

City of Billings Zoning Commission
 Tuesday, March 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	1									
Greg McCall	Vice Chair	1	1	A									
David Goss	Commissioner	1	1	1									
Beau Mulvaney	Commissioner	1	1	1									
Andy Megorden	Commissioner	1	1	A									

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										4
Special Review	-	1											1

Call the Meeting to Order: Chairman Brooks called the meeting to order at 4:31 PM

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

Participants: Taylor Kasperick, Performance Engineering

Public Comment

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

Approval of Minutes: February 4, 2024

Commissioner Goss made a Motion, seconded by Commissioner Mulvaney 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

Commissioner Goss formally disclosed to the Commission his engagements with St. John’s West End and Heights locations concerning potential residency, including the payment of a deposit and placement on their waiting list. It was determined that no conflict of interest or recusal was necessary.

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 Goss conducted a site visit of Zone Changes 1062 and 1063.

Regular Business:

- 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 ID’s: A30252, A34035, and A34036.

Tate Johnson, Planner, provided an overview of the current zoning and the proposed zone change. The applicant, Mission United, a senior living campus, is represented by Taylor Kasperick of Performance Engineering. The proposal includes the development of five separate buildings: one 12-plex and four 4-plex units, along with an asphalt trail and the completion of Siesta Avenue. In 2006, the lot underwent the Special Review process, which approved the establishment of a church and a senior retirement facility, leading to the completion of the first phase of the St. John’s campus.

Existing Zone – P2	Proposed Zone – P3
<ul style="list-style-type: none">• Intended for small scale civic and community service structures and uses, such as religious assembly, public safety facilities, and schools, within either a neighborhood or commercial setting.• Maximum of two (2) principal buildings are allowed per lot in the P2 district.	<ul style="list-style-type: none">• Intended for public and civic uses involving multiple structures that are developed in a campus-like environment.• Available for medical, educational, and civic campuses.• Allows three (3) or more principal buildings

Planning staff recommends approval of the zone change.

- Meets the Growth Policy (2016) and Infill Development Policy (2011)
 - Essential Investments
 - Strong Neighborhoods
 - Home Base
- Promotes efficient use of land while maintaining compatibility with existing development
- Proposed zoning will support the development of a campus style housing facility for aging residents

The City Council shall consider the Zoning Commission recommended findings of the ten (10) review criteria as submitted in the staff report.

Agent Statement:

Taylor Kasperick of Performance Engineering stated that the project aims to offer a diverse range of housing options. Mission United and St. John’s are planning to expand the Heights facility, Wyndstone, with a mix of housing options tailored to their clients. As part of their current and future development plans, they intend to implement public infrastructure improvements to help alleviate traffic congestion in the area.

Questions

Commissioner Goss inquired about the plan to access Mission Way. Mr. Kasperick stated access will be provided through a shared driveway, with a public right-of-way off Siesta Avenue. Access to the private road will be limited.

Chairman Brooks asked what the key concerns were raised during the public meeting attended by five individuals. Mr. Kasperick responded the primary concern expressed by the homeowners was the potential increase in property taxes. However, it was noted that taxes are based on individual lots, so significant impacts were not anticipated. Another concern raised was the impact the development would have on the prairie dog population in the area.

Public Hearing

Chairman Brooks opened the public hearing. As no public comments were received, the hearing was subsequently closed.

Motion

Commissioner Mulvaney made a motion to forward a recommendation to the City Council for approval of Zone Change 1062 with the ten (10) Staff recommended Review Criteria, seconded by Commissioner Goss. The motion was carried with a unanimous vote.

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 at their March 24, 2025 meeting.

- 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. Thue 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

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

NX3	NX1 & N2
❖ Minimum 5-unit dwellings – no upper limit	❖ 1 to 4-unit dwellings in NX1, 1 or 2-unit dwellings in N2
❖ 50 feet of street frontage per structure	❖ 20 feet per 1 or 2-unit dwelling in NX1 50 feet per 3 or 4-unit dwelling in NX1 50 feet per 1 or 2-unit dwelling in N2
❖ 4-story maximum height	❖ NX1 max height is 2.5 stories or 27 ft
❖ Build-to zones (front and street-side), building separations and minimum setbacks (rear and side)	❖ N2 max height is 2 stories or 27 ft
❖ Open space or park required for each 3 acres of NX development	❖ Build-to zones (front and street side), building separations and minimum setbacks (rear and side)
❖ Off-street parking is 1/dwelling unit	❖ Open space or park required for each 3 acres of NX development
❖ Accessory buildings (carports, gazebos, community centers, manager units) allowed	❖ Off-street parking is 1 per unit for 3 or 4-unit structures and 2 per dwelling unit for 1 or 2-unit dwellings
❖ Accessory uses allowed – home occupations, community gardens, short-term rentals	❖ Accessory buildings (carports, gazebos, community centers, manager units) allowed ❖ Accessory uses allowed – home occupations, community gardens, short-term rentals

Planning staff recommends approval of Zone Change 1063.

