



NOTICE TO THE PUBLIC

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

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

Approval of meeting minutes of February 4, 2025

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

- a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

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

Public Hearings:

- a. **City Zone Change 1062 -- Missions United at Sierra Granda Blvd and High Sierra Blvd - Public 2 to Public 3 -- Medical Campus** - A zone change request from Public 2 (P2) to Public 3 -- Medical Campus (P3 - Med) on a 11.868 acre parcel of land legally described as Lots 1C, 1D, 1E of Block 3, High Sierra Sub 2nd Filing, generally located on the southwest corner of Sierra Granda Blvd and High Sierra Blvd. The intent of the zone change is to make the parcels a united campus for Missions United. A P2 zone district limits the number of principal structures to two. A P3 campus zone allows any number of principal structures. A pre-application neighborhood meeting was held on January 27, 2025, at the Lake Hills Golf Course Clubhouse. Tax IDs: A30252, A34035 and A34036.

- b. **City Zone Change 1063 -- 4502 thru 4550 King Avenue West -- NX3 to NX1 and N2** - A zone change request from Mixed Residential 3 (NX3) to Mixed Residential 1 (NX1) and Mid-Century Neighborhood (N2) on a 9.401-acre parcel of land legally described as Lot 1-A of Block 1 of the amended plat of Lots 1,3, and 4 of Block 1, Western Sub, generally located in the 4500 block of King Ave West east of the intersection of S 46th St W. The intent of the zone change is to allow a complex of two-unit dwellings. The current zone requires of minimum of 5-units per structure. A pre-application neighborhood meeting was held on January 23, 2025, at the Emmanuel Baptist Church at 328 S Shiloh Rd. Tax ID: C15618
- c. **CITY Zone Change 1060 - City Zoning Code Text Amendments**
The amendments include the following:
1. A general cleanup ordinance that will correct cross-reference errors, numerical mistakes and ensure consistency within the code.
 2. An amendment to Section 27-309, Table 27-1000.1, Sec. 27-1003, and 27-1803 related to the definition of a manufactured home. Legislative changes in 2023 require an update to remain in compliance with state law.
 3. An amendment to Section 27-1704 to create clarity in options for enforcement of violations of the zoning code.
 4. An amendment to Table 27-1000.1 to allow vehicle sales as a special review use within the Corridor Mixed Use 1 (CMU1) zone district.

Other Business/Announcements

Adjournment

The City Council has designated **March 24, 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 April 14, 2025 at 5:30 pm.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 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 bernsb@billingsmt.gov or 406-247-8610

Date: 03/04/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of February 4, 2025

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of February 4, 2025

City of Billings Zoning Commission
 Tuesday, February 4, 2025 at 4:30pm

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	1										
Greg McCall	Vice Chair	1	1										
David Goss	Commissioner	1	1										
Beau Mulvaney	Commissioner	1	1										
Andy Megorden	Commissioner	1	1										

Please note: "A" stands for excused absence, "1" stands for present, "V" stands for Zoom participation, "C" stands for Canceled

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	1											2
Special Review	-	1											1

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

Attending Staff: Nicole Cromwell, Zoning Coordinator; Brenda Berns, Planning Clerk

Participants: Craig Dalton, Performance Engineering

Public Comment

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

Approval of Minutes: January 7, 2024

Commissioner McCall made a Motion, seconded by Commissioner Megorden to approve the meeting minutes as amended. 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		

Site visits: Commissioner’s Brooks and Goss conducted a site visit of Zone Change 1061

Regular Business:

- a. **City Zone Change 1061 – 441 Riverside Rd – Public 1 to Public 2** – A zone change request from Public 1 (P1) to Public 2 (P2) on 5.145 acres of a 14,988-acre parcel of land known as Wilson Park, legal described as the NE ¼ of the SE ¼ of Section 10, Township 1 South, Range 26 East. The intent of the zone change is to make the 5.145 acre parcel available for lease or sale to the Yellowstone Valley Animal Shelter to construct a new animal shelter for the region. A pre-application neighborhood meeting was held on December 18, 2024, at Riverside Middle School. A concurrent annexation has been submitted. Tax ID: D01735

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.

From - Wilson Park 441 Riverside Rd; Public 1 (P1) Parks and Open Space
To – Public 2 (P2) Public, Civic & Institutions 5.145-acres of 14,988-acre parcel

P1 and P2	
P1	P2
<ul style="list-style-type: none">❖ Public and private parks❖ Active recreation areas❖ Golf courses, clubhouses❖ Nature parks and conservation areas❖ Arboretums and Botanical gardens❖ Special review required for campgrounds or RV parks❖ Uses not allowed: residential, retail, personal and business services, industrial uses	<ul style="list-style-type: none">❖ Schools, churches, institutions on smaller parcels with no more than 2 principal buildings❖ Housing can be provided for employees or caretakers of the principal use❖ Emergency services and animal shelters❖ Healthcare, Adult and Child Day Care, indoor and outdoor recreation facilities, cemeteries, entertainment assembly uses❖ Special review required for campgrounds or RV parks❖ Uses not allowed: retail, restaurants, personal and business services, industrial uses (except for solid waste services)

Planning staff recommends approval of Zone Change 1061. The City Council shall consider the Zoning Commission’s recommended findings of the ten (10) review criteria as submitted in the staff report.

Questions

Commissioner Goss inquired whether the path running diagonally through the property is dedicated. Ms. Cromwell explained due to a lack of space, a gravel road connection was created by the city to accommodate snow disposal.

Commissioner Goss compared the P1 and P2 zones, noting the limit of two principal buildings, and asked for clarification on what constitutes a principal building. Ms. Cromwell explained that a principal building is one that serves a primary function, but it may also have an accessory building for purposes like housing equipment.

Chairman Brooks pointed out the berm along the road and asked if the applicant intends to retain it as a buffer. Ms. Cromwell deferred to the YVAS representative for a response.

Craig Dalton, Performance Engineering representative of YVAS - Mr. Dalton explained that the applicant is the City of Billings, which received the land as a donation. The land came with outstanding back taxes, and to alleviate this burden, a land and water conservation easement was established. This easement cannot be removed, but it must be relocated, which the City is handling. The City is required to find a property of equal size and value for the relocation of the easement. He believes they have identified suitable property in the Heights. The City Council has agreed to donate the property to YVAS, and they will assume ownership of the deed.

In response to Chairman Brooks' question, Mr. Dalton confirmed that access will be from Riverside. While some of the berm will need to be removed, the City owns the remainder of the park and there are no long-term plans for it. The P2 zoning was selected as the lowest intensity zoning available for this type of project.

Chairman Brooks then opened the public hearing.

Public Hearing

Richard Edwards 321 Minnie Pl – Mr. Edwards expressed opposition to the zone change but acknowledged the need for a new YVAS facility. He stated that the original intent of the land was to be developed into a park, but it remained undeveloped for over 50 years. At the public meeting held at Riverside Middle School to discuss the application, around 25 to 30 people attended, though not all signed in. He also noted that the pictures shown at the meeting did not accurately represent the actual situation of the nearby residential houses, which are located approximately 240 yards from the proposed facility.

Randy Crable 528 Minnie Pl. – Mr. Crable expressed his opposition to the zone change. Having worked for the city for many years and lived at his current address for 47 years, he does not believe a crematorium is suitable near residential areas. He also mentioned that there are no sidewalks in the area, making it difficult to walk dogs. He suggested that the land could be a good location for a dog park, especially since the city was gifted the property. Additionally, Mr. Crable questioned why there isn't available land near the Billings Operations Center (BOC) for such a project.

Jody Kaiser 252 Riverside Rd – Ms. Kaiser expressed opposition to the zone change. As a dog breeder and exhibitor who has invested between \$50,000 and \$100,000, she is concerned about the potential for disease transmission from an animal shelter, citing risks such as parvo and brucellosis. She emphasized the need for regular testing of animals, both initially and six months later, and worried that if staff walk dogs near residences, it could put homeowners' animals at risk.

Additionally, she inquired about the traffic plan for the animal shelter. Ms. Kaiser also voiced concerns about the proposed location, stating that such a facility would not be placed in a neighborhood like Briarwood.

Dave Hagstrom 3042 Allison Lane – Mr. Hagstrom is opposed to the zone change. He stated the YVAS project is a nonprofit 501(c) (3) and inquired about the cost of the project and the percentage that will come from property taxes.

Diane Lynch 527 Minnie Pl; Ms. Lynch is opposed to the zone change as described by the other residents that spoke at this meeting.

Triniti Halverson, Executive Director YVAS; Ms. Halverson stated that she has been in her current position for six years and believes it is important to listen to the community's opinions. She provided an overview of YVAS's goals and the jurisdiction it serves. As a 501(c)(3) non-profit, she explained that the City issues a Request for Proposal (RFP) to house animals, and the contract allows for animals to be put up for adoption after 72 hours. Her jurisdiction includes Billings and Yellowstone County but does not extend to the Reservations due to capacity limitations. She mentioned that while she is not familiar with state regulations regarding crematoriums, the facility plans include space for one. Regarding the park, Ms. Halverson noted that she had worked for the City for many years and, when starting the project, realized that \$12 million would be needed to build an adequate facility, not including the land. She acknowledged that the City would not have the funds for this and that she would not be seeking funding from them. Lastly, she explained that the park cannot be used as a dog park due to covenant restrictions, but they are working on creating a walking trail and hope to welcome neighboring dogs as well.

Questions

Commissioner Goss asked for clarification regarding the water source for the project. Mr. Dalton explained that the project will be fully serviced by City utilities. A City-owned main water line runs along Riverside and branches off at the County line on Hannon. Water service will be provided from the connection at Riverside, ensuring full City services.

Chairman Brooks sought clarification on whether air quality standards are considered by the board, specifically regarding the crematorium. He asked if state air quality standards would be adhered to if the crematorium were used. Mr. Dalton confirmed that state air quality standards would be maintained, and as a state-regulated facility, the crematorium would be subject to regular inspections and monitoring as part of its operations.

Chairman Brooks inquired about the initial donation of land and the City's experience with Cottonwood Park's contractual obligations. Ms. Cromwell responded that the City had financial commitments associated with the donation of the park. To address these obligations, the City applied for a grant from the Land and Water Fund, which is commonly used for many of the City's parks. Once the grant is awarded, a perpetual easement is placed on the property. Depending on the easement type, it may be relocated to another property of equal size and value.

However, the easement is not a covenant in the title report but is maintained by the City as part of the title deed. The City must comply with National Parks regulations for the easement.

Chairman Brooks closed the Public Hearing.

Motion

Commissioner Goss moved to recommend the approval of Zone Change 1061 with conditions as recommended by staff, seconded by Commissioner Megorden.

Board Discussion

The board discussed the criteria for their decision, emphasizing that their determination should be based on the zoning guidelines rather than the planned use. They noted that any deed provision restricting use, would be considered a civil matter.

Chairman Brooks called for a vote on the approval of Zone Change 1061. The vote was unanimous.

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

Recommendation of approval will be forwarded to City Council on February 24, 2025

Other Business:

Ms. Cromwell mentioned that the board will review the final text amendments in March 2025, along with two zone changes—one in the Heights and another on the West End.

