



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

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

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	1
Greg McCall	Vice Chair	C	1	1	A	1	C	A	1	1	1	1	1
David Goss	Commissioner	C	1	1	1	1	C	1	1	1	1	1	1
Beau Mulvaney	Commissioner	C	1	1	1	A	C	1	1	1	1	1	A
Andy Megorden	Commissioner	C	1	1	1	1	C	1	1	1	1	1	1
Nicole Cromwell	Zoning Coordinator	C	1	1	1	1	C	1	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	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	2	17
Special Review	-	-	-	-	-	-	-	-	-	-	-	-	-

Vice Chairman McCall introduced the Planning Division Staff and Commissioners.
Attending staff: Nicole Cromwell, Zoning Coordinator; Brenda Berns, Planning Clerk

Attending: Craig Dalton, Performance Engineering

Chairman Brooks called the meeting to order at 4:35 PM

Public Comment

Chairman Brooks called for public comments, there were none.

Approval of Minutes: November 6, 2024

Commissioner Goss made a Motion, seconded by Commissioner McCall 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, Goss, Brooks, visited the site of Zone Change 1059

Commissioner’s McCall, Goss, Brooks, Megorden visited the site of Zone Change 1056

Public Hearings:

- a. **City Zone Change 1059 – Zimmerman Home Place – NO to CMU1** - A zone change request from Neighborhood (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

Nicole Cromwell provided an overview of the subject parcel with a comparison of the current zoning. Proposed zoning does not cover the entire parcel, only 2.28 acres.

NO and CMU1	
NO	CMU1
❖ Neighborhood corners and interior lots – highly walkable & accessible	❖ Mixed use developments including retail, services along with apartments
❖ Smaller lots with offices, some personal services	❖ Multifamily apartments buildings or a complex of several separate buildings
❖ 1 to 2.5 story buildings	❖ Educational facilities, medical facilities, restaurants including drive-thru, hotels, minor vehicle repair shops
❖ Multifamily (up to 5 units/structure)	❖ Appropriate for corridor frontage
❖ Medical services, small animal vet clinics	❖ 1 to 4 story buildings
❖ Special review required for surface parking as principal use, or civic or religious assemblies	❖ Customary commercial or residential accessory uses including storage buildings
❖ Uses not allowed: multifamily with >5 units per structure, long-term care, out-patient surgery center, casino or bar, funeral home, craft alcohol, general retail, auto repair, gas station, and personal self storage	

Planning staff recommends approval of the zone change.

- Meets the Growth Policy (2016), Infill Policy (2011) and the West Billings Neighborhood Plan.
- CMU1 is compatible with adjacent NO and NX3 zones.
- Adjacent uses and zoning are compatible with proposed zoning.
- Mixed Uses and multifamily residential along transportation corridors supported by West Billings Neighborhood Plan.
- Proposed zoning will support the development of neighborhood services for Zimmerman Home Place residents and the area.

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

Zone Change Review Criteria

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

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Questions

Commissioner Goss requested clarification regarding access, noting that the neighborhood meeting indicated Zimmerman did not have access.

Ms. Cromwell explained that there are provisions for limited shared access, and since this parcel does not have its own access, it will need to share access with another parcel.

Chairman Brooks opened the Public Hearing.

Developer's Agent

Craig Dalton, Performance Engineering; Mr. Dalton provided an update regarding access, stating that the project has already completed the subdivision process and is now ready for the final plat. Access will be provided on the northern side, shared from Zimmerman to Green Valley. The southbound access will be limited to right-in and right-out due to the concrete median. Additionally, a traffic light is planned for Avenue E in the future. The developer has submitted the impact fees, but the final decision on approval will come from Public Works.

Public Hearing

Cindy Osland 1435 Benjamin Blvd; Ms. Osland stated there needs to be a light and extra lanes to alleviate the traffic on Zimmerman Trail.

Ms. Cromwell stated the City Engineering Department is aware and is looking into it, as well as the timing of the traffic signal lights.

Chairman Brooks closed the Public Hearing.

Motion:

Commissioner McCall made a Motion, Seconded by Commissioner Megorden to accept Planning staff’s recommendation of approval with 10 review criteria for Zone Change 1059 and forward to City Council on January 13, 2025.

Board Discussion

Commissioner Goss asked for clarification regarding bars and casinos in the CMU1 zone.

Ms. Cromwell stated a bar or casino in CMU1 is allowed, if it can meet the separation requirements that cannot be waived or reduced. Must have at least 600’ to a church, park, or playground and at least 350’ from a Neighborhood Residential zone.

