



CITY ZONING COMMISSION
AGENDA-Tuesday, May 6, 2025, 4:30 p.m.
City Council Chambers, 5th Floor
316 N 26th St., Billings MT

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>

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:

Meeting Minutes of April 1, 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

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 Special Review 999 - 4140 State Ave - Drive Through Service** - A special review request to allow a drive through service adjacent to residential zone districts for a new laundromat facility, in a Corridor Mixed Use 1 (CMU1) zone, on C.O.S. 3691, TR 1, a 21,958 sf parcel of land. A preapplication neighborhood meeting was held on March 25, 2025 at 6:00pm at the Billings Library. Tax ID: D01590
- b. **City Zone Change 1065 - 1440 Governors Blvd - from P2 to NX** - A zone change request from Public 2 (P2) to Mixed Residential 1 (NX1), on C.O.S. 1105, PARCEL 5C & TR 7 AMD, a 2.511-acre parcel of land. A preapplication neighborhood meeting was held on March 20, 2025 at 5:30pm at Castle Rock Middle School. Tax ID: D05257

Other Business/Announcements

Adjournment

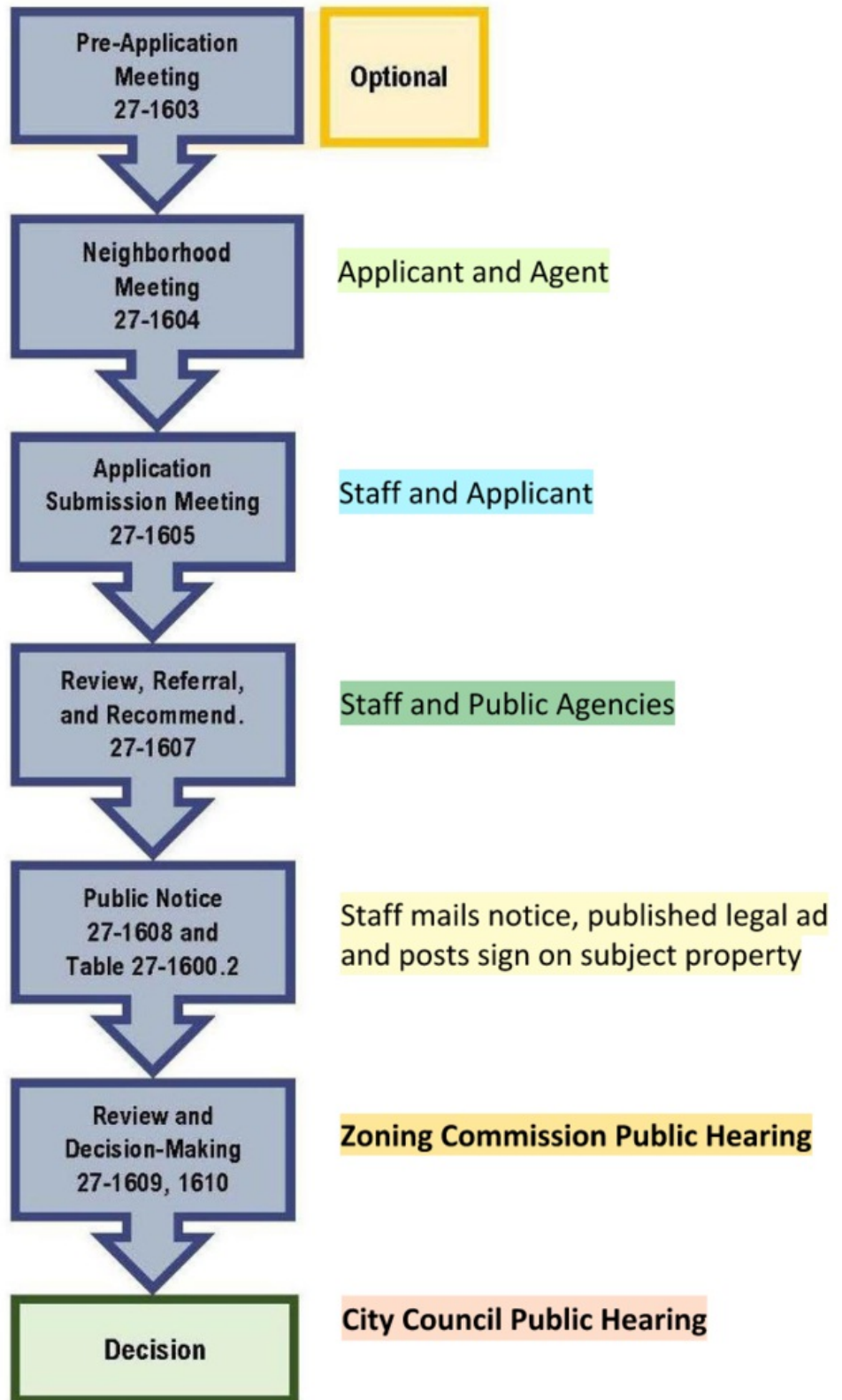
Special Review 999: The City Council has designated May 27, 2025 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the Special Review and hold a public hearing.