Adjournment: The meeting adjourned at 5:20 PM

Brenda J Berns, Planning Clerk

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

Zoning Commission

Date: 03/04/2025
Title: Zone Change 1062 - Missions United at Sierra Granda Blvd and High Sierra Blvd - Public 2 to Public 3 - Medical Campus
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The Planning staff is recommending approval of Zone Change 1062 and adoption of the findings of the 10 review criteria.

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

This is a zone change request from Public 2 (Public, Civic, and Institutional) to Public 3 (Medical Campus) for an 11.868-acre parcel of land, legally described as Lots 1C, 1D, and 1E of Block 3, High Sierra Subdivision 2nd Filing. The property is generally located at the southwest corner of Sierra Granda Blvd and High Sierra Blvd. In 2006, the entirety of Lot 1 of Block 3 underwent a special review process to permit the development of a church and senior retirement campus. The special review was approved, and the property was subsequently developed into the existing church and senior living campus.

The proposed zoning change aims to unify the parcels into a cohesive campus for Missions United. Currently, Lot 1C houses the St. Johns United Wyndstone Senior Living Campus. The existing Public 2 (P2) zoning limits the number of principal structures to two. The proposed zoning of the Public 3 (P3) campus allows any number of principal structures. This zoning change will facilitate the expansion of the Wyndstone Senior Living Campus.

Before the code update in 2021, the city only had one zoning district for parks, schools, churches, airports, landfills or public and institutional uses. This zone - Public - was expanded into three separate public zone districts to make the potential uses more predictable for surrounding property owners. For example, now most churches and schools are in the Public 2 (P2) zoning district and campuses such as MSUB, and the hospital area are in Public 3 (P3 - Campus - Education, Medical, or Civic).

Public zoned land can either be publicly owned or privately owned. The proposed P3 zoning for the 11.868 acres is adjacent to an existing P2 zoned parcel (Lots 1A and 1B), where Atonement Lutheran Church is located. This existing church area will stay in the P2 zone district.

Traffic volume on High Sierra Boulevard just north of Wicks Lane is approximately 2,320 vehicle trips per day, while Wicks Lane at Fantan Street experiences about 5,480 vehicle trips per day. These traffic counts are based on a three-year rolling average, taken during off-school times, and do not account for peak hours or special events. The proposed development of a senior living campus typically generates significantly less traffic than other types of residential developments. Unlike traditional single-family or multi-family homes, senior living facilities generally produce fewer vehicle trips, primarily due to residents' lower reliance on personal vehicles. Additionally, senior living residents typically have lower vehicle ownership rates and make fewer trips, especially during peak traffic hours. The majority of traffic associated with these developments consists of visitors, staff, and service vehicles, rather than daily community or school-related trips, resulting in a less intense traffic pattern. This parcel is located near well established trails and bicycle networks. On Wicks Lane, extending from Lake Elmo Drive to Gleaneagles Boulevard, features both bike lanes and sidewalks. At the intersection of Wicks Lane and Gleaneagles Boulevard, a multi-use trail to the west begins, offering an easy connection all the way to Skyline Drive trail. Additionally, in the immediate area, bike lanes and sidewalks are available along Fantan Street, extending from Wicks Lane to Siesta Avenue, which in turn connects to the bike lanes and sidewalks on High Sierra Boulevard.

The proposed Wyndstone senior living campus expansion seeks to provide additional residential units and amenities, ensuring a higher quality of life for its senior residents. This project will include the construction of multi-unit residential buildings, a clubhouse, and supporting infrastructure. As the demand for senior facilities grows in the city, this development is designed to accommodate an increasing number of residents while maintaining accessibility. The development proposes a mix of four-unit residential buildings and a twelve-unit residential building, providing a variety of living options to meet the diverse needs of the senior residents. Additionally, improvements such as a ten-foot asphalt trail will enhance walkability and outdoor recreation opportunities. The proposed zone change will allow for higher-density senior housing while ensuring compatibility with the surrounding area.

APPLICATION DATA

OWNER: Missons United Inc.

AGENT: Performance Engineering, Taylor Kasperick

LEGAL DESCRIPTION: HIGH SIERRA SUBD 2ND FILING, S17, T01 N, R26 E, BLOCK 3, Lot 1C, 1D and 1E

ADDRESS: SW corner of Sierra Granda Blvd and High Sierra Blvd

CURRENT ZONING: Public 2 - Public, civic, and institutions (P2)

PROPOSED ZONING: Public 3 - Medical Campus (P3)

EXISTING LAND USE: Retirement Home and Vacant Land

PROPOSED LAND USE: Retirement Home Campus

SIZE OF PARCEL(S): 11.868 acres

SURROUNDING LAND USE & ZONING

NORTH: Suburban Neighborhood (N3) - Single family residential dwellings in High Sierra Subdivision

SOUTH: Public 2 (P2) and Suburban Neighborhood (N3) - Vacant land and single family residential dwellings in High Sierra Subdivision

EAST: Public 2 (P2) - Atonement Lutheran Church

WEST: Suburban Neighborhood (N3) - Single family residential dwellings in High Sierra Subdivision

The Planning staff has reviewed the application and drafted findings for the 10 review criteria for the zone change. The staff is recommending approval based on the draft findings. The request for a Public 3 zone is supported by the goals of the 2016 Growth Policy, which emphasizes strategic growth and a diverse housing supply. One of the key goals of the Growth Policy, essential investments, aims to promote infill development and development utilizing existing City infrastructure. By developing an underutilized parcel and tying into existing water and sewer infrastructure, this project supports efficient land use and helps to reduce urban sprawl. Additionally, the development is consistent with the strong neighborhood goal, which promotes a diverse mix of housing types to serve residents of all ages and income levels. By integrating senior housing within an established neighborhood, it allows older residents to downsize while remaining in their community, fostering a sense of stability and belonging. Furthermore, this development advances the home base goal of the Growth Policy, by ensuring a diverse mix of housing options that accommodate the city's changing demographics. Providing much needed senior housing within a familiar, accessible environment enhances livability and inclusivity. The expansion of the Wyndstone Senior Living will strengthen the High Sierra Subdivision by introducing a thoughtfully designed, low impact residential campus that complements the surrounding area. The zone change to Public 3 (P3) ensures that the property can support a campus-style senior living community while preserving the residential character of the neighborhood and promoting a housing solution for Billings' aging population.

STAKEHOLDERS

The applicant's agent conducted a pre-application neighborhood meeting on January 27th, 2025, at the Lake Hills Golf Course's upstairs meeting area. Five surrounding owners attended the meeting. Attendees raised several concerns about the proposed development, starting with the potential impact on property values of adjacent parcels. The agent indicated that the zone change of the subject properties should not impact property taxes of adjacent parcels. The agent stated that property taxes are based on the appraised value of a property's land and improvements, so unless the property value of the adjacent parcels were to increase, property taxes should not be affected. There were also questions regarding the type of commercial uses allowed under the proposed zoning. The agent clarified that no commercial use would be permitted unless it is specifically tied to the underlying mission or organization.

Another concern brought up by the attendees was regarding where the site would be accessed from. The agent stated how the proposed development will be accessed via a new internal access drive from Wyndstone's existing approaches off Siesta Avenue and Sierra Granda Avenue, as well as four new driveway approaches. Siesta and Sierra Granda will each get two new driveway approaches. Attendees were concerned about parking and parking lots. The agent stated that the parking is anticipated to be provided on-site in compliance with the Zoning Code requirements for off-street parking. Neighbors expressed concern regarding the prairie dogs that currently live in the area. The agent discussed outside termination, as there is not a lot of control anyone can provide as to where and when prairie dogs move. The agent responded to concerns regarding where power would come from and what it would look like for this development. The agent stated that at this time, it is undetermined where power will be placed to serve the development. The agent stated that it will likely consist of transformer pads and power boxes that are seen on other commercial and residential developments.

Planning staff posted the zoning request sign on the property and mailed the 1/4-mile notification list of the pending zone change. In addition, the application details were published on the Planning "current zoning applications" webpage and a legal ad was published in the newspaper of record. Planning staff has received no written comments on the application as of the date of this report.

ALTERNATIVES

The Zoning Commission may take one of the following actions:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1062; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1062; 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 zone change request.

In case of a tie vote on the zone change, the application may be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council. The applicant has not requested a delay or a withdrawal of the application at this time.

FISCAL EFFECTS

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

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

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

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

- Essential Investments

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

This proposed senior living campus is located within the city limits and has access to existing water and sewer lines, meaning no additional infrastructure is needed. By utilizing underused parcels, the development minimizes cost for the city while addressing cost-of-service concerns. This proposed zone change supports efficient growth while ensuring that the city's resources are used wisely. Housing for seniors is in short supply.

- Strong Neighborhoods

Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Implementation of the Infill Policy is important to encourage development of underutilized properties.

By expanding the existing senior living campus in this established neighborhood, the development will provide diverse housing options for older residents looking to downsize, all while contributing to the area's growth and the neighborhood's identity. The proposed zone change for a new senior living campus aligns with the Billings Infill Policy, which encourages the development of underutilized or vacant properties within existing neighborhoods. This policy supports the use of existing infrastructure while ensuring that new development complements the surrounding area and enhances the community's overall quality of life. The proposed campus will utilize existing water and sewer mains without requiring additional city infrastructure.

- Home Base

A mix of housing types that meet the needs of a diverse population is important

This property would allow for the development of a senior living campus in close proximity to an existing residential neighborhood, providing a housing option for an aging population in a familiar, established area. The proposed zone change will provide older residents with an opportunity to downsize while remaining in their familiar neighborhood, helping them maintain their community ties. This aligns with the Growth Policy goal of offering diverse housing options that support residents at various life stages, ensuring long-term accessibility and inclusivity within the neighborhood.

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

The new zoning requires setbacks, open and landscaped areas, and building separations. The Public 3 zoning considers the surrounding zoning for siting of buildings and building characteristics. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Any new construction on the site will follow applicable building codes, engineering standards for storm water control, connection to city services and parking lot construction. All zoning requirements will be followed.

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. New construction on the site will follow engineering

code, building code, and zoning code requirements to ensure and promote public health, public safety and general welfare. Additionally, the project will offer an affordable senior living option within an established residential neighborhood. Its location connects easily to the nearby High Sierra Subdivision and Wicks Lane sidewalk network, encouraging walkability and non-vehicular mobility, further promoting the well-being of future residents and the community as a whole.

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

Transportation: The new development will include the completion of Siesta Avenue, enhancing the transportation network in the area and helping to alleviate congestion on surrounding roads.

Water and Sewer: This property is located in 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 will not be affected by this zone change. The proposed development is a senior living campus. There will not be additional students due to this zone change. Parks will likely not be affected by the proposed zone change. The closest public park is the High Sierra Park to the southwest.

Fire and Police: The subject property is served by city and county 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 zone, like all zones, requires setbacks to allow for adequate separation between structures and adequate light and air. Since the parcel is currently vacant, any new construction will be required to comply with zoning standards outlined in Section 27-500 (Public zones), as well as engineering and building code requirements. These standards are designed to maintain appropriate spacing between buildings, ensuring that the development allows for ample light, air, and overall environmental quality.