Chairman Brooks 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 approval of City Zone Change 1059 with a unanimous vote.

- b. Returning Item – City Zone Change 1056 – High Sierra Sub – from Suburban Neighborhood Residential (N3) to First Neighborhood (N1), Mixed Residential 1 (NX1), Mixed Residential 3 (NX3), Corridor Mixed-Use 1 (CMU1) and Public 1 (P1).**

Ms. Cromwell gave an overview of Zone change 1056 originally scheduled to be heard on October 1, 2024. Original application received in August received quite a bit of public comment, with negative reaction by the board, and a recommendation of denial from Planning staff. The applicant’s agent requested 60 days to reconfigure the proposed zone change.

Ms. Cromwell reviewed the existing zone versus the proposed plan, noted the differences between the two.

Zone Change	
Existing Zone – N3	Proposed Zoning Plan
<ul style="list-style-type: none"> • Single family area – modelled on retired R96 zone • Current state law allows 1 or 2-family dwellings including ADUs • Building height = 3 stories or 34 feet • Building lot coverage = 40% • Minimum setbacks • Primary and accessory uses allowed 	<ul style="list-style-type: none"> • 1 or 2-family dwellings (N1) • 1 to 4 unit dwellings (NX1) • 5 or more unit buildings (NX3) • Mixed Uses and/or residential use (CMU1) • Lot coverage 60% (N1, NX1/3) 65% (CMU1) • Building height – both # of stories and absolute height <ul style="list-style-type: none"> • N1 = 2.5 stories & 34 ft • NX1 = 2.5 stories & 27 ft • NX3 = 3-4 stories • CMU1 = 4 stories – step-backs required w/in 50 ft of N zones

The N1 zone allows for a lower height of 2.5 stories, compared to the 3-story limit in the N3 zone. The High Sierra neighborhood spans over 675 acres, slightly more than a section of land, with 21 previous filings. Currently, 323 acres remain as partially developed land. Around 90% of the dwelling units are owner-occupied, which is highly unusual for Billings, where the typical rate is around 70%. This highlights the limited availability of housing options for renters. The NX3 zone has been reduced to 40% of its original size, while the N1 zone allows for more units, making it the most diverse housing project in the area. A significant portion of the land remains undeveloped. The City Traffic Engineer supports the planned corridors but has noted that the intersections will require further review when the proposed subdivision is submitted. High Sierra Blvd has a set daily traffic volume maximum, and according to the City Traffic Engineer, it is a well-designed collector street. The primary concern is the impact of increased traffic on downstream intersections. Typically, traffic figures are speculative until the subdivision is submitted. With the addition of Gleneagles, the average daily traffic on High Sierra Blvd is expected to be more than double.

Planning staff recommends approval of the zone change.

Meets the Growth Policy (2016) Preferred Growth Scenario for NW Heights. Preferred medium density by the airport and higher density further north.

- Adjacent uses and zoning are compatible with proposed zoning.
- Proposed zoning is predictable with some flexibility.
- Expands housing choices in area where there are few existing choices.

Questions

Commissioner Goss asked for clarification as to the reason for change that the staff viewed negatively. Ms. Cromwell stated the change in NX3 to a reduction in higher density housing offered a more positively viewed neighborhood.

Commissioner Goss stated most of the improvements appear to be at the intersections and asked what entity will be responsible for costs and maintenance. Ms. Cromwell states that the agent can expand, my understanding of the TIS includes future contributions for this subdivision's impact. The city keeps those funds separate and will be used for intersections, at the city's discretion.

Chairman Brooks asked for clarification regarding the transportation element and why Planning staff's decision changed from oppositional to supportive. Ms. Cromwell stated there are still concerns, but the transportation plan includes future additional connections outside of Wicks Lane, so Wicks is not carrying the entire traffic load.

Chairman Brooks addressed concerns regarding fire and police. Ms. Cromwell said the ability to get to the end of the road and access beyond that will require a turnaround for emergency vehicles. They will also look at phasing and how much is left undeveloped between structures.

Applicant's Agent

John Halverson, Sanbell; Mr. Halverson shared an outline of the revised zone change. There was a neighborhood meeting held and from that meeting, other residents had been notified of the zone change. Public dissemination regarding notification of the zone change caused confusion and delay. NX3 was the preferred scenario with 9 dwellings per acre or medium density. Workforce housing is needed in medium-density neighborhoods, there is a market gap in this area for workforce housing. Mr. Halverson stated that the modification made to the original zone change request, supported a more low-density neighborhood. In terms of the unplatted High Sierra area, the average will be low density housing.