Before taking any action on an application for a **Special Review**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. Those findings and recommendations will be based on **BMCC 27-1623.D (1 through 9)**. Each zoning district is primarily intended for a predominant type of use as identified in BMCC Table 27-1000.1. There are also a limited number of **specific uses subject to special review that may or may not be appropriate in a particular district**, depending upon all the circumstances of the individual use on the site and in context with surrounding development. Consideration of these uses includes examination of the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, and whether specific conditions can be applied to mitigate the potential negative impacts of the use. **Special review uses are special exceptions to the general terms of Billings' Zoning Code.** In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on the request: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; 5) delay the application for a period not to exceed thirty (30) days; or 6) refer the application back to the Zoning Commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff.

Zone Change 1065: The City Council has designated May 27, 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 June 9, 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: 05/06/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of April 1, 2025

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of April 1, 2025

City of Billings Zoning Commission
 Tuesday, April 1, 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	1								
Greg McCall	Vice Chair	1	1	A	1								
David Goss	Commissioner	1	1	1	1								
Beau Mulvaney	Commissioner	1	1	1	A								
Andy Megorden	Commissioner	1	1	A	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	1									5
Special Review	-	1											1

Call the Meeting to Order: Chairman Brooks called the meeting to order at 4:30 PM

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

Participants: Greg Reid, WWC Engineering; Doug Wild, Applicant

Public Comment

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

Approval of Minutes: March 4, 2025

Commissioner Goss made a Motion, seconded by Commissioner Megorden to approve the meeting minutes of March 4, 2025. The motion passed.

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 Goss, Commissioner Brooks conducted a site visit of Zone Change 1064

Regular Business:

- a. **City Zone Change 1064 – 1115, 1116, 1121, 1122, 1126 & 1127 Buffalo Crossing Drive –**
A zone change request from Neighborhood Residential (N3) to Mid-Century Neighborhood Residential (N2), on Lots 4, 5, 6 in Block 3, and 7, 8 & 9, in Block 1 Buffalo Crossing Subdivision, a total area of 1,498 acres. Lots range in area from 9, 247sf to 12,583sf. A pre-application neighborhood meeting was held on February 8, 2025 at the subject property. Tax ID's: A38201, A38202, A38203, A38215, A38216, A38217

Karen Husman, Planner, provided an overview of the zone change request. She noted that while the zoning codes are similar, the N2 designation also permits duplexes.

Zone Change	
N3	N2
<ul style="list-style-type: none">▪ Allows single detached dwellings▪ Lot width at street =>65 feet per structure▪ Minimum setbacks (no max), max height = 3 stories or 34 ft, lot coverage max 40%, max garage door opening = 50% or less of front facade▪ All customary residential uses and accessory uses including home occupations	<ul style="list-style-type: none">▪ Allows single detached dwellings & two attached dwellings (duplex)▪ Lot width at street =>50 ft per structure▪ Build-to zone of 10-32 ft, max height 2 stories or 27 ft, lot coverage max 40%, max garage door opening = 50% or less of front facade in BTZ.▪ All customary residential uses and accessory uses including home occupations

Ms. Husman stated that the parcel to the east has an approved Master Site Plan for 18 units, consisting of three 4-plexes and one 5-plex dwelling. Additionally, there is a pending Master Site Plan for 56 units, including one 7-plex, two 6-plexes, three 4-plexes, and five 5-plex dwellings. The transition from single-family to multi-family housing aligns with the surrounding developments. Planning staff recommends approval of the zone change.