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

The new zoning itself will not directly impact motorized or non-motorized transportation. However, once developed, the project is expected to increase traffic volume for both motorized and non-motorized users. The proposed development includes the completion of Siesta Avenue, which will help alleviate congestion on nearby streets and improve overall traffic flow.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is well-suited to the surrounding areas, aligning with adjacent and existing uses. This development will increase density within the campus, while remaining compatible with the Public 2 zoning to the west. By offering senior living options, it provides a valuable opportunity for older residents to downsize without leaving an established, walkable community. The project supports compatible urban growth by enhancing the area's housing diversity and maintaining the character of the neighborhood.

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

The proposed zoning carefully considers the character of the district and the property's suitability for the intended use. By allowing for the development of a senior living community, the project supports infill development while preserving the residential character of the area. The proposed zoning is compatible with the surrounding zoning and existing uses, ensuring that the development blends with the neighborhood. This proposed zone change respects the area's established character while meeting the growing needs for diverse housing options.

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

This property currently includes a senior living facility and vacant land, so the new zoning will not negatively impact the value of existing buildings on the parcel. The current use will continue to comply with the allowable uses of the Public 3 zoning district. Any new structures built as part of the development will be required to meet all relevant zoning, engineering, and building codes, ensuring that the integrity and the value of the property are maintained.

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

The proposed zone change will promote the most appropriate use of this land within Billings. By selecting the Public 3 zone, the development will accommodate a retirement village with multiple principal buildings, aligning with the city's goals for diverse housing options. The property will be developed in full compliance with the zoning regulations, ensuring that it is used efficiently and in a way that supports the community's needs while contributing to the city's overall growth.

Zoning Map & Site Photos
Zoning History
Preapplication Meeting Information
Application & Applicant Letter

Attachments

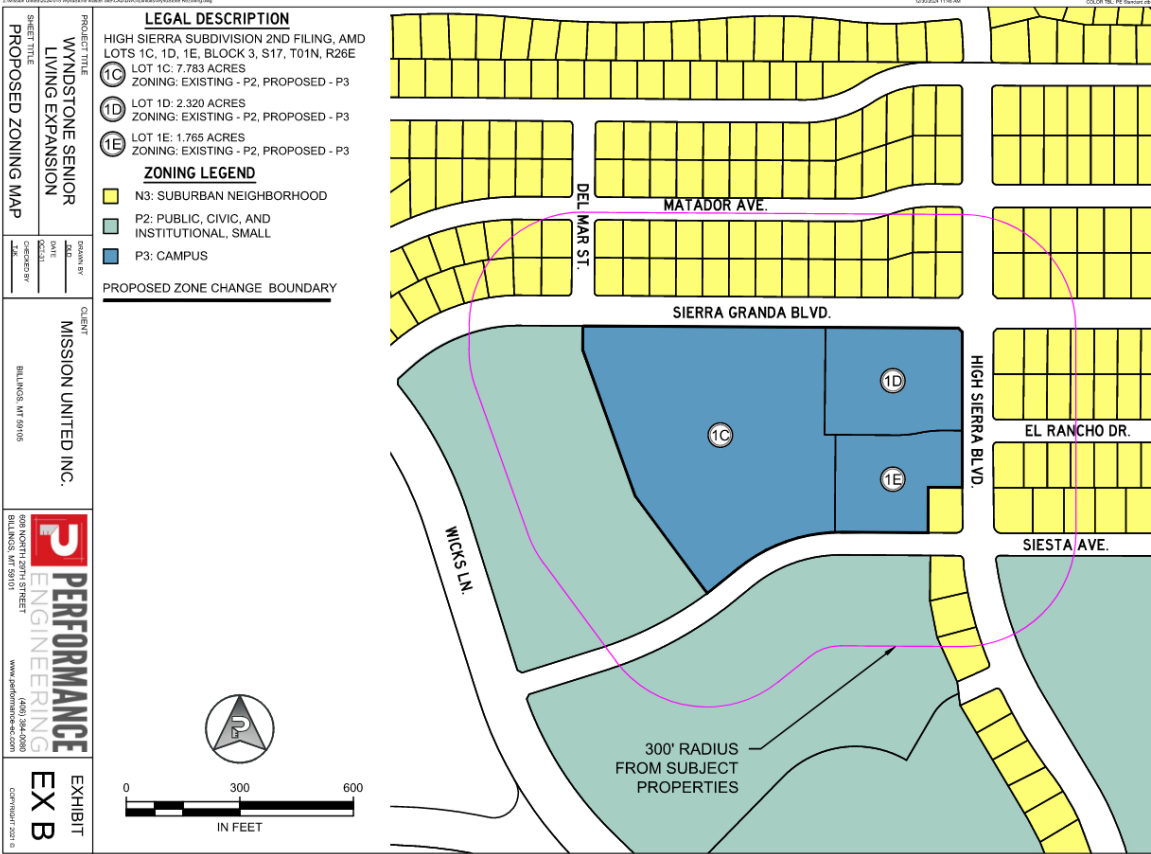
City Zone Change 1062 – Missions United at Sierra Granda Blvd and High Sierra Blvd - Public 2 (P2) to Public 3 (P3) – Medical Campus on a 11.868 acre parcel of land

Zoning Map and Site Photos

Subject Property = 11.868 Acres
Current Zone = P2
Proposed Zone = P3



Zoning Exhibit



Subject Property May 2023 Aerial



Site Photos



Subject Property



Looking NE from Sierra Granda Blvd



Looking NE from Sierra Granda Blvd



Looking west from Sierra Granda Blvd



Looking NW from Sierra Granda Blvd

Zoning History for City ZC 1062 – Missions United at Sierra Granda Blvd and High Sierra Blvd – Public 2 (P2) to Public 3 (P3) – Medical Campus

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lot 1 Block 3 High Sierra Sub 2 nd Fil	City SR 821	7/24/2006	To allow for a church and senior retirement complex in a 96 zone	Yes	Developed into a church and senior retirement complex
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
655 W Wicks Ln	City ZC 1042	4/13/2024	N3 to P2	Yes	To allow for a church building
3648 AJ Way	City ZC 1026	6/12/2023	A to P3	Yes	To allow for Army National Guard Campus
1775 High Sierra Blvd	City Var 1290	12/5/2018	Land Use Contrary to Zoning	Yes	To allow solar voltaic array in a side setback
Northwest corner Wicks and Picador Pl South of Skyview High School	City ZC 736	8/9/2004	R96 to R70	Yes	Developed as SFR
2 Almadin Ln	City ZC 753	2/14/2004	R70 to Public	Yes	Heights Water Pump Station
High Sierra Sub 2 nd Fil L1 B4	City SR 734	1/27/2003	To allow a church, preschool, elementary, junior and/or high school and commercial recreation uses in R96 zone	Yes	To allow for a church
1000 to 1100 blocks of Siesta Ave, El Rancho Dr, Sierra Granda Blvd, 1100 blocks of Cortez Ave and Matador Ave	City ZC 712	4/14/2003	R96 to R70	Yes	Developed as SFR
1200 to 1400 blocks of Sierra Granda Blvd, Cortez Ave and Matador Ave	City ZC 719	9/18/2003	R69 to R70	Yes	Developed as SFR

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:** P2: PUBLIC, CIVIC, AND INSTITUTIONAL, SMALL

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Lots 1C, 1D, 1E to convert from P2 to P3 to allow for campus expansion.

3. **Legal Description of Property:**
Lots 1C,1D,1E, Block 3, High Sierra Subdivision 2nd Filing, S17, T01N, R26E

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

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


6. **A brief synopsis of the meeting results including any written minutes or audio recording.**
please attach to on line application

7. **The undersigned affirm the following:**
1) The pre-application neighborhood meeting was held on the 28, day of January 2025.
2) The zone change application is based on materials presented at the meeting.

Owner (s):
MISSION UNITED INC. Telephone: _____

Address:
3490 RIMROCK ROAD, BILLINGS, MT 59102 Email: dtrost@stjohnsunitied.org

Agent (s):
PERFORMANCE ENGINEERING Telephone: 406-384-0080


Address: 3412 COLTON BLVD, SUITE 202, BILLINGS, MONTANA 59102 Email: TAYLOR@PERFORMANCE-EC.COM

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

Amended Lots 1C, 1D, and 1E, Block 3, of High Sierra Subdivision, 2nd Filing

Zone Change Neighborhood Meeting Notes

The meeting was noticed on January 20, 2025 and was held beginning at 6:00 PM on January 27, 2025 at the Lake Hills Golf Course's upstairs meeting area. The meeting was hosted by Taylor Kasperick of Performance Engineering (Agent), and five interested neighbors attended the meeting. A sign in sheet of the attendees is included as an attachment with this Pre-Application statement, with one of the attendees requesting not to sign the sheet.

In general, questions regarding the proposed zone change included the following:

1. Will the zone change affect property taxes of adjacent parcels?
 - a. Response provided by Taylor Kasperick indicated the zone change of the subject properties should not impact the property taxes of adjacent parcels. It was explained that property taxes are based on the appraised value of a property's land and improvements, so unless the property value of the adjacent properties were to increase, property taxes should not increase.
2. Will commercial uses be allowed with the proposed zoning?
 - a. Taylor Kasperick provided response indicating that commercial uses (such as Burger King or other common and distinct use) would not be allowed on with the zone change unless it was particularly associated with the underlying mission/organization.
3. Where will the site be accessed from?
 - a. Taylor Kasperick discussed through how the proposed development will be access via a new internal access drive from Wyndstone's existing approaches off Siesta Avenue and Sierra Granda Avenue, as well as four new driveway approaches (2 each on Siesta and Sierra Granda). No new "through streets" are anticipated or proposed with the development.
4. Will there be any parking lots?
 - a. Parking is anticipated to be provided on-site in compliance with the Zoning Code requirements for off-street parking.
5. Neighbors expressed concern regarding the prairie dogs that live in the area. It was discussed that outside termination, there is not a lot of control anyone can provide as to where and when the prairie dogs move.
6. It was asked where power would come from and what it would look like?
 - a. Taylor Kasperick discussed how at this time, it is undecided/undetermined where power will be placed to serve the development, but it will likely consist of transformer pads and power boxes that are seen on other commercial/residential developments.

No other correspondence, either via email, letter, or phone, was received by Performance Engineering.



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

January 17, 2025

Dear Interested Neighbor,

On behalf of Mission United Inc. of Billings, MT, Performance Engineering, LLC is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **January 27th, 2025** at Lake Hills Golf Course. Interested parties can attend the meeting held in the dining room at **6:00PM**.

