subject parcel: "*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.*"

The proposed zoning of CMU1 for the eastern 2.28 acres (see attached Zoning Plan) is intended to allow commercial, mixed use, or multifamily development. The property owner is developing several hundred apartments and townhomes on lots to the west - zoned Mixed Residential 3 (NX3). The zone change would allow this owner to provide walkable access to businesses and services for this new neighborhood. Currently, all retail-type businesses are located about 1/2-mile to the southeast or southwest. Walkable neighborhoods usually have small retail services less than 1/2-mile from the primary residential area - even if it is just a corner store, a coffee shop, or similar business.

The CMU1 zoning allows buildings up to four (4) stories in height while the NO zone allows up to two and a half (2.5) stories. The minimum story height in the NO zone is nine feet and the maximum is 12 feet. A building within the NO zone can range from 22.5 feet (plus a roof) to 36 feet (plus a roof). The CMU1 district has a minimum ground story height of 12 feet and a 9-foot minimum story height above the first floor. A four-story building could be up to 39 feet plus a roof structure. As a comparison, the N3 zone district can allow a 3-story dwelling up to 34 feet in height. The CMU1 zone district is not truly intended for any single family or two-family residential dwellings, but the code allows this type of development if the developer chooses. The applicant provided a concept site plan showing two buildings along the Zimmerman Trail frontage with a third building along the south property line (north of the Children's Clinic building). All the parking would be to the west of the buildings with access from Green Valley Drive, a collector street within the subdivision. The concept drawing shows 2-story buildings, but this concept is not a final plan but shows what might be developed given the site and

potential uses.

There is a variety of zone districts in the area including the Mixed Residential 3 (NX3) to the west and north, NO zoning to the south of the subject property, and Suburban Neighborhood Residential (N3) east across Zimmerman Trail, a 120-foot wide principal arterial street. The homes in the N3 zone do not take frontage from Zimmerman Trail and are behind some landscaping and a sight-obscuring fence that runs parallel to the street. Most of these patio homes and townhomes were built on private streets in the late 1990s and early 2000s. Most are single-story, single-family homes. The multifamily apartments and townhomes to the west are under construction with some buildings complete and occupied and others completing construction. There is a resident clubhouse and amenities within the apartment complex that make this an above average rental development that commands a higher market price. There are also two-unit townhomes planned for the Colton Blvd street frontage.

Zimmerman Trail is an arterial street and was completed from Poly Drive to Broadwater Avenue in 2004/2005. Prior to this time, Zimmerman Trail was known as 34th St West north of Grand Avenue and 32nd St West south of Broadwater. The city acquired the right-of-way through the Yegen Golf Course and built the connection as an arterial street to complete this part of the city's street network. There are few north/south arterial streets west of 17th St West. Zimmerman Trail carries about 15,000 vehicle trips per day along this corridor between Broadwater Avenue and Poly Drive. Additional traffic is expected when several new apartment projects are completed in the next few years, including the Zimmerman Home Place development and the Icon and Steward Land apartments south of Grand in Cardwell Ranch Subdivision. Zimmerman Trail is a 2-3 lane arterial street with a capacity to handle larger volumes of traffic. There are traffic signals at Rimrock Road, Poly Drive, Grand Avenue, and Broadwater Avenue. South of Broadwater Avenue, the street name changes to 32nd St West. A mixed-use development on these parcels would likely require a traffic study update to ensure nearby intersections can still function as designed. Any traffic management or upgrades would be the responsibility of the project developer per the direction of the City Engineering Division. Zimmerman Home Place subdivision has already paid its proportionate share for nearby street and traffic management improvements. Any updates to the traffic impact study may or may not require additional payments.

APPLICATION DATA

OWNER: Highlands ZHP Subdivision LLC, Preston Lees

AGENT: Performance Engineering, Craig Dalton, P.E.

LEGAL DESCRIPTION: Lot 2, Block 1, Zimmerman Home Place Subdivision, 3rd Filing

CURRENT ZONING: NO

EXISTING LAND USE: Vacant

PROPOSED USE: Mixed use/commercial development

SIZE OF PARCEL: 4.088 acres - 2.28 acres subject to zone change

SURROUNDING ZONING AND LAND USE

NORTH:

Zoning: NX3 and NO

Land Use: Undeveloped - planned for cooperative housing apartments

SOUTH:

Zoning: NO

Land Use: Children's Clinic and undeveloped lots

EAST:

Zoning: N3 - Suburban Neighborhood Residential

Land Use: Single family homes

WEST:

Zoning: NX3 - Mixed Residential 3 and P1 - Public 1

Land Use: Apartments and parkland

This area of Billings has been developing over the past 10 to 15 years following the connection of Zimmerman Trail through the Yegen Golf Course and the major reconstruction of Shiloh Road, another major north/south connection. The Zimmerman family chose to zone the property outside the city limits in 2016, and then market the pre-entitled property to developers who would then annex and build within the city limits. In 2017, Town Pump bought all the commercially zoned property on the southeast corner of the subdivision, annexed the land and put in a new gas station, convenience food store, liquor store and casino. The property to the northwest went through a Planned Neighborhood Development zone change when it was annexed in early 2022. A PND zone change was not required, but the owner preferred this zoning process to allow for placement of the Public 1 zone parcels within the new apartment development (Zone Change 1009). The lot to the north was approved for a zone change to NX3 in July 2024. The Cardwell Ranch south of Grand Avenue (Yegen Grand Ave Farm) is a Planned Development (PD) zone and also zoned for mixed uses and higher density development.

There are challenges to an area of urban development that is on an infill property with existing development around it. This is not meant to ensure homogeneous development patterns between neighborhoods, but the development plan should

include similar and compatible zone districts, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed zoning of CMU1 for the subject property with arterial street frontage. The CMU1 zone district is intended to be placed on arterial street corridors where neighborhood zoning can be adjacent or across the street. The uses allowed within the CMU1 zone is a mixed-use zone district that would not cause noise or disruptions to adjacent or nearby neighborhoods. The West Billings Neighborhood Plan goals and objectives stated the need to locate more intense uses along arterial street corridors and offer a range of commercial uses, housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant conducted a preapplication meeting at Performance Engineering offices at 3412 Colton Blvd on October 23, 2024. The synopsis of the meeting questions and answers are attached to this report. There were three surrounding owners who attended. The Planning staff has not received input from any neighboring property owners at the time of writing this report. The Planning staff posted the property, mailed the surrounding property owners and placed a legal ad in the Yellowstone County News as required by the zoning regulations. In addition, the application was posted online on the "Current Zoning Applications" web page maintained by the Planning Division.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adopt the proposed findings of the 10 review criteria for Zone Change 1059; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1059; or,
- Delay action on the zone change request to a date certain not more than 60 days in the future; or,
- Allow the applicant to withdraw the application.

BMCC Section 27-1628.E., guides the Zoning Commission's actions in the zone change decision process. This section is attached to the report.

The Zoning Commission is required to make a recommendation to the City Council on this application for a zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

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

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

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

The proposed zone change is most consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian-friendly, urban development patterns with a mix of uses and an efficient, creative use of land."
- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."
- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change will

accommodate uses that are compatible with a new mixed residential neighborhood. The proposed development will also have good access to the adjacent street network and is in proximity to several residential neighborhoods. The proposed zoning and development will provide for a variety of retail and commercial services as well as housing choices that are not abundant in this area of West Billings. The property is within walking distance of the multi-use trail system and neighborhoods.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction.
- 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.
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties.
- A mix of housing types that meet the needs of a diverse population is important,

Prosperity and Essential Investments

- Infill development and development near existing City infrastructure may be the most cost effective
- A diversity of available jobs can ensure a strong Billings' economy
- Retaining and supporting existing businesses helps sustain a healthy economy

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

The CMU1 zone district requires adequate building separations and building siting standards which creates security from fire and other dangers. Specifically, the CMU1 zone regulates setbacks, build-to zones, lot coverage, height and other site characteristics which preserve the ability to protect the property from fire and other dangers.

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 a unique trait to the Corridor Mixed Use zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in Section 27-406 and in Table 27-400-3 for the CMU1 district promote the minimum standards to ensure public health and safety and promote general welfare. Public health and public safety will be promoted by the proposed change. The property will not have direct vehicle access to Zimmerman Trail but pedestrian access to the multi-use trail will happen as part of the development. Primary vehicle access will be from Green Valley Drive, the west boundary of the property. While the CMU1 zone is limited to the eastern 2.28 acres of the site, the remainder will also be zoned for office and personal services and access will be shared by all developments on the site.

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

Transportation: The applicant will likely need to provide an update to the already completed traffic impact study for the subdivision. The applicant will coordinate with the City Engineering Division. The traffic study will analyze each of the adjacent street intersections and determine if mitigation or improvements are needed to accommodate the additional traffic. The City Engineer will determine the required improvements based on the specific information provided in the update or existing traffic study.

Water and Sewer: This property is located in the City Limits and is required to be served by city water and sewer. There are no known negative capacity impacts related to water and sewer that are identified through any adopted studies or staff input.

Schools and Parks: Schools and parks will likely not be affected by the proposed zone change. The NO zoning allows 1-4 family dwellings. The proposed CMU1 zone also allows residential use but in greater density and configurations. The intended development is for three separate structures and no apartments or dwelling units are proposed at this time. Development of apartments may or may not attract families with children. SD #2 had no comment on the proposed zoning. The Planning Division coordinates input from the School District administration. The District is beginning the process of evaluating its various districts for elementary, middle, and high schools and may make adjustments to address capacity levels at various schools. The closest public park is to the west in the apartment development on the west side of Green Valley Drive. In addition, there are two city-managed public parks to the west; one on 38th St West (Arrowhead) and a second park in Circle Fifty Subdivision (Country Manor Park).

Fire and Police: The subject property is served by city public safety services. Development of the property, regardless of the zoning, will be served by existing police and fire services. The Police and Fire Departments had no concerns with the zone change as requirements for access, water supply and fire codes would apply to the site and any construction on the

subject property.

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

Similar to criteria 2 and 3, the proposed CMU1 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 will be required to meet the standards required by Section 27-400-3.

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

Non-motorized travel -- walking and biking -- is an essential part of the city's transportation plan both within the proposed development and connecting to adjacent areas. Pedestrian connections to the new development will be allowed from Zimmerman Trail as well as across Green Valley Drive to the west. The subdivision has a no vehicle access strip across the frontage of Zimmerman Trail, so all vehicle access will be from internal streets. The property is close to three fixed route MET bus lines (two on Grand and one on Poly Dr). There are no specific traffic counts on Zimmerman Trail between Rimrock Road and Broadwater Avenue. Traffic counts on Poly Drive near the Zimmerman Trail intersection are about 5,000 to 6,000 vehicle trips per day. Traffic counts on Grand Avenue near the Zimmerman Trail intersection are between 18,000 and 20,000 vehicle trips per day. A traffic impact analysis already completed for the apartment project to the west will need to be updated based on the new zoning and land uses allowed on this 2.28-acre parcel. Mitigation may be required by the City Engineering Division to ensure all existing and future street intersections are maintained in good capacity.

7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development type and density is compatible with urban growth and the provision of city level services to new businesses and residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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. This area between Broadwater Avenue and Rimrock Road is beginning to experience growth and development similar to areas further south in West Billings with similar uses. Zimmerman Trail acts as a major transportation corridor, so the expectation of more intense uses along the corridor is appropriate. A principal arterial street like Zimmerman Trail also acts as a buffer/separation, making the existing single and two-family development on the east side of Zimmerman Trail separated from the proposed CMU1 development. The proposed zoning is suitable for the property based on its principal arterial frontage with 120 feet of separation for the N3 zoning on the east side of the principal arterial, with the vehicle access from Green Valley Drive.

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

There are currently no buildings on the property, therefore the new zoning does not propose a risk of creating a nonconformity or other value associated issues with any existing buildings on site. Any new development must be in conformance with the zoning regulations, thus conserving the value of buildings surrounding the parcel. There has been no evidence to support the zone change will negatively affect the surrounding property and existing buildings. The new zoning is not expected to alter the value of any buildings in the area. In general, new construction adds property value to existing parcels in the area.

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

The proposed zone change will encourage the most appropriate use of this land in Billings.

Attachments

Zoning Map and Site Photos ZC 1059

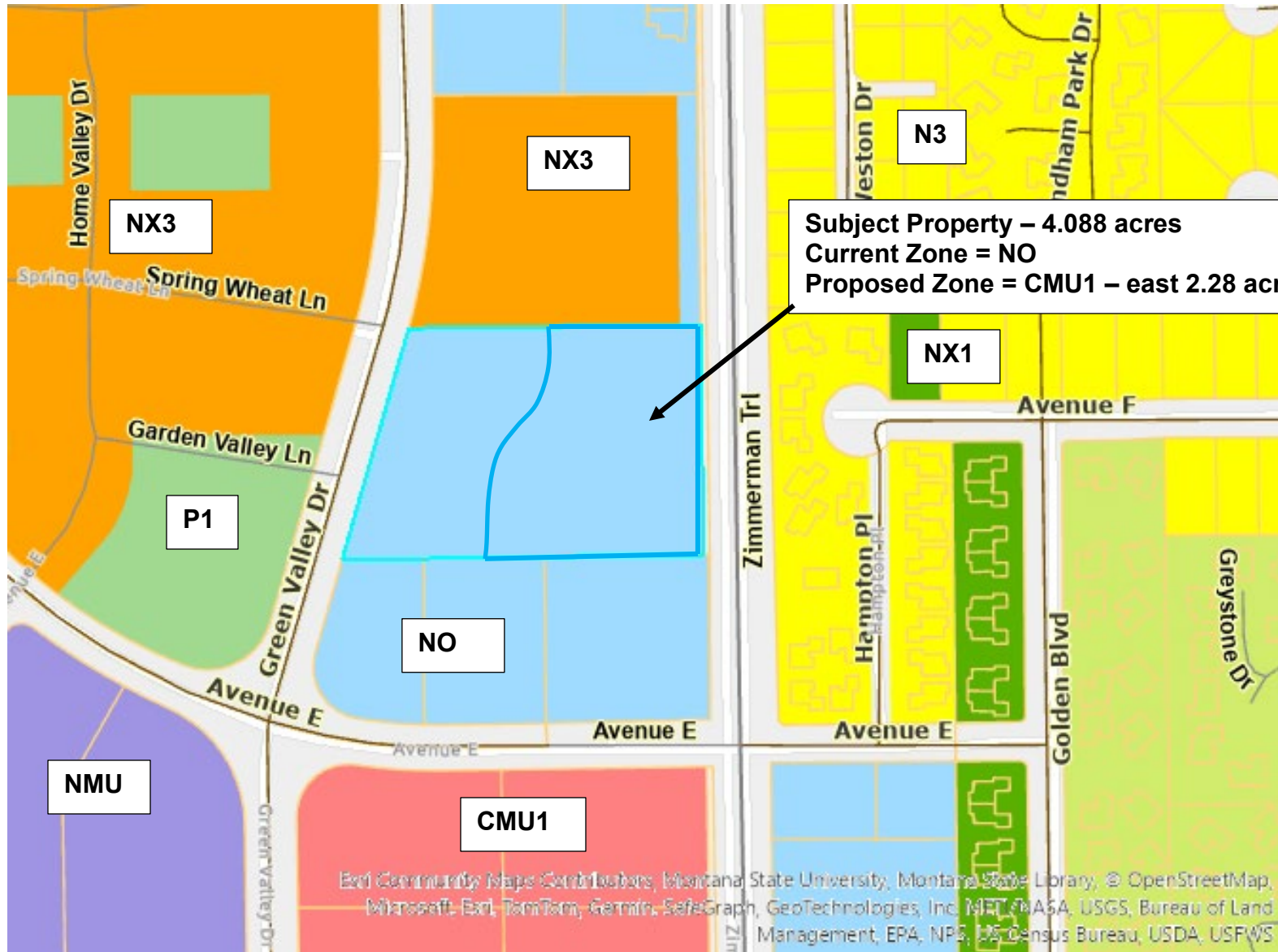
Chart of Zoning History ZC 1059

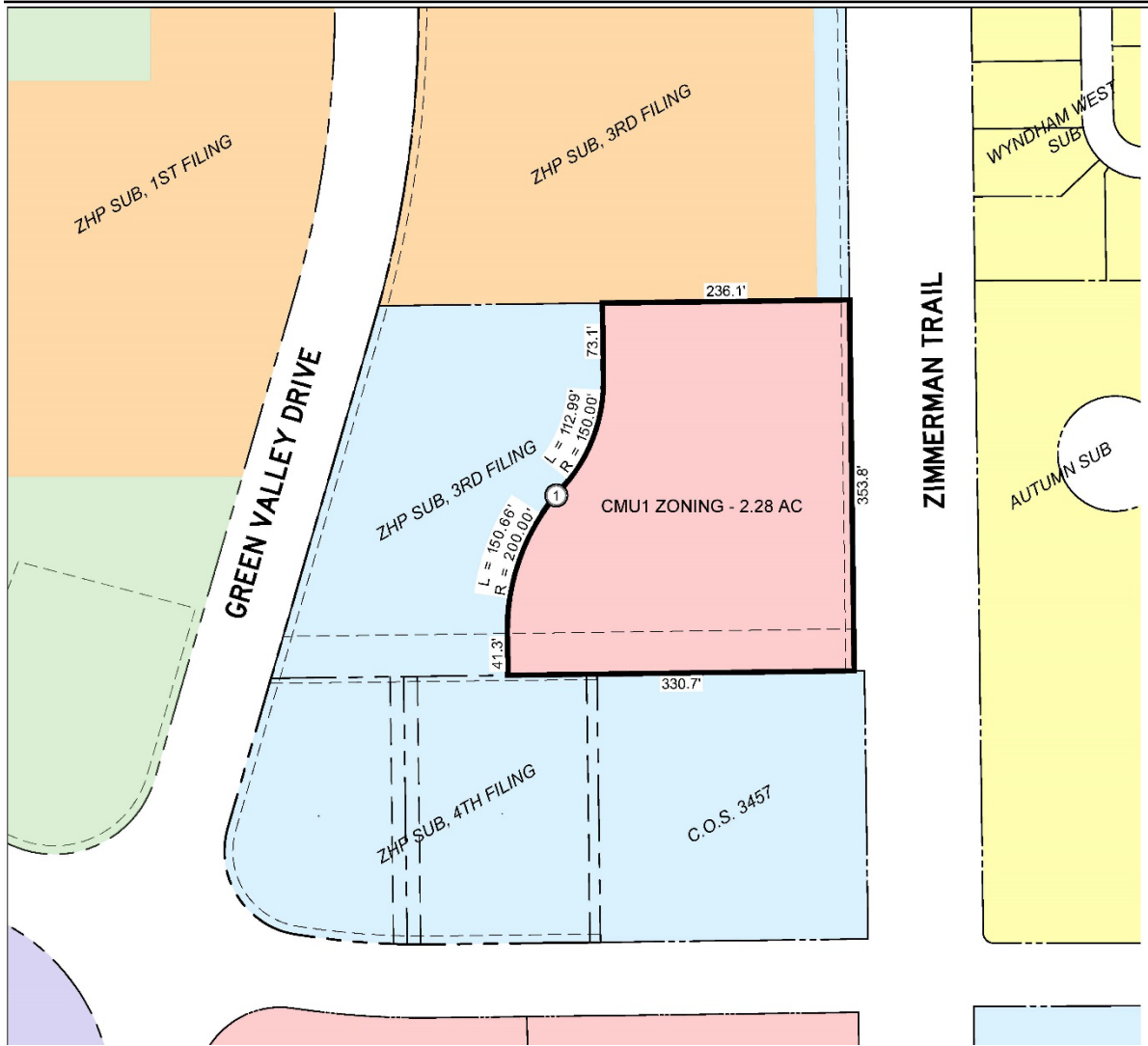
Pre app meeting information ZC 1059

Applicant Letter on proposed zoning ZC 1059

ZC Process Flow Chart

City Zone Change 1059 – Zimmerman Home Place – NO to CMU1 – eastern 2.28 acres of a 4.088-acre parcel
Zoning Map and Site Photos





Zoning Exhibit

LEGAL DESCRIPTION

① LOT 2, BLOCK 1 ZIMMERMAN HOME PLACE SUB, 3RD FILING 178,070 SF (4.088 ACRES) - 2.28 ACRES PROPOSED FOR THIS ZONE CHANGE

ZONING LEGEND

- CMU1: COMMERCIAL MIXED USE 1
- NX3: MIXED RESIDENTIAL 3
- NO: NEIGHBORHOOD OFFICE
- NMU: NEIGHBORHOOD MIXED USE
- N3: SUBURBAN NEIGHBORHOOD
- P1: OPEN SPACE, PARKS, RECREATION

PROPOSED ZONE CHANGE BOUNDARY

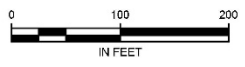
ON-SITE LOT BOUNDARY

SITE AND STRUCTURE REGULATIONS

CITY OF BILLINGS ZONING CODE, ARTICLE 27-300, SECTION 27-308 & ARTICLE 27-400, SECTION 27-400-1

TABLE 27-300.9 & 27-300.10 & 27-400-5

BUILDING SITING	CMU1	NO
MAXIMUM BUILDING COVERAGE (%)	65	75
FRONT BUILD-TO ZONE (FT)	5-20	
STREET-SIDE BUILD-TO ZONE (FT)	5-20	
BUILD-TO CORNER	REQUIRED	
HEIGHT	CMU1	NO
OVERALL MAXIMUM HEIGHT (STORIES)	4 STEP-BACKS REQUIRED WITHIN 50 FEET OF N, NX, OR RMH DISTRICT	NO: 2.5 MIN. STORY HT: 9' MAX. STORY HT: 12'



ZIMMERMAN VILLAGE

BILLINGS, MT, 59102

DATE PREPARED BY	QUANTITY
DATE	APPROVAL
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE

SHEET TITLE
PROPOSED ZONING CHANGE

PROJECT NUMBER

SHEET NUMBER
1 OF 1

DRAWING NUMBER

A

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Subject Property May 2023 aerial



Subject Property – Zimmerman Trail



View south along Zimmerman Trail



View south of subject property – Children’s Clinic



View north along Zimmerman Trail



View east across Zimmerman Trail

Zoning History for ZC 1059 – Zimmerman Home Place Sub 3rd Filing Block 1, Lot 2

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Zimmerman Home Place Subdivision	County ZC 675	August 2, 2016	A-1 to CC, NC, RP , Public, RMF-R, R-50, R-70 and R-96	Y	CC & NC parcels annexed for Town Pump development 3411 Grand Ave 2018
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Zimmerman Home Place Subdivision 3 rd Filing Lot 3 Block 1	1052	8/22/2024	NO to NX3	Y	Cooperative Housing Development
Michelloti Sawyer	1020	10/24/2022	A to NX1 and NX3	Yes	Steward Land townhomes
Zimmerman Home Place Subdivision 3 rd Filing Lot 3 Block 1	1019	1/9/2023	NO to CMU1	No	Council allowed withdrawal of application
Zimmerman Home Place Subdivision 1 st Filing Block 2 Lot 1	1009	3/14/2022	N3, NX1, NX3, and P1 through a PND to N2, NX1, NX3, and P1	Yes	Concurrent Annexation
Cardwell Ranch PD	986	10/26/2020	Update to PD	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

Lot 2, Block 1 of Zimmerman Home Place Sub 3rd Filing

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-6:45 PM on October 23, 2024 at the Performance Engineering offices. The meeting was hosted by Craig Dalton of Performance Engineering (agent), Bryce Kirschenmann (developer), and Jeff Kanning and Brian Johnson (architects).

There were 3 public participants for the meeting.

Following introductions, the meeting began with Craig Dalton giving an overview of the property. Craig described how the zone change process works and gave out the expected timelines for application submittal and public hearings (anticipated in December). He said that anyone who received a neighborhood meeting notice would also receive a public hearing notice from the city confirming the meeting dates.

Craig then went through the reasons for the proposed zoning (CMU1). With the main reason being to allow flexibility to possible future tenants. Craig stated that bars and casinos are an allowed use in CMU1, but are subject to special reviews with additional setback requirements from residential zones. He discussed that a bar would be able to meet the setback requirements in this area, but that a casino wouldn't meet the 350 ft setback requirement as the property is proposed. Bryce and Jeff discussed the preliminary plan for the site which was displayed during the meeting. Jeff provided an overview of the zoning code for CMU1 and NO as it relates to setback requirements and architectural standards. There was general discussion between the applicant team and the participants about the location of the proposed project (south of the proposed Village Co-Op on the north side of the Children's Clinic).