The City Council will review the Zoning Commission's recommended findings based on the 10 review criteria outlined in the Staff Report.

Questions

The Commission requested clarification on the impact of SB323. Ms. Husman explained that SB323 would permit any parcel zoned for residential use to accommodate single-family or two-family dwellings. The applicant sought the zone change for confirmation, if state regulations change in the future, they would still be allowed to develop duplex units on these lots.

Applicant: Mr. Wild stated that they intend to comply with City Zoning regulations and believe that doing so is the appropriate course of action, regardless of the state statute in place with Senate Bill 323.

Public comment: There was none

Motion

Commissioner McCall made a motion, seconded by Commissioner Megorden to forward a recommendation to the City Council for approval of Zone Change 1064 with the ten (10) Staff recommended Review Criteria. The motion passed.

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 April 28, 2025 meeting.

Other Business:

Chairman Brooks referenced a graphic that he believes would help clarify the process for the public, as it has been somewhat confusing. It was noted that providing specific information at the outset, such as during the neighborhood meeting, could help reduce confusion and improve public understanding of the process, ensuring that community members feel heard.

Commissioner Goss noted that another source of confusion is that individuals providing testimony may present valid perspectives; however, if their points fall outside the guidelines of the 10 Review Criteria, they cannot be considered in the decision-making process.

Adjournment: The meeting adjourned at 4:46 PM

Brenda J Berns, Planning Clerk

Zoning Commission

Date: 05/06/2025
Title: Special Review 999 - 4140 State Ave - Drive Through Service
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends conditional approval and adoption of the findings of the review criteria for Special Review 999.

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

This is a Special Review request to allow a drive-through service adjacent to residential zoning districts for a proposed new laundromat and food service facility. The subject property is located at 4140 State Avenue, at the southwest corner of the intersection of State Avenue and Van Buren Street. The lot is currently vacant and measures approximately 21,958 square feet (0.50 acres). The applicant proposes to construct a new commercial development including a laundromat and a food service component, including a drive-through lane. The property is directly adjacent to residential zoning to the north and west.

The property was originally zoned Residential 9,600 (R96) until a City Zone Change (ZC 790) was approved in October 2006, changing the zoning to Neighborhood Commercial (NC). With the adoption of the City's Recode Zoning Update in 2021, the site was transitioned into the current CMU1: Corridor Mixed-Use 1 zoning district.

The CMU1 district is intended to accommodate a variety of commercial and mixed-use developments along transportation corridors. The zoning promotes walkable, bikeable, and transit-friendly design, while also allowing for auto-oriented commercial uses such as gas stations. Ground floors along major corridors are encouraged to support commercial activity. Drive-through facilities require Special Review approval in the CMU1 district to evaluate site-specific impacts and ensure compatibility with surrounding land uses.

The property fronts State Avenue, a minor arterial roadway that serves as a primary east-west corridor in south Billings. The average daily traffic (ADT) volume on State Avenue just west of the site is approximately 10,530 vehicle trips per day, making the corridor a viable location for neighborhood-serving commercial development. The site will have direct access from State Avenue, with secondary access via Van Buren Street to the east.

The surrounding area includes a mix of residential and commercial uses. Directly to the north and west of the site are single-family residential properties, while to the west along State Avenue are established commercial uses, including a Family Dollar and an Ace Hardware. This commercial presence helps reinforce the corridor's role as a retail and service destination for the neighborhood and supports the appropriateness of the proposed development.