The meeting is being held to discuss a proposed zone change regarding the existing properties located southwest of the intersection of Sierra Granda and High Sierra Boulevard. The owner and developer are requesting the property shown in the attached exhibit, and described below, be re-zoned to accommodate future development:

Lots 1C, 1D, 1E, Block 3, of High Sierra Subdivision, 2nd Filing, S17, T01N, R26E, City of Billings, Yellowstone County, Montana. The respective lots have a total area of approximately 11.868 acres.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property and to answer questions about the project. A proposed zoning map are included with this letter. In general, the developer is requesting the P3 zone change to provide additional housing opportunities for the increasing population at the WyndStone Facility in the Heights. Below is a summary of the existing zoning and the proposed zone changes:

Lot	Existing Zone District	Existing Area (Acres)	Proposed Zone District	Proposed Area (Acres)
Lot 1C	P2	7.783	P3	7.783
Lot 1D	P2	2.320	P3	2.320
Lot 1E	P2	1.765	P3	1.765

The City of Billings generally describes the zoning districts included in this application as:

- P2: Public, Civic, and Institutional. Small
- P3: Campus

Representatives for Performance Engineering, LLC will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 3412 Colton Blvd., Suite 202, Billings, MT 59102, attention Taylor Kasperick, or emails may be sent to taylor@performance-ec.com. We look forward to discussing the proposed zone change with you and hope to see you on **January 27th 2025 at Lake Hills Golf Course.**

Sincerely,

Taylor Kasperick, PE
Project Manager

SHEET TITLE
PROPOSED ZONING MAP

PROJECT TITLE
WYNDSTONE SENIOR LIVING EXPANSION

DRAWN BY
 BLD

DATE
 OCT 31

CHECKED BY
 TJK

CLIENT
MISSION UNITED INC.

BILLINGS, MT 59105

608 NORTH 29TH STREET
 BILLINGS, MT 59101

PERFORMANCE ENGINEERING

(406) 384-0080
 www.performance-ec.com

EXHIBIT EX B

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LEGAL DESCRIPTION

HIGH SIERRA SUBDIVISION 2ND FILING, AMD LOTS 1C, 1D, 1E, BLOCK 3, S17, T01N, R26E

①C LOT 1C: 7.783 ACRES
 ZONING: EXISTING - P2, PROPOSED - P3

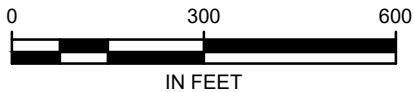
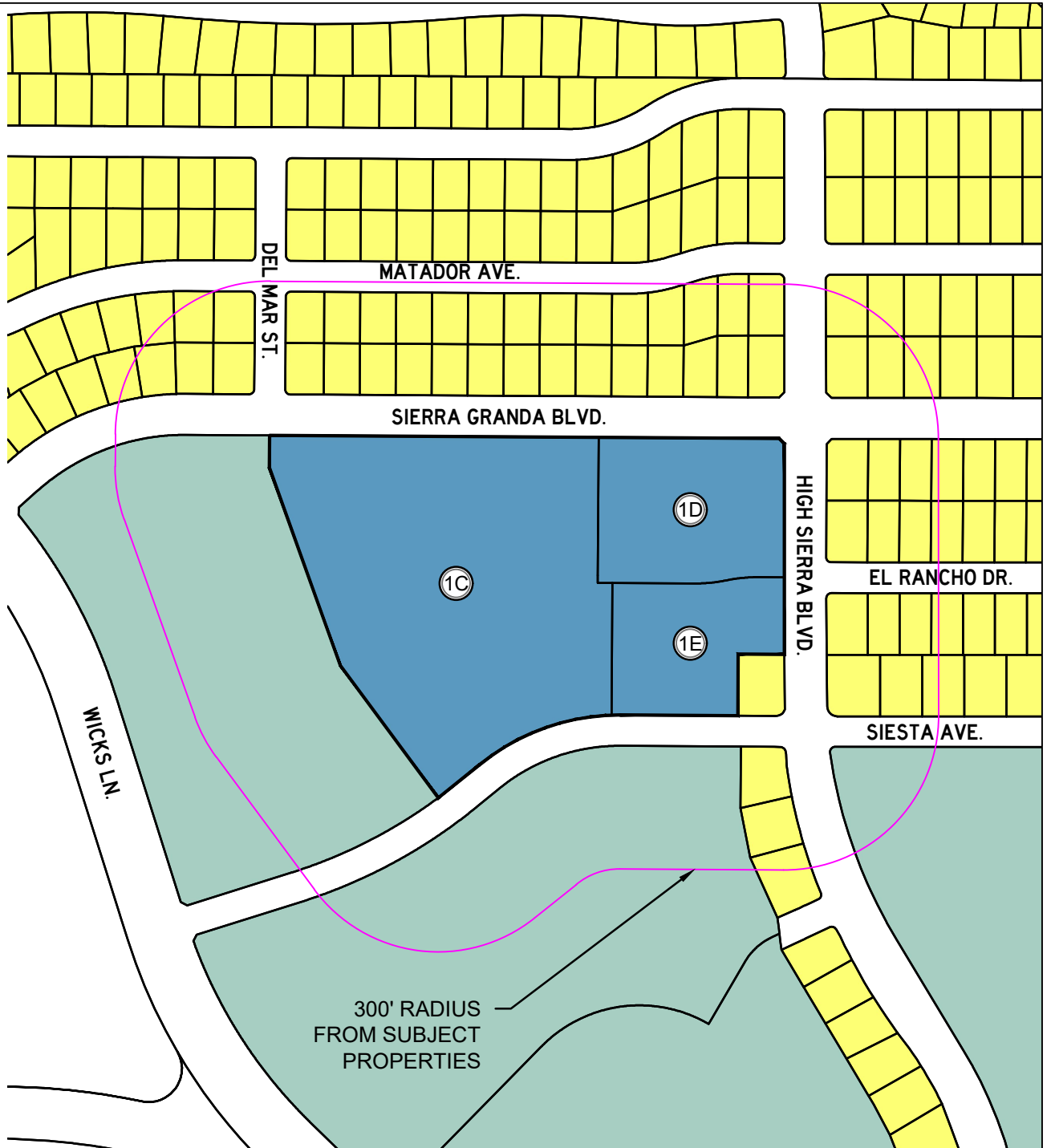
①D LOT 1D: 2.320 ACRES
 ZONING: EXISTING - P2, PROPOSED - P3

①E LOT 1E: 1.765 ACRES
 ZONING: EXISTING - P2, PROPOSED - P3

ZONING LEGEND

- N3: SUBURBAN NEIGHBORHOOD
- P2: PUBLIC, CIVIC, AND INSTITUTIONAL, SMALL
- P3: CAMPUS

PROPOSED ZONE CHANGE BOUNDARY



300' RADIUS FROM SUBJECT PROPERTIES

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1062 Project # PZX-25-00021

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 P2: PUBLIC, CIVIC, AND INSTITUTIONAL, SMALL

Proposed Zoning: P3 - Campus (Medical)

PARCEL TAX ID# A30252, 34035 & 34036 CITY ELECTION WARD 2

Legal Description of Property: LT 1C, 1D & 1E, B3, HIGH SIERRA SUBD 2ND FIL, S17, T1S, R26E

Address or General Location (If unknown, contact City Engineering): SW INTERSECTION OF SIERRA GRANDA & HIGH SIERRA

Size of Parcel (Area square feet or acres): 7.783, 2.320, & 1.765 ACRES

Present Land-Use: 1C - Retirement home or village; 1D and 1E - vacant.

Proposed Land-Use: Retirement home or village.

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

Owner(s) MISSION UNITED INC.

(Record Owner)

3940 RIMROCK ROAD, BILLINGS, MT 59102

(Address)

(Phone Number)

(email)

Agent(s): PERFORMANCE ENGINEERING

(Name)

3412 COLTON BLVD, SUITE 202, BILLINGS, MONTANA 59102

(Address)

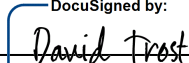
406-384-0080

TAYLOR@PERFORMANCE-EC.COM

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 1/30/2025

DocuSigned by:

(Record Owner – Digital Signature Allowed)

David Trost

CEO



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

Amended Lots 1C, 1D, 1E, Block 3, High Sierra Subdivision, 2nd 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” in 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 by providing the ability for Wyndstone to expand residential housing to an underserved population group and surrounding community. With the addition of senior living residential, the project increases the opportunity for the community’s population to have living and care options in later stages of life. This project includes the completion of Siesta Avenue which would maximize the transportation network in this area.

Diversified & Affordable Housing - This zone change will allow for affordable and safe housing for the elderly, especially those looking to downsize but not lose the ability to live independently and those looking to just get their retired lives started in our community. This zoning, and it’s fit with the surrounding zoning, allows for a good neighborhood feel and mix. 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 public utility 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 limited access and trails interconnected with existing sidewalks, 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 multiple fire hydrants located an adequate distance from the site on Sierra Granda Boulevard, High Sierra Boulevard, and Siesta Avenue. 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 senior living residential option in conjunction with Wyndstone between the suburban neighborhood to the north, east, and south. The proposed zoning also requires common open space and central places of gather which will improve the general well-being of the neighborhood, creating green spaces and well-manicured areas. The site will tie into extensive walkable areas in the overall High Sierra Subdivision and the Wicks Lane 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 under High Sierra Boulevard, Sierra Granda Boulevard, and Siesta Avenue. The site is located within adequate walking distance to Skyview High School and High Sierra Dog Park. The completion of Siesta Avenue would ultimately provide a thruway for students and maximize the transportation network in the area, relieving pressure from other streets within the area..

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?

The proposed zoning will not affect motorized and non-motorized transportation in comparison to the existing underlying zoning. With that said, changing the zone district will allow for immediate development, which will increase traffic marginally based on the anticipated use. The close vicinity of the MET bus stop will mitigate this effect. The large number of sidewalks in the area leading to parks,

schools, residences, and churches 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 P3 zoning will promote compatible urban growth as it is nestled between suburban residential on three sides and civic/institutional on the west side. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. Public Campus will allow for a more walkable neighborhood for the High Sierra 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 Public Campus use into an infill development. This change to larger format public space will allow for continued development of the Wyndstone property by filling in this vacant land that is surrounded by residential and civic/institutional zones.
 - 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 public campus areas further northwest of the Billings Heights. The project will place higher density development along arterial corridors (i.e. Sierra Granda and High Sierra Boulevard) as encouraged by the zoning code. Further it provides housing diversity along with intermixed public and residential area to improve access into the neighborhood and surrounding schools, parks, and churches. 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, east, and south with the more public focused, western lots next to Wicks Lane. It can be fairly assumed that many of the developments to the west will remain as parkland and agriculture which a P3 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.

Zoning Commission

Date: 03/04/2025
Title: Zone Change 1063 - 4500 Block of King Ave W - NX3 to NX1 and N2
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The Planning staff recommends approval of Zone Change 1063 and adoption of the findings of the 10 review criteria.

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

This is a zone change request for Lot 1-A in the Western Subdivision, currently zoned Mixed Residential 3 (NX3) and undeveloped. The parcel is 9.4 acres in area. The proposed zoning of Mixed Residential 1 (NX1) for the King Ave West frontage and a portion of the 46th St West frontage allows 1 to 4-unit dwellings (2.2 acres) and the N2 zoning proposed for the remainder of the property (7.2 acres) allows 1 or 2-unit dwellings. The property has frontage on King Ave West, but the property will be accessed from 46th St West and from an internal private street, Gators Way. Western Subdivision was originally part of Western Sky Subdivision in 2006. The subdivision was never finalized and the east, west and a small south portion of the original 160-acre parcel was divided between three owners. Western Sky Subdivision was created on the west at the intersection of 48th St W and King Ave W, and Western Subdivision was created on the subject property and the surrounding parcels between 44th St W and 46th St West. Western Sky Subdivision also includes the parcel south of Hogan's Slough west of the Shiloh Conservation area. This southern parcel is zoned Mid-Century Neighborhood (N2). The other lots in Western Sky Subdivision are zoned Planned Development (PD) with underlying zoning of Community Commercial (CC), Neighborhood Commercial (NC), Residential Multi-family (RMF), and Residential Manufactured Home (RMH).