Joey Staszczuk, Traffic Engineer, Sanbell; the traffic engineer collected daily average traffic, both existing and future proposed. A challenging transportation model presented future traffic numbers. There will be an anticipated increase of daily trips to 3,218, however this road can easily see 12k vehicle trips. We're showing considerably lower numbers than other city roadways of the same classification.

John Halverson; Mr. Halverson mentioned that there is parkland within the golf course area of High Sierra. He noted that the nearby St. John's senior center, which is three stories high, is very similar to the proposed development. Additionally, plans for a second school are in place to accommodate the growing population, promoting diversity and ensuring access to emergency services. The recent changes in the proposed zoning have led to the creation of low-density areas. There is potential for ground-floor commercial space with residential units on the top two floors. Approximately 75% of the land is dedicated to single-family homes, including duplexes and townhomes.

Proposed zone change includes a gentile transition to other types of structures. High Sierra has a covenant that limits home heights to match others in the neighborhood. We meet the criteria and again, we can build these types of homes and accommodate the necessary housing.

Questions

Commissioner Goss stated that it appears the concern is over NX3 zoning, has there been any discussion for NX2. Mr. Halverson stated it was considered, but workforce housing is attainable with NX3.

Chairman Brooks mentioned ‘sprawl’ and the potential negative consequences. Mr. Halverson replied that sprawl in this development is not currently present.

Chairman Brooks asked who pays for traffic calming. Joey Staszczuk stated through a TIS we look at a ½ mile radius but may include additional streets and in turn, converts to a contribution for future signals. Traffic calming measures can be facilitated with the subdivision process.

Commissioner McCall stated he appreciates the design along the alleys and good transitions and asked for clarification on the open ‘T lot’. Mr. Halverson responded it is for stormwater runoff.

Commissioner McCall noted there are 8 points of exit and pointed out the network of streets with lots of dead ends and diffusing traffic are typically an older standard of street design. Mr. Halverson stated they incorporated more of a grid-style street design to improve response times and public safety.

Public Hearing

Cindy Osland 1435 Benjamin Blvd; Ms. Osland is concerned with the one way in-one way out access, as well as the teen drivers and their inexperience navigating the curvy streets.

Lee Tostenrud 1239 Benjamin Blvd. Ms. Tostenrud stated schools are at max capacity and concerned with the increased daily trips on a residential street.

Steve Sudan 826 Hermosa St; Mr. Sudan said he was shown a different map than is being proposed and believes it’s dangerous to walk his dog on Gleneagles. Mr. Sudan believes this project should not be approved.

Edith Schuler 820 Hermosa St; Ms. Schuler stated crime increases with lower cost housing based on her experience with living in Los Angeles. Ms. Schuler believes Wicks will be busier and is concerned with traffic when travelling to grocery stores and retail shops.

Kellie Malia 1303 Benjamin Blvd; Ms. Malia reiterated the concerns raised by everyone, including the impact of traffic and the necessity of addressing it before the subdivision is completed. She also pointed out that the schools and parks, which were promised, have not yet been built.

Lynnette Tubbs 1429 Las Palmas Ave; Ms. Tubbs stated that when she purchased her home, she was assured it would only consist of single-family homes. She questioned what would prevent the undeveloped area from being changed to the same type of development. Ms. Tubbs also expressed concerns about the lack of law enforcement and EMS services, as well as the potential for increased taxes and traffic.

Shirley Laird 2311 Entrada Rd; Ms. Laird said it appeared the roads will need to be connected and that will be a tax burden on the existing residents.

Landy Leap High Sierra II Inc; Mr. Leap stated they've been developing the High Sierra subdivision and intend on building single-family homes. This is a unique opportunity to infuse this type of mixed community. These new roads will help flow to the connector or arterial roads.

Public Hearing closed

Nicole Cromwell stated any street that needs to be built is paid for by the developer, not the homeowners. The city assumes maintenance and thus will impact everyone in the city

Commissioner McCall made a Motion, Seconded by Commissioner Megorden to accept Planning staff's recommendation of approval for Zone Change 1056.

Discussion

Chairman Brooks expressed support for the plan, highlighting its benefits such as density, diversity, and the absence of reduced property values with multi-family units. He emphasized that this approach is better for communities and noted that schools have not had a concern. He pointed out that review criterion #10 encourages the most effective use of land and stressed the importance of avoiding sprawl by considering other density options, especially at the town's edge.