APPLICATION DATA

OWNERS: Nestor Nava Chavez

AGENT: Taylor Kasperick, Performance Engineering

PURPOSE: A special review request to allow a drive through service and a new laundromat facility adjacent to residential zone districts, in a Corridor Mixed Use 1 (CMU1) zone, on C.O.S. 3691, TR 1, a 21,958-sf parcel of land. A pre-application neighborhood meeting was held on March 25, 2025, at 6:00 pm at the Billings Library. Tax ID: D01590.

LEGAL DESCRIPTION: S09, T01 S, R26 E, C.O.S. 3691, TR 1

ADDRESS: 4140 State Ave

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Laundromat and Drive-Through Food Service

EXISTING ZONING: CMU1

SIZE OF PARCEL: 21,958 sq ft

SURROUNDING ZONING & LAND USE

NORTH: N1 - First Neighborhood Residential
Land Use: Residential

SOUTH: N1 - First Neighborhood Residential
Land Use: Residential

EAST: N1 - First Neighborhood Residential
Land Use: Residential

WEST: CMU1 - Corridor Mixed Use 1
Land Use: Ace Hardware

The zoning code has a variety of considerations and findings before a special review use can be considered acceptable at a particular location. The requirements are set forth in Section 27-1623.D as follows:

1. The special review use is consistent with the City's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site is adequate for the proposed use and has the topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:
 - (a) Regulation of the use;
 - (b) Special setbacks, buffers, or screening;
 - (c) Surfacing of parking areas;
 - (d) Street, alley, or service road dedications, improvements, or bonds;
 - (e) Regulation of points of vehicular ingress and egress;
 - (f) Regulation of signs;
 - (g) Regulation on the performance of the site, including noise, vibration, and odors;
 - (h) Regulation of the hours of activities;
 - (i) Timeframe for development
 - (j) Duration of use; and
 - (k) Other relevant conditions that will ensure the orderly development of the site.
7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on March 25, 2025. No surrounding property owners attended the meeting. Planning staff prepared and mailed the public hearing notice to surrounding property owners, published a legal ad and posted the property with the Zoning Request sign. Planning staff received no communication on the application from the surrounding owners or the public as of writing this report.

ALTERNATIVES

The City Zoning Commission may take one of the following actions:

- Recommend conditional approval and adoption of the proposed findings to the City Council, as submitted by Planning staff;
- Recommend denial and adopt different findings of the review criteria;
- Delay action of the application until the next regular meeting; or
- Allow the applicant to withdraw the application.

The Zoning Commission may add conditions of approval or amend the recommended conditions of approval. If the Zoning Commission delays the application until the next regular meeting, the public hearing will be kept open to allow additional testimony and submittal of information by the applicant or interested parties. The applicant has not requested a withdrawal of the application. Any substantive change or modification of the application by the applicant, will require another public hearing and notice to surrounding owners.

FISCAL EFFECTS

The Planning Division budget should not be affected by either approval or denial of the requested special review.

SUMMARY

PROPOSED FINDINGS OF THE REVIEW CRITERIA (27-1623.D and E)

Planning staff recommends conditional approval of the requested special review based on the proposed findings of the criteria.

1. The special review use is consistent with the City's growth policy and applicable neighborhood plans, if any.

Essential Investments

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

The proposed special review supports the redevelopment of an underutilized parcel along a key commercial corridor that is already served by public infrastructure. By encouraging infill development within the city limits, this project maximizes the use of existing streets, utilities, and public services, thereby reducing the need for costly expansion of city infrastructure. The location along State Avenue ensures that the business will be accessible to a broad range of users traveling by vehicle, foot, or bicycle.

Strong Neighborhoods

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

This development introduces new, neighborhood-serving commercial uses--specifically a laundromat and food service--that provide convenience to nearby residents. The site is within walking distance of several homes, making it a practical option for those without regular access to a vehicle. Conditions of approval, such as privacy fencing, directional lighting, and limits on hours of operation, will help ensure that the project respects and protects the character of the adjacent residential neighborhood, maintaining safety and comfort for nearby residents.

Prosperity

- A diversity of available jobs can ensure a strong Billings economy.
- Successful businesses that provide local jobs benefit the community.