The subject parcel was originally zoned RMF under the previous zoning code. The update in 2021 placed this parcel and surrounding parcels in the Western Subdivision in the NX3 zone. There are some lots zoned Public 1 for parks. The prior zoning could allow single-family, two-family or multifamily dwellings by lot area. The current zoning of NX3 only allows multifamily dwellings in structures with at least 5 dwellings per building.

There are plans to develop a number of 2-unit dwellings on the property with an internal street system similar to the adjoining multifamily developments. The NX1 zoning can allow up to 4-unit buildings. Any new construction would need to meet the requirements of the zone district, which includes provision for King Ave W front facades. The property adjoins 46th St W and the developer will need to build out the remaining east section (20 feet) of this local access road. No additional access would be allowed on to King Ave West due to the volume and speed of traffic as well as the complexity of the traffic environment. A traffic signal is planned at the intersection of 44th St West and King Ave West. This will help manage the existing and future traffic from the surrounding developments. The average daily traffic on King Ave West has more than doubled in the past decade. The current ADT on King is about 13,000 vehicles per day. Shiloh Road is about 19,000 vehicle trips per day. Both of these averages are 3-year rolling averages taken from counts only during the non-school months of the summer. Actual daily traffic on any given day and during the school year may be much higher or lower than the average daily traffic. Future contributions to the traffic volume will include traffic from Vista West (north of Rocky Vista Way), Ridgeline Development (48th St W and King Ave W) as well as ongoing development in Lenhardt Square, Western Sky Subdivision, and Montana Sapphire. Each of these developments has direct or indirect access to King Ave West as the closest principal arterial street. Vista West, a zoning approved in 2023, is proposed to have about 582 dwelling units on 27 acres of land. If this parcel remains in the NX3 zone district, a similar density of about 21 dwelling units an acre could be built. The concept for this 9.4-acre lot is to build about 80 dwelling units - or about 8.5 dwelling units per acre. The proposed "down zoning" from NX3 to NX1 and N2, will reduce the original expected traffic volume on this lot.

The Billings 2016 Growth Policy and West Billings Neighborhood Plan both support the proposed zoning as appropriate along an arterial street frontage between major intersections, and for the provision of access to housing choices. The Shiloh Road and King Ave West intersection was identified more than two decades ago as a major regional commercial hub for West Billings. The surrounding developments are the result of planning for this growth and include zoning for mixed housing choices, transportation for all types of mobility and combining the need for open space and water quality improvements at the Shiloh Conservation Area. A new water reservoir system to the south will also provide long-term water security for the city while also preserving land for open space. Any development of land will trigger the installation of street frontage landscaping. This portion of the south side of King Ave West has incomplete street infrastructure. The Western Subdivision, filed in 2013, signed a waiver of right to protest the infrastructure improvements at a future date. This

waiver of right to protest will expire in 2033. King Ave West improvements have happened sporadically between Shiloh Rd and 48th St West over the past 12 years. This corridor section was identified for long term improvements, including the signal at 44th St W and King Ave W as well as completion of a full three-lane street section.

APPLICATION DATA

OWNER: CK Land, LLC, Cal Kunkel

AGENT: Performance Engineering, Taylor Kasperick, P.E.

LEGAL DESCRIPTION: Western Sub, Block 1, Lot 1-A

ADDRESS: none assigned - 4500 Block of King Ave West

CURRENT ZONING: Mixed Residential 3 (NX3)

PROPOSED ZONING: Mixed Residential 1 (NX1) for 2.2 acres and Mid-century Neighborhood (N2) for 7.2 acres

EXISTING LAND USE: Vacant land

PROPOSED LAND USE: Duplex townhome development

SIZE OF PARCEL: 9.4 acres

SURROUNDING LAND USE & ZONING

NORTH: Lenhardt Square Planned Development - Vacant land

SOUTH: NX3 - Hoop Dreams Apartments (aka HHPM Apartments)

EAST: NX3 - Hoop Dreams Apartments (aka HHPM Apartments)

WEST: Western Sky Planned Development - PD-Neighborhood Commercial - vacant land and Western Sky Storage (south)

The Planning staff reviewed the application, the neighborhood and city growth policy plans, and the history of zoning in the area, and is recommending approval to the Zoning Commission. The proposed zoning fits in with the adjacent development to the east and is compatible with the Western Sky developments to the west of 46th St W. The Western Sky development includes active commercial development as well as planned multifamily development and a manufactured home park to the south and west. The pre-application neighborhood meeting was attended by Jan Rehberg representing Lenhardt Square development on the north side of King Ave W. Ms. Rehberg did not state concerns with the proposed zoning other than how traffic would be handled and how the city and MDT would control access to King Ave West. As of the writing of this staff report, no comments or concerns have been received from the surrounding property owners.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting at the Emmanuel Baptist Church at 328 S Shiloh Road. One surrounding property owner attended out of the nine owners notified. City staff mailed notices to the surrounding owners, placed a legal ad, and posted the property with a zone change sign. No surrounding owners contacted the Planning staff prior to the writing of this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1063; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1063; 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 zone change request.

In case of a tie vote on the zone change, the application may be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council. The applicant has not requested a delay or a withdrawal of the application at this time.

FISCAL EFFECTS

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

SUMMARY

The Zoning Commission shall consider the proposed findings of the ten review criteria as recommended by the Planning staff.

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

The proposed zone change does conform to 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 zoning also conforms to the West Billings Neighborhood Plan. 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 NX2 for the property is consistent with the following adopted Policies of Planned Growth.

Goal 1: Establish Development Patterns that Use Land More Efficiently

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 would allow development of the land and can provide a range of housing options including duplexes, townhomes, or condominiums. The proposed zoning is consistent with the City's Growth Policy and decreases density from the current zoning without compromising the sustainability of the area. The Growth Policy supports infill development and this parcel could be developed with two-unit townhomes a housing choice not readily available in this area. The new zone is compatible with the adjacent developed and developing parcels.

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

The new zoning requires minimum build-to zones, open and landscaped areas, and building separations (found in Section 27-300 of the Zoning Code) The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

The proposed zoning (NX1 on 2.2 acres and N2 on 7.2 acres) would allow the owner to develop fewer units on the property that are still compatible with neighboring properties. In addition, the proposed use will be compatible with the Planned Development zoning to the west and the current multifamily development to the east. The site and structure regulations found in 27-300 for the NX1 and N2 zone districts promote the minimum standards to ensure public health and safety and promote general welfare. The existing private utilities for the parcels are failing. Annexation and zoning of the property will promote public health and public safety.

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

Transportation: The proposed zoning itself will have little impact on the surrounding transportation system. The impact on traffic will depend on the number of residents and drivers on the site when development occurs. The NX3, the current zone, could allow up to 190 dwelling units on the property (21/units per acre). The proposed zoning of NX1 and N2 reduces the potential density down to about 8 to 12 dwelling units per acre. The NX1 zone is allowed to be along arterial corridors between intersections. King Ave West is an arterial street designed to handle the potential for additional traffic. Assessment of any traffic impacts will occur at the time the development is proposed for city review. This is a requirement of the city engineering codes and was also required by the subdivision improvement agreement filed in 2013. The developer was not required to install the frontage improvements on King Ave W at the time of subdivision and signed a waiver for protesting any future special improvement district (SID) for these improvements. The waiver will expire in 2033. The city will determine when those frontage improvements are required.

Water and Sewer: The property has city water and sewer services nearby. City engineering will determine where those services will be extended to the property.

Schools and Parks: The proposed zoning itself should not affect schools and parks, this will depend on the new residents when a development plan moves forward. Schools and parks should not be negatively affected by the proposed zoning. The School district provided no comments on this zone change. There is a neighborhood park to the south in the Western Subdivision that is owned by the developer. There have been no improvements to the parkland so far.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

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

Similar to criteria 2 and 3, the proposed NX1 and N2 zones, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant and any new development will need to meet these requirements. 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?

The new zoning itself will not impact motorized and non-motorized transportation. Once developed, there will be an increased volume to the transportation network, both motorized and non-motorized. The proposed zoning designations will generate less traffic than the former zoning designation of NX3. Off-street parking for any new dwellings will be provided as per code Section 27-1300. The King Ave West frontage for Western and Western Sky Subdivisions do not have improvements in place except for two left-turn bays (at 44th Street West and 46th Street West) for westbound traffic to enter the subdivisions. Internal sidewalks may be required at the time of development. Most of the internal roads in Western Subdivision have no sidewalks or street trees. City Engineering is updating its site development code to require sidewalks for all private streets and the zoning code requires street trees for all public or private roads. A future bike path along Hogan's Slough, the south boundary of Western Subdivision is planned. When this southern lot is developed, the owner will be required to reserve space for this new bike trail.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The proposed zoning will allow infill development of a vacant lot about 1/4-mile east of the city limits.

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

The proposed zoning will allow the development of two-unit townhomes in an area where this housing choice is limited. There is an abundance of apartments for rent or lease, but few options for ownership of a dwelling unit. The NX1 and N2 zones are compatible with the surrounding planned development zones to the west and north and with the existing multifamily development to the east and south. The proposed zoning does consider the character of the district and the suitability of the property for future uses.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements in the zoning code. For the NX1 and N2 zones, this includes, but is not limited to, building heights, setbacks, and window and door facade coverage. In general, new buildings improve property values in the area.

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

The proposed zoning will allow development for new use including duplexes, townhomes or condominiums. This is an appropriate location for the zoning to allow slightly less density that is compatible with adjacent uses. The parcel directly adjacent to the west is undeveloped but allows mixed uses including multifamily. The property to the east and south is already developed as a multifamily complex.