Following the applicant team's overview, the floor was opened for participants to ask questions.

Questions from the individuals and subsequent responses are shown below:

- **How many stories can the buildings be?**

CMU1 can have buildings up to 4 stories tall. CMU 1 also allows for residential development, however, the first floor must be commercial services (example Shiloh Commons). Current zoning of NO allows for buildings up to 2.5 stories. The developer intends to construct 2-2.5 story buildings.

- What is the number of buildings that would be built in this development given the proposed zoning?

The development currently is proposing to have 3 buildings located on the property. Two buildings along Zimmerman Trail, and a third building along the south property line. Parking would be located on the interior of the lot.

- What is going to be done to address the increase in traffic in the area? Particularly at Avenue E.

A Traffic Impact Study (TIS) had been completed as part of the 2nd Filing of the subdivision and updated since. As a result of the TIS, intersection contributions have been collected by the City for a future signal at Avenue E. The timeline of this signal being installed is at the City's discretion at this point.

Direct access to the site will be limited to right-in, right-out turning movements (i.e. can only access when heading south on Zimmerman Trail) due to the existing median in Zimmerman Trail. All other access will come from Green Valley drive likely via Avenue E or Colton Boulevard.

- What are the proposed businesses in the development?

The developer described that specific businesses have not been secured as tenants. He stated that the development is proposed to be a mix of office space with options to have restaurants, taverns, retail as well. There has been expressed interest in the development from financial service providers, salons, and tavern owners as potential tenants. The developer hopes to draw interest from a coffee shop or food provider with the drive-thru building.

The applicant team finished off the meeting with a general discussion with the participants about the area and recent/proposed changes. The meeting concluded at 6:45.



ZIMMERMAN TRAIL



3412 Colton Blvd., Suite 202 • Billings, MT 59102 • 406-384-0080

Lot 2, Block 1, Zimmerman Home Place Subdivision, 3rd Filing Zone Change Questions

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is classified as an “infill development” within that will not require any additional city water or sewer infrastructure making it a very cost-effective option for the city. This fits the cost-of-service concerns of the City currently, increasing the tax base with minimal increase in operational costs to the City.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage a diversity of economic development within existing neighborhoods. By rezoning this area it will stimulate a diversity in housing choices in the area while providing commercial mixed use diversity to the existing and surrounding neighborhoods for the residents. With the project adding mixed use commercial to a largely residential area it is an opportunity to bring services closer to residents and reduce travel and trip generation, reducing impact to the transportation network in the area.

Diversified & Affordable Housing - This zone change will allow for affordable and safe housing for all demographics, those looking to downsize but not lose the ability to live independently and those looking to just get their professional lives started in our community. This zoning and it’s fit with the surrounding zoning allows for a good neighborhood feel and mix while adding proximity to services in the area which does not exist today. The development will also be an affordable option for the city due to the low cost of service being an infill development. This project will not require any additional utilities installation other than tying into the existing mains as well as the site exists within already established infrastructure.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning designed in accordance with the growth policy?
The new zoning adheres to the City of Billings growth policy through its expansion of neighborhood mixed use development; emphasis on public and non-motorized travel by bringing services closer to the end user in existing neighborhoods; and its cost-effective construction due being infill development with an inherent low cost of service to the City of Billings.

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

There are fire hydrants located an adequate distance from the site on Zimmerman Trail and Green Meadow Drive. Upon development, the site will be required to meet all fire and public safety code requirements as well as improving the undeveloped area. The site is also located outside of any floodplain.

c. Will the new zoning promote public health, public safety, and general welfare?

The proposed zone change will diversify the surrounding neighborhood and present a residential middle-ground between the family housing to the east and the apartment buildings to the west. This zone change to CMU1 will also bring community services to the area reducing required travel within existing neighborhoods for specific services. The proposed zoning also requires some landscaped or natural open area which will improve the general well-being of the neighborhood, creating green spaces and well-manicured areas while adding more eyes to the streets and area to help reduce crime. The site will tie into extensive walkable areas in the overall Zimmerman Home Place Subdivision and the Zimmerman Trail pedestrian walkways to allow for walkability and non-vehicular mobility.

d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

The change in zone will not require any additional water or sewer to the site as it is provided by within the previously developed Zimmerman Home Place Subdivision. Parkland was identified and dedicated in the overall PD development associated with the Zimmerman Home Place development. Even with that, the site development will provide ties to neighboring parks and sidewalks/trails in the area. Providing mixed use development will bring non-existent commercial services to this area which minimizes vehicular travel for residents in the area reducing pressure on the existing transportation network.

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

The proposed zone change will have minimal impact on light and air in the surrounding area. The required open area will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code.

f. Will the new zoning affect motorized and nonmotorized transportation?

As the zone change will allow for additional residents to move to the area, there be an impact on the motorized transportation in the area. With that said, bringing commercial mixed use to the area new

neighborhood services will minimize trip generation for the directly impacted neighborhood and adjacent existing developments. That traffic impact has been accounted for in a Traffic Impact Study with contributions to intersection improvements already paid to the City to mitigate any potential impact. The close vicinity of the MET bus stop will mitigate this effect. The large number of sidewalks in the area leading to popular commercial areas will also help mitigate the additional motorized transportation. This area has an extensive network of sidewalks and trails to allow for non-motorized transportation as well to minimize traffic in the area.

g. Will the new zoning promote compatible urban growth?

The CMU1 zoning will promote compatible urban growth as it is nestled between medium and high density residential on three sides and low density commercial on the last side. This zoning will allow for new residents and new businesses to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. Mixed use will allow for easily accessible commercial services, creating a more walkable neighborhood for the ZHP neighborhood as well as established neighborhoods all around it.

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

This zoning change considers the character of the district by introducing much desired commercial mixed use into an infill development. This change to housing and commercial use will continue the development of the city by filling in this small patch of farmland that is surrounded by residential and low-density commercial zones. The project will be pushed internally to move the building away from the lower density housing across Zimmerman Trail and closer to the higher density within the development. This came specifically from comments directed to the landowner through a previous zone change attempt in an effort to minimize impacts to existing low-density housing across Zimmerman Trail. Similarly, City Council has made note that they would like to see true neighborhood mixed use in these infill projects which is precisely what this proposal will achieve.

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

The new zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them. It will also minimize urban sprawl thus leading to increased property value of the surrounding area.

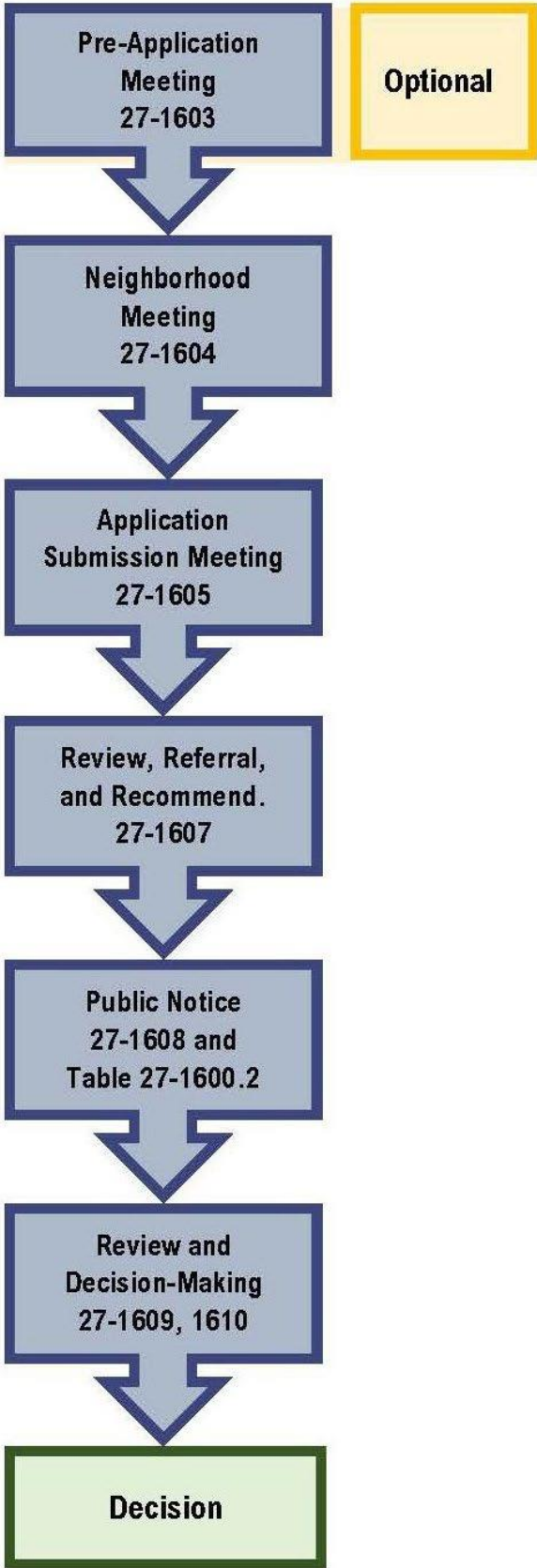
j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The zoning will encourage appropriate use of land by expanding the mixed use areas further west along Grand Avenue. The project will place higher density development along arterial corridors (i.e. Zimmerman

Trail) as encouraged by the zoning code. Further it provides housing diversity along with intermixed commercial services to improve access to the neighborhood and surrounding areas. The result of the project will create a more walkable community and neighborhood which will result in increased vibrancy for everyone.

3. Does the new zoning fit with the existing or planned developments within the area?

The new zoning will fit seamlessly into the existing developments, land currently being developed, and future developments in the area due to its blending of the residential areas to the north with the more commercial focused, southern lots next to Grand Avenue. It can be fairly assumed that many of the developments to the west will be mostly high and low density residential in which a CMU1 zoning will readily fit. The current pedestrian infrastructure in the area will allow for the new residents to navigate the surrounding areas easily and safely while providing excellent connectivity for multi-modal travel. The site will help provide new housing for existing aging residents looking to transition from a single-family home to multi-family living with less responsibility for caretaking of a home. Similarly, it will create more opportunities for commercial services to be located within existing neighborhoods, increasing their walkability and vibrancy throughout.



Zoning Commission

Date: 12/03/2024
Title: Zone Change 1056 - High Sierra - from N3 to N1, NX1, NX3, CMU1 and Public
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval of the proposed zone change based on the findings of the 10 review criteria for Zone Change 1056.

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

This is a revised zone change application for a new certificate of survey (C/S 3894) created in the High Sierra neighborhood in Billings Heights north of Skyview High School and adjacent to the existing city limits. The original zone change plan submitted in August 2024, has been revised by the applicant in response to the Planning staff's original findings and public comments submitted before the October 1, 2024, Zoning Commission hearing.

The High Sierra neighborhood began development in 1984 and is still filing extensions of the subdivision to the north. There are now 21 filings for the High Sierra neighborhood with a 22nd subdivision in the preliminary stages. This preliminary plat is not part of the subject property for this zone change. The original subdivision set out 44+ acres for a new high school for Billings Heights as well as the initial residential homes on Fantan St, High Sierra Blvd, Picador Pl, Siesta Ave, Morroco Blvd and others south of Sierra Grand Blvd. The original zoning consisted of a single family district (R96), a commercial zone west of Gleneagles Blvd (CC), and the public zoning for Sky View High School. The second filing of High Sierra was not filed until 2002 and divided land west of the high school for churches, civic uses, and several other large parcels that ended up as city parkland. High Sierra Subdivision totals about 675 acres and has 264 vacant acres of land owned by builders, and 18 vacant acres of land owned by the school district (north of Sierra Grand Blvd). There are about 41 vacant acres of land owned by religious entities. About 50% of the total land area is not yet developed. Thirty-one percent of the developed land is for residential dwellings, with 204.4 acres (30%) of developed public land for parks, schools, and other civic uses. Nearly 70% of the 675 acres is currently zoned N3 - Suburban Neighborhood, 30% is zoned Public 1 or Public 2. A very small percentage - 1.2% is zoned for residential use of more than one single family dwelling. This zoning is concentrated on the Wicks Lane frontage and consists of Mid-Century Neighborhood (N2), Mixed Residential 2 (NX2), and Corridor Mixed-Use 1 (CMU1).

There are 1,000 residential dwellings built within the High Sierra subdivisions and 90% of these units are owner-occupied. This high percentage is unusual for most Billings residential neighborhoods, which consistently average about 65% owner-occupied. In addition, 70% of the High Sierra land area is zoned for single-family dwellings. This is a high percentage for most Billings neighborhoods, where 50 to 60 percent on average is zoned N3. One of the goals of the 2016 Growth Policy was to ensure that each neighborhood had a mix of housing choices available. This means that new neighborhoods or even existing neighborhoods should allow, through zoning, all housing configurations including single-family, two-family, townhomes, patio homes, and multifamily structures. Neighborhoods that allow this variety are also more financially sustainable for the community, and resilient to changing market forces. A homogeneous zoning pattern can lead to fragility due to market forces, and the inability for the city to provide services to a geographically sprawled out neighborhood as costs continue to increase year over year.

The proposed zone change as originally submitted in August 2024, was found by Planning staff to not entirely conform to the 2016 Growth Policy to increase housing choices or with the existing Heights Neighborhood Plan. The proposed layout of the five new zone districts placed all the highest density development on the edge of the city limits where future development may or may not occur. There are no definitive plans for the 1,000+ acres north of the High Sierra Subdivision. It is within Zone 1 of the Limits of Annexation for the city. Most of this land is not owned by this applicant. Planning staff presented those findings to the applicant and to the Zoning Commission for consideration in September 2024. The applicant requested a delay from the October 1, 2024, hearing date in order to consider a re-arrangement of the zoning plan.

The proposed new zoning is in direct response to Planning staff concerns and some of the concerns expressed by the surrounding property owners in the High Sierra neighborhood. The new proposed plan includes more NX1 (1-4 unit buildings) zoning along the periphery of the subject parcel with provisions for alley separations. The previous plan had 42% of the area in NX3 (5+ unit buildings) and the new plan has reduced it to 26.7% and placed all the NX3 zoning internal to the site. The N1 district has been expanded to streets along the periphery of the subject parcel to the south and the proposed commercial corner (CMU1) has been moved to the north side of the Annandale and High Sierra Blvd intersection.

Good planning includes consideration of existing and proposed future land uses, ensuring compatibility between the developing areas and future development. The proposed new zoning plan accommodates the uncertainty of adjacent land outside the city limits and is more compatible with the N3 zoning that will remain for the High Sierra neighborhood as it builds out to the north and west. The owner does not intend to change other parts of the High Sierra subdivision at this time.

Planning staff also had concerns with the previous zoning plan and the transportation network in this area of Billings Heights. Much higher levels of traffic would be added to the existing street network with a high percentage of NX3 zoning. The reduction in the NX3 zoned area alleviates this concern. High Sierra Blvd, which is a collector street, will extend north into the subject property as shown on the proposed zoning map. Planning for a small amount of commercial zoning at the intersection of Annandale Rd and High Sierra Blvd makes sense as this neighborhood continues to build-out with no local or neighborhood services. The lack of these local services can contribute to traffic congestion by requiring a car trip for every necessity. The N1 zoning also makes sense to allow smaller lots and to allow the option for two-family dwellings. The proposed NX1 zone has been amended slightly and replaced with N1 zoning along the north side of a future extension of Vesca Way. The N1 zone will be compatible with the N3 zone on the south side of Vesca Way. The N1 and NX1 zones are compatible due to the building and siting requirements that are similar. Annandale and High Sierra Blvd will have temporary dead ends at the city limits' boundary. Extension of these streets to connect to Alkali Creek Rd (Annandale) and Alexander Rd (High Sierra Blvd) will be done in the future when property is developed.

The applicant submitted a preliminary letter to the City Traffic Engineer, Dakota Martonen, PE, PTOE, estimating the future traffic volume based on the revised zoning plan. The city's Long Range Transportation Plan (LRTP) has already estimated traffic volume on existing arterial and collector streets out to the year 2045. The proposed zoning plan traffic volume estimate for High Sierra Blvd exceeds the 2045 LRTP volume estimate for this collector. The letter, however, states the design of the two-lane collector can accommodate the additional traffic volume without adding lanes or additional right-of-way. City Traffic Engineer Dakota Martonen concurs with this finding. A future subdivision based on this new zoning will require the developer to update the existing Traffic Impact Study to include a review of intersections within the area. Intersections experience more impact from high traffic volumes than corridors. This information will be available for review at the time of a future subdivision.

Planning supports zoning that allows a variety of housing options in neighborhoods. This application has been refined to ensure compatibility and connections to existing and planned city services and will not force higher densities to the edge of the city limits. The proposed new zoning plan is conforming to the 2016 Billings Growth Policy that indicated the preferred growth scenario for this area of Billings Heights should allow a medium density of development (9-15 units per acre), as well as higher densities and neighborhood services on arterial streets and corridors. Planning recommends approval of this proposed zone change in this configuration.

STAKEHOLDERS

The applicant conducted a pre-application meeting on June 12, 2024, at the Lake Hills Golf Course. The meeting was attended by at least a dozen property owners. The mailed notification area for this property is a 1/4-mile radius. Questions were mainly concerned with public safety, traffic, and density within the area proposed for the NX3 zoning. The pre-application information is attached to this report.

Soon after the pre-application meeting, planning staff started to receive emails of opposition and concern about the proposed zone change. The planning staff has collated these emails from the original application and these are attached to the report. The primary concerns reflect those expressed at the pre-application meeting about traffic, higher density, public safety, and school population. The planning staff posted the zone change in September and again in November at the closest public right of way in two places - the dead-end of Las Palmas and the southwest corner of Gleneagles and Cherry Hills Rd. A legal ad was published in September and November, the updated application details are published on the Current Zoning Applications' web page, and notice was mailed to the 98 owners within 1/4-mile of the subject property. In addition, 78 persons were notified via email of the updated application in November.

New emails have been received based on the updated application. Those emails are included as a separate attachment to this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1056; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1056; or,
- Make a motion to delay the hearing to a future meeting based on a finding that more information is needed concerning one or more of its decision criteria; or
- Allow the applicant to withdraw the zone change request.

As of the date of this report, the applicant has not requested to withdraw 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

There will be no impact of the Planning Division budget from the approval or denial of the zone change request.

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?

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

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.
- Neighborhoods that are safe and attractive and provide essential services are much desired.

Home Base:

- A mix of housing types that meet the needs of a diverse population is important.
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development.
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

The proposed zone change is consistent with the following goals of the Billings Heights Neighborhood Plan:

- Develop housing patterns that are compatible with existing neighborhoods.
- Encourage high-density multifamily development along arterial routes

The proposed zoning will allow expansion of moderate density residential use in the High Sierra neighborhood. The development now lacks a variety of housing options, including two-family dwellings, townhomes, patio homes or multifamily dwellings. The modification of the original proposed zoning plan includes more N1 and NX1 that is compatible with the existing N3 zoning to the south and east. The high density NX3 has been reduced and consolidated in to the center of the subject property away from the city limits. The Growth Policy and Neighborhood Plan encourages the development of a variety of housing choices, especially choices for low to moderate income families. This location is appropriate for the new proposed mix of neighborhood districts. There are few housing choices in this neighborhood, which consists almost exclusively of single family homes on larger lots. Adding housing choices will strengthen the neighborhood. The new proposed zoning plan is in conformance with the goals of the growth policy and neighborhood plan to encourage housing choices and medium overall density of development to support sustainable neighborhoods.

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, like all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers from other structures in the development. Access for fire or other public safety first responders will be evaluated at the time of subdivision review. Planning staff has limited concern about the connections to other arterial and collector streets at this time. Future development beyond the existing city limits may need to accelerate the connection of Annandale Rd to Alkali Creek Rd and High Sierra Blvd to Alexander Rd.

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

Public health and public safety will be promoted by the proposed zoning. The revised zoning plan will reduce the overall development density to a manageable level given the existing and future public safety systems for this area on the northwest edge of the Heights. The new proposed zoning plan does promote public health and general welfare by reducing the future traffic burden on the local street system from its previous proposal. New construction will need to meet the current building and fire safety codes that will reduce the potential for danger to public safety. The street network and the impacts from this development will be evaluated at the time the subdivision is proposed.

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

Transportation: The proposed zoning will increase post-development traffic volume on all the local and arterial streets. These are newer streets with most of the development occurring in High Sierra in the last 20 years. A traffic impact study (TIS) update will be necessary at the time of development. The TIS may require some contribution to future improvements, most likely to intersections in the area.

Water and Sewer: The City can provide water and sewer to the property. High Sierra is within two different pressure zones for the water system. It is not served by Billings Heights water district. The existing water system would likely need to be looped to serve this parcel that is several hundred feet from the current end of the distribution system.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The student population will increase depending on the demographic of the new residents. The school district has banked land for a future elementary school in the subdivision. There are two public parks dedicated in High Sierra (one in 8th Filing and one in 14th Filing). Neither park has been developed. A park maintenance district has been established for the neighborhood. As new filings are submitted, the Park Maintenance District expands, lowering the maintenance cost per household. Neither existing neighborhood park is within a 15-minute walk since there are no connecting streets built between the subject property and the existing street network.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments did not provide any comment on the proposed zoning. The planning staff is concerned about providing adequate access to the end of the street system. Public safety access will be evaluated at the time of subdivision review.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

Traffic generation has been estimated in a preliminary letter to the City Traffic Engineer, Dakota Martonen. The preliminary information letter is included as an attachment. It is estimated that new vehicle trips per day based on the proposed zoning and estimated unit counts would result in about 5,500 new external trips outside the development. This trip count includes trips to the new residences for services such as mail, delivery, solid waste and similar, as well as trips by the occupants. The current N3 zoning would result in about 1,800 new trips per day. Each single-family unit in the N3 zone would generate an estimated 9.43 vehicle trips per day. Trip generation per attached single-family or multifamily dwellings is much lower per unit. Attached single-family units generate about 7.2 trips per day and multifamily dwellings about 6.7 trips per day. Traffic volume does not increase along the same curve as development density. The increase of dwellings from 190 in the N3 to more than 500 in the proposed zoning does not increase expected traffic by the same percentage. City Traffic Engineering will expect an update to the existing traffic impact study to look at all the surrounding intersections to ensure the new development is paying its fair share for any required improvements.

7. Will the new zoning promote compatible urban growth?

The new proposed zoning does promote compatibility with urban growth. The proposed zoning of N1 and NX1 along the parcel perimeter will allow this parcel to provide new housing that is compatible with the adjacent undeveloped county land and with the remaining N3 zoning in the future High Sierra subdivisions.

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

The proposed new zoning plan does consider the character of the district and the suitability of the property for the proposed use. The proposed new zoning plan has a balance of higher and lower density housing choices and provides for an area of neighborhood services at the intersection of an arterial and collector streets.

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

There are no existing structures on the property. New construction and development tends to raise property values on adjacent lots, but it is not known how this development may affect those values.

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

The proposed new zoning plan is the most appropriate use of the land. The NX3 zone centrally located around the intersection of the arterial and collector streets with N1 and NX1 along the periphery, is appropriate and provides compatible development.