The proposed project will create new commercial space, supporting both short-term construction jobs and long-term employment opportunities within the laundromat and food service business. These types of neighborhood-scale businesses not only contribute to the local economy but also enhance community resiliency by offering essential, everyday services close to where people live. This contributes to the economic vitality of the South Billings area and aligns with the City's goals for job creation and small business support.

2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The proposed laundromat and food service facility with a drive-through has been designed to minimize potential negative impacts on public health, safety, and the general welfare, particularly given its location adjacent to residential zoning. The site layout, traffic circulation, and operational features have been carefully considered to promote compatibility with surrounding uses and ensure safe and efficient site operations.

The project includes a dedicated drive-through lane with stacking capacity for five (5) to six (6) vehicles, which is sufficient to prevent queuing onto the public right-of-way. This design will help to reduce the potential for traffic congestion on State Avenue and improves overall safety for both motorists and pedestrians. The circulation design further distinguishes between customer and delivery vehicle movements, reducing internal traffic conflicts and promoting a safer, more organized flow on-site.

With these site features and appropriate conditions of approval in place, the proposed use can operate in a manner that is not detrimental to the health, safety, or comfort of the surrounding neighborhood.

3. The site is adequate in size for the proposed use and has topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.

The subject property at 4140 State Avenue is approximately 21,958 square feet (0.50 acres) and is zoned Corridor Mixed Use 1 (CMU1). The CMU1 district is intended to accommodate a variety of commercial and mixed-use developments along key corridors and permits drive-through facilities with special review approval. The proposed development, which includes both a laundromat and food service facility with a drive-through and laundromat, is consistent with the scale and intent of uses allowed in the district.

The site is relatively flat and does not present any known topographical or environmental constraints that would limit development. The submitted site plan demonstrates compliance with all applicable dimensional standards of the CMU1

zone, including building setbacks, lot coverage, height allowances, and landscaping buffers.

4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed laundromat and food service facility with a drive-through is located within the CMU1 zoning district and is adjacent to both commercial and residential uses. The use is consistent with the intent of the CMU1 zone, which accommodates commercial uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. There is no indication that new development on this property would negatively affect or reduce property values in the surrounding neighborhood.

5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed laundromat and food service facility with a drive-through is located within the Corridor Mixed Use 1 (CMU1) zoning district, which is designed to accommodate a wide range of commercial and mixed-use developments along key transportation corridors. The proposed use aligns with the district's intent to encourage development that is both walkable and accessible, while also accommodating drive through facilities when their potential impacts are appropriately addressed through the special review process.

The property is adjacent to both residential and commercial uses. Residential zoned properties are located directly to the south and east, while commercial uses such as Family Dollar and Ace Hardware are located just to the west along State Avenue. This mix of uses reflects the transitional nature of the corridor and supports the introduction of compatible commercial services that also serve nearby residents.

6. Conditions necessary to protect the public health, safety, and general welfare can be established.

Staff recommends the following conditions of approval for this project based on the findings of the review criteria:

1. The special review approval is limited to Tract 1 of C.O.S 3691, generally located at 4140 State Avenue.
2. The special review is for the construction and operation of a drive through service window on the north side of the laundromat and food service building. No other use is intended or implied.
3. The drive through service window will not be open 24-hours a day. Hours of operation will be submitted for approval at the time of building permit application. Hours of operation should not occur before 5 am or after 10 pm on a daily basis.
4. Any outdoor announcement system associated with the drive through service window shall not be audible at any property line.
5. No internally illuminated signage will be placed on any wall parallel to the south property line.
6. A sight obscuring fence shall be placed on the south property line to buffer the residential zoned property.
7. The proposed development shall comply with all other limitations of Section 27-1613 of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

Any new construction on the site will follow applicable building codes, engineering standards, and all zoning requirements will be followed.

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets.

There are two existing accesses to the site that are provided from State Avenue and Van Buren Avenue. These accesses will be updated and improved with the development of this parcel.

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

The proposed development meets all other zoning code requirements, and no variances are needed or required.

Attachments

Zoning Map & Site Photos