Attachments

Zoning Map and Site Photos ZC 1063

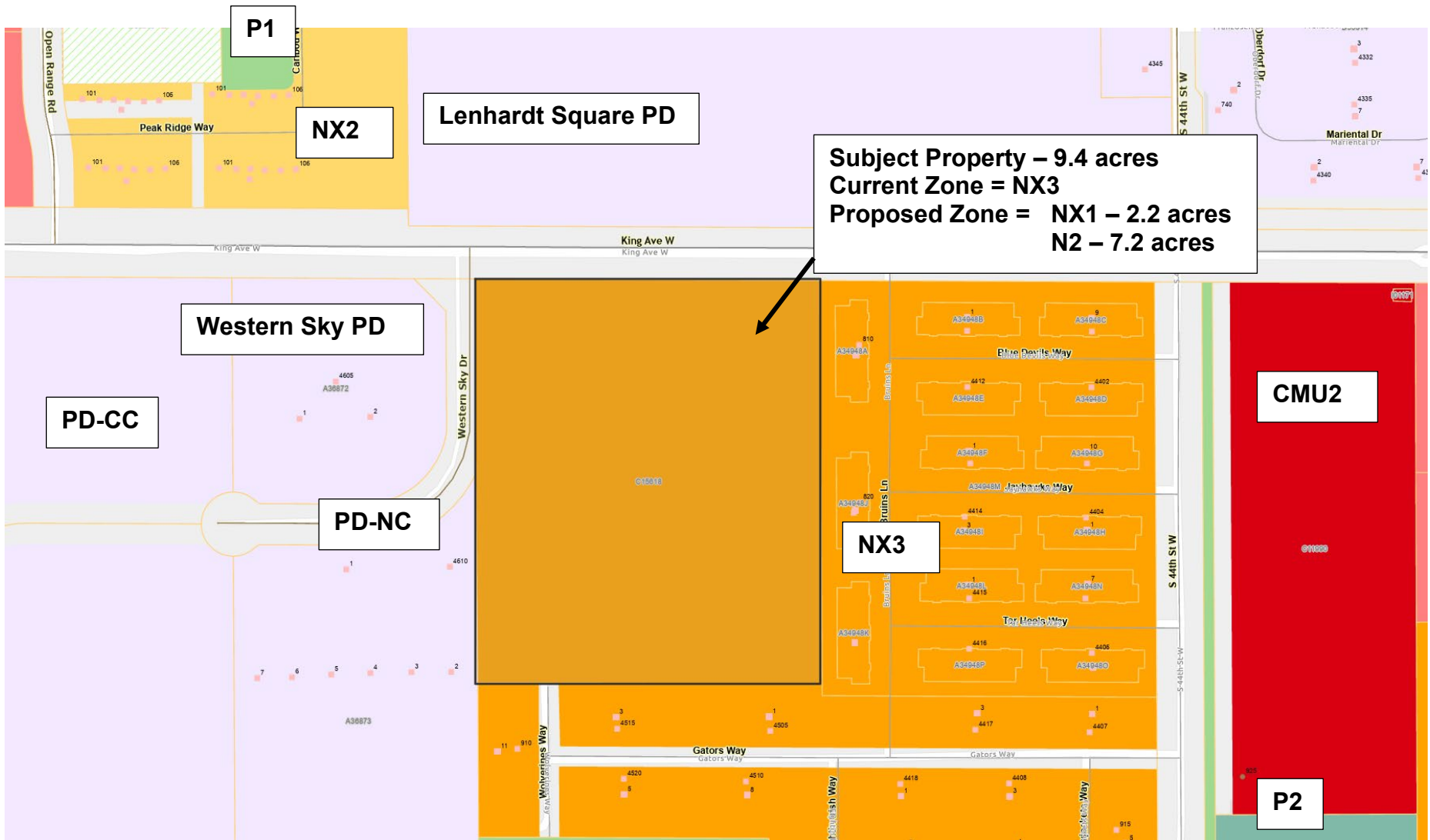
Chart of Zoning History ZC 1063

Application and Letter ZC 1063

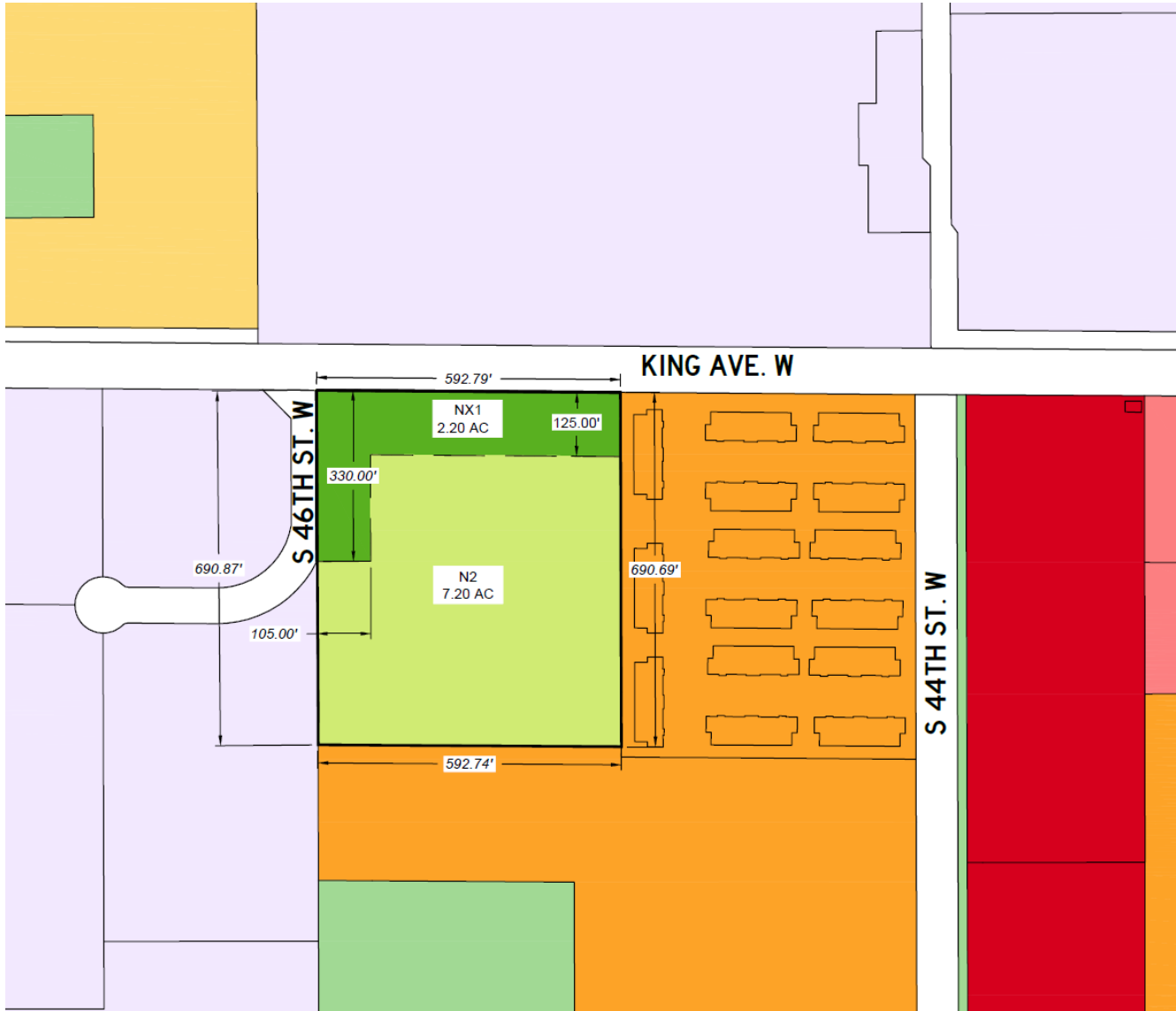
Pre application info ZC 1063

Applicant photos ZC 1063

City Zone Change 1063 – 4500 block of King Ave W – NX3 to NX1 and N2
Zoning Map and Site Photos



Zoning Exhibit



LEGAL DESCRIPTION

LOT 1-A, BLOCK 1 OF THE AMENDED PLAT OF LOTS 1, 3, AND 4, BLOCK 1, WESTERN SUBDIVISION

ZONING LEGEND

- CMU1 - Corridor Mixed-Use
- CMU2 - Corridor Mixed-Use & Commercial Centers
- N2 - Mid-Century Neighborhood
- NX1 - Mixed Residential 1 (1-4 du/structure)
- NX2 - Mixed Residential 2 (2-8 du/structure)
- NX3 - Mixed Residential 3 (>=5 du/structure)
- P1 - Open Space, Parks, Recreation
- P2 - Public-Civic-Institutional
- PD - Planned Development

PROPOSED ZONE CHANGE BOUNDARY



W. MEADOWS DEV

BILLINGS, MT 59106

DESIGNED BY		QUALITY ASSURANCE	
DRAWN BY		CHECKED BY	
DATE	DATE	DATE	DATE

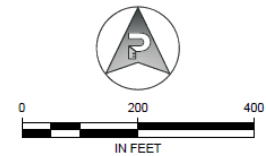
SHEET TITLE
W. MEADOWS
ZONE CHANGE MAP

PROJECT NUMBER
2024-128

SHEET NUMBER
1 OF 1

DRAWING NUMBER
EX A

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Subject Property May 2023 aerial



Subject Property – 4500 Block of King Ave W



View east along King Ave W



View northeast across King Ave W



View north across King Ave W



View west on King Ave W at S 46th St W



View south down S 46th St W

Zoning History for City ZC 1063 – 4500 Block of King Ave W

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Western Meadows (subsequently Western Sky and Western Sub)	City ZC 802	May 17, 2007	A-1 to CC, RMF-R, R-50, R-70, R-96 & Public	Y	Included entire NW section of 160 acres
Western Sub - Hoop Dreams – Apartments	City ZC 900	Aug 13, 2012	R-50 to RMF-R	Y	Apartment Developments at 44 th St W and King Ave W – Updated to NX3
Western Sub -Hoop Dreams – Apartments	City ZC 912	July 8, 2013	Public & R-50 to RMF-R	Y	Additional apartments – Updated to NX3
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4245, 4249, & 4253 King Ave W	City ZC 1030	7/24/2023	A to NX2	Y	
Vista West	City ZC 894	5/12/2012	A-1 to RMF-R	Withdrawn	
Vista West	City ZC 1004	2/25/2021	A to N2, NX2/NX3 and P1	Withdrawn	
Vista West	City ZC 1021	2/12/2023	A to PND N1, NX2/NX3 & P1	Y	
Western Sky Sub (west half of Western Meadows)	City ZC 957	Sept 11, 2017	CC, RMF-R, R-50, R-70, R-96 & Public to PD	Y	Underlying zones CC, NC RMF & RMH
Western Sky Sub	City ZC 977	July 13, 2020	Adjust Zone District Boundaries in PD	Y	
Western Sky Sub	City ZC 975	Jan 27, 2020	Underlying zoning amendment for PD	Y	
Ridgeline Development	City ZC 997	9/13/2021	A-1 to MU-PND – NX2, N2, CMU1, P1	Y	First PND zone change
Lenhardt Square	City ZC 991	6/14/2021	Update to PD agreement	Y	Increased density and normalized height measurements
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 722	May 24, 2004	A-1 to PD underlying zone of ELI	Y	PD for healthcare & ancillary commercial uses
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 870	Jan 24, 2011	PD Amendment	Y	Adjustment to allow flexibility
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 1033	Aug 28, 2023	PD Amendment	Y	Update to CMU2 and NX2 for underlying zones
Montana Sapphire Sub	City ZC 673	July 9, 2001	A-1 to Entryway Light Industrial (ELI)	Y	New industrial park – updated to CMU1/CMU2 and NX3
Montana Sapphire Sub	City ZC 903	Sept 24, 2012	ELI to HC	Y	Affinity of Billings (NX3) Fuel Fitness Divide Bar & Grill (CMU1)
Montana Sapphire Sub Long Beach Apartments	City ZC 878	Aug 22, 2011	ELI to HC	Y	New apartments (NX3)
3815 Hesper Road	City ZC 907	March 25, 2013	A-1 to CI	Y	New FedEx Ground Terminal (I1)

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1063 Project # PZx-25-0022

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 NX3

Proposed Zoning: NX1 and N2

PARCEL TAX ID# C15618 CITY ELECTION WARD 5

Legal Description of Property: Lot 1-A, Block 1 of the Amended Plat of Lots 1, 3, and 4, Block 1, Western Subdivision

Address or General Location (If unknown, contact City Engineering): 4502 to 4550 King Ave W.