Commissioner Goss shared his belief that high-density development should be located near transportation corridors, as many people rely on public transportation for convenience or lack of alternatives. He suggested that this plan might be better suited for a different location.

Commissioner Megorden agreed, noting that placing higher density on the edge of town makes little sense due to the lack of walkability.

Commissioner McCall advocated for more than just N3 zoning and the creation of higher-density areas to accommodate the need for transportation infrastructure. He stressed the importance of distributing the city's growth burden across higher-density areas to help share the associated costs. He also noted that the current trend of single-family homes does not reflect the needs of all buyers, as many are not choosing single-family homes due to affordability but rather out of necessity. He called for a broader range of housing options.

Chairman Brooks called for a vote of the board members on Zone Change 1056; the result was 2 Against Commissions Goss and Brooks; 2 In Favor Commissioners McCall and Megorden.

Nicole Cromwell informed the board that a motion resulted in a tie vote. The board must make a recommendation of 3:1 is required of either approval or denial. The board has the option to postpone the item and revisit it at a future meeting, specifically on January 7, 2025, with the hope that five members will be present instead of four. The absent board member would need to review the meeting minutes and provide testimony at the January 7, 2025 meeting. Alternatively, the board could propose a new motion.

Chairman Brooks made a motion to deny Zone Change 1056 adjusting the finding that the rezoning does not meet criteria #10, seconded by Commissioner Goss.

Chairman Brooks offers that this moves the item to the City Council and called for a vote; the result was 2 Against Commissioners McCall and Megorden; 2 In Favor Commissioners Goss and Brooks. A tie vote does not move the item forward.

The City Zoning Commission could not reach a majority agreement on a recommendation for Zone Change 1056; they split the vote 2-2 both on a motion for approval and a subsequent motion for denial.

Motion

Commissioner Goss made a motion to delay the recommendation to January 7, 2025, seconded by Commissioner Megorden.

Board Discussion

Commissioner Goss expressed concerns about unresolved issues related to transportation, noting that while people may not be driving through the new subdivision, they will be competing for the same roads.

Commissioner Megorden acknowledged that traffic will increase, putting additional strain on the infrastructure. He expressed hope that the city will take prompt action in developing transportation solutions as future developments occur.

Chairman Brooks called for a vote to Delay the recommendation to January 7, 2025; the result was 3 In Favor Commissioners Goss, Brooks, and Megorden; 1 Against Commissioner McCall.

Commissioner McCall requested the Applicant's agent be present at the January 7, 2025 meeting.

c. City Zoning Housekeeping Amendments 2025 –

- Proposing to make vehicle sales & service; special review as opposed to a zone change.

Nicole Cromwell, Zoning Coordinator stated she is proposing to make vehicle sales & service, and special review in CMU1 Corridor Mixed Use. This would allow the opportunity to request a Special Review in place of a Zone Change.

Commissioner McCall stated CMU1 and CMU2 zones are similar to those of casinos, specifically regarding the number of machines.

Commissioner Goss inquired about a special review with a limit. Nicole Cromwell asked if the limit pertains to the number of cars or the amount of acreage.

Chairman Brooks questioned whether this issue is complaint-driven. Ms. Cromwell responded affirmatively, suggesting that establishing an acreage limit could help manage the number of cars on the street.

Commissioner Goss proposed that the matter could be left to the Special Review process without setting specific stipulations. Chairman Brooks asked if stipulations could be included through the Special Review process. Ms. Cromwell confirmed that they could.

Commissioner Goss asked whether height exceptions define the difference between antennas, questioning if the reference is to the tower or the transmitting device. Ms. Cromwell clarified that the antenna is already attached to a structure. For wireless zoning over 1,500 feet, a special review is required. A wireless antenna can be placed on a building but cannot extend more than 20 feet above the building's roof, depending on the type of antenna. Commissioner Goss then asked if there is a definition for "antenna." Ms. Cromwell confirmed there is a definition.

Ms. Cromwell also noted that RV Sales & Service was not included in the discussion, as they require significantly more service than passenger vehicles.

Motion

Chairman Brooks made a motion to initiate Housekeeping Amendments 2025, seconded by Commissioner Megorden. Motion was carried with a unanimous vote.

Other Business: There was no other business.

Adjournment: The meeting adjourned at 6:55 PM

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

--Brenda J Berns, Planning Clerk