



**City of Billings Zoning Commission
Meeting Minutes of January 7, 2025**

The City of Billings Zoning Commission met on Tuesday, January 7, 2025, at 4:30 p.m.
316 N 26th St., 3rd Floor, Room 3101 Stillwater Building.

The following Commissioners and staff were in attendance.

Commission		01/07/2025	02/04/2025	03/04/2025	04/01/2025	05/06/2025	06/03/2025	07/01/2025	08/05/2025	09/02/2025	10/07/2025	11/04/2025	12/02/2025
Daniel J Brooks	Chairman	1											
Greg McCall	Vice Chair	1											
David Goss	Commissioner	1											
Beau Mulvaney	Commissioner	1											
Andy Megorden	Commissioner	1											

Total Number of 2025 Applications	01/07/2025	02/04/2025	03/04/2025	04/01/2025	05/06/2025	06/03/2025	07/01/2025	08/05/2025	09/02/2025	10/07/2025	11/04/2025	12/02/2025	TOTAL
Zone Change	1												
Special Review	-												

Attending Staff: Nicole Cromwell, Zoning Coordinator; Anna Vickers, Planning Division Manager; Brenda Berns, Planning Clerk

Participants: Joey Staszczuk, Sanbell; Gary Owen, Sanbell; John Halverson, Sanbell; Landy Leep

Chairman Brooks called the meeting to order at 4:32 PM

Public Comment

Chairman Brooks called for public comments. There were no comments.

Approval of Minutes: December 3, 2024

Commissioner Goss made a Motion, seconded by Commissioner Mulvaney 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		

Nicole Cromwell, Zoning Coordinator, notified the Commissioners about the Agent’s letter of clarification that was sent to the members. She stated that the letter will be placed in the Ex Parte Communication binder and made accessible for review by both the Commissioners and attendees.

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		

Chairman Brooks affirmed Commissioner Mulvaney was provided materials on returning item City Zone Change 1056.

Regular Business:

- a. Return Item – City Zone Change 1056 – High Sierra Sub** – from N3 to N1, NX1, NX3, CMUI & 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 and 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. Tax ID: D05244

The Zoning Commission conducted its public hearing on December 3, 2024. The commission failed to reach consensus on the recommendation.

Ms. Cromwell gave an overview of the current zoning and requested 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

Planning staff recommends approval of the zone change:

- Meets the growth policy (2016) Preferred Growth Scenario for NW Heights.
- 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.

Zoning Commission failed to reach consensus on a recommendation on Dec 3, 2024

- Commission should ask any clarifying questions necessary
- Commission will propose and vote on a motion of recommendation
- Commission will base its motion on articulated findings of the 10 review criteria
- The Commission must make a recommendation to the City Council
- The City Council will consider, in addition to other testimony and facts, the Commission’s recommendation and make a final decision

Board Discussion

Commissioner Goss inquired about the traffic analysis, specifically whether residential or CMU1 areas were considered. Mr. Staszczuk, Traffic Engineer at Sanbell, responded that all traffic volumes from areas with similar density were included in the study.

Commissioner Goss pointed out that commercial traffic typically follows a higher threshold than residential traffic and asked if this factor was accounted for in the traffic impact study. Mr. Staszczuk confirmed that the study estimates 1,089 daily trips for the proposed development, factoring in the 34% of vehicles already on the road.

Commissioner McCall then asked the Applicant’s agent if any new relevant information has emerged since the December 3, 2024 hearing that could be presented to the commissioners.

John Halverson from Sanbell addressed the commissioners, drawing attention to item #6 regarding the growth policy for the area. He explained that the development of the subject property sets a precedent for advancing the growth policy but emphasized that development in the area won’t remain isolated for long, as surrounding development will be happening soon.

Commissioner Megorden expressed support for development at the edge of the city limits, acknowledging its importance in expanding the city. However, he noted it’s somewhat challenging to fully support the multifamily aspect of the development.

Commissioner Goss inquired whether the ground floor of CMU1 zoning is required to be commercial, noting that the intent is for commercial use on the ground floor. Ms. Cromwell responded that it is not mandated, but any property zoned CMU1 must allow for multi-unit development.

Mr. Halverson addressed concerns about whether the development will be a single-story or four-story building, clarifying that their traffic calculations were based on a four-story design.

Mr. Staszczuk referred to his November 2024 traffic letter, which examined daily traffic and speed data. He explained that data on intersection trips were also collected. The City Engineer has requested that Sanbell provide further guidance on future developments and how to address intersections. The City may require a full Traffic Impact Study (TIS) for each phase or filing, showing changes from the original submission.

Chairman Brooks shared a discussion with Ms. Mehling, Director of Public Works, who indicated that the Public Works development fees can currently fund one intersection light per year. He asked where this development stands in the queue for potentially receiving a traffic light and how this might affect planning for the next five years and beyond.

Mr. Staszczuk acknowledged that it is difficult to determine the City's exact priority list. He explained that funding for intersection lights would be allocated based on the traffic generated by each development. Each intersection will be evaluated individually to determine if improvements, such as lights, are necessary.

Motion

Commissioner McCall moved to approve Zone Change 1056 with conditions as recommended by staff, seconded by Commissioner Megorden.

Board Discussion

Commissioner Mulvaney requested clarification from the board regarding the drawbacks related to the subject development and its proximity to public services.

Chairman Brooks expressed concerns about the development, particularly regarding the application of Statute 5, which addresses the most appropriate use of land. He voiced concern about the density and diversity of the project, questioning whether it represents the best use of land at the city's boundaries. Chairman Brooks also raised a concern about public safety, noting that EMS and fire trucks would be unable to turn around on the road if needed.

Ms. Cromwell responded, explaining that any land development adjacent to vacant land must ensure that fire trucks can turn around safely.

Chairman Brooks called for a vote on the approval of Zone Change 1056, based on the 10 Review Criteria. The vote was 4 against and 1 in favor. Opposed were Commissioners Goss, Brooks, Megorden, and Mulvaney. In Favor was Commissioner McCall.

The motion to recommend Denial of City Zone Change 1056 passed with a 4-1 vote.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall	X			
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

Zone Change 1056 will be reviewed by City Council on January 27, 2025.

Other Business:

Ms. Cromwell informed the board that the Yellowstone Valley Animal Shelter’s zone change request will be presented to the board in February 2025.

Ms. Cromwell noted that City Council will review the final set of text amendments during their work session on January 21, 2025, these amendments will be on the agenda for this board in March 2025.

Adjournment: The meeting adjourned at 5:07 PM

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

--Brenda J Berns, Planning Clerk