Size of Parcel (Area square feet or acres): 9.401

Present Land-Use: Undeveloped

Proposed Land-Use: Multi-Family Residential

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

Owner(s) CK Land, LLC.

(Record Owner)

2729 Aspen Way, Billings, MT 59106

(Address)

calkunkel@gmail.com

(Phone Number)

(email)

Agent(s): Taylor Kasperick, Performance Engineering

(Name)

3412 Colton Blvd., Suite 202, Billings, MT 59102

(Address)

(406) 384-0080

taylor@performance-ec.com

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 1/28/2025
5ACECCA7 (Record Owner – Digital Signature Allowed)



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Lot 1-A, Block 1 of the Amended Plat of Lots 1, 3, and 4, Block 1, Western Subdivision

Zone Change Questions

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

Strong Neighborhoods – The proposed project will utilize the development of duplexes in an area with a variety of different housing options. This medium density development is within a half mile radius of high-density apartment complexes, medium density 4-plexes, 6-plexes, and town homes, and low-density single-family housing. The development is located with easy access to a number of businesses within the St. Vincent Healthcare, Montana Sapphire, and Shiloh Crossing subdivisions. These subdivisions contain restaurants, retail sales and more. The development is also in close proximity to parks such as the Shiloh Conservation Area.

Infill Development – The proposed project is located within the city limits with access to all necessary infrastructure. The development of this property is in line with the Infill Development Policy, the project will grow the city's tax base with property that is undeveloped and readily available to be served by existing utilities.

Zoning – The proposed project complies with the regulations outlined in the new zoning code adopted in 2021.

2. Explain how the proposed zone change meets the 10 statutory criteria for a zone change.

a. Whether the new zoning is designed in accordance with the growth policy.

The new zoning is proposed to be a mix of NX1 and N2, a change from the current NX3 zoning. The change in zoning follows the growth policy guideline of strong neighborhoods by creating another type of housing in the area. Nearby developments include housing types of single family residential, 4-plex, 6-plex and even high-density apartment complexes, however, there are currently no duplexes in the surrounding area. The development also follows the city Infill Policy by developing a lot within the city boundaries that is readily served by public infrastructure, i.e., city water and sanitary sewer.

b. Whether the new zoning is designed to secure from fire and other dangers.

The proposed zoning will incorporate the installation of private fire hydrants in order to ensure fire protection for the development.

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

The proposed project will enhance the immediate area with the addition of duplexes, a housing type not currently present. This development will add on to the already great mixture of housing options already available while maintaining quick easy access to a myriad of restaurants and retail stores.

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

The proposed project is located within walking distance of an existing MET bus stop which serves the West End. The existing project area is able to be readily served by public water and sewer, so no public extension is needed. It is anticipated, however, that private water and sewer will be installed through the development to service the individual duplexes.

e. Whether the new zoning will provide adequate light and air.

The proposed development will adhere to the current zoning code for the requested zoning to ensure the development will provide adequate light and air within the property.

f. Whether the new zoning will affect motorized and nonmotorized transportation.

The proposed development will affect motorized transportation by the addition of trips on King Avenue West and other surrounding roads. A Traffic Impact Study for the development of the subdivision was done in May of 2014 by Morrison-Maierle, Inc. The study analyzed impact of the subdivision to surrounding roads. This study took into account the development of the project area as high-density apartment complexes, with the proposed project being medium-density duplexes, the affects of the lot being developed will be less consequential than originally anticipated. Nonmotorized transportation will not be affected by the development.

g. Whether the new zoning will promote compatible urban growth.

The development of the property will grow the already increasing population of the area. The continued rise of residents in this corridor of King Avenue West will begin to make the area more attractive to businesses, seeing as they would have quick access to a growing base of residents.

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

The proposed zoning fits well with the character of the district by providing additional multi-unit buildings to the area while allowing for a less dense neighborhood than some of the adjacent properties. This creates a more diverse neighborhood while maintaining easy access to commercial developments in the area.

i. Whether the new zoning will conserve the value of buildings.

As mentioned previously, the proposed zoning fits well with the surrounding area, it is not anticipated that the change in zoning would harm the value of the surrounding area.

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

The proposed development is located on an undeveloped parcel within the city limits. This parcel has immediate access to public infrastructure and the new zoning will be similar to the surrounding areas, meeting the suggestions of the Infill Policy. The proposed development will add additional residential units to the growing area, this should make surrounding subdivisions more attractive to businesses as they will see a growing resident population in close proximity to potential stores or other businesses.

3. Explain how the proposed zone change fits in with the existing or planned developments within the area.

The proposed development fits in with the existing developments in the area by adding more multi-unit residential buildings to the growing area while also creating a variety of housing types; being only a two-unit building compared to the surrounding buildings that contain four or more units.

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:** NX3

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
A change from the current zoning of NX3 to NX1 and N2

3. **Legal Description of Property:**
Lot 1-A, Block 1 of the Amended Plat of Lots 1, 3, and 4, Block 1, Western Subdivision

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

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

6. **A brief synopsis of the meeting results including any written minutes or audio recording.**
please attach to on line application

7. **The undersigned affirm the following:**
1) The pre-application neighborhood meeting was held on the 23rd, day of Jan. , 2025.
2) The zone change application is based on materials presented at the meeting.

Owner (s):
CK Land, LLC. Telephone: _____

Address:
2729 Aspen Way, Billings, MT 59106 Email: _____

Agent (s):
Taylor Kasperick, Performance Engineering Telephone: (406) 384-0080

Address: 3412 Colton Blvd., Suite 202, Billings, MT 59102 Email: taylor@performance-ec.com

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



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

Lot 1A, Block 1 of the Amended Plat of Lots 1, 3 and 4, Block 1, Western Subdivision

Being located in the NE1/4, NW1/4 of Section 15, T01S, R25E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 5:30-5:45 PM on January 23rd, 2025 at the Emmanuel Baptist Church. The meeting was hosted by Taylor Kasperick of Performance Engineering (agent).

There was one public participant for the meeting, the roster sign-in sheet is attached to this application.

The meeting began with Taylor Kasperick giving an overview of the property and the current zoning.

Taylor informed the participant why it was necessary for the developer to apply for a zone change to the property. Stating the new zoning code allowed for building in the current zone to be no less than five (5) dwelling units/structure. Our proposed zoning of a mix of NX1 and N2 would allow the developer to utilize no more than two (2) dwelling units/structure in the N2 zone and no more than four (4) dwelling units/structure in the NX1 zone.

After discussing the proposed zone change and giving an overview of the property, the floor was opened to questions from the attending individual.

The individual's questions primarily focused on how the proposed development would interact with a potential development on the north side of King Ave. West, in particular how the City has been looking at 46th Street West. Taylor discussed that use of 46th Street West is being coordinated with the City of Billings as access of King Avenue W may be limited based on it being an arterial road and MDT controlled. Questions regarding the permitting process and working with the city on a multi-unit residential development in this corridor of King Ave. W. were also asked by the individual and answered.



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

January 16, 2025

Dear Interested Neighbor,

On behalf of CK Land, LLC., Performance Engineering, LLC., is writing to inform you of a zoning pre-application neighborhood meeting being held on Thursday, January 23rd at 5:30 PM at Emmanuel Baptist Church (328 S. Shiloh Road, Billings, MT, 59106). The meeting is being held to discuss a proposed zone change regarding the existing property located southeast of the intersection of King Avenue West and South 46th Street West. The owner is requesting that the property shown on the attached exhibit and described below be re-zoned to accommodate future development:

Lot 1A, Block 1 of the Amended Plat of Lots 1, 3, and 4, Block 1, Western Subdivision, S15, T01S, R25E in the City of Billings, Yellowstone County, Montana totaling 9.401 acres.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property, discuss the potential for redevelopment, and to answer questions about the project. The property is currently zoned as NX3, Mixed Residential 3 (≥ 5 du/structure).

The zoning proposal to be presented to the City of Billings will be to change the zoning of the land described above from NX3 to a mix of NX1 (Mixed Residential 1, 1-4 du/structure), N2 (Mid-Century Neighborhood Residential 1-2 du/structure), and potentially NO (Neighborhood Office-Residential) to facilitate a residential development comprised of largely duplexes up to fourplexes. A total of 9.401 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC. will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering, LLC. at 3412 Colton Blvd., Suite 202, Billings, MT 59102, attention Taylor Kasperick, or emails may be sent to taylor@performance-ec.com. We look forward to discussing the proposed zoning change with you and hope to see you on Thursday, January 23rd at 5:30 PM at Emmanuel Baptist Church.

Thank you,
Taylor Kasperick, PE



Figure 2: View looking SE from the intersection of 46th Street West and King Avenue W.



Figure 3: View looking SW from NE corner of subject property.



Figure 4: View looking north from property to south.

Zoning Commission

Date: 03/04/2025
Title: Zone Change 1060 - 2025 Text Housekeeping Amendments
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The planning staff recommends the Zoning Commission forward a recommendation of approval for Zone Change 1060, the amendments to the zoning regulations to update and improve the city's zoning code.

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

In 2021, the City adopted an entirely new zoning code. As part of that process, the Planning Division agreed to monitor and update the code as errors or adjustments were needed to ensure the new code fit in with the city's development policies and practices. These amendments are intended to conclude the adjustment period for the new code. This does not mean monitoring of the code implementation and application is not ongoing and as issues arise staff will bring them to Council over time. The Planning staff reviewed these amendments with the Zoning Commission on December 3, 2024, and the board agreed to initiate these amendments. The Planning staff refined the drafts and brought them to a City Council Work Session on January 21, 2025. The Council agreed with most of the proposed amendments but directed staff to do additional research on the shipping container use issue. Staff completed this research and has concluded that the amendment related to shipping containers is not yet ready for consideration.

The proposed amendments are divided into four separate ordinances to ensure each one addresses only one topic.

1. A general cleanup ordinance that will correct cross-reference errors, numerical mistakes and ensure consistency within the code.
2. An amendment to Section 27-309, Table 27-1000.1, Sec. 27-1003, and 27-1803 related to the definition of a manufactured home. Legislative changes in 2023 require an update to remain in compliance with state law.
3. An amendment to Section 27-1704 to create clarity in options for enforcement of violations of the zoning code.
4. An amendment to Table 27-1000.1 to allow vehicle sales as a special review use within the Corridor Mixed Use 1 (CMU1) zone district.

GENERAL ORDINANCE CLEANUP

The proposed amendments include cross-reference errors and numerical errors as well as a few additions that will keep the code consistent. One of those consistency issues relates to height exceptions for structures that are not occupied, such as flagpoles, chimneys and similar. The height exceptions for these structures were included in the previous zoning code, but when the update was written over the three years of Project ReCode, the height exceptions were only included in the Public Zone District (Section 27-500). The amendment will place similar height exception language in the neighborhood, mixed-use, commercial, and industrial zone district sections. A second part of the clean-up is to remove the block design standards from the Planned Neighborhood Development process section. The block and street design standards have recently been adopted by City Council into the subdivision regulations where other neighborhood design standards are also addressed. These standards in zoning are no longer necessary. A third change in the general cleanup is the expansion of the list of allowed uses in the Public 1 zone district for parks and recreation. The list is an exclusive list so expanding the possibility of uses is required by ordinance amendment. Many of the added uses are already uses in the city's parks and public lands. Expansion of the allowed uses in the code will make the Public 1 zone district more predictable.