Attachments

Zoning Map and Site Photos ZC 1056

Zoning History Chart ZC 1056

Application and preapp information ZC 1056

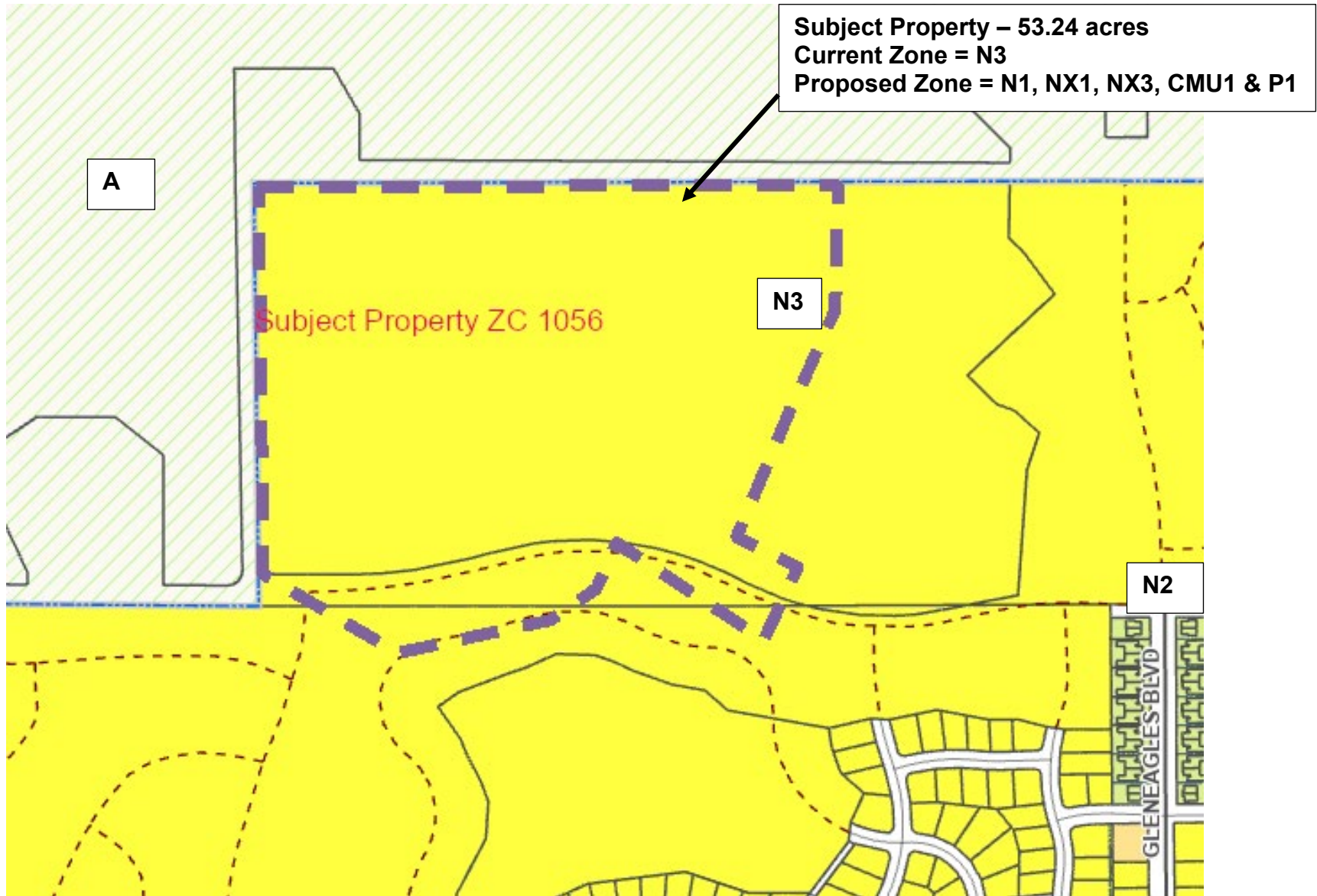
Applicant Letter on new zoning proposal ZC 1056

Public comment June to Oct 1 2024 ZC 1056

Public Comments Nov Dec ZC 1056

Traffic Preliminary Letter ZC 1056

City Zone Change 1056 – High Sierra Sub 14th and C/S 3776 – 53.26 acres N3 to N1, NX1, NX3, CMU1 and Public 1
Zoning Map and Site Photos



New Zone Change Proposal

EXHIBIT A

ZONE CHANGE

WITHIN A PORTION OF

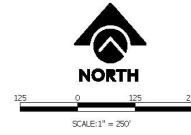
TRACT 1 OF CERTIFICATE OF SURVEY NO. 3894

PREPARED FOR : HIGH SIERRA II INC.

NOVEMBER, 2024

PREPARED BY : **sanbell**

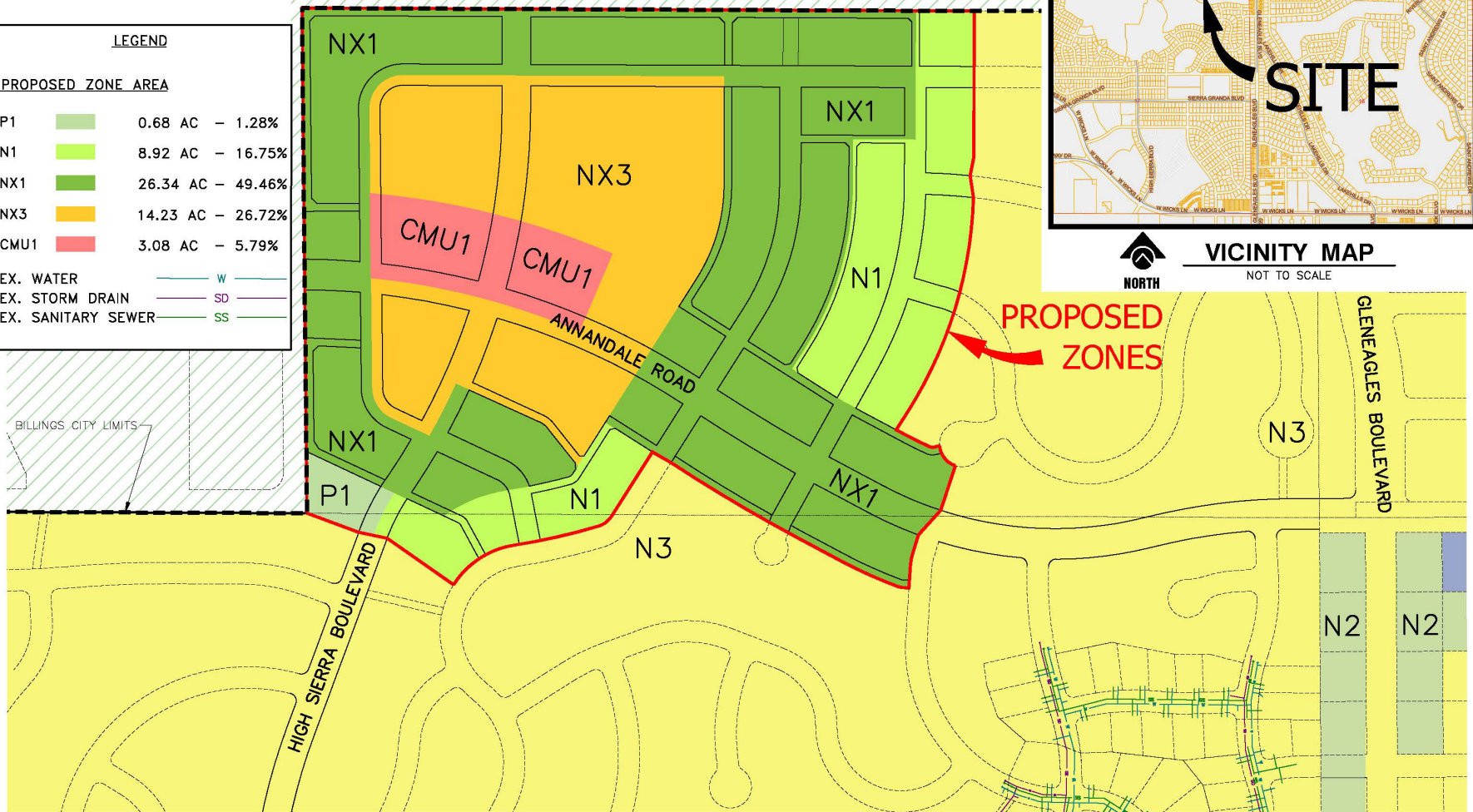
BILLINGS, MONTANA



VICINITY MAP

NOT TO SCALE

LEGEND		
PROPOSED_ZONE_AREA		
P1		0.68 AC - 1.28%
N1		8.92 AC - 16.75%
NX1		26.34 AC - 49.46%
NX3		14.23 AC - 26.72%
CMU1		3.08 AC - 5.79%
EX. WATER		W
EX. STORM DRAIN		SD
EX. SANITARY SEWER		SS



PROPOSED ZONES

Previous Zone Change Proposal

EXHIBIT A ZONE CHANGE

WITHIN A PORTION OF

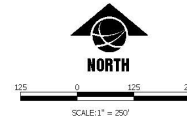
HIGH SIERRA SUB 14TH FILING BLOCK 33, LOT 1A1 & COS 3776 TRACT 1B

PREPARED FOR : HIGH SIERRA II INC.

PREPARED BY : **SANDERSON STEWART**

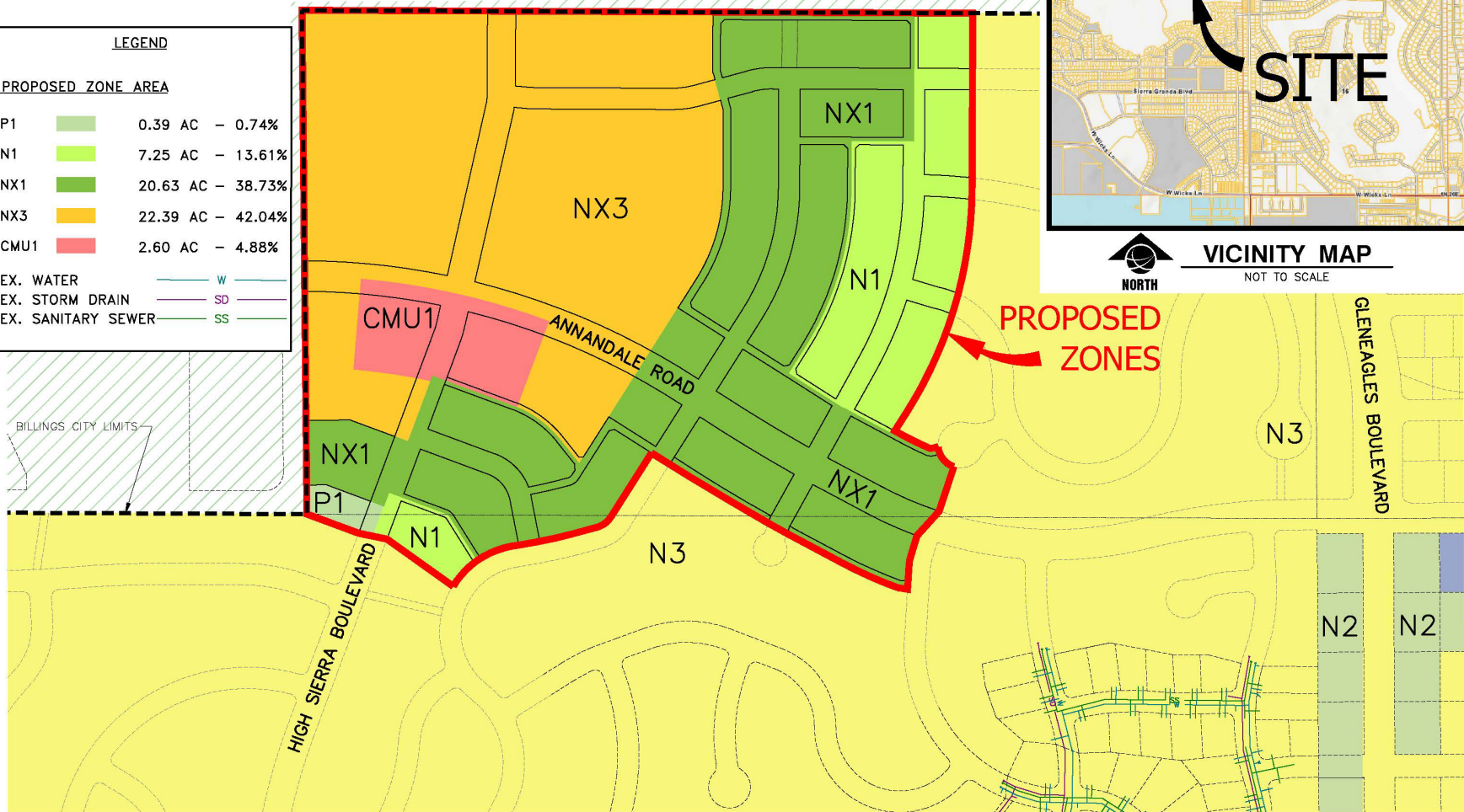
AUGUST, 2024

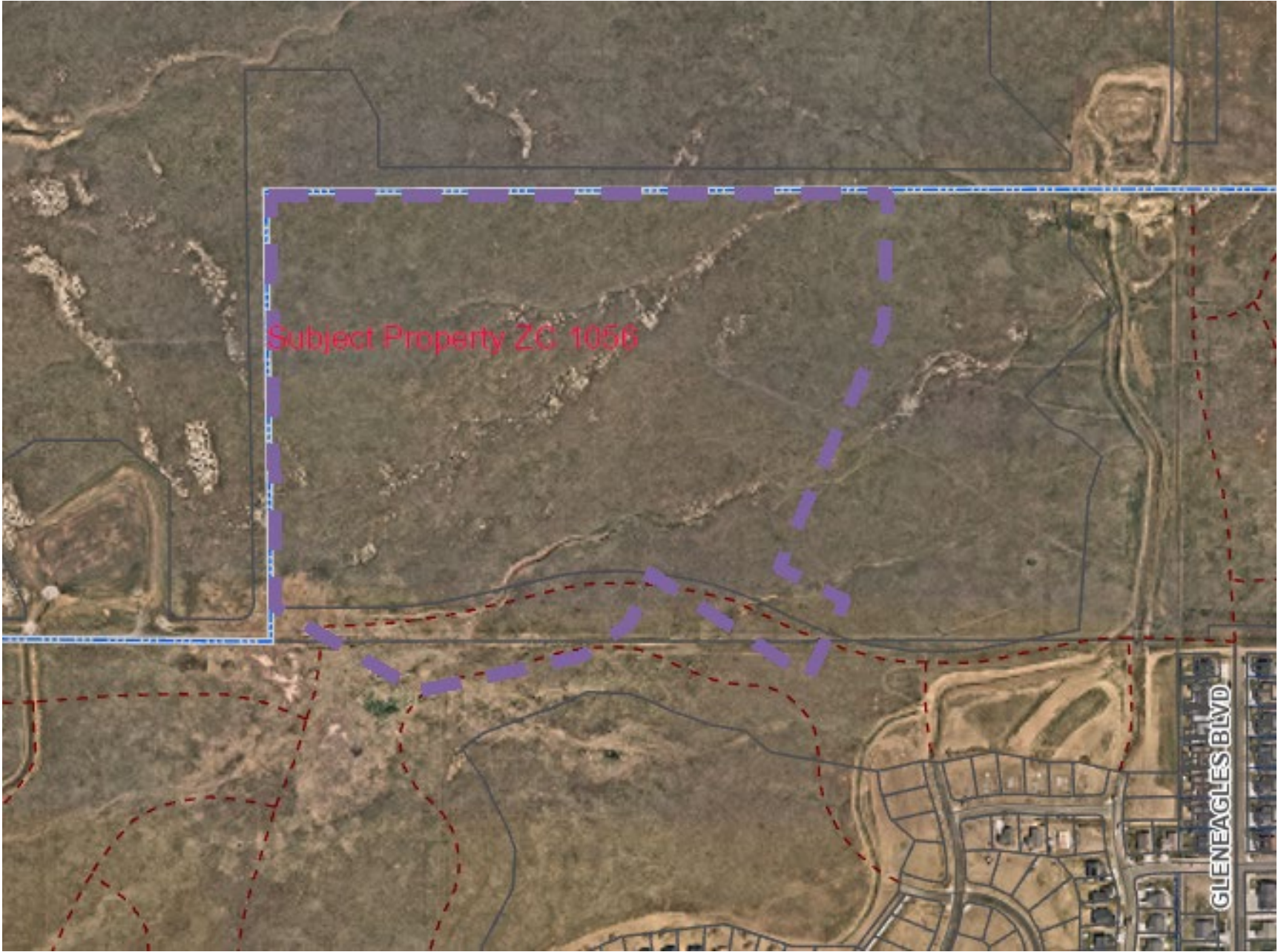
BILLINGS, MONTANA



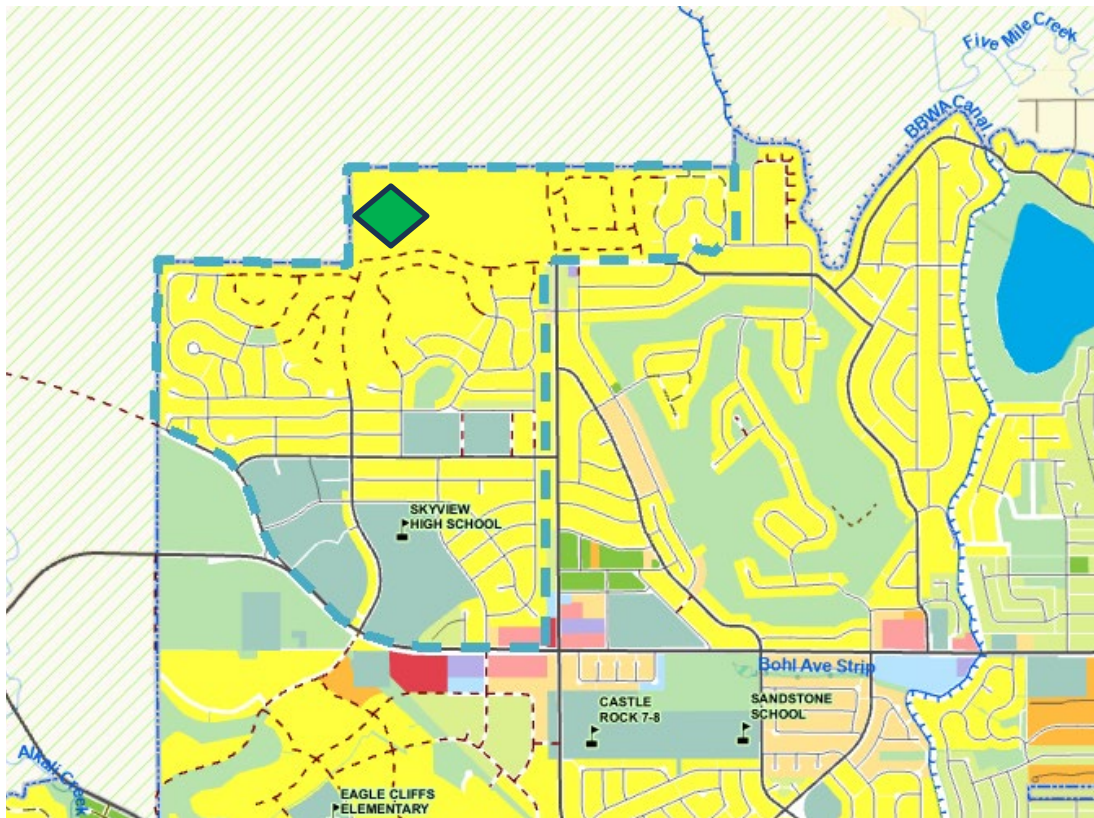
VICINITY MAP
NOT TO SCALE

LEGEND		
PROPOSED ZONE AREA		
P1		0.39 AC - 0.74%
N1		7.25 AC - 13.61%
NX1		20.63 AC - 38.73%
NX3		22.39 AC - 42.04%
CMU1		2.60 AC - 4.88%
EX. WATER		W
EX. STORM DRAIN		SD
EX. SANITARY SEWER		SS

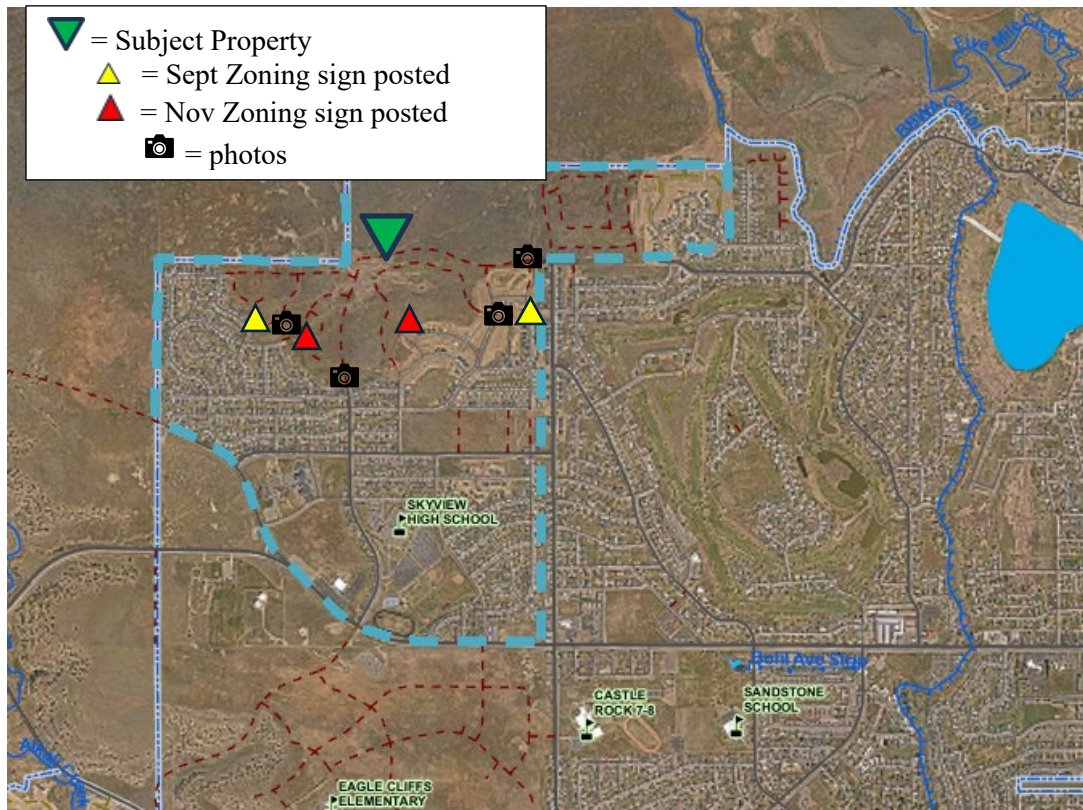




Current aerial of subject property



High Sierra Neighborhood Zoning and Aerial





Subject Property - view east/northeast from current dead-end of Las Palmas
September posting



View northeast from current dead-end of Las Palmas



November posting at the deadend of Modera Ave



September posting on southwest corner of Gleneagles Blvd and Cherry Hills Rd



View east on Cherry Hills Rd to Gleneagles Blvd



November posting at the deadend of Topanga Ave



View northwest from intersection of Hermosa St and Matador Ave



View west from current dead-end of Las Palmas



View south across public park between Las Palmas and Topanga Ave



View north from current dead-end of High Sierra Blvd



View west from current dead-end of Gleneagles Blvd and Annandale Rd

Zoning History for ZC 1056 – High Sierra – N3 to N1, NX1, NX3, CMU1 and P1

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	City ZC 822	11/13/2007	A-1 to R70-R & R96	Yes	Original 400-acre Dover Ranch Annexation – Now zoned N3
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
High Sierra 16 th - Mission Oaks Dr	ZC 979	8/10/2020	R70-R to R-50	Yes	To allow more lot coverage – Now zone N2
2300 Block of Gleneagles Blvd	ZC 949	11/16/2016	R60-R to R-50	Yes	To allow duplex & increase lot coverage – Now zoned N2
2260 Gleneagles	County ZC 16	7/1974	R96 to RMF	Yes	Last lot in ZC 16 – Now zoned NX2
Skyview Ridge Sub – south of Skyview HS	ZC 814	7/23/2007	A-1 to R96, R70-R, R60, RMF-R, RO, NC, CC and Public	Yes	State School Trust Land – Now zoned CMU1, CMU2, NMU, NO, NX2, NX3, N2, N3 and P1

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1056 Project # PZX-24-00202

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 N3 Suburban Neighborhood

Proposed Zoning: Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX3 Mixed Residential 3, CMU1 Corridor Mixed Use 1, and P1 Parks and Open Space

PARCEL TAX ID# D05244 & A37164 CITY ELECTION WARD 2

Legal Description of Property: ~~XXXXXXXXXXXX~~ C/S 3894 Tract 1

Address or General Location (If unknown, contact City Engineering): ~~XXXXXXXXXXXX~~

Size of Parcel (Area square feet or acres): 53.26 Acres

Present Land-Use: Residential

Proposed Land-Use: Residential, Commercial

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

Owner(s) Oakland, Gary

(Record Owner)

175 N 27TH ST STE 900 BILLINGS, MT 59101

(Address)

406-248-3641

(Phone Number)

goakland@oaklandcompanies.com

(email)

Agent(s): John Halverson

(Name)

1300 N Transtech Way, Billings, MT 59102

(Address)

406-869-3311

(Phone Number)

jhalverson@sandersonstewart.com

(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: 8/7/2024

(Record Owner – Digital Signature Allowed)

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:** N3 Suburban Neighborhood

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

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX3 Mixed Residential 3, CMU1 Corridor Mixed Use 1, and P1 Parks and Open Space

3. **Legal Description of Property:**

Attached Exhibit B

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

Yes, Heights Neighborhood Task Force

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

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

please attach to on line application Exhibit D

7. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 12th, day of June, 2024.

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

Owner (s):

Oakland, Gary Telephone: 406-248-3641

Address:

175 N 27TH ST STE 900 BILLINGS, MT 59101 Email: goakland@oaklandcompanies.com

Agent (s):

John Halverson Telephone: 406-869-3311

Address: 1300 N Transtech Way, Billings, MT 59102 Email: jhalverson@sandersonstewart.com

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

Exhibit C

Name	Address	Phone
George Zorzakis	2239 W. Skokie Dr.	409-9793
Cheryl Zorzakis	2239 W. Skokie Dr.	409-9793
Terry Odegard	2101 Lake Hills St.	406-855-4351
T. J. Smith	^{Chair for} 2238 Ridgeway Drive _{Heights Task Force}	406-690-7845
Stacey Torture	627 Pinehurst R	406-861-1276
Deanna Redfern	2143 Gleneagles	406-698-5918
JOAN ROLL	838 HERMOSA ST.	505-275-0692
Trent Parks	2259 Gleneagles	406-208-4146
Chris Tolzien	2424 Cleo Circle	406-281-0609
Brendon Hill	2241 Clubhouse Way	406-860-1765
Ron Hill	142 Annandale	406-860-8844
Joe Wallace	2201 Club House Way	406-256-5099

MEETING MINUTES

PROJECT: HIGH SIERRA II CONCEPT & ZONE CHANGE			
Project No: 82061_154			
Meeting Location: 1930 Clubhouse Way, Billings, MT 59105		Meeting Date: 06/12/24 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: John Halverson	
Attending:	(See attached sign-in sheet)		
Sanderson Stewart:	John Halverson	Gary Owen	
Oakland Co.	Landy Leep		
Date of Issue: 7/31/ 24			

Minutes:

- Mr. Halverson opened the meeting at 5:30 PM by introducing himself and outlining the agenda, which included a presentation on the zone change, a brief explanation of the new zoning code and why zoning is necessary for municipalities, and time for questions and comments. He also outlined the planned approval timeline of a July 1 submittal, August 6 Zoning Commission hearing, and August 26 City Council hearing.
- Mr. Halverson showed a map of the proposed zone change and its location at the NW corner of the High Sierra subdivision and anticipated development in the Dover ranch to the NW of the High Sierra subdivision. He also pointed out the major roadways that will handle the added traffic from this development: Annandale, Gleneagles, and High Sierra Blvd.
- Mr. Halverson gave an overview of the existing zones in the vicinity of the proposed zone change and that the proposal would add approximately 670 residential dwellings to the subdivision.
- Mr. Halverson distributed pages from the Billings zoning code pertaining to the zones proposed. He showed examples of the kinds of

Exhibit D

buildings that the NX3 zoning allows, which have a 4-story maximum and tend to be built as 3 stories in the Billings market.

- Mr. Halverson then showed examples of NX1 and N1-zoned development and neighborhoods in Billings where those zones exist, and how the proposal creates a stepping transition from the NX3, to the NX1, to N1 to N3.
- After completing that presentation, Mr. Halverson took questions and comments from the attendees.
- An attendee asked what the purpose of the zone change was, and stated that the original intent of the subdivision was to be exclusively single family. They expressed concern that the heights is patrolled by 2 police officers, and that BPD is struggling to properly patrol the city, and that they do not want to be put in danger by multifamily residential land uses.
 - Mr. Halverson mentioned that the City of Billings had just recently approved budget to hire additional police.
 - The attendee vigorously disagreed.
 - Mr. Halverson stated that BPD will have an opportunity to comment on the development during subdivision.
- An attendee stated that there is a need for the kind of development proposed in the zone change, but that they do not want it at the location proposed. They expressed a concern that higher density would negatively affect safety, and that they like the neighborhood as it is.
 - Mr. Leep stated that the additional 670 residents this development will host need to live somewhere.
- An attendee stated that they were impressed that the developer built starter homes in High Sierra.
 - Mr. Leep stated that the people buying starter homes come from apartments and multifamily developments.
- An attendee expressed concern with traffic, stating that Gleneagles is a specific concern.
 - Mr. Halverson responded that the proposal locates additional density on collectors and arterials, High Sierra (collector), Annandale (minor arterial), and Gleneagles (principal arterial) to help disperse traffic and that the subdivision approvals process identifies traffic impacts and required contributions for improvements by the developer. He also stated the recently-opened inner belt loop will receive much of the west-end-bound traffic from the proposed development.

Exhibit D

- Mr. Ron Hill stated that he likes duplexes on Annandale and expressed concern with larger density.
- An attendee asked about water service to the NX3 buildings and Heights Water System Development Fees (SDF).
 - Mr. Owen responded that Gleneagles BLVD is the boundary between Heights Water and City of Billings water service, and that the entirety of the proposed zone change area is within the City of Billings service area.
- An attendee asked what the benefit of such development is to the area residents.
 - Mr. Halverson responded that the density of NX3 development makes provision of services less costly on a per-capita basis and can reduce taxes. He also stated that such development makes commercial uses more viable.
 - Several attendees responded positively to the idea of commercial uses being included in the zone change. One stated that commercial development at this location "could be very nice." Another stated that a neighborhood restaurant had recently closed and that they did not want to see another car wash at this location.
- An attendee expressed their view that NX3 is too much for the area.
- An attendee stated that city departments like police fire and school districts should weigh in at this stage of the development process.
- Mr. Halverson closed the meeting by stating that any further questions could be directed to him.

Proposed Findings on new Zone Change Proposal ZC 1056

Tract 1 of Certificate of Survey No. 3894

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX3 Mixed Residential 3, CMU1 Corridor Mixed Use 1, and P1 Parks and Open Space

Statement of Proposal

Gary Oakland and Oakland Companies are seeking rezone Tract 1 of Certificate of Survey No. 3894.

The intent of the requested zoning will allow for future development which provides of single-family homes, duplexes, townhomes, and multi-family residential dwellings.

The proposal is designed to provide a stepping and gradual, compatible increase in residential density compared to that of the surrounding High Sierra 2 subdivision to the south and east as well as any future development on existing agricultural tracts to the north and west. It also provides a greater degree of housing choice in the area and will support workforce housing.

Responses to Questions in Zoning Application

- a. **In what ways is your proposal consistent with the statutory criteria, guidelines and policies of the adopted Growth Policy?**

The Growth Policy states:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe and provide a choice of housing and transportation options.

The requested zoning is in compliance with the following growth guidelines:

Essential Investments (Relating Public and Private Expenditures to Public Values)

- ***The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plan.***

Local access streets within the proposal area will be designed for low speeds and to calm traffic and provide safe environments for all users while still providing enough room for emergency vehicles to safely navigate. The zone change proposal is also designed to have high levels of network connectivity so that trips generated by the development will have immediate access to arterial and collector streets, thus minimizing the impact on surrounding neighborhoods.

- ***Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.***

All future development in the proposal area will provide pedestrian connections to adjacent streets and neighborhoods.

- ***Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.***

The zone change proposal includes a 0.68-acre area zoned P1. As a requirement of zoning, the area within the proposal zoned NX3, which is 14.23 acres, will also contain 4 public open spaces.

- ***Infill development and development near existing City infrastructure may be the most cost effective.***

The zone change proposal is within the city limits of Billings, and is nearby to areas already served by city water and sewer. Because this application proposes an increase in residential density, City and municipal infrastructure will be more cost effective than less-dense development, on a per-capita basis.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired.***

The design of this master-planned neighborhood, in compliance with relevant subdivision and zoning regulations, will promote a high level of public safety. This includes streets, parking and recreational areas which are easily observable from residences within the development. This property will not impact public health, safety, and welfare any differently than the other neighborhood developments which are developed in accordance with the City's zoning, engineering and subdivision regulations.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

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

This master-planned neighborhood will be developed in accordance with the City's code regulating street sections to include planted boulevards. This will ensure that vehicular traffic is calmed and can navigate the development at speeds that promote the safety of all street users. Street-front landscaping will be provided in accordance with the zoning code's landscape section, providing street trees and other water-efficient landscaping.

- ***Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.***

This master-planned neighborhood will feature sidewalks on all streets, including pedestrian connections to adjacent development and the surrounding pedestrian network.

- ***Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community***

The zone change proposal includes a .68-acre park zoned P1. As a requirement of zoning, the area within the proposal zoned NX3, which is 14.23 acres, will contain 4 public open spaces.

Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)

- ***Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels***

The mixture of zones and housing types within this zone change application, CMU1, NX3, NX1, N1 provides a diversity of housing choices to serve residents of all life stages and incomes. The spectrum of residential zones included in this application creates a gradual transition from planned N3-zoned areas, toward the center, through N1, NX1, NX3 and CMU1. The diversity of housing types in the application provides the mixture and choice in housing that the Growth Policy calls for.

The zones at the outermost boundaries of the zone change are N1 and NX1. N1 constitutes 8.92 acres or 16.75% of the application area. This zone allows single-family dwellings and duplexes, and creates a gentle increment of density above the adjacent N3-zoned land.

NX1 makes up the largest part of the zone change area, at 26.34 acres or 49.46% of the application area. Section 27.302.D of the Billings Zoning Code describes the NX1 zone as follows:

The NX1 district is intended to continue the character of the first neighborhoods [N1] with single-family, two-family, and small-scale multiple-family homes with three (3) to four (4) units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

Thus, NX1 is of the same scale as N1, which is compatible with other N zones. NX1-zoned land will likely be developed as fourplexes or townhomes in the application area. Together, the N1 and NX1-zoned areas within the application area create a transitional buffer between the planned N3 zones outside the application area and the proposed NX3 zoned area at the center of the application area.

Within the NX1 and N1 buffer, 14.23 acres or **26.72%** of the application, is proposed as NX3 which, because of its efficient use of land and materials, will create more attainable dwellings than in the existing, N3-zoned neighborhood. The inclusion of NX3 will provide

greater housing choice because very little NX3-zoned land exists in the surrounding area or in The Heights housing market generally.

The **core** of the proposal area, at the intersection of Annandale Rd. and High Sierra Blvd. is **3.08 acres, or 5.79% of the application area**, of CMU1, which allows ground-floor commercial within buildings of the same scale as NX3. This commercial land use was added to the application in response to public comment received during the neighborhood pre-application meeting.

- ***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.***

By including a small area of land at the center of the application area that allows commercial uses in the ground floor, this application creates a viable neighborhood center to which surrounding residents can walk or bike. In addition to neighborhood commercial destinations, this application also includes an area zoned P1 for parks. The NX3 zoned area is also required to include seven public open spaces that will be designed and located at the time of subdivision or master site plan review.

The proposal area is about 0.6 miles from Skyview High School, and 1.6 miles from Castle Rock Middle School, which will allow any school-aged children to walk or bike to school and free parents living in the area from the necessity of driving their children to school.

- ***Public safety and emergency service response are critical to the well-being of Billings' residents and businesses.***

Future development within the zone change application area will use named streets within its bounds to better address locations within and provide an enhanced level of public safety. Per City of Billings subdivision regulations, compliance with which will be confirmed during the subdivision approval process, future development will connect to the surrounding road network at two or more locations.

The zone change centers around the intersection of High Sierra Blvd. (collector) and Annandale Rd. (minor arterial) which is the point of highest street network connectivity in the area, which will allow more rapid response by emergency services when called to the area.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

- ***Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.***

The increased population per acre that will result from this proposed zone change will promote efficient use of land, city services and provide relatively high tax revenues per acre compared to less-dense residential development.

It is estimated that the proposed zone change would result in residential densities of about 13.4 dwellings per acre, which the 2016 Growth Policy considers “Residential Medium Density,” and is within the bounds of that policy’s “Public Preferred Scenario” for growth in the area. Furthermore, the surrounding development is developed to densities well below the preferred scenario, so this proposal will bring the area more in line with the preferred scenario and will promote fiscal sustainability for the area in the future.

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

This master-planned neighborhood will attract a wider range of age and economic groups seeking housing alternatives to large lot, single-detached residential. The homes planned for this neighborhood will provide access to both stable housing and home ownership for working class and aging Billings residents alike. The application’s inclusion of a commercial node at the intersection of Annandale Rd. and High Sierra Blvd. has the potential to reduce those residents’ transportation costs by allowing them to walk or bike a short distance to neighborhood commercial businesses. The increase in density that will result from the proposed zone change will also reduce tax burden that will support the high-quality services that a modern work force demands.

The development that will occur as a result of this Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists and helping to maintain fiscal responsibility for the City. This development will allow the City to increase tax revenue, decrease tax burden on residents, and promote prosperity by further developing a variety of neighborhoods with their own unique character that are governed by City regulations and provide housing choice and additional housing inventory.

The Billings Heights Neighborhood Plan states:

- ***Public Safety Goal: Provide safety for residents and development as it occurs. To lower emergency response times by providing easy access to emergency vehicles.***

Before any development occurs within the proposed zone change area, it will go through a subdivision review process which will ensure that the development complies with all City of Billings subdivision standards, including roadway construction, dimensions and emergency access standards.

- ***Public Safety Goal: Provide safe routes for pedestrians to travel between schools, parks, neighborhoods and other community facilities.***

Development within the proposed zone change area will be accessed by streets designed to City of Billings standards to include boulevard sidewalks, which will provide safe routes for pedestrians to destinations within the zone change area and to schools, parks, and community facilities in the surrounding area.

- **Transportation Goal: Improve continuity of arterial routes within the Heights and between the Heights and other areas of the city.**

The proposed zone change is located and designed so that vehicular trips generated thereby will have direct access to arterial and collector streets, thus avoiding added vehicular traffic on any local access streets. The proposal centers its most intense residential land use around the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). That intersection is the point of greatest network connectivity in the remaining undeveloped High Sierra subdivision. From that point, trips destined for the west end will have access via High Sierra Blvd. to Skyway Dr. and the Inner Belt Loop. Trips from the proposed development to destinations in the downtown or within the Heights will have access via Annandale Rd. to the principal arterials of Gleneagles Blvd. and Wicks Ln. Therefore, this zone change meets the plan's goal of improved continuity of arterial and locating increased density on arterials. Additionally, before any development takes place because of this zone change, a Traffic Impact Study (TIS) will be completed to determine its impact on the surrounding network and what expense the developer will be required to bear to make those improvements.

- **Transportation Goal: Improve safety for motorized and non-motorized transportation facilities.**

All development within the proposal area will comply with City of Billings engineering standards. Streets within the proposal area will include boulevards and sidewalks. Local access streets within the development will include traffic calming elements to improve safety for all street users of various modes.

- **Transportation Goal: To encourage traffic analysis as high density housing or large commercial development occurs. Employ sufficient development oversight to ensure feasibility of future transportation facility plans.**

Any future development within the proposed zone change area will be subject to master site plan review and subdivision review, which requires a Transportation Impact Study, which will determine what the impacts of the development will be on the surrounding transportation network, and for what portion of the expense of those improvements the developer is responsible.

- **Land Use Goal: Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.**

At the neighborhood pre-application meeting held on June 12 agents of the applicant asked attendees about their opinion of possibly including commercial zoning in the zone change application. Attendees reacted positively and stated that there is a desire and need for neighborhood commercial. Because of that feedback, a small area of CMU1 has been added to the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). This commercial will be of a scale consistent with the surrounding structures within the application area. Commercial land use at that intersection will support neighborhood

commercial development, capturing some trips within the bounds of the development, and providing a neighborhood center for local residents.

- **Land Use Goal: provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.**

The proposed zone change meets all the goal statements above. By gradually increasing residential density toward the center of the development area, it will provide residential dwellings that make more efficient use of land and materials, and are therefore more affordable than the existing, large lot single family zoning.

The proposal includes a gradual transition of residential densities from the existing N3 zoning to N1 to NX1 to NX3. By doing so, it ensures that each zone is adjacent zones which are compatible in scale.

The zone change proposal centers its highest-intensity residential uses at the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector) and uses NX1 to line a segment of Annandale Rd. These higher-density residential land uses are better suited for arterial frontage because they can be accessed from the rear by vehicles, thus eliminating the need for frequent curb cuts.

The zone change proposal is located away from existing residential development in the High Sierra subdivision, thus isolating any established neighborhoods from the new, multifamily residential neighborhood this application seeks to establish.

- **Housing Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.**

This application meets this goal by providing a gradual transition from undeveloped, N3-zoned areas within the High Sierra subdivision. In doing so, this application ensures that all zones are adjacent to zones of compatible scale. By introducing increased residential density, this proposal makes neighborhood commercial uses possible at the intersection of Annandale Rd. and High Sierra Blvd.

It is estimated that the proposed zone change would result in residential densities of about 13.4 dwellings per acre, which the 2016 Growth Policy considers “Residential Medium Density,” and is within the bounds of that policy’s “Public Preferred Scenario” for growth in the area. Furthermore, the surrounding development is developed to densities well below the preferred scenario, so this proposal will bring the area more in line with the preferred scenario and will promote fiscal sustainability for the area in the future.

- **Economic Development Goal: Attract new businesses and corporations [to the heights].**

By producing multifamily apartments, fourplexes, and townhomes that make more efficient use of land and materials, future development entitled by this zone change will provide housing for the workforce that businesses and corporations need.

- **Economic Development Goal: Provide residents/visitors easier physical access to businesses and services in the Heights.**

The increased residential density in this zone change proposal will make it more efficient to provide bus transit service to the subject area of the heights. The existing, low-density residential development in the area surrounding the proposal area makes more frequent, more useful bus transit service in the area infeasible.

By locating increased density at the highly-connected intersection of High Sierra Blvd. and Annandale Rd., this proposal ensures that the residents of this development will have multi-modal access to employment and commercial destinations the West End, Downtown, and Heights without contributing trips to nearby local access streets.

- **Economic Development Goal: To attract small and medium businesses to the eights. To promote “life to work” concept where people work close to or within walking distance of their homes.**

By including a small amount of commercially-zoned land (3.08 acres) within the zone change proposal area, this development will create a small neighborhood center that could employ a small number of workers who could potentially live in the development and walk to work.

The 10 Zone Change Criteria:

- ***Whether the new zoning is designed in accordance with the Growth Policy***

Yes, this zone change proposal and future development that will occur as a result will be consistent with the Growth Policy statement and guidelines on previous pages. The proposal area has already been annexed into the city and is adjacent to parcels where municipal services exist. The design and configuration of this zone change proposal creates a gradual, stepping increase in residential density which creates a transition from the scale of existing residential uses in the area to the larger scale residential zones proposed at the center of the application area.

- ***Whether the new zoning is designed to secure from fire and other dangers***

Yes, the subject parcels will be serviced by City fire and police services and will be designed in accordance with City of Billings rules and regulations thus assuring protection from common dangers.

- ***Whether the new zoning will promote public health, public safety and general welfare***

Yes, all development within the proposed neighborhood will be designed to comply with the City zoning code which regulates density and land use transitions. All residential uses will be subject to City of Billings building codes, and the utility and surface infrastructure will be constructed in accordance with City of Billings rules and regulations assuring compliance to this criterion. All public spaces within the neighborhood are also designed to be easily observable from residences, which provides a higher level of public safety.

- ***Whether the new zoning will facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements***

Yes, the proposed neighborhood will provide streets designed in compliance with relevant City of Billings regulations for adequate transportation provision. Impacts on the road network will be determined during later subdivision and master site plan approvals processes, which will include a Transportation Impact Study. Water, sewer and storm facilities will also be developed in accordance with all relevant regulations. The residential densities proposed in this master-planned community will create a neighborhood that costs less for schools to serve, as it will require less distance for buses to travel for student pick up and drop off. The zone change proposal includes a 0.68-acre area zoned P1. In addition to this zoned open space, the area within the proposal zoned NX3 will contain 4 public open spaces.

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

Yes. All future development within the application area will be developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

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

The proposal centers its most intense residential land use around the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). That intersection is the point of greatest network connectivity in the remaining undeveloped High Sierra subdivision. From that point, trips destined for the west end will have access via High Sierra Blvd. to Skyway Dr. and the Inner Belt Loop. Trips from the proposed development to destinations in the downtown or within the Heights will have access via Annandale Rd. to the principal arterials of Gleneagles Blvd. and Wicks Ln. The design and configuration of the zone change proposal therefore directs new traffic to arterial and collector roads rather than local streets and mitigates the impact of those new trips on existing residential uses.

When this development progresses through the approvals process to master site plan review, a Traffic Impact Study will be completed, and the developer will be responsible for any

improvements the study deems necessary because of the trips generated by this development.

The zone change will continue to support and address growth needs and have additional connections to the local street network while concentrating housing within the established City of Billings projected growth areas.

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

The proposal area is about 280 feet from existing platted N3 area to the east and 900 feet from the nearest platted area to the south. In addition to that existing buffer, the proposal's designs provide a stepping, gradual increase in residential density from the smaller-scale N3-zoned land around it, through N1, NX1, to the NX3 and CMU1 at its core. This stepping ensures that all residential zones in and outside the application boundary are adjacent to development of similar scale.

- ***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use.***

Yes. Recent developments in the surrounding area including changes to the Limits of Annexation Map and completion of the Inner Belt Loop have made this location suitable for more intense development.

The 2023 Limits of Annexation Map adopted by the City of Billings brought much of the land surrounding the proposal area into the Zone 1 Petition Area, anticipating that those areas will be annexed and developed for urban land use in the near future.

The area to the north of the application area, known as the Dover Ranch, has submitted development plans to the city which include commercial development, multifamily residential development of 20 dwellings per acre, and single-family residential development of 7-9 dwellings per acre. The subject application would be compatible with that development to the north.

The application's location and configuration around the intersection of Annandale Rd. (Minor Arterial) and High Sierra Blvd (collector) will give its residents easy access to destinations in both the downtown and Billings Heights. The recent completion of the Inner Belt Loop has significantly increased the subject property's network connectivity and access to destinations in the West End of Billings. This high level of connectivity and access makes the subject area suitable for more intense levels of development.

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

Yes. Although there is no evidence to suggest that the development of more compact development or multi-family residential uses has any negative effect on the value of adjacent, existing single-detached residential uses, the gradual stepping up toward the center of the zone change proposal area ensures that residential uses both within and outside of the application area are adjacent to buildings of similar scale.

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

Yes. The City of Billings continues to need projects that provide housing choice within financial reach of working people. It is appropriate to continue to promote development within City Limits boundaries that makes efficient use of costly land, labor, and construction materials. This zone change helps support an appropriate level of development which will serve the City both now and in the future.

From: [Alex Heesch](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Protexit NX3 Zoning
Date: Thursday, June 20, 2024 7:41:57 AM



Good Morning,

We received a notice at our door yesterday afternoon for a public meeting that was held to discuss the NX3 Zoning for a four-story low income housing project in the High Sierra Subdivision.

The letter stated that public meeting was held on 6/12/24, obviously this notification was delivered well after the stated meeting day and time.

I am in protest of this project at the proposed location. When will the next meeting be held?

Thank you,
Alex Heesch
406-200-5058

From: [Amanda Pillman](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonsstewart.com
Subject: [EXTERNAL] Zone Change High Sierra
Date: Friday, June 14, 2024 10:26:45 AM

I live at 648 Cherry Hills Rd and am greatly opposed to the rezoning and building of apartment complexes in the High Sierra subdivision. This neighborhood has long been single family homes and is one of the reasons we built a house here after living on Cortez Ave. It is a quiet family oriented neighborhood and we'd like to keep it that way. We also have very little turnover in homes and one of the lowest crime rates in this area in all of Billings. Adding large complex living to this neighborhood is inappropriate. It would bring high turnover and more people and crime to the area. There is no commercial property over here and seems more appropriate to build short term living solutions in higher traffic areas like the west end. I will be deeply upset if the neighborhood is changed/ruined by large apartment complexes. I hope you'll consider the families already here, and keep this area zoned for single family houses only.

Thanks in advance,

Ali Cross

From: Andrea Heisser <aheisser@sbcglobal.net>

Sent: Monday, June 17, 2024 1:06 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Cc: neecer@billingsmt.gov

Subject: [EXTERNAL] Proposed Zone Change at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B

This email is our protest to the proposed zone change for two tracts, changing them from N3 to high density zoning, at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B.