- Meets the Growth Policy (2016), and Infill Policy (2011)
 - Strong Neighborhoods
 - Housing Choice
 - Community Fabric
- NX1 and N2 zones are compatible with adjacent and nearby zones
- Will offer a new housing choice west of Shiloh Rd – 1 or 2-unit dwellings

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 Brooks inquired about road access. Ms. Cromwell responded that there will be a connection to the east through the adjacent existing multi-family development.

Agent:

Taylor Kasperick of Performance Engineering explained that the applicant has owned the land for some time and that market preferences favor duplex and 4-plex units. While the minimum unit requirement per building is five—typically pushing developments into multi-level structures, the owner does not intend to pursue multi-level buildings for this lot. Instead, the plan is to utilize single-floor units to accommodate a diverse range of renters. The proposed development includes approximately 80 units, aligning with the surrounding neighborhood. The 2–4-unit complex model is considered the most suitable for this project.

Chairman Brooks stated there was one person in attendance and asked their concern. Mr. Kasperick stated she inquired about access to her property to the north.

Public Hearing

Chairman Brooks opened the public hearing. As no public comments were received, the hearing was subsequently closed.

Motion

Commissioner Goss made a motion to forward a recommendation to the City Council for approval of Zone Change 1063 with the ten (10) Staff Recommended Review Criteria as recommended by staff, seconded by Commissioner Mulvaney. The motion was carried with a unanimous vote.

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 the City Council at their March 24, 2025 meeting.

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.

Ms. Cromwell stated there are Four Amendments (maximum allowed per change).

Four amendments:

1. General Cleanup Ordinance – correcting errors and cross references, re-inserting height exceptions
2. Residential Manufactured Home update to conform to new state law
3. Enforcement & Violations – clarity for process
4. Vehicle sales by special review in CMU1

1. General Cleanup

- Cross references and numerical errors corrected.
- Added back the height exceptions to each zone district type – currently only in Public zone districts.
- Remove block design standards from PND section – City adopted block design standards in subdivision update 2024.
- Expand list of intended recreation uses in Public 1 zone districts.

Questions

Commissioner Goss requested clarification on antennas—whether the regulations pertain to the receiving/transmitting equipment or the structure to which the antenna is attached.

Ms. Cromwell clarified that the regulations apply specifically to the antenna itself. There is an exception in both residential and commercial sections, allowing antennas to be placed on top of a house or building for radio communications.

2. **Manufactured Home Districts**

- 2023 Legislature change definition of Manufactured Home and ability to regulate same through zoning.
- Type of MH definition removed, year manufactured removed from state law.
- Mobile Home is not the same as Manufactured Home.
- Update district language, use table/standards and definitions to conform with new state law.

3. **Enforcement & Violations**

- Current code allows Zoning Coordinator to choose between 10 options to address violations.
- Code Enforcement and City Attorney recommend predictable consequences – e.g. a fence violation = civil municipal infraction and establishing an industrial use in a residential zone – a misdemeanor.

Questions

Chairman Brooks clarified that, under Section 27-1704 **Penalties for Violation**, the Zoning Coordinator may choose an enforcement option beyond those specified in subsections (g) or (h) if it is more suitable to the specific circumstance and violation. He noted that this flexibility could be confusing and offered it as feedback.

Ms. Cromwell confirmed that this interpretation is correct.

4. **Vehicle Sales by Special Review in CMU1**

- Current code does not allow vehicle sales in CMU1.
- Some CMU1 districts are in locations that may be ok for vehicle sales.
- Recent zone change withdrawn – CMU1 to CMU2 only way to allow vehicle sales now.
- Special Review allows applicants to prove compatibility without up-zoning to more intense district.

Questions

Chairman Brooks clarified that if a special review were more appropriate than a zone change, there is an established process for applicants to follow. Ms. Cromwell confirmed, explaining that the process is similar to a zone change and includes a pre-application meeting with surrounding property owners, submission of a site plan, identification of inventory and customer parking, and other requirements.

Commissioner Goss noted that the Planning Staff, Zoning Commission, and City Council all have the authority to impose conditions on the application. Ms. Cromwell affirmed this statement.

Motion

Commissioner Goss made a motion to forward a recommendation of approval to the City Council for approval of Zone Change 1060 – Zoning Code Text Amendments, seconded by Commissioner Mulvaney. The motion was carried with a unanimous vote.

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 the City Council at their March 24, 2025 meeting.

Other Business

Ms. Cromwell advised the Commission there will be a meeting April 1, 2025.

Adjournment: The meeting adjourned at 5:18 PM

Brenda J Berns, Planning Clerk

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