MANUFACTURED HOMES

During the 2023 legislative session, language in the authority section for municipal zoning was changed to exclude references to "build dates" of manufactured homes as well as any references to design or building materials. The city must update its code to come into conformance with state law. The amendment removes any reference to the type of manufactured home that may be allowed in the Residential Manufacture Home zoning district. All manufactured homes built to the HUD code requirements (in place since June 1976) may be allowed in those RMH zone districts. Manufactured dwellings built before the HUD code do not need to be allowed in any zone district in the city. The state and city codes define these dwellings as "mobile homes" or "house trailers". These are not allowed in any of the city's RMH zone districts. There may be existing mobile homes (built before June 1976) that are located in the city limits. These dwellings were not intended to have a long life-span, especially given the harsh climate in Billings. Many of these older dwellings have been replaced, or will be replaced, with HUD-code-compliant manufactured homes, site-built homes or even modular-built dwellings set on permanent foundations. Modular-built dwellings must meet the same code as a site-built dwelling.

ENFORCEMENT AND VIOLATIONS

The City's Code Enforcement Division is responsible for resolving zoning code violations. The enforcement section of the zoning has some confusing language and unpredictable penalties for zoning violations. The proposed amendment is intended to clarify the language and be more specific on what penalties or cites may be issued for violations of codes. The Planning staff worked with the Code Enforcement Division and the City Attorney's office to craft language for this amendment.

SPECIAL REVIEW FOR VEHICLE SALES IN CMU1 DISTRICTS

The Zoning Commission recently reviewed a proposed zone change for property in the 2100 block of Grand Avenue to allow a car sales lot to be located on the property. The CMU1 zone district does not allow vehicle sales, so a zone change to CMU2 was required to allow the use. The Zoning Commission agreed with the applicant that a car sales lot might be appropriate at the location, but many other uses allowed by right in the CMU2 zone would not be compatible. The Zoning Commission thought an amendment to allow a special review of vehicle sales in the CMU1 zone would be a good solution for this proposal and overall, throughout the city. A special review is not an allowed use of property and the applicant has the burden of proving the use is compatible at a particular location and the specific surrounding uses. This amendment would allow vehicle sales by special review in the CMU1 zone district.

STAKEHOLDERS

The planning staff sent out drafts of the zoning amendment to the Home Builders Association, the Billings Area Realtors and several builders, developers and professional consultant firms. A legal ad was published and the information was posted on the Planning Division's website. No concerns or comments have been shared with the planning staff as of the writing of this report.

ALTERNATIVES

The City Zoning Commission may:

- Forward a recommendation of approval and adoption of the findings of the ten review criteria for the text amendments as proposed; or
- Forward a recommendation of approval and adoption of the findings of the ten review criteria with changes to the proposed text amendments; or
- Forward a recommendation of approval for some of the proposed text amendments; or
- Forward a recommendation of denial and adopt different findings of the ten review criteria for the text amendments; or
- Delay action on the text amendments to the next Zoning Commission hearing date.

It is important to note that if the Zoning Commission does not recommend approval of the new Legislative changes (RMH zones) and the City Council does not approve the changes, Billings will be out of compliance with state law and could be challenged.

FISCAL EFFECTS

Approval of some or all of the text amendments to the zoning regulations will have a financial impact on the City Clerk's or Planning Division's budget. The city contracts with Municode to incorporate changes to the city's code to ensure consistency and accuracy. Municode charges for the city for this service. City Administration has historically distributed these costs to departments and divisions based on the codes amended. However, changes to the City code do not just benefit or affect the Planning Division, or any other Department. The entire community is affected by City code changes and so the cost of updating the City code should be covered by the General Fund which distributes the cost across all users of City services.

SUMMARY

Prior to making a 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 minor amendments are consistent with 2016 Growth Policy and the Project ReCode Guiding Principles: 2016 Growth Policy:

- Essential Investments (relating public and private expenditures to public values)
- Place Making (Enhance, maintain, preserve, and improve existing public places)
- Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)
- Home Base (healthy, safe and diverse housing options)
- Mobility and Access (transportation choices in places where goods and services are accessible to all)
- Prosperity (promoting equal opportunity and economic advancement)

Project ReCode Steering Committee Guiding Principles (2019):

- CLARIFY AND SIMPLIFY - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- REGULATE WHAT MATTERS - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future.
- PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS - The regulations will recognize and incorporate clear and well-defined processes that uphold property rights and access to housing choices.
- PREVENT CONFLICTS - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- OPTIONS AND CONTEXT - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- MAINTAIN WHAT WE CARE ABOUT - The regulations will encourage the stability of existing neighborhoods while allowing for changes over time.
- FILL THE VOID -- The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- PROSPERITY -- The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

Public health and safety will be promoted through the text amendments. Amending the local code to align with the state law requirements will promote regularity in the application of law. This promotes public health, safety and general welfare.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

The zoning amendment promotes compatible urban growth in the areas of the City by correcting errors in the adopted code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

Attachments

- General Cleanup Ordinance
- Manufactured Home Ordinance
- Enforcement and Violations Ordinance
- SR for Vehicle Sales in CMU1 Ordinance

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, 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, Section 27-1000 – Uses and Use Standards, 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 approved application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed by administrative relief.

c. Section 27-403.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.

.....

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

d. 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 building** 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.

e. 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 approved application for Administrative Relief (Sec. 27-1614) or through a Variance (Sec. 27-1627) for increases greater than allowed through administrative relief.**

f. 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.~~

g. 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 27-900-14 ¹	
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.		

h. 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:

.....

i. Section 27-1005.C Amusement and recreation is amended as follows: Sec.

27-1005.C.2. P1 District.

(a) Amusement and recreation facilities located in P1 districts may be in either public or private ownership and may charge appropriate fees.

(b) P1 district uses are limited to any combination of the following:

- (1) Golf courses and driving ranges.
- (2) Sports fields or courts (indoor or outdoor)
- (3) Aquatic facilities (indoor or outdoor)
- (4) Ice Arenas (indoor or outdoor)
- (5) Playgrounds and trails
- (6) Picnic shelters and gazebos
- (7) Community centers
- (8) Gardens and orchards
- (9) Nature preserves and conservation land

j. Section 27-1007.C is amended as follows:

Sec. 27-1007.C.2. (c) Pre-existing WCFs.

(1) Any WCF for which a permit has been properly issued prior to the adoption of this zoning code (February 25, 2021) and for which no changes will be made shall not be required to meet the requirements of this section.

(2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of subsection 27-1007.C.54, General requirements.

k. 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.

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 – Amending Sec. 27-300, 27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, and 27-1800.

ORDINANCE 25-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTIONS 27-309, 27-1000, and 27-1800, BE AMENDED TO CHANGE THE DEFINITION OF A MANUFACTURED HOME TO BE IN CONFORMANCE WITH MONTANA STATUTES 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 27-309 – Residential Manufactured Home (RMH District, Section 27-1002, Use Table 27-1000.1, Section 27-1003 – Standards for Residential Uses, and Section 27-1803 – Definitions and Measurements, have been found to be out of conformance with current Montana statutes regarding manufactured homes. Changes to this code will make the city code conforming and provide for accurate administration of the code.

Section 3. ZONE REGULATION AMENDMENTS

a. 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. 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.

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

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

A. 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.

d. 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

ORDINANCE 25-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTION 27-1700, BE AMENDED TO 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. 27-1700 – Violations, Enforcement and Remedies, is in need of clarification and modification through an ordinance to make the regulations clearer and provide for accurate administration of the code.

Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS

Section 27-1704.G and 27-1704.H are 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. Subsections G. and H. list specific enforcement remedies for specific violations of the code. The zoning coordinator may select the any other option for enforcement for violations not listed in subsection G. or H., 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. Violations of the use provisions listed in subsections (a) through (d) 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 cited as a misdemeanor and is punishable by criminal penalties as specified in subsection 1-110. Violations of use restrictions, either as a primary use or accessory use, in the following sections of the zoning code are subject to criminal penalties:

(a) Establishment of a commercial or industrial use in a residential or neighborhood zone district with the following exceptions:

- i. Commercial uses that may be allowed within the N1-3, NX1-3 and RMH zones in Table 27-1000.1; or
- ii. Home Occupations allowed under Sec. 27-1008.M; or
- iii. Uses that may be approved through special review under Sec. 27-1623.

Uses in the category of commercial or industrial are listed within Table 27-1000.1.

(b) Establishment of an Adult Entertainment use in a zone where it is prohibited (Table 27-1000.1 and Sec. 27-1005.B).

(c) Establishment of a new Marijuana Dispensary, Cultivation, Processing, Warehousing or Transportation business in a zone where it is prohibited (Table 27-1000.1, Sec. 27-1005.R and 27-1006.F).

(d) Establishment of a new casino or bar use in a zone district where it is prohibited or where the required separation distances cannot be met (sec. 27-1005.G and 27-1005.J).

2. Each day such violation continues shall be considered to be a separate offense.

H. Municipal infraction.

1. Violation of this zoning code ~~is may be cited for the violation into municipal court as~~ a municipal infraction and ~~shall be subject to civil penalties as specified in section 18-1304, may be punishable by a civil penalty as provided in BMCC section 18-1300.~~ in addition to other remedies of this section. Violations of requirements in the following sections of the zoning code are subject to municipal infraction citations or other non-criminal enforcement actions:

(a) Section 27-300 – Neighborhood Districts

(b) Section 27-400 – Commercial and Mixed Use Districts

(c) Section 27-600 – Industrial Districts

(d) Section 27-900 – EBURD Districts

(e) Sections 27-1003, 27-1004, 27-1005, 27-1006, 27-1007, 17-1008 and 27-1009 – Use Standards

(f) Section 1200 – Landscaping, Buffering and Screening

(g) Section 1300 – Parking and Loading

(h) Section 27-1400 – Signs

(i) Section 27-1500 – Nonconformities

(j) Section 27-1802.H – Visibility at Intersections

(k) Section 27-1600 - Violation of conditions of approval of any permit, license, special review or variance.

Section 4. ZONE REGULATION AMENDMENT

Add new Section 27-1705 as follows:

Sec. 27-1705. Remedies cumulative.

The remedies provided in this article are cumulative and do not preclude any other available remedy at law or in equity.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. 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 – Section 27-1700 amendments

ORDINANCE 25-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTION 27-1000 BE AMENDED TO ALLOW VEHICLE SALES AND RENTAL IN THE Corridor Mixed-Use 1 (CMU1) ZONE DISTRICTS BY SPECIAL REVIEW APPROVAL 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 27-1002 – Uses by District, Table 27-1000.1 shall be amended to allow vehicle sales and rental as a special review use in the Corridor Mixed Use 1 (CMU1) zone district and the clarify the Additional Standards column of the table as related to Vehicle Sales and Service, Personal

Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS

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						
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	

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 – Amending Table 27-1000.1 to all vehicle sales in CMU1 districts by special review approval