I recently retired as a Special Education Administrator and my husband and I chose to spend our remaining years in the City Of Billings and specifically the Heights due to the safety in our area.

My motivation to write this email comes from experience in living in high density areas that diminished, our quality life, and property values; as well as the stress/anxiety over the increase in crime with a decrease in response time or no response from first responders.

Public safety is the number one concern for the residents in our community. The reality is our police department is reactive to crime, and unable to be proactive, as growth in the City has outpaced everyday services. A change in zoning would only serve to burden an already overburdened police department and adversely impact our safety, putting us in harm's way, as we wait for the police response. These issues would only get worse with the proposed high density change.

The traffic issues created with the zone change aren't good either. Just ask the residents of Cherry Hills, Boca Raton, and Annandale what it's like during the school year, not good. It's not safe, and the police department can't keep up with enforcement.

Further, everyday services would be impacted as well, from mail delivery, garbage pick-up, to fire and ambulance response. The high density impact on other parts of the City is why we moved to this part of the Heights, please **don't** change the make-up of our neighborhoods.

Andrea and Kurt Heisser

2226 W. Skokie Dr.

Billings, MT 59105

805-750-9236

From: A Tolzien <amyrt13@gmail.com>

Sent: Tuesday, June 18, 2024 3:21 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Subject: [EXTERNAL] Zone Change at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B

I am writing in strong opposition to the proposed zone change by Sanderson Stewart. The proposed apartments will be detrimental to the area. All residents that I have spoken with in the surrounding neighborhoods are completely opposed to this development that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Schools in the area are already over capacity and understaffed. Allowing the creation of 5 or more dwelling units per structure would exacerbate this issue.

Property values are likely to go down in the area if apartments are built. Apartment buildings are inconsistent with the neighborhoods developed in the area.

Very few people have been made aware of this request as the majority of the land within a quarter mile remains vacant or is currently under construction.

I urge you to reject the proposed rezoning. Thank you for your consideration.

Amy Tolzien

2424 Cielo Circle

Billings MT 59105

406-281-2700

From: bilmitz@bresnan.net
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] proposed zone change in High Sierra Subdivision
Date: Saturday, June 29, 2024 10:30:07 AM



We strongly oppose any zone change for high density construction in our neighborhood that will create any more traffic on Annandale Rd. Annandale Rd is already over run with traffic of all types (construction, residential, speeders, etc.) There needs to be other outlets for vehicle traffic other than Annandale Rd. Bill and Mitzie Haney
330 Annandale Rd
Billings, MT

Bill and Margaret Abel

June 25, 2024

1432 Las Palmas Ave.

Billings, MT. 59105

EMAIL: cromwelln@billingsmt.gov and
jhalverson@sandersonstewart.com.

Dear Planners,

I received your letter of June 5, 2024 when it blew in the front door on June 20, 2024. No envelope or postage, just wedged in the door 8 days after the meeting noted in the body of the letter.

That's how we begin AND with additional red notation in all capitalized letters "...THAT TIME IS OF THE ESSENCE."

My wife and I reviewed the area and identified the proposed parcel, the streets that appear to be the main arterials, and discussed what we've witnessed for traffic circumstances year around on the existing streets as they are now. We have 4 years of living here plus 2 more years of frequenting before that. We don't believe that traffic will have a reasonable and safe flow in and out of the proposed area due to narrowness of streets with cars on both sides and or deep snow with one pair of car tracks down the center between the cars.

High Sierra Blvd would funnel traffic right through the parking and loading area of Skyview High School morning and afternoon. Annandale Road would see a parade of traffic through a residential area most likely at a speed exceeding what is established.

2.

Next up is the soil issues being implemented for single story residences. The measures for larger footprint and multi- story structures could no doubt be met by design but at what cost? The rents will have to absorb the engineering and implementation. I think the Heights appeals to a different demographic than the West side.

I'm going to break this off here without addressing water/sewer, fire, schools, and the bait and switch of changing the zoning of residential area to High Density.

Bottom Line is a vote NO for the proposal. That's against the June 5, 2024 letter.

William F. Abel and Margaret C. Abel

From: [Arica Lipp](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Rezoning
Date: Monday, June 17, 2024 2:43:49 PM



Nicole Cromwell,

Today it was brought to my attention there was a zoning meeting on June 12, 2024 about a project that will directly effect my home and street traffic that I was not made aware of prior to the meeting. I am strongly opposed to this increase in housing to this degree that our streets cannot handle. Our residential area is already as busy as I believe it can be while still being safe. I have a family with small children off of st Andrews dr that directly connects wicks to Anindale Road where these apartments are planned to be built.

I and my neighbors should have been contacted and given a chance to voice our concerns. I would like to know what can be done to prevent this from happening and request to be notified of any and all future meetings.

Yours truly,
Arica Lipp

From: [Ashley Ward](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Protest NX3 Zoning Malia
Date: Friday, June 21, 2024 8:29:24 AM

My husband and I live at 1405 Topanga Ave, Billings MT 59105. We DO NOT want the high density zoning. We are protesting this. But, we'd love a really nice park. We are one of the many families that are growing and would love a park for all the young families to enjoy and build a community.

Thank you,
Ashley and Joey Malia

Sent from my iPhone

From: Brenda Rush <bkrush1@yahoo.com>

Sent: Tuesday, September 17, 2024 4:53 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Berns Brenda <bernsb@billingsmt.gov>; John Halverson <jhalverson@sandersonstewart.com>; John Halverson <jhalverson@sanbell.com>; Brenda Rush <bkrush1@yahoo.com>

Subject: [EXTERNAL] High Sierra Zone Concerns

Please find attached zoning concerns of three families that live in the High Sierra Subdivision. My first question is the attached photo of a zone change request that just appeared in recent days. Is this zone change different than the previous zone request in which a neighborhood meeting took place at the highlands golf course? Is it related the neighborhood meeting scheduled later this month, I believe it's scheduled on Wednesday the 25th at 5:00? If this is a new separate subdivision request will there be another neighborhood meeting? I don't think it will matter what we say as it appears no one is listening, the meetings are at times most people are working and can't attend. For example I work until 6:00 and to get to the meetings it would be impossible. Even school teachers hold the parent teacher conferences at times where working parents can make it. I'm fine with additional houses being built, everyone needs a place to live but adding multi level apartments is going to put a huge strain on all the services available. I feel the zoning committee needs to also take a look at what all is being added in areas near High Sierra Subdivision. **Such as what is being added at the end of High Sierra, just south of Skyview High School?** As I understand it there will be Tiny homes placed on Government land for people to rent the land at subsidies rent fee based on your income, and they will own their homes? I haven't been able to find any answers to what is going on there. When I did as about it in a previous e-mails sent to you, I was simply told that you were not aware of what is going on. **NO** answer was given to me. I think this would have an impact on the services in the area. I'm concerned that with adding multi family apartments to the area that I was told was zoned for single family homes will decrease the value of my home and change the family living we have. I strongly against adding apartment buildings and commercial buildings to the area. Especially since we haven't been told if the apartments are low income section 8 apartments. If they are I can assure you that the property value of my home will decreased.

Thank you for you time,

Brenda Rush

I know the sign is hard to see in this photo but if you look you can find it.



Nicole & John-

I'm sending this email to voice my concern and 100% am against re zoning to any NX3 in High Sierra. I wouldn't mind seeing some light commercial up there, possibly at the Annandale / High Sierra intersection.

Also it should be required to pave an access road up Annandale to High Sierra (Similar to what the city did on Sierra Granda) sooner than later as they develop West, up that way. Otherwise it will be a repeat of the current situation where Boca Raton Road is overloaded with traffic that is intended to go up Annandale, but the city keeps letting more of that area keep getting developed, without requiring Annandale to go through to Gleneagles yet.

Another problem is that although the newer quarter mile notification zone for a zone change neighborhood meeting is potentially better than the old 300' requirement, It wasn't any more effective in this case, and they even admitted it at the neighborhood meeting, they are trying to push the zone change through before very many residents are close enough to get a notice.

I'm estimating that out of the 300 notices that were sent out, only about 25 went to actual residents. The rest is vacant land, & homes under construction. A good edit to recode would be to have to notify 1/4 mile of actual residents, not just vacant or under construction lots.

Brendon Hill
406-860-1765 Cell

From: [Brenda Rush](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] High Sierra Neighborhood
Date: Sunday, June 23, 2024 5:52:18 PM



Good Evening,

I am writing to express my strong opposition to the proposed housing development in the High Sierra neighborhood. I found out via Facebook about the zoning request. I would have attended the community meeting that was held. I've been told the requirement is to send out notices for people having concerns or an opinion is that they only need to be living 1/4 mile of the zoning change request. I feel that is not a large enough sample for this area and this zoning change. Based on what I've seen it appears the new complexes are placed in the middle of the parcels therefore, reducing the number of home owners invited to attend the meeting.

The proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, and strain on our public services. There are already safety concerns with the traffic congestion at Castle Rock middle school and Skyview High school. With the new cut across to Zimmerman Trail, cars are racing through our community trying to find the shortest and quickest way possible. A large influx of residents will do even more harm. We bought in this area because it is a single family community not RENTAL APARTMENTS!!!! The construction of this project will result in the destruction of natural habitats and putting wildlife at risk.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex. I bought out here to have a view and peace and quiet. Adding a high-rise with apartments is not what I paid for! I strongly appose the zoning change request! And I'm sure you would too if you were in my position. Oh wait I was told that is relevant. Give me a break John you would like it either! I bought in a single family development! And that is what I want to continue to live in.

Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere. It's not my fault they cannot afford to buy a home due to the increase in property values. I had to save and work for this life and I do not want to live next to apartment buildings.

In conclusion, I strongly urge you to reconsider this proposed housing development.

I want to be informed of all future meetings regarding this concern. I've been told it's on August 6th at 4:30 I will need to take off work to attend this meeting because I do work! I have to, **to be-able to purchase a home in a single family**

community and not rent. I find it interesting that the meeting is schedule down town at the Miller Building at a time when **MOST** people in the area that own their homes are working. I would also like to know what room the meeting will be held in because I will be rushing to the meeting and I don't want to be trying to find the meeting room.

Thank you for your time.

Brenda Rush
1401 Topanga Ave
Billings MT 59105

From: [Brad Sebek](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] NX3 Zoning Protest
Date: Thursday, June 20, 2024 9:22:41 AM



Nicole/John,

I am writing to protest the proposed zoning change in the High Sierra subdivision. This area already has a tremendous amount of traffic and the schools in the area are already at capacity. The entire subdivision is single family residences and when building in this area we were led to believe that was the long term plan for the entire subdivision. This proposed change would negatively impact the area, home prices, traffic flow, and school over crowding. I do not believe this zoning change should be approved for the reasons noted above.

Thanks!

Brad Sebek
Get [Outlook for iOS](#)

From: [Bonnie Erickson](#)
To: [Cromwell, Nicole](#)
Cc: m.e.trucking@live.com
Subject: [EXTERNAL] High Sierra Sub Block 33
Date: Tuesday, June 18, 2024 8:44:31 AM



Please let me know when the next meeting will be for the High Sierra Sub-14th Filing Block 33, Lot 1A & COS 3776 Parcel 1B meeting will be. I live on St Andrews and it's already a super hwy on this road with trucks and cars. We oppose this new development and would like to have been at the first meeting that apparently was held on 6/12/2024 at Lake Hills. Thank you Nicole for adding us to your mailing list of information pertaining to this zoning request.

V/R

Bonnie & Marc Erickson

From: [Britin Cross](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Zoning change by Skyview
Date: Tuesday, June 18, 2024 1:55:17 PM

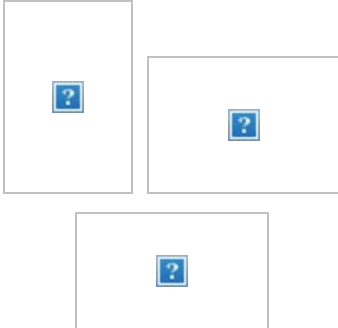


Nicole and John,

I am writing to you with concern to the zoning change at High Sierra Sub 14th filing block 33 lot IAI and COS 3776 Parcel IB. I am completely against this and hope you take my concerns into consideration. First many people own homes in that area and a 4 story apartment complex will completely destroy their property value. Our schools in the Heights are already bursting with too many kids, this will bring more kids to the community that our schools cannot handle. Our police and fire departments are also over worked, this will bring more issues to the Heights that will take their attention away from the areas that need them the most. Yes Billings is in a housing crisis, but when our community cannot support more people we cannot just keep building more and more multi families complexes without the resources. This will be a huge detriment to the Heights community and I am 100% against this. Do not change this areas zoning. Please leave this area as is.

I am also upset that I was never informed of a meeting on June 12th. As a Heights tax payer all of the residents of the High Sierra, Lake Hills Subdivision should have been informed and given the chance to attend. This seems sneaky as if the city did not want us to know.

Britin Cross
REALTOR® | Magic City Real Estate
406-390-0331
Follow me on Facebook
[FB Britin Cross MCRE](#)
www.MagicCityRealEstate.com



From: Calvin Nickell <uscalvino@gmail.com>

Sent: Thursday, June 20, 2024 9:54 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Subject: [EXTERNAL] High Sierra Sub 14th Filing Block 33 Lot IAI and COS 3776 Parcel 18

I love this area, and think I understand the rules, however I'd like to know whether this application is in keeping with development for our suburb. I am concerned about the security, protection of views and privacy from overlooking. The houses in this area are already packed together tightly and with the proposed addition of multi-storied structures adds to density and removes what little amenities we have. I was hoping that the open field would be transformed into a huge park with trees planted and a walkway built around the perimeter.

Many apartment complexes have been and are being built on the west side of Billings and I see much more land available for these high rise structures and it is also where they fit in with the surrounding area. A 4 story complex would stick out like a sore thumb here and block the serene views of its neighborhood. Had I known that a change to the zoning would occur only 4 years after my home was built, I wouldn't have bought my house here. It is too much of a change in the landscape for my liking. I wanted to live in a housing area away from apartment complexes.

[Oscar Newman](#)'s studies show that crime in neighborhoods with people below the poverty line living in single-family homes are not significantly greater than crimes in higher-income neighborhoods. But crimes in multifamily buildings with lots of common areas are significantly greater because there is no way to determine whether someone in a common area belongs there. So it is the design, not the people, that attracts the crime.

No one wants poor people living next to the house they worked damn hard to purchase. Worse yet is all these mid rise monstrosities they are building in the name of density.

I am sorry, but I object to this change in zoning and I implore Nicole Cromwell, Zoning Coordinator / Code Enforcement Supervisor, City of Billings to deny this application and continue to uphold the principles of planning and designing enduring communities by maintaining the integrity of High Sierra Sub Zone N3 - Suburban Neighborhood.

Sincerely, Calvin Nickell

From: [Chere" Payovich](#)
To: jhalverson@sandersonstewart.com; [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zone Change at High Sierra
Date: Wednesday, June 19, 2024 9:29:47 PM

Just received a letter in my door this evening regarding a zone change request at High Sierra in Billings. This letter was dated June 5, 2024 and was delivered after a meeting was held on June 12, 2024.

I would like to protest the NX3 Zoning and any other High Density zoning.

I moved to the heights to live in a quiet and nice neighborhood. Building apartments in this area would create so many problems and I would like to see this area continue to grow with houses and not apartments.

Please keep this subdivision what it currently is. As a homeowner in this area, I would not be pleased with the zone change.

Again, I protest the NX3 Zoning and any other zoning changes.

Thank you,

Chere' Payovich

From: [Connie Hayes](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] High Sierra proposed zone change 1056 Project Number PXZ-24-00202
Date: Wednesday, September 18, 2024 10:36:28 AM
Importance: High



I am responding in the strongest terms against this proposed zone change. Please find below my responses to the ten considerations from city code Section 27-1628.

City Zone Changes

Decision criteria

City Code Section 27- 1628

D. *Decision criteria.* The review and decision-making bodies shall consider the following statutory criteria in making a recommendation or decision regarding a zone change application:

1. Whether the new zoning is designed in accordance with the growth policy;
Response: For the last twenty years or more, this neighborhood has been made up of single-family buildings with a few multi-family dwellings mixed in, this should continue into the future.
2. Whether the new zoning is designed to secure from fire and other dangers;
Response: This site is very close to open range and the occupants of a large apartment complex rarely understand their impact on this type of property. Young people with no place to recreate, head to these open spaces to the north with their motorcycles, side by sides, and vehicles and make a nuisance of themselves. The damage to the grazing spaces takes years to recover.
3. Whether the new zoning will promote public health, public safety and general welfare;
Response: This type of property does not encourage any sense of ownership for the property or surroundings. The majority of the single-family properties in the current neighborhood have lawns, trees, gardens, and a sense of pride in ownership. The properties display well are a pleasure to drive past on your way to and from home.
4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
Response: Cherry Hills is a major thru-way for Skyview HS traffic. The traffic will only increase heavily due to this high density of people needing to leave for work, shopping, school, etc.
5. Whether the new zoning will provide adequate light and air;
Response: The weather and wind in this area will make living in a 3 to 4 story building fairly scary. Fifty mile an hour winds have been clocked here regularly. This proposed zoning change removes more than fifty acres of grassland with no provision for replacing it and will be covered with mostly building and asphalt parking, A towering 3 or 4 story building to our northwest will block our sunset view and the Montana sky for us.

6. Whether the new zoning will affect motorized and nonmotorized transportation;

Response: As Cherry Hills Road is currently a highway for Skyview students, our traffic will undoubtedly be increased significantly. Skyview students race through our streets unheeding the speed limits and posted signs. The increase in foot traffic and solicitation will increase as well.

7. Whether the new zoning will promote compatible urban growth;

Response: This high-density zoning does not match any other building for miles. If this company owns more land adjacent to these fifty acres, we could be surrounded on the north by towering buildings. This will create an eye-sore in this open landscape and violate our Montana Big Sky!

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

Response: This zoning will violate all the character of this district and the suitability of this landscape of open land and beautiful big sky!

9. Whether the new zoning will conserve the value of buildings; and

Response: After a consultation with my realtor, it was estimated that this could reduce property values of a \$500,000 home up to \$60,000. The variables are whether this building/area is maintained and/or built in a fashion that compliments the area. There are two-story apartments located south of us that have not aged well. The owners don't keep the area policed for garbage, not enough parking is provided for the current residents and the whole area is run-down. I would expect that this building will not age well.

10. Whether the new zoning will encourage the most appropriate use of land throughout the city.

Response: This open area allows all the buildings to view our Montana landscape and skies. The addition of a large building will create an eyesore in the middle of an open range that will be seen for miles. This is contrary to my dream of the Montana landscape.

In summary, this type of high density building would have stopped me from purchasing anywhere near it. Furthermore, it may influence how much longer I live in this area, should this zone change be approved.

Thank you for your consideration.

Sincerely,

Connie Hayes

hayeshiker@gmail.com

645 Cherry Hills Rd

Billings, MT 59105

From: [Coul Hill](#)
To: [Cromwell, Nicole](#)
Cc: [Tatia Hill](#)
Subject: [EXTERNAL] High Sierra Neighborhood Zoning
Date: Tuesday, September 17, 2024 6:57:26 AM



Hello,

I would like you to please place me on the email list to be notified of the Zoning and Planning meeting related to High Sierra Neighborhood.

We live at 1439 Topanga Avenue and we are OPPOSED to the proposed zone change as it would drastically change the fabric of the neighborhood that we chose to buy our home in and where we are raising our children.

Thank you,

Coul & Tatia Hill

From: [Pardy, Crystal](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] preapplication meeting
Date: Friday, June 21, 2024 8:42:00 AM



I just found out about the preapplication meeting regarding new apartments in an already crowded area. The problem is that there are not enough outlets to serve 100's more people.

I am very disgusted that someone posted your letter YESTERDAY 6/20/24 to Billings Heights FB page... for a meeting held 6/12/24.

YOU need to hold another meeting and ALL of us should get this invitation well ahead of the meeting.

Furthermore, I have heard these said apartments are going to house illegal immigrants.... that is a NO GO for me.

Thank you.

Crystal Pardy MA CCC
Speech-Language Pathologist
Shepherd School District
406-373-5516 ext 120

From: donna.paige51@gmail.com
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zoning opposition
Date: Monday, September 16, 2024 9:59:43 AM



Good morning,

Please add my email to your list to be notified of the Zoning and Planning Meetings related to the High Sierra neighborhood.

Also, please note my opposition to the proposed changes in zoning that will allow NX3 zoning. This area needs to remain residential and not be overrun with large multiple family homes of four stories.

Thank you for your consideration.

Donna Paige
1412 Las Palmas Avenue
Billings MT 59105
406-794-7469
Donna.paige51@gmail.com

From: [Dustin Martin](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Protest of NX3, NX1, and N1 Zoning Change
Date: Tuesday, June 18, 2024 11:33:32 PM



Hello,

My name is Dustin Martin and I am emailing to respectfully voice my opposition to the proposed zoning change for NX3, NX1, and N1. This is within the portion of the High Sierra Sub 14th Filing Block 33, Lot 1A1 & COS 3776 Tract 1B.

My wife and I built our home at 533 Boca Raton in 2019. We specifically purchased our lot and built our home after looking at the zoning surrounding our neighborhood. Switching the current zoning from single family homes, or suburban neighborhood classification, to zones that allow for multi-family dwellings, will drastically change the climate of this Heights area.

Although my preference would be to maintain the single family zoning in all of these areas, my biggest concern is with the NX3 proposed zoning change. Not only will this drastically change the "neighborhood" feel, it will impact the elementary, middle, and high schools that are already high in student numbers.

Creating many apartment building complexes that could be up to 4 stories tall, has the potential to significantly overcrowd the schools that are already near full capacity.

Finally, I also feel that this zoning change is being proposed at a time where very few residents currently live within the required quarter mile area of notification. Proposing this change in such a manner shows that it is not what is best for the area and would not be perceived and taken well by those living next to the proposed NX3 zone.

Thank you very much for your time and for reading my concerns related to this proposed zoning change.

If you happen to have any questions, please feel free to contact me via email or phone.

Sincerely,
Dustin Martin
406-670-5996

From: [Frank Gonzales](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Zone change at High Sierra Sub
Date: Friday, June 21, 2024 7:14:45 AM



Hello,

My name is Frank Gonzales and I live at 2020 St Andrews Dr. Billings, MT 59105. I am writing to express my opposition to the planned zoning change at High Sierra Sub 14 Filing Block 33 Lot IAI and COS 3776 Parcel IB.

The volume of traffic caused by people using St Andrews to access Annandale Rd is already way too high. The new construction that has taken place in that area has created a high volume of traffic and speeders that has diminished the quality of life on St Andrews Dr. Adding high density housing in the area will exasperate the traffic situation and I am highly opposed to the project.

Thank you

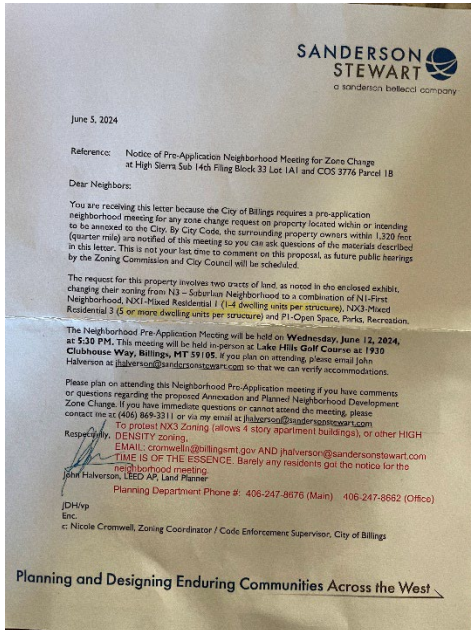
From: Frank Munson <frank.munson623@yahoo.com>

Sent: Wednesday, June 19, 2024 7:57 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Subject: [EXTERNAL] Zoning change High Sierra

Good evening,



I am sending this email to let you know we are opposed to the zoning change and only want residential homes built in this area. Please do not do this to our nice neighborhood. Thank-you!

Kind Regards,

Frank Munson

[Sent from Yahoo Mail for iPhone](#)

[EXTERNAL] Zoning change



gale larchick <glarch@hotmail.com>

To ● Cromwell, Nicole

Cc ○ jhalverson@sandersonstewart.com

Good afternoon..

It has come to my attention that a meeting was held at Lake Hills Golf course concerning a Zoning Change for High Sierra Subdivision.

I did not receive any notice of said meeting concerning a zone change.

I would like it known I am not in favor of any change from N3 zoning.

Our neighborhood has a lot of traffic in this area.... High density housing would create too much traffic for our streets to safely handle.

Thank you.

Gale D. And Vickie L. Larchick

337 Cherry Hills Road

Billings Montana

From: George Zorzakis <zorzakis@gmail.com>

Sent: Sunday, June 16, 2024 6:05 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Cc: neecer@billingsmt.gov

Subject: [EXTERNAL] Re: Proposed Zone Change at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B

This email is our protest to the proposed zone change for two tracts, changing them from N3 to high density zoning, at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B.

I recently retired as a police officer with the City Of Billings. My motivation to write this email comes from the knowledge I gained dealing with high density sections in the City, nothing of what I know is good for the quality of life in those areas. Public safety is the number one concern for the residents in our community. The reality is our police department is reactive to crime, and unable to be proactive, as growth in the City has outpaced everyday services.

The police department has three shifts for the patrol day, with only two officers in the Heights per shift. The Heights is split into two Beats, splitting it into two sections, one officer per section. And, one of those sections covers Rehberg Ranch. The downtown and midtown are often dispatched into the Heights, creating delays in calls being covered in a timely manner. A change in zoning would adversely impact our safety, putting us in harm's way, as we wait for the police response. Simply said, things would be worse with the proposed high density change.

The traffic issues created with the zone change aren't good either. Just ask the residents of Cherry Hills, Boca Raton, and Annandale what it's like during the school year, not good. It's not safe, and the police department can't keep up with enforcement.

Further, everyday services would be impacted as well, from mail delivery, garbage pick-up, to fire and ambulance response. The high density impact on other parts of the City is why we moved to this part of the Heights, please don't change the make-up of our neighborhoods.

George & Cheryl Zorzakis

2239 W. Skokie Dr.

Billings, MT 59105

(406) 208-3866

Brenda and Greg Rush
1401 Topanga
Billings MT 59105
208-651-3387

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic

shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood. Not knowing what type of Apartment Units are going to be placed in the area and the number is not beneficial for making plans. I've been told as many as 24 units on one acre. How many apartments are going to be in each unit? There are too many unanswered questions.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,
Greg and Brenda Rush
Brenda and Greg Rush

From: Greg Cook <grcook@bresnan.net>

Sent: Monday, June 17, 2024 5:14 PM

To: Owen, Jennifer <owenj@billingsmt.gov>; Cromwell, Nicole <CromwellN@billingsmt.gov>

Subject: [EXTERNAL] Sanderson Stewart zoning change request

Importance: High

Hello Jennifer and Nichole,

I want you to know that the proposed zoning change request for High Sierra Sub 14 filing Block 33 Lot IAI and COS 3776 Parcel IB is not ok with me. I just found out about this. I live at 2332 RIVER OAKS DR. RIVER OAKS intersects with ANNANDALE. This change will funnel a lot of traffic thru streets near my house and will cause a lot of traffic and congestion which means more accidents. I am surprised that you would agree with this plan because it is not a good idea for my neighborhood. Single family homes should be the only type of development allowed in this area. Please do not change the zoning in my neighborhood. A lot of neighborhoods have been ruined this way. This is not a good idea.

Looking forward to hearing back from you.

From: Greg Peterson <gregpeterso@outlook.com>

Sent: Friday, June 14, 2024 3:49 PM

To: jhalverson@sandersonstewart.com; Cromwell, Nicole <CromwellN@billingsmt.gov>

Cc: Greg Peterson <gregpete57@hotmail.com>; Greg Peterson <gregpeterso@outlook.com>

Subject: [EXTERNAL] Zone Change at High Sierra Sub - NX3 ZONING PROTESTED...DENIED ON RECORD

Mr. Halverson LEED AP,

In response to notification left on my door 467 Boca Raton Rd, Billings Heights location. I do NOT agree with inner city dwellings NX3 Zoning developments. These low rent/Non-Committed-ownership properties are rife for transient activities never ending. These developments in single family committed property ownerships create high traffic areas, transient non residential activities and lead to unsafe communities in single housing development ownerships as designed.

I **DO NOT agree** with Changing to HIGH DENSITY zoning developments in our N3 Suburban neighborhood pre-planned designs. These zoning actions are only designed for Gov/Corporate greed/enrichments.

Thank you for your consideration.

Greg Peterson

467 Boca Raton Rd

Billings Heights 59105

425-444-2044

Reference: Notice of Pre-Application Neighborhood Meeting for Zone Change at High Sierra Sub 14th filing block 33 lot 1A1 and COS 3776 Tract 1B

From: [Harold Anderson](#)
To: jhalverson@sandersonstewart.com; [Cromwell, Nicole](#)
Subject: [EXTERNAL] Objection to Zoning change proposal
Date: Friday, June 14, 2024 2:46:42 PM



Dear Mr. Halverson and Nicole Cromwell,

I am writing this notice to you to voice our fervent opposition and our protest to the proposal to change to NX3 Zoning (allowing possible 4 story apartment buildings in the High Sierra Sub 14th Filing Block 33 Lot(A) and COS 3776 Parcel 1B). I would have attended the meeting at Lake Hills Golf Course, but I have a medical condition awaiting surgery that prevented me from attending.

When we purchased our home in this area, we did so with the belief and commitment from a realtor that this is a single-family housing area, and we are strongly opposed to any change that would take away from the integrity of a single-family housing neighborhood. Please take this note as our strong protest to this change.

Sincerely,

Harold Anderson
Rebecca Anderson
579 Cherry Hills Rd
Billings MT 59105

Jeff Seward
1432 Rancho Vista Ave
Billings MT 59105
208-651-3387

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

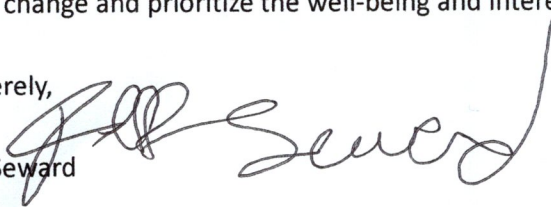
Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood. Not knowing what type of Apartment Units are going to be placed in the area and the number is not beneficial for making plans. What kind of income is the investor planning to make? I've been told as many as 24 units on one acre. How many apartments are going to be in each unit? There are too many unanswered questions.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,

Jeff Seward

A handwritten signature in black ink, appearing to read "Jeff Seward", with a long, sweeping flourish extending upwards and to the right.

From: jeremy.stiff
To: Cromwell, Nicole; jhalverson@sandersonstewart.com
Subject: [EXTERNAL] High Sierra 14th Filing Block 33 Zone Change
Date: Wednesday, June 19, 2024 8:08:23 PM



Dear John Halverson and Nicole Cromwell,

I hope this email finds you well.

I received a notice regarding the Pre-Application Neighborhood Meeting for the proposed zoning change at High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B tonight on June 19th. Unfortunately, I received the letter a week after the meeting was held on June 12, 2024. As a resident within the affected area, I am very interested in understanding the details and implications of this zoning change.

Could you please provide me with any information that was discussed during the meeting? Additionally, I would appreciate being informed of any future meetings or opportunities for public comment on this proposal.

Thank you for your attention to this matter. I look forward to your response.

Best regards,

Jeremy Stiff
2305 Acacia Circle
Billings, MT 59105
406-696-0369

From: Jesse Pritchard <jpritch585@yahoo.com>

Sent: Tuesday, June 18, 2024 6:43 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>

Subject: [EXTERNAL] Meeting for Zone change to High Sierra 14th filing Block 33 Lot A and COS 3776 Parcel 1B

First: The notice of a Neighborhood meeting on Wednesday, June 12, 2024 was not received by us until Friday June 14. Two days after the meeting. I believe in the interest of a fair hearing from the neighborhood would best be served by an additional meeting where all affected residents can voice their concerns.

As you already know, we have a speed issue on Annandale Rd already. If there isn't an increased traffic flow study included in the filing, then the whole filing should be negated and filed again to include the study.

For the stated objections, we vehemently oppose this zoning change filing.

Sent from my iPhone

Jesse & Linda Pritchard

406-861-0511

185 Annandale Rd.

Billings 59105

From: [Justen R](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Cc: [Jen Rudolph](#)
Subject: [EXTERNAL] Opposed NX3 zoning change for High Sierra Sub
Date: Monday, July 1, 2024 8:06:02 AM



My wife and I are writing to **oppose** the zoning change to NX3 - High Density Housing for High Sierra Sub 14th Filing Block 33 Lot 1A1 and COS 3776 Parcel 1B. We have been homeowners in the heights for the past 18 years (on W Skokie Dr off Greenbriar) and have 2 children, ages 16 and 13, attending Skyview and Castle Rock. My opposition to this high density housing comes in part from the already overcrowded and large class sizes that my kids are a part of every day. From a practical point of view, the schools will be unable to handle the additional 600+ families and their children. In addition, public services for the heights are also limited with 2 police officers patrolling the entire heights at any given time. With the increase in crime already noted across Billings, we know that the increased tax basis that this housing will provide will not stay in the heights to support our community.

The original intent of the zoning was for single family units and it should continue to be. I realize the economics have changed in housing, but a bad business decision for the landowner/developer should not be the impetus to change the years of prior planning, this previous decision was made intentionally. It's not unnoticed that the largest section in the new proposal is NX3 designation. There has been a significant amount of growth in homes in this area of the heights for the last 5 - 10 years and will continue to be so, even without the NX3 designation. There is already a significant population increase in our neighborhood and high density housing would further put pressure on all services, but most concerning for us, is the schools.

Thank you for your consideration in this important matter,
Justen & Jennifer Rudolph

From: [Justin Mclaughlin](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] High Sierra sub division
Date: Monday, June 17, 2024 3:05:44 PM



I am adamantly opposed to this deployment. I live at 1938 saint andrews drive. My road is already incredibly busy, unpatrolled and in serious need of speed bumps. The road is incredibly dangerous to park our vehicles on during the winter months. Everyone of my neighbors has had their mailbox taken out at least once already. We fear that increasing the traffic flow will not only make the road more hazardous but also negatively impact our home values. If you take a look at my approach to my home it is very very steep. More homes equates to the eventual expansion of the roads which will have a very undesirable effect to the nearby residents. We simply don't have the infrastructure necessary to facilitate this kind of development.

Simply put, I vote NO to adding apartment complexes around lake hills. I'd love to see additional single family homes built in the heights but keep your apartments on the west end. I will try to attend any future meetings on this matter if I am appropriately notified ahead of time.

From: [Justin Nelson](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewert.com
Subject: [REVIEW] Zone Change
Date: Thursday, June 20, 2024 8:18:06 AM

I am a resident that lives on Topanga avenue. I am highly against a zone change that allows apartment buildings or other high density zoning.

From: Kellie Malia <kellie.johnson316@gmail.com>

Sent: Monday, June 24, 2024 11:34 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Cc: Ty Malia <tymalia@hotmail.com>

Subject: [EXTERNAL] Notice of Opposition to Proposed Zone Change in High Sierra Neighborhood

Good morning,

We are writing to express our strong opposition to the proposed zone change that would allow for the development of apartment complexes in our neighborhood. As long-standing residents of the High Sierra subdivision, we are deeply concerned about the potential negative impact this change could have on our community.

Our neighborhood has thrived as a quiet, family-friendly enclave with primarily single-family homes. Introducing apartment complexes would fundamentally alter the character and quality of life that attracted many of us to settle here in the first place.

Specifically, we are concerned about the following issues:

1. **Increased Density and Traffic:** Apartments would significantly increase the population density in our area, leading to heightened traffic congestion and safety risks on our already narrow streets.
2. **Impact on Property Values:** The presence of apartment complexes could potentially lower property values for existing homeowners, impacting our financial investments and stability.
3. **Strain on Infrastructure:** Our neighborhood's infrastructure, including schools, utilities, and recreational facilities, may not be adequately equipped to support the needs of a larger, more densely populated community.
4. **Loss of Community Character:** Our neighborhood has a unique sense of community and identity that could be diluted by the introduction of transient apartment residents.

We understand the importance of responsible urban planning and development, but we believe that there are more suitable locations within our city for apartment complexes that are already zoned appropriately. It is crucial that the interests and concerns of current residents are given priority in decisions that will have a profound impact on our daily lives.

Therefore, we urge you to reconsider the proposed zone change and to engage in a more thorough dialogue with the residents of our neighborhood before moving forward with any decisions. Please keep us informed with appropriate and advanced notification of any further developments, hearings, or opportunities for community input regarding this matter.

Thank you for considering our views on this important issue.

Kellie and Ty Malia

Benjamin Blvd., Billings, MT 59105

406-208-9981

From: [Koery & Paula Nelson](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Cc: [Neese, Roy](#); [Owen, Jennifer](#)
Subject: [EXTERNAL] High Sierra Zone Change NX3
Date: Tuesday, June 25, 2024 10:27:54 PM
Attachments: [Screenshot 2024-06-25 at 9.54.39 PM.png](#)

Hello Ms. Cromwell, Mr. Halverson, Mr. Neeser, Ms. Owens,

I'm writing this email to express my opposition to the proposed zone change that would allow 4 story apartment buildings in our neighborhood. Although I am not opposed to growth and expansion, bringing in this amount of additional people to this area seems unrealistic.

Currently there are only two main routes to the downtown area each consisting of a single lane of traffic (Aronson, Elmo). Both of these streets already have a high rate of traffic with schools and small children constantly using the bike lanes and side walks. In the case of Elmo, there aren't even street lights to illuminate the walk ways in early mornings and the evenings. By adding such large housing complexes I feel it is an exponential risk to young pedestrians in our area / neighborhoods. Until such time that our roadways can handle the increased traffic, possible street lights added and the safety and well being of the community is not jeopardize my wife and I are strongly opposed to such expansion.

For the record, we live within a 1/4 mile of the proposed zone change but were not notified by the engineering firm / developer. This matter was brought to our attention by concerned neighbors.



Regards,

Koery & Paula Nelson
2234 Clubhouse Way

From: [Kortney Vierthaler](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] PROTEST NX3 Zoning
Date: Wednesday, June 19, 2024 9:47:30 PM

To whom it may concern,

I am against NX3 zoning and other high density zoning in the High Sierra neighborhood of Billings, MT. We were given notice of this zoning change on 6/19, one week after the public meeting was held on 6/12. Had we been given notice, we would have been there in person to protest this as well. This is not a positive change to this neighborhood whatsoever.

Please contact me with further questions if needed.

Kortney Vierthaler
1425 Las Palmas Ave.
Billings, MT 59105

From: [Kristy Brammer](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] protest
Date: Sunday, June 16, 2024 3:42:26 PM



My name is Kristy Brammer. I live at 636 Boca Raton rd Billings MT 59105. I would like to protest NX3 Zoning (allowing 4 story apartment buildings), or other high density Zoning at High Sierra Sub 14th Filing Block 33 Lot I A I and COS 3776 Parcel 1 B.

Thank you,
Kristy Brammer

From: [Laurie Benzel](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] High Sierra
Date: Monday, September 9, 2024 12:33:52 PM



Hi, I would like to add my voice to the neighbors who are concerned about the proposed construction of apartments and/or a gas station on the land adjacent to High Sierra. We were led to believe that there would be no building in that area, and certainly not commercial and/or multifamily units.

Thank you for your time.

Laurie Benzel
2130 Largo Cirt

From: [Leona Hanner](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zoning change NX3
Date: Monday, June 17, 2024 3:46:57 PM

Sent from my iPhone

My husband and I strongly oppose the zoning change at High Sierra Sub 14 filing Block 33 lot 1A1 and COS 3776 Parcel 1B.

I cannot image that the city would allow high density zoning given the congestion with traffic that already exists in the Billings Heights. For example the accident at the intersection of Main and Airport Road recently that prevented people from getting home from work for hours not to mention the daily traffic congestion. Please do not approve this zone change!

Sincerely,

Leona and Scott Hanner
453 Boca Raton Road
Billings, Mt 59105

From: [Lynette Verlanic](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Protest NX3 Zoning High sierra subdivision
Date: Monday, July 8, 2024 10:42:42 AM



To whom it may concern,

I was not made aware of the June 12 meeting, until after June 20,2024.

I in the strongest way object to changing the High Sierra subdivision zone from a single residential home zone to the proposed zone change.

I live at 1429 Las Palmas Ave. When I purchased my home, I specifically asked the realtor and contractor is the zoning in this area residential single home only. I was assured it was. In addition, I specifically asked if it could be changed and again was assured it would not be changed.

I in the strongest terms possible object to the zoning being changed! I would not have purchased my home if the knew this was not going to remain a single home residential home zone!!

Sincerely,

Lynette Tubbs
(Legal name: Miriam Lynette Tubbs)
1429 Las Palmas Ave
Billings Mt 59105
(406) 459-7842

[Sent from the all new AOL app for iOS](#)

From: [Matthew Riste](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] High Sierra Zoning
Date: Friday, September 13, 2024 6:19:07 PM

Hello,

My name is Matthew Riste. My family and I are residents of the High Sierra neighborhood and reside on Rancho Vista Avenue. We are opposed to the proposed zoning for High Sierra and Annandale and do not want to see an apartment building and/or convenience store located in the neighborhood.

I would like to to be included on the email list to be notified for the zoning and planning meetings related to the High Sierra Neigjborhood.

Thanks,

Matthew

From: [Milt Strong](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Protest NX3Zoning or other high density zoning
Date: Friday, June 14, 2024 8:09:41 AM

We do protest this zoning. We received information on the notice of the neighborhood Pre-Application meeting that was held on the 12th of June at the Lake Hills Golf Course on the 13th of June ; 1 day after that meeting . We have to stop pushing thru these zoning changes with no neighborhood input . Milt Strong

From: miranda@askenalaw.com
To: [Cromwell, Nicole](#)
Cc: jhalverson@sandersonstewart.com
Subject: [EXTERNAL] PROTEST TO NX3 Zoning
Date: Monday, June 17, 2024 7:31:10 PM
Attachments: [image001.png](#)



Hello,

My husband and I both protest the NX3 Zoning and any other HIGH DENSITY zoning. We live on Boca Raton Rd and bought our house partially because of the field, view, quiet, and wildlife out our back door. We were told by the ranch directly across the field that owned some of the land that they were not selling. Obviously, that changed and it is out of anyone's control, but to think of 4 story apartments or any of the like being built back there or close to it is even more devastating. We wish it would all just stay empty.

We are unsure if we can make the meeting on Wednesday but are going to try.

Thank you!!

Best regards,

Image



From: [Muri Booth](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] High Sierra zone change
Date: Thursday, September 19, 2024 6:58:45 PM



Ms Cromwell & interested parties for the proposed high density zone change in the Heights area. As I was sitting in my living room trying to compose a letter that would be helpful in making your decision to allow this zone change, it occurred to me as the two cars driven by young men at a very high rate of speed heading north on Gleneagles Blvd, that number one, traffic in this area has not limited itself to the 35 mph limit but there are rarely any local law enforcement people to enforce such laws. We have only recently moved to the city of Billings but we have already noticed that the refuse collection and mail service has been effected by the influx of citizens, yes even my household could be considered part of this problem,. If you continue on the path of high density housing it will only exacerbate these situations. I am not sure if the city and its citizens can afford anymore tax or revenue increases to fully support the numbers of people inhabiting these establishments. I drive by the Castle Rock apartments on a biweekly basis and shake my head in amazement the overflow of vehicles that have to park on the street because of possibly not the greatest of PLANNING. I would ask this of any interested person, to drive into the Castle Rock or Skyview High School areas as schools are starting, getting out or anytime during the school hours and see the congestion and confusion of drivers, students and passersbys. The corner of Wicks and Gleneagles/Governors has seen multiple collisions and numerous close calls, most of the time because of drivers impatient with children crossing legally on these streets. YES I have seen a young boy almost get run over, crossing legally but a driver was in too big of a hurry! It seems to me that there is only one reason to add dozens of vehicles to this already congested neighborhood is for somebodys pocketbook. i would suggest that with all of the very nice single family homes with nice yards and landscaping that the city deny any ideas of any high density housing. Once you go down this road there is no turning back. I feel that it is in my best interest and all of our neighbors that this area stays single family dwellings. Fianlly, there are so many reasons not to let this project happen that it makes almost no sense to me of why the city would even consider letting projects like this get built.

Respectfully

Muri Booth

From: [Murl Booth](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zoning change proposal
Date: Friday, June 14, 2024 5:23:34 PM

Dear Ms Cromwell

I am writing to express my opposition to the new zoning proposal near Annandale Road. The addition of these proposed apartment buildings will have an adverse effect on the already established homes in this neighborhood. Just the added influx of traffic and parking areas should be considered in any decision. We have just recently moved to this area and with the location of one junior high school and one high school in this area, it seems that these apartments will only compound this already existing problem.

I do not see these proposed builds having anything but an adverse effect on our property values.

I respectfully urge you to disapprove this proposed rezoning.

Thank you

Murl Booth

Resident on Gleneagles Blvd

Sent from my iPhone

From: bigskypm@aol.com <bigskypm@aol.com>

Sent: Monday, June 17, 2024 9:00 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jhalverson@sandersonstewart.com

Subject: [EXTERNAL] Protesting NX3 Zoning-Billings Heights

My name is Paul Mazel, and I own the home at 2035 Gleneagles Blvd, Billings MT 59105. I was not provided written advance notice of the Neighborhood Pre-Application meeting on June 12th. I would have attended and loudly protested against any form of High Density Zoning. Gleneagles leads to Wicks, which is now the gateway to the new Skyway Belt road to Zimmerman Trail. High Density housing would create tons new traffic that this area could handle.

Keep our neighborhood free of High Density NX# Zoning!

Paul Mazel

From: [Jim/Paula Mahaffey](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Proposed rezoning
Date: Friday, June 21, 2024 5:11:58 PM



Mrs. Paula Mahaffey
162 Annandale Rd.
Billings MT 59015

June 12, 2024

Nicole Cromwell, Zoning Coordinator
City Of Billings
cromwell@billingsmt.gov.
406-247-8676

Dear Ms. Cromwell,
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

I am writing to express my strong opposition to the proposed rezoning at High Sierra Sub Block 33 Lot 1A1 and COS 3776 Parcel 1B.

The building of multi-family housing will cause traffic and safety problems, destroy local wildlife habitat, and reduce the property values of our residential neighborhood.

Traffic and safety of pedestrians are major areas of concern. Traffic on Annandale Rd already has many high-speed drivers and the addition of multi-family housing will increase traffic. The local neighborhood traffic will disproportionately surge during morning and evening rush hours.

Wildlife such as deer, geese, turtles and ducks are in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi-family dwellings are inconsistent with the neighborhoods developed in the area.

I was disappointed that I received my notice of a neighborhood meeting on my doorstep the day after the meeting of June 12. There was no indication of where the

notifications were sent or of their number.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not been aware to date of the proposed change or of the meetings.

Thank you for your time and attention and service to our communities.

Respectfully,

Paula Mahaffey

From: Ralph Blee <bleefamily@yahoo.com>

Sent: Friday, June 14, 2024 8:26 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>

Subject: [EXTERNAL] Zone Change at High Sierra Sub 14th Filing Block 33 Lot IAI and COS 3776 Parcel I B

My Name is Ralph W Blee and my residence is 176 Annandale Rd and I strongly protest the Zoning change from the N3 zone to proposed Zones N1, NX1 and NX3 for the following reasons:

1. Annandale Rd. and St. Andrews Ave were not designed to handle the traffic from the increased density of the proposed zoning changes.

2. High Serra Boulevard and Wicks Lane were not designed to handle the traffic from the increased density of the proposed zoning changes.

3. The Property Owners in the surrounding and nearby subdivisions made purchases based on this property being zoned as N3-Suburban Neighborhood, and their property values could be significantly impacted by this zoning change.

Ralph & Helen Blee.

From: [Ron Hill](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] High Sierra ZC
Date: Friday, June 14, 2024 2:51:20 PM



Hi Nicole,

The Neighborhood Pre-Application meeting for High Sierra Subdivision ZC had a low turnout due to most of the 1/4 mile notice area being undeveloped land. The ones who attended are not in favor of NX3 and some have put out additional notices. After our discussions 4 years ago, I appreciate that the notice area did extend to 1320 ft vs. the previous 300 ft.

With less than 5% of the 1/4 mile notice area having current residences, who are just recently moving in, the intent of the meeting is missed. In this type of situation, in the city limits, the 1/4 mile notice area should start where the neighborhood starts, for example Gleneagles to the east and on around. Then the meeting would serve the intended purpose, where the meeting that was held did not.

We did not see a plat or roster of land owners within the 1/4 mile notice area. Please forward that information.

Thank you,
Ron

From: [Sarah Moran](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] Zoning
Date: Thursday, June 20, 2024 8:16:35 AM



Good Morning,

I am writing to express my strong opposition to the proposed housing development in the High Sierra neighborhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community. Some my neighbors received the attached letter regarding the zoning, but many did not. I found out via Facebook. I am sure most of the residents in the area would agree with my stance had they been made aware of the zoning request, however, I fear they were not recipients of this letter.

First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. There are already safety concerns with the traffic congestion at Castle Rock middle school and Skyview High school, a large influx of residents will do even more harm. additionally, the construction of this project will result in the destruction of natural habitats and putting wildlife at risk.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex.

Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Sincerely,
Sarah Moran
406-860-0769
Sent from my iPhone

From: [Steve Coombs](#)
To: [Cromwell, Nicole](#); halvorson@sandersonstewart.com
Subject: [EXTERNAL] Zoning change to High Sierra Sub, Billings Heights
Date: Monday, June 17, 2024 4:23:40 PM



My name is Steve Coombs. I live at 1747 St. Andrews Dr. and have become aware of a zoning change that would most significantly impact my neighborhood, specifically the increase in traffic flow on St. Andrews Dr. The City of Billings already does little to stem the speed of traffic on this main road, not to mention its heavy use. I would ask to be made aware of future meetings regarding this proposal. Thank you for your attention regarding this matter.

Steve and Molly Coombs
1747 St. Andrews Dr.
Billings, MT 59105

From: [Todd Martens](#)
To: jhalverson@sandersonstewart.com; [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zone Change
Date: Monday, June 17, 2024 11:11:14 AM

Good morning,

I would like to express my opposition to the proposed zone change pertaining to the High Sierra Sub 14th Filing Block 33 Lot IAI and COS 3776 Parcel IB.

My first issue concerns the manner in which we, the affected neighborhoods, were notified of the public meeting scheduled for Wednesday, June 12, 2024. I received notification of this meeting via a flyer stuck in my front door on Thursday, June 13, 2024, approximately 24 hours after the meeting took place. When I walked a loop around my neighborhood on Friday morning, I saw many of these same flyers still stuck in the doors of other residents, who clearly were notified after the meeting. This seems a bit shady to say the least since the very people likely to voice opposition to the proposed change are the ones notified of the meeting after it took place. If this is the way Sanderson Stewart and the City of Billings go about zoning changes, it probably needs looked into by someone other than local authorities.

My second issue is the increase in vehicle traffic that multiple dwelling units per structure will bring into this area. Annandale, Cherry Hills, and Boca Raton Roads and Gleneagles Boulevard are already race tracks for residents, high school students, construction workers, and others looking to avoid traffic on Wicks Lane. To exponentially increase the amount of traffic on these streets without adding safety features such as traffic lights, speed bumps, or dedicated police presence seems like accidents waiting to happen and added liability for the city.

Thank you for your time and consideration,

Todd Martens
272 Annandale Road
Billings, MT

Sent from my iPhone

From: [Traci Ortgies](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Nx3 protest
Date: Sunday, June 16, 2024 8:29:17 AM

Nicole,

Hello I live on Gleneagles Blvd, I wasn't able to attend the meeting this last week. I am writing to you to let you know that as a home owner I am against this zoning proposal! We have lived here for 3 years and we are very happy to not have multi unit dwelling structures in our neighborhood. We had our home built here with that in mind, it is a much safer area without those structures in the area. More people means more opportunity for crime. I have lived in those type of places and they were always problematic. In my opinion I believe that more affordable homes should be built instead of these multi units!

Please reconsider your decision to allow this change!

Sincerely,

Traci Ortgies

Sent from my iPad

Tristie Smith
1432 Rancho Vista Ave
Billings MT 59105
208-651-3387

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic

shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood. I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,



Tristie Smith

From: [Victoria Nelson](#)
To: [Cromwell, Nicole](#); jhalverson@sandersonstewart.com
Subject: [EXTERNAL] NX3 Zoning
Date: Wednesday, June 19, 2024 7:38:27 PM



I am against and protest against the NX3 Zoning or any other High Density Zoning!
One of the main reasons I bought in my neighborhood was because it is a N3 - Suburban
Neighborhood. I am not interested in the change or the risks that come with it.
Our neighborhood should have gotten a more practical and timeful notice.

Sincerely,
A Concerned Neighbor

From: [Kortney Vierthaler](#)
To: [Cromwell, Nicole](#)
Subject: K Vierthaler
Date: Sunday, September 29, 2024 7:48:24 PM

To whom it may concern,

I am against NX1, NX3 zoning, and other high density zoning in the High Sierra neighborhood of Billings, MT. These changes will drastically change the neighborhood for the worse specifically with four dwelling units or other multi-family apartment building structures.

Please feel free to contact me if needed for further opposition to this zoning request.

Kortney Vierthaler
406-690-7650
1425 Las Palmas Ave.

From: [Kyle Vierthaler](#)
To: [Cromwell, Nicole](#)
Subject: Kyle Vierthaler
Date: Sunday, September 29, 2024 7:53:38 PM



To whom it may concern,

I am against NX1, NX3 zoning, and other high density zoning in the High Sierra neighborhood of Billings, MT. These changes will drastically change the neighborhood for the worse specifically with four dwelling units or other multi-family apartment building structures.

Please feel free to contact me if needed for further opposition to this zoning request

Kyle Vierthaler
Physical Education
Medicine Crow Middle School



Robert J Goodson
2213 Entrada Rd
Billings, MT 59105
rjgoodson@outlook.com
334-405-7369
9/29/2024

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high-density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,

Robert Goodson

From: [Goodson, Jared](#)
To: [Cromwell, Nicole](#); [Berns Brenda](#)
Cc: rjgoodson@outlook.com
Subject: J Goodson
Date: Sunday, September 29, 2024 9:49:12 PM
Attachments: [Email to zoning commission.pdf](#)



Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high-density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area. First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents. Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents. Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,

Robert J Goodson
2213 Entrada Rd
Billings, MT 59105
rjgoodson@outlook.com
334-405-7369
9/29/2024

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Amy L Goodson
2213 Entrada Rd
Billings, MT 59105
leann0806@hotmail.com
334-790-7925
9/29/2024

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high-density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,

Amy Goodson

From: [Amy Goodson](#)
To: [Cromwell, Nicole](#); [Berns Brenda](#)
Subject: A Goodson
Date: Sunday, September 29, 2024 10:09:45 PM
Attachments: [Email to zoning commission.pdf](#)



Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high-density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area. First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents. Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents. Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,

Amy L. Goodson
[2213 Entrada Rd](#)
[Billings, MT 59105](#)
leann0806@hotmail.com
[334-790-7925](tel:334-790-7925)
9/29/2024

From: [connie irish](#)
To: [Cromwell, Nicole](#)
Subject: J and C Irish
Date: Monday, September 30, 2024 1:38:10 PM



Sent from my iPhone

Begin forwarded message:

From: connie irish <connieirish39@yahoo.com>
Date: September 27, 2024 at 7:52:00 PM MDT
To: CROMWELLN@billingsmt.com
Subject: Zone Change at High Sierra

This letter is opposing the zone change for the High Sierra neighborhood in which we currently live.

We are strongly against any low income housing coming into this area and are very concerned for several reasons.

We look forward to addressing our concerns at the meeting scheduled on October 1, 2024.

James & Connie Irish

Jerry Smyle
2313 Gleneagles Blvd
Billings, MT 59105
jsmyle3@hotmail.com
(406) 671-6303

September 30, 2024

Dear City Zoning Commission,

I am writing to express my strong opposition to the proposed zone change from residential to high-density in the High Sierra Subdivision. As a resident of this community, I believe that such a drastic shift in zoning regulations would have detrimental consequences for the quality of life and overall character of our area.

First and foremost, changing the zoning from residential to high-density would significantly increase the population density in our neighborhood. This would put a strain on our existing infrastructure, including roads, utilities, public services, and schools. The increased traffic congestion, noise levels, and environmental impact would negatively impact the well-being of current residents.

Furthermore, the transition to high-density housing could lead to overcrowding, compromising the sense of community and safety that we currently have. It will also result in a decrease in property values, as high-density developments often detract from the aesthetic appeal of the neighborhood.

I urge you to consider the long-term implications of this proposed zone change and the potential effects it may have on the fabric of our community. Instead of pursuing high-density development, I believe that efforts should be focused on maintaining the residential character of our neighborhood and preserving the quality of life for all residents.

Thank you for taking the time to consider my concerns. I hope that you will reconsider the proposed zone change and prioritize the well-being and interests of the community as a whole.

Sincerely,
Jerry Smyle
2313 Gleneagles Blvd
406-671-6303

From: Jerry Smyle <jerry.smyle@thegoodmangroup.com>

Sent: Monday, September 30, 2024 8:13 AM

To: 'cromwelln@billingsmt.gov.' <cromwelln@billingsmt.gov>; Berns Brenda <bernsb@billingsmt.gov>

Subject: [EXTERNAL] High Sierra Subdivision letter of opposition

Dear Sir or Madam,

I notice that the cromwelln email is going to bounce back, do you have a current email for that zoning member or are they no longer on the commission?

Attached is a letter stating my opposition to the zoning change request for the High Sierra subdivision. Although I would agree to some zoning changes I do not agree with all of the requested changes and so I must oppose it. I would be agreeable to a convenience store and gas station and multifamily such as townhomes, but the high density housing requested will create more traffic and infrastructure issues than I think is reasonable.

Jerry Smyle

Regional Director of Operations

1107 Hazeltine Boulevard, Suite 200, Chaska, MN 55318

PHONE (406) 696-2397

EMAIL jerry.smyle@thegoodmangroup.com



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2018 - 2023

From: [Mari H.](#)
To: [Cromwell, Nicole](#)
Subject: M Hall
Date: Tuesday, October 1, 2024 8:29:10 AM



Good morning,

I would like to make a few comments before the City Zoning Commission public hearing today regarding City Zone Change 1056 High Sierra Sub.

First, I'd like to bring up that very few residents in the High Sierra area were notified of the June 12th Pre-Application Meeting. While there are other public hearings, it would have been helpful to attend the initial pre-application meeting to learn more about the development plans. Other than signing up for the email notifications from the city, I believe that the city should notify nearby residents by mail.

In addition, I do not believe that the four-story structures to be built will be affordable. Luxury apartments have just been built off of Zimmerman Trail, and I am afraid that these structures will be similar. While the zoning application notes affordability, it does not go into detail how much each housing unit will cost residents per month. Housing is already too expensive. The land within Billings should be used to improve the quality of life of residents as well as provide affordable housing options to residents, not car washes and luxury dwelling units that most residents can't afford.

Also, I'm worried that the single family/townhome units may be bought in bulk by those wanting to rent them out/used as vacation rentals (Airbnb, etc.). This is an unacceptable use of new housing units and I want to ensure that these units will not be sold in this way.

In conclusion, more information needs to be publicly shared about this development. While I only rent in the area, I understand the frustrations from homeowners to see the land around them being developed, especially with little information and concrete numbers/facts to support the claims the developers are making.

Billings is growing and more housing is needed, however, the city must ensure that the housing developed should remain affordable for renters and for Billings families and those wanting to stay in Billings and buy their first home.

Thank you for accepting my comments.

Mari Hall
Billings Heights Resident

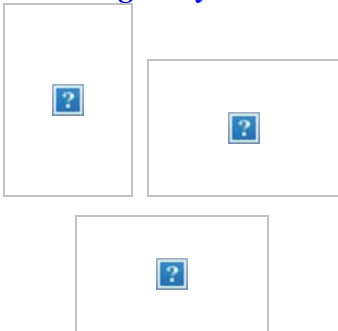
From: [Britin Cross](#)
To: [Cromwell, Nicole](#)
Subject: B Cross 2
Date: Tuesday, October 1, 2024 8:12:07 AM
Attachments: [image001.jpg](#)



Nicole since you are sending 1 more batch of comments today I wanted to again express that I am 100% against this zoning change. I have been in the Heights schools and they are bursting at the seams. Castlerock Middle School cannot take on any more children as they do not have room. Isn't this also a safety issue for our community, kids going to schools that are over capacity. If we have more apartments, multi family homes, that is more children going to schools in the area. Now do not get me wrong we need more affordable housing, but this is not the solution. Billings taxpayers cannot afford to build more schools, but idiot ideas like this will force another Mill Levy ask and Billings will not vote it in, so in return over capacity schools. This sounds like someone wanting to make more money without worrying about the impact on our community.

I planned to come to the meeting today, but need to know if it was indeed moved to Dec 3rd?

Britin Cross
REALTOR® | Magic City Real Estate
406-390-0331
Follow me on Facebook
[FB Britin Cross MCRE](#)
www.MagicCityRealEstate.com



On Thu, Sep 26, 2024 at 4:38 PM Cromwell, Nicole <CromwellN@billingsmt.gov> wrote:

Good afternoon,

The applicant has requested, in writing, to delay the public hearing for Zone Change 1056 from Oct 1, 2024 to the December 3, 2024 meeting of the Zoning Commission. Attached is the letter requesting this delay.

As per the zoning code Section 27-1606.C, an applicant may request a delay but must appear in person at the scheduled hearing date to formally make this request to the Zoning Commission.

The applicant has indicated they will use this time to re-evaluate the zoning plan and may make changes and adjustments.

If the delay is granted – and most requests to delay are granted by the Zoning Commission - the Planning Division will re-send notices, re-post the property and provide any new information on the application in early November.

Thank you for your participation in the zone change process so far. Additional comments may be made at any time.

You may attend the meeting scheduled for October 1, 2024, but it is likely the Zoning Commission will grant the delay and will not open the public hearing.

The meeting is to be held on the 3rd Floor of the Stillwater Building, Room 3108, at 316 N 26th St.

Be assured, all your comments have been relayed to the Zoning Commission.

I will be sending a final batch of comments to the Commission in the early afternoon of Oct 1.

Sincerely yours,



Nicole Cromwell, AICP

Zoning Coordinator

cromwelln@billingsmt.gov

P.O. Box 1178

Billings, MT 59103

P 406.247.8662

billingsmt.gov

If I am not available, we have a team of Planners who can answer most zoning and land use questions. They are always available at 406-657-8247 or plnonline@billingsmt.gov

message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

Please note starting August 28, 2024 the Planning Division will be located in the Depot Building at 2224 Montana Avenue

From: [Brenda Rush](#)
To: [Cromwell, Nicole](#); [John Halverson](#); [John Halverson](#); [Brenda Rush](#); wolverine59105@gmail.com
Subject: [EXTERNAL] Opposition to proposed zone change
Date: Saturday, November 9, 2024 4:16:23 PM



November 9, 2024

Planning and Zoning Commission
City of Billings

Re: Opposition to Proposed Zone Change - Case No. CMU1, NX3,
NX1, N1

Dear Members of the Planning and Zoning Commission,
I am writing to express my strong opposition to the proposed zone change for the area encompassing CMU1, NX3, NX1, and N1 districts. While I understand the desire to create a variety of housing options, I believe this application is motivated by the developer's interest in increasing profits at the expense of the established character of our community. The proposed changes will have long-term negative consequences for current residents, and I urge you to reject this application in favor of maintaining the existing single-family zoning.

The current zoning, which supports single-family dwellings, has been a fundamental element in preserving the quality of life for those of us who live here. The introduction of mixed-use zones, particularly NX3 and CMU1, represents a significant departure from the neighborhood's established character. These changes may increase density, introducing townhomes, fourplexes, and commercial establishments, which will not be in scale with the surrounding homes. While proponents may argue that this would create affordable housing and increase options for different income levels, it appears that the primary beneficiary of these changes would be the developer, who stands to profit from the construction of more units and the commercial development at the intersection of Annandale Rd. and High Sierra Blvd. This does not seem to be a decision made with the well-being of the existing community in mind, but rather an effort to maximize returns at the expense of the

neighborhood's stability.

Furthermore, the gradual transition of zoning from N1 to NX1 to NX3 within this proposal will likely result in overcrowding and increased traffic, which will diminish the quality of life for current residents. While some may see this as a necessary evolution to meet growing housing demands, it risks overcrowding our streets, straining local infrastructure, and changing the character of our peaceful, residential area. It is not unreasonable to be concerned that the financial interests of the developer are driving these changes, rather than a balanced approach that considers both the needs for new housing and the preservation of the community's unique character.

I also believe the proposed zone change could have detrimental effects on property values in the area. Many of us have made substantial investments in our homes, and we have chosen this neighborhood in large part because of its single-family residential character. The shift toward denser, mixed-use zones could make our properties less attractive to future buyers who are seeking the same quiet, residential environment we enjoy today. The proposal, while perhaps profitable for some, risks destabilizing the area and undermining the investments of long-term homeowners.

While I understand that there is a desire to create more diverse housing options, the current N1 and NX1 zones already offer flexibility in housing types, including single-family homes, duplexes, and small multi-family units, which are more in keeping with the existing neighborhood. The area currently enjoys a well-defined boundary between residential zones and denser, mixed-use areas further toward the center of town. I believe maintaining this boundary is in the best interest of the community and will protect the quality of life for those of us who have chosen to live in this neighborhood.

In conclusion, I urge you to reject the proposed zone change and preserve the single-family zoning that has helped our community thrive. The motivations behind this proposal seem to prioritize financial gain for the developer rather than the long-term needs of our neighborhood. I trust that the Planning and Zoning Commission will carefully consider the impacts of this application, both for the residents and for the broader community.

Thank you for your attention to this matter. I hope my concerns will

be fully considered during the review process.
Sincerely,

Brenda Rush
bkrush1@yahoo.com

From: [Harold Anderson](#)
To: [Cromwell, Nicole](#)
Subject: Harold Anderson OBJECTION to City Zone Change 1056
Date: Sunday, November 10, 2024 5:31:17 PM



Nicole,

This is the third notice of my opposition to the request by Gary Oakland and John Halverson for a City Zone Change 1056 – **From** N3 toNX1, NX3, CMU1, & P1 – C/S 3894 Tract 1.

It is obvious that they are only concerned about feathering their own nest and they could care less about the current residents in these Heights neighborhoods and the impact of what they intend to do with their own idea of development. Therefore, I am not in the slightest bit interested in seeking a compromise, I strongly oppose any change as they have requested. I suggest they seek land in a different part of the county or build dwellings that are consistent with the current surrounding neighborhoods. Please reject any and all requests from them in their attempt to change the quality of Heights residents lives for the sake of future tenants that have no property interests or investment in any way in our community that we have built into a neighborhood of family and friends.



November 6, 2024

Dakota Martonen
City of Billings Public Works Department
2224 Montana Avenue
Billings, MT 59101

Reference: Tract 1 of Certificate of Survey 3894 Concept Design/Zone Change -
Traffic Analysis Letter
Project No. 82061.154

Dear Dakota:

The purpose of this letter is to provide a traffic generation update for the projected zone change of Tract 1 of Certificate of Survey 3894 in Billings, Montana. The 53.3-acre site was originally zoned as a Suburban Neighborhood (N3) and the proposed change is to a combination of Mixed Residential (NX3 and NX1), First Neighborhood (N1), Mixed-Use (CMU1), and Parks and Open Space (P1). The proposed zoning plan is presented in Figure 1 (attached).

The 2023 City of Billings Long Range Transportation Plan (LRTP) provides existing and proposed roadway functional classifications for roadways throughout Billings. Gleneagles Boulevard, Annandale Road, and High Sierra Boulevard are major roadways surrounding the site. The City of Billings LRTP existing and proposed roadway functional classifications for major roadways surrounding the site are also presented in Figure 1 of the attachments.

Trip Generation

The trip projection analysis utilized Trip Generation, 11th Edition, published by the Institute of Transportation Engineers (ITE), which is the most widely accepted source for determining trip generation projections. Land Use 210 - Single-Family Detached Housing was used to estimate trip generation with the existing N3 zoning. This land use and unit density were determined based on similar, already developed areas in Billings with N3 zoning. Trip generation projections for Tract 1 of Certificate of Survey 3894 with the current N3 zoning are presented in Table 1 on the following page.

Table 1: Trip Generation - Current Zoning

Land Use	Independent Variable		Average Weekday			AM Peak Hour			PM Peak Hour		
	Intensity	Units	total	enter	exit	total	enter	exit	total	enter	exit
Single-Family Detached Housing ¹	190	Dwelling Units	1792	896	896	133	33	100	179	113	66
Full Buildout New External Trips			1792	896	896	133	33	100	179	113	66

(1) Single-Family Detached Housing - Land Use 210* Units = Dwelling Units
 Average Weekday: Average Rate = 9.43 (50% entering/50% exiting)
 Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM: Average Rate = 0.70 (25% entering/75% exiting)
 Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM: Average Rate = 0.94 (63% entering/37% exiting)

*Trip Generation, 11th Edition, Institute of Transportation Engineers, 2021

The new zoning areas for the development are listed as follows: 14.23 acres as NX3, 26.34 acres as NX1, 8.92 acres as N1, 3.08 acres as CMU1, and 0.68 acres as P1. Land Use 220 – Multifamily Housing (Low-Rise), Land Use 215 – Single-Family Attached Housing, Land Use 210 – Single-Family Detached Housing, and Land Use 822 – Strip Retail Plaza (<40k) were used to estimate trip generation for the proposed NX3, NX1, N1 and CMU1 zoning, respectively. These land uses and unit density were determined based on similar, already developed areas in Billings with NX3, NX1, N1, and CMU1 zoning. Trips generated from the proposed P1 zoning would be negligible due the size of the proposed area, therefore, no land use was assigned for that zone. Internal Capture and pass-by trips were calculated where applicable and removed from total gross trips to find the total external trips. Internal capture trips do not have origins or destinations external to a project site, so they do not have an impact on external traffic operations. Pass-by trips are attracted from traffic “passing by” on an adjacent street that offers direct access to the site. Trip generation projections for Tract 1 of Certificate of Survey 3894 with the proposed zoning change are presented in Table 2 on the following page.

The proposed zone change would represent an increase in trip generation of 3,775 average weekday external trips, with an addition of 222 trips during the AM peak hour and 283 trips during the PM peak hour. New external weekday vehicle trips were assigned to adjacent roadways.

Table 2: Trip Generation - Proposed Zoning

Land Use	Independent Variable		Average Weekday			AM Peak Hour			PM Peak Hour		
	Intensity	Units	total	enter	exit	total	enter	exit	total	enter	exit
Multifamily Housing (Low-Rise) ¹	332	Dwelling Units	2238	1119	1119	133	32	101	169	106	63
Internal Capture Trips**			79	47	32	2	1	1	10	7	3
Single-Family Attached Housing ²	300	Dwelling Units	2160	1080	1080	144	36	108	171	101	70
Internal Capture Trips**			77	46	31	2	1	1	10	7	3
Single Family Detached Housing ³	80	Dwelling Units	754	377	377	56	14	42	75	47	28
Internal Capture Trips**			27	16	11	1	0	1	4	3	1
Strip Retail Plaza (<40k) ⁴	20	1000 SF GFA	1089	545	544	47	28	19	132	66	66
Internal Capture Trips**			183	74	109	5	3	2	24	7	17
Pass-By Trips** (Avg. Rate = 34%)			308	160	148	15	9	6	37	20	17
Total Buildout Gross Trips			6241	3121	3120	380	110	270	547	320	227
Total Buildout Internal Capture Trips			366	183	183	10	5	5	48	24	24
Total Pass-By Trips			308	160	148	15	9	6	37	20	17
Total Buildout New External Trips			5567	2778	2789	355	96	259	462	276	186

- (1) Multifamily Housing (Low-Rise) - Land Use 220*
 Units = Dwelling Units
 Average Weekday: Average Rate = 6.74 (50% entering/50% exiting)
 Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM: Average Rate = 0.40 (24% entering/76% exiting)
 Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM: Average Rate = 0.51 (63% entering/37% exiting)
- (2) Single-Family Attached Housing - Land Use 215*
 Units = Dwelling Units
 Average Weekday: Average Rate = 7.20 (50% entering/50% exiting)
 Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM: Average Rate = 0.48 (25% entering/75% exiting)
 Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM: Average Rate = 0.57 (59% entering/41% exiting)
- (3) Single-Family Detached Housing - Land Use 210*
 Units = Dwelling Units
 Average Weekday: Average Rate = 9.43 (50% entering/50% exiting)
 Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM: Average Rate = 0.70 (25% entering/75% exiting)
 Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM: Average Rate = 0.94 (63% entering/37% exiting)
- (4) Strip Retail Plaza (<40k) - Land Use 822*
 Units = 1000 SF GFA
 Average Weekday: Average Rate = 54.45 (50% entering/50% exiting)
 Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM: Average Rate = 2.36 (60% entering/40% exiting)
 Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM: Average Rate = 6.59 (50% entering/50% exiting)

*Trip Generation, 11th Edition, Institute of Transportation Engineers, 2021

**Trip Generation Handbook, 3rd Edition, Institute of Transportation Engineers, 2017

ADT Comparison

Sanbell collected ADT data on September 10-12, 2024, to analyze the impact on roadways and intersections due to the proposed zoning change. The data was collected on Gleneagles Boulevard and High Sierra Boulevard using Houston Radar Stats Analyzer.

The ADTs counted by the radar data collection devices for High Sierra Boulevard and Gleneagles Boulevard were 1,330 and 3,953 vehicles, respectively, as shown in the attached Figure 2. MDT's traffic count stations on High Sierra Boulevard and Gleneagles Boulevard just north of Wicks Lane collected 2023 annual average daily traffic (AADT) volumes of 2,170 vehicles on High Sierra Boulevard and 4,240 vehicles on Gleneagles Boulevard. The location of the High Sierra Boulevard radar device for

this study was placed north of Skyview High School so that school traffic was not captured, which explains the decrease in volumes in comparison to the MDT volumes.

Average weekday trip generation values were added to existing ADTs collected for this study to determine future volume projections on High Sierra Boulevard and Gleneagles Boulevard. The resulting Existing + Site volumes are 3,218 vehicles on High Sierra Boulevard and 5,840 vehicles on Gleneagles Boulevard. These values are also shown in Figure 2 (attached). The City of Billings LRTP projects a 2045 AADT of less than 3,000 vehicles on High Sierra Boulevard. The addition of the new zoning trips does make High Sierra Boulevard exceed the future volume expectation, but it is still well below the 12,000 vehicles theoretical capacity for a two-lane road. With the proposed development adjacent to High Sierra Boulevard, its future volumes will inevitably increase beyond the LRTP projection. Gleneagles Boulevard is projected to experience a 2045 AADT in the 3,001 to 10,000 vehicles range. With the addition of the new zoning trips, Gleneagles Boulevard is still within the future projected volume range and below the theoretical capacity of two-lane roads.

Speed Data

Speed data was also collected on September 10-12, 2024, using Houston Radar Stats Analyzer. Data was collected on High Sierra Boulevard between Siesta Avenue and El Rancho Drive and on Gleneagles Boulevard between Wicks Lane and Pebble Beach Road.

The posted speed limit on Gleneagles Boulevard is 35 mph, and High Sierra Boulevard is 25 mph. The speeds at which 50 percent and 85 percent of traffic are observed to travel at or below during free-flow conditions (50th percentile and 85th percentile speeds) were collected in addition to the 10-mph pace of the traffic stream. These values are illustrated in Table 3 below. The 50th and 85th percentile speeds are often used to help establish appropriate speed limits.

Table 3: Speed Data

Location	50th Percentile Speed	85th Percentile Speed	Pace of Traffic Stream
35-mph Speed Zone - NB & SB			
Gleneagles Boulevard	31-mph SB	35-mph SB	(26-mph - 36-mph)
280-ft N of Siesta Avenue	30-mph SB	34-mph SB	(25-mph - 35-mph)
25-mph Speed Zone - NB & SB			
High Sierra Boulevard	28-mph NB	33-mph NB	(24-mph - 34-mph)
800-ft N of Wicks Lane	30-mph SB	34-mph SB	(25-mph - 35-mph)

Dakota Martonen
November 6, 2024
Page 5

The 50th and 85th percentile speeds collected on Gleneagles Boulevard did not exceed the posted speed limit of 35 mph, and the average pace was 25-35 mph. This data suggests the posted speed limit is adequate for Gleneagles Boulevard.

All 50th and 85th percentile speeds collected on High Sierra Boulevard exceeded the posted speed limit of 25 mph, and the average pace was 25-35 mph. This data suggests that increased enforcement of the 25-mph speed limit may be necessary on High Sierra Boulevard. Traffic calming measures such as curb bulb outs at intersections, raised intersections or crosswalks, speed humps, and/or narrower lanes could also be implemented to reduce speeds on High Sierra Boulevard.

Conclusion

The projected zone change of Tract 1 of Certificate of Survey 3894 from N3 to NX3, NX1, N1, CMU1, and P1 is expected to result in a large increase in traffic demand but is not anticipated to exceed roadway capacities. Projected volumes from the 2023 LRTP are projected to be exceeded on High Sierra Boulevard but remain within the anticipated range on Gleneagles Boulevard.

Please feel free to contact me at 406-922-4306 or jstaszczuk@sanbell.com if you have any questions or would like to discuss this further.

Sincerely,



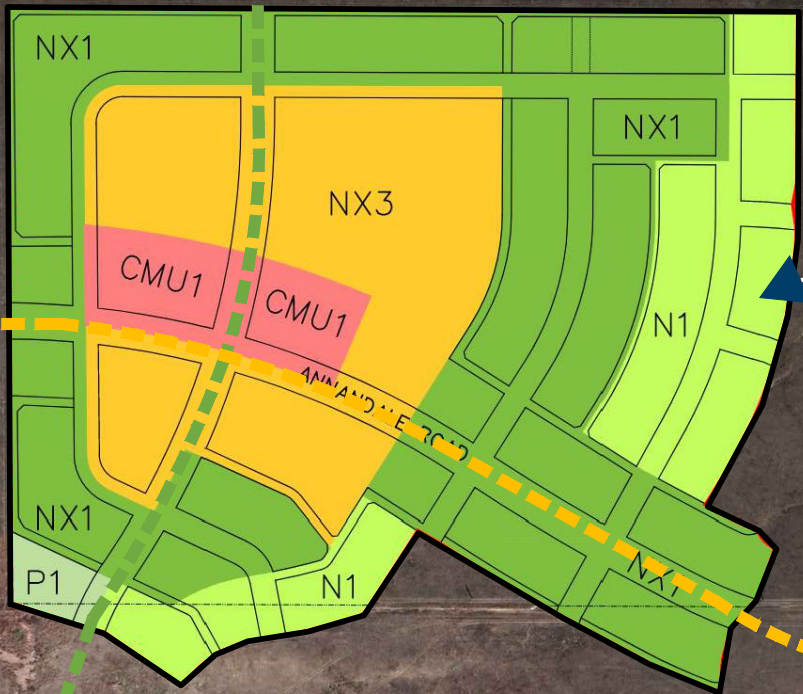
Joey Staszczuk, PE, PTOE, RSP1
Senior Engineer | Community Transportation Studio Manager

KRK/ars/roft/jhs

Enc:
Roadway Classification Figure
Traffic Volumes Figure

P:82061.154_High_Sierra_II_Zone_Change_and_Concept_11.6.2024

Figure 1: Roadway Classifications



TRACT 1 OF
CERTIFICATE OF
SURVEY 3894

ANNANDALE RD

HIGH SIERRA BLVD

GLENEAGLES BLVD

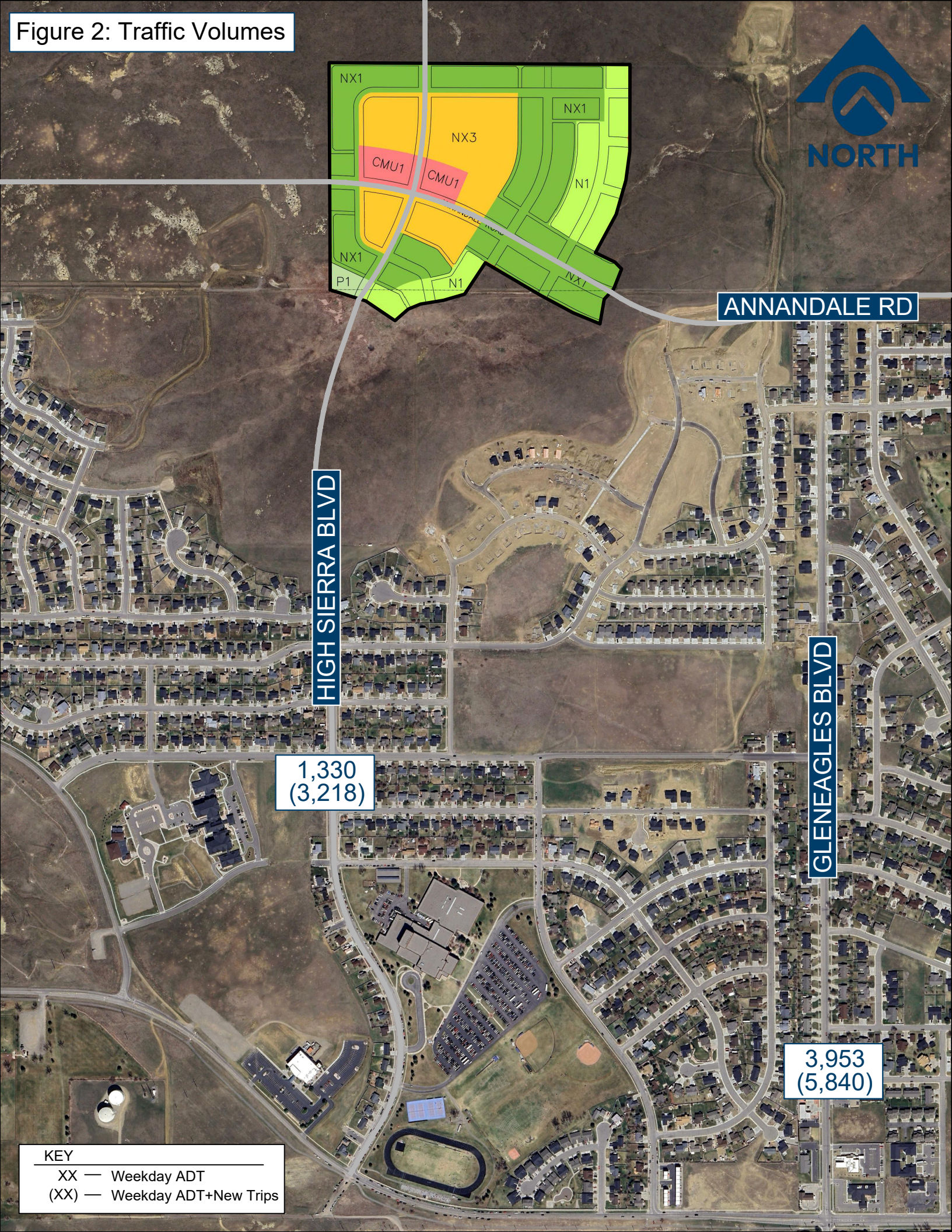
LEGEND

Billings Roadway Functional Classification

- PRINCIPAL ATERIAL (Red solid line)
- COLLECTOR (Green solid line)
- PROPOSED PRINCIPAL ARTERIAL (Red dashed line)
- PROPOSED MINOR ARTERIAL (Yellow dashed line)
- PROPOSED COLLECTOR (Green dashed line)



Figure 2: Traffic Volumes



ANNANDALE RD

HIGH SIERRA BLVD

GLENEAGLES BLVD

1,330
(3,218)

3,953
(5,840)

KEY	
XX	Weekday ADT
(XX)	Weekday ADT+New Trips

Zoning Commission

Date: 12/03/2024
Title: Initiation of Zoning Code Text Amendments - Housekeeping Amendments to Zoning
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The planning staff recommends the Zoning Commission initiate the code amendments as allowed by Section 27-1628.B(1). Any text amendment may be initiated by the Zoning Commission, the City Council, or the Planning Board.

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

In 2021, the City Council approved a major overhaul of the zoning code. The Planning staff have been working to correct errors within the code and to keep track of changes in Montana laws, as well as best practices for land use regulations. Several items need correction and updating. In addition, the Zoning Commission has discussed an amendment to the CMU1 zone district to allow some vehicle related uses by special review approval. The Planning staff has drafted a zoning code amendment to make these corrections and to consider two substantive amendments to the code.

Initiation of the code amendment does not indicate either approval or denial of the proposed amendment by either the City Council or the Zoning Commission. Initiation of the amendment allows planning staff to engage the public process with outreach to stakeholders, publication of legal advertisements and other public notice procedures for the amendment. The draft ordinance will be finalized and placed on a future Zoning Commission agenda for a public hearing.

STAKEHOLDERS

Planning staff will reach out to all stakeholders including homebuilders and Realtors as well as the Neighborhood Task Forces to engage them in a discussion about the proposed amendments.

ALTERNATIVES

The Zoning Commission may:

- Initiate the amendment; or
- Not initiate the amendment; or
- Request staff to bring more information on the amendment to a future meeting.

FISCAL EFFECTS

There should be a minor effect on the Planning Division budget if the amendment is adopted. The Planning Division may pay for the incorporation of the amendment into the official City Code, as administered by Municode, the city's official codification company. However, any changes to City Code affect the entire community and City at some level and so costs to update the City Code administered by Municode should be funded by the City's General Fund.

Attachments

Draft 2024 Zoning Text Amendments

ORDINANCE 25-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-300,
27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, 27-1700,
and 27-1800, BE AMENDED TO CORRECT ERRORS,
CROSS REFERENCES, OMISSIONS AND TO AMEND
AND PROVIDE CLARIFICATION OF THE REGULATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. Section 27-300 - Neighborhood Districts, Section 27-400 – Commercial and Mixed-Use Districts, Section 27-500 – Public Districts, Section 27-600 – Industrial Districts, Section 27-800 – Planned Neighborhood Developments, Section 27-900 – EBURD Districts, Sections 27-1000 – Uses and Use Standards, 27-1700 – Violations, Enforcement and Remedies, and Section 27-1800 – Definitions and Measurements, have been found to contain errors and concordance issues unrelated to the substance of the zoning regulations. Correction of these errors and concordance issues through an ordinance will make the regulations clearer and provide for accurate administration of the code.

Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS

a. Section 27-302.E is amended as follows:

Sec. 27-302. - District descriptions.

Neighborhood districts are primarily intended to allow a mix of residential uses within appropriately scaled buildings to maintain and promote the desired physical character of neighborhoods within the city.

.....

E. NX2: Mixed residential 2. The NX2 district is intended for small- and mid-scale multiple-family homes with ~~three (3)~~ two (2) to eight (8) units, in small neighborhood nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

b. Section 27-303.F is amended as follows:

Sec. 27-303. - Regulations applicable to all neighborhood districts.

All buildings must comply with the general regulations and the specific regulations per each district, unless otherwise expressly stated in this zoning code. See article 27-1500, Nonconformities, for existing buildings that do not fully conform to the district regulations.

.....

F. Exceptions and exemptions. The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in article 27-1000 are still applicable.

4. Maximum height exceptions.

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in neighborhood districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed by administrative relief.

c. Section 27-309.C.(2 & 3) is amended as follows:

Sec. 27-309. - RMH districts.

The following site and structure regulations apply to any lot in the RMH district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.8, below, for regulations specific to this district. See article 27-1800 for definitions and information on how to measure the following regulations:

.....

C. Supplemental regulations.

1. Open space. One of the following open space types must be provided for every three (3) acres of RMH district:

(a) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage.

(b) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.

(c) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

~~2. Manufactured home, Type 1. A manufactured home that was certified on or after January 1, 1990, and that satisfies each of the following additional criteria:~~

~~(a) The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;~~

~~(b) The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction; and~~

~~(c) A continuous, permanent perimeter foundation is installed under the home.~~

~~3. Manufactured home, Type 2. A manufactured home that does not satisfy the criteria necessary to qualify the house as a Type 1 manufactured home.~~

~~4. 2. Site-built structure. A site-built structure complying with the state building code may be setback a minimum of five (5) feet from the side lot line.~~

d. Section 27-403.F is amended as follows:

Sec. 27-403. - Regulations applicable to all commercial and mixed-use districts.

All buildings must comply with the general regulations of this section and the specific regulations per each district, unless otherwise expressly stated in this chapter.

.....

F. Exceptions and exemptions. The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in article 27-1000 are still applicable.

.....

5. Maximum height exceptions.

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in commercial and mixed-use districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed through administrative relief.

e. Section 27-504.B.2 is amended as follows:

Sec. 27-504. - P2: Public, civic, and institutional; P3: Civic campus, P3: Medical campus; and P3: Educational campus.

The following site and structure regulations apply to any lot in a P2 or P3 district:

.....

B. Site dimensional standards. Development along exterior lot lines that face, are adjacent to, or within one hundred fifty (150) feet of different zone districts (i.e., not P2 or P3) shall comply with the following exterior dimensional standards, as further described below the table:

.....

2. Maximum height exceptions. The height limitations in Table 27-500.1 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Structures Buildings permitted in P2 or P3 districts may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two (2) feet for every one foot by which the structure exceeds the height limitation of the district. This allowed height shall not exceed two (2) times the allowed height in the zoning district in which it is located except by approved variance.

f. Section 27-602 is amended as follows:

Sec. 27-602. - Regulations applicable to all industrial districts.

All buildings must comply with the general regulations and the specific regulations per each district, unless otherwise expressly stated in this code.

.....

I. Maximum height exceptions. The height limitations in Table 27-600.1 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in I1 or I2 districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed through administrative relief.

g. Section 27-804 is amended as follows:

Sec. 27-804. - Blocks.

Each development shall contribute to an interconnected system of streets and blocks as required by the city subdivision regulations, ~~in addition to the following requirements.~~

~~Streets shall be located to result in the following block regulations.~~

~~A. Maximum block face length.~~

~~1. For CMU districts, the maximum block face length between street intersections shall be no more than six hundred sixty (660) feet in length.~~

~~2. For all districts other than CMU, maximum block face length shall be no more than eight hundred (800) feet.~~

~~B. Maximum block perimeter. The maximum perimeter of any block shall be two thousand two hundred (2,200) feet.~~

~~C. Connectivity:~~

- ~~1. Streets shall connect and continue existing or planned streets from adjoining areas.~~
- ~~2. Block faces at the maximum length above require pedestrian access at mid-block points to ensure walkability. Pedestrian access or walkways may be incorporated as a dedicated alley or as an easement between lots.~~

h. Section 27-905 – Table 27-900-13 is amended as follows:

F. Side and rear buffer requirements (Refer to Figure 27-905(3)).

Table 27-900-13. Side and Rear Buffer.

A. Intent & Applicability		
Intent	To minimize the impact that one building may have on a neighboring district and to provide a transition between districts	
General	Applies to all directly adjoining properties as outlined in Table 905.B,¹ 27-900-14¹	
B. Required Landscape Screen		
Size	5' landscape screen in addition to any other buffer landscaping	①
Location	Directly adjacent to the Rear or Side Lot line per Table 27-905.A Fig. 27-905.3	
Hedge	Continuous double row of shrubs required between shade trees	②
Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center; Mature height in one year of 24"	
Hedge Frequency	Minimum of 15 shrubs per 100' of Lot line is required	
Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer	③
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer	
Existing Vegetation	May be credited toward buffer area	
C. Required Fence		
Permitted Materials	Steel or painted, matte finish PVC for semi-opaque; Wood or masonry for opaque. Chain link not permitted.	④
Minimum Height	6'	
Maximum Height	8'	
Colors	If steel: black, gray, or dark green	
Opacity	Option 1: Semi-Opaque 20%—60% opacity, hedge required; Option 2: Opaque fence, no hedge required	
Notes:		
¹ Zoning coordinator may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and similarity between uses.		

i. Section 27-1000 is amended as follows:

Sec. 27-1002. - Uses by district.

A. Use table. Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted:

.....

Section 27-1002.C – Uses by District – Table 27-1000.1 is amended as follows:

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD				Public			Additional Standards				
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2		P3Civ	P3 Ed	P3 Med	
Use Table																												
Manufactured Home																												
Type 1 (Jan 1, 1990, or newer) Manufactured Homes built on or after June 15, 1976 (HUD code)							P																					27-1003, RMH: 27-310 309

.....

Type 2 (all other)							P																					
Eating and Drinking Establishment																												
No Alcohol																												
Restaurant									P	P	P	P	P	P			P	P	P	P	P				P	P	P	27-1005.N
with drive-thru									SR	P	P	SR		P	P			P	P	P	P				P	P	P	27-1005.N 27-1009.1008.J
Beer and Wine License, On- Premises Consumption																												
Bar or Tavern										SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P							27-1005.G
Craft Alcohol										P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005.K
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005.N
All-Beverage License, On- Premises Consumption																												
Bar or Tavern										SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P							27-1005.G
Craft Alcohol										P	P	P	P	P			P	P	P	P	P				P	P	P	27-1005.K
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005.N
Financial Services																												
Financial Institution								P	P	P	P	P	P	P			P	P	P	P	P				P	P	P	27-1005.F
with drive-thru									P	P	P	P	P	P				P	P	P	P							27-1005.F & 27-1008.J
Alternative Financial Services										P	P	P	P	P			P	P	P	P	P							27-1005.F

.....

City Zoning Housekeeping Amendments 2025

Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
Vehicle Sales and Service, Personal																												
Car Wash										SR	P			P	P	P			P	P	P							27-1005.Q
Vehicle Sales and Rental										SR	P	P	SR	P	P	P		P	P	P	P							
Outdoor Sales Lot											PR	SR	SR	P	P	P		PR	P	P	P							27-1005.M 27-1008.P
Vehicle Maintenance and Repair, Minor (5,000 SF or less)										P	P	P	SR	P	P	P		P	P	P	P							
Vehicle Maintenance and Repair, Major (>5,000 SF)											SR			P	P	P			P	P	P							
Vehicle Service Station										PR	PR	PR	PR	P	P	P		PR	PR	PR	PR				P	P	P	27-1005.Q
with Convenience Store									SR	PR	PR	PR	PR	P	P	P		PR	PR	PR	PR			P	P	P	27-1005.Q	

j. Section 27-1003.D is amended as follows:

Sec. 27-1003. - Standards for residential uses.

D. Manufactured homes.

- 1. ~~Type 1 or Type 2 m~~Manufactured homes shall not be used for any commercial use.
- 2. ~~Type 1 and Type 2 m~~Manufactured homes may be used as an on-premises office in connection with a manufactured home sales area.

k. Section 27-1006.D is amended as follows:

Sec. 27-1006. - Standards for industrial, wholesale, and storage uses.

.....

D. Outdoor storage.

- 1. All outside storage areas, whether permitted as a principal or accessory use, shall comply with the following standards. Outdoor storage does not include outdoor display and sales, which are addressed in section 27-1008.

.....

(d) Screening. Screening of all outdoor storage areas from right-of-way and adjacent properties shall be provided according to section ~~27-12076~~, Utility and service area screening.

l. Section 27-1704.G is amended as follows:

Sec. 27-1704. - Penalties for violation.

The effective enforcement of adopted standards is necessary to accomplish their intended purpose. The city has a variety of options for the enforcement of this zoning code. The zoning coordinator may select the option which in their opinion is most suitable to the circumstance and violation. More than one enforcement option may be used to attain compliance with the standards of this zoning code when deemed appropriate. The remedies and enforcement powers established in this zoning code are cumulative, and the city may exercise them in any order and combination.

.....

G. Criminal penalties (~~current~~).

- 1. Violation of the provisions of this zoning code or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or special review uses or any of the required conditions imposed by the review authority, ~~is~~ **may be** a misdemeanor.
- 2. Each day such violation continues shall be considered to be a separate offense.

m. Section 27-1802.C is amended as follows:

Sec. 27-1802. - Measurements and associated terms.

.....

C. Building height measurements and terms.

.....

- 2. Overall building height. Refer to Figure 27-1800-5, Measuring Building Height in Stories and Stories with Floor-to-Floor Height.

.....

(c) Roof types. Roof heights are measured per subsection ~~27-1803.E~~ **1802.E** and are additional to the allowable stories and floor-to-floor heights.

n. Section 27-1803 is amended as follows:

M. Terms

.....

Manufactured home: (See MCA 15-1-101(m)) A home built on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. ~~Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.~~

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ___ day of March 2025.

PASSED, ADOPTED and APPROVED on second reading this ___ day of April 2025

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1060 - Zoning Code Housekeeping Amendments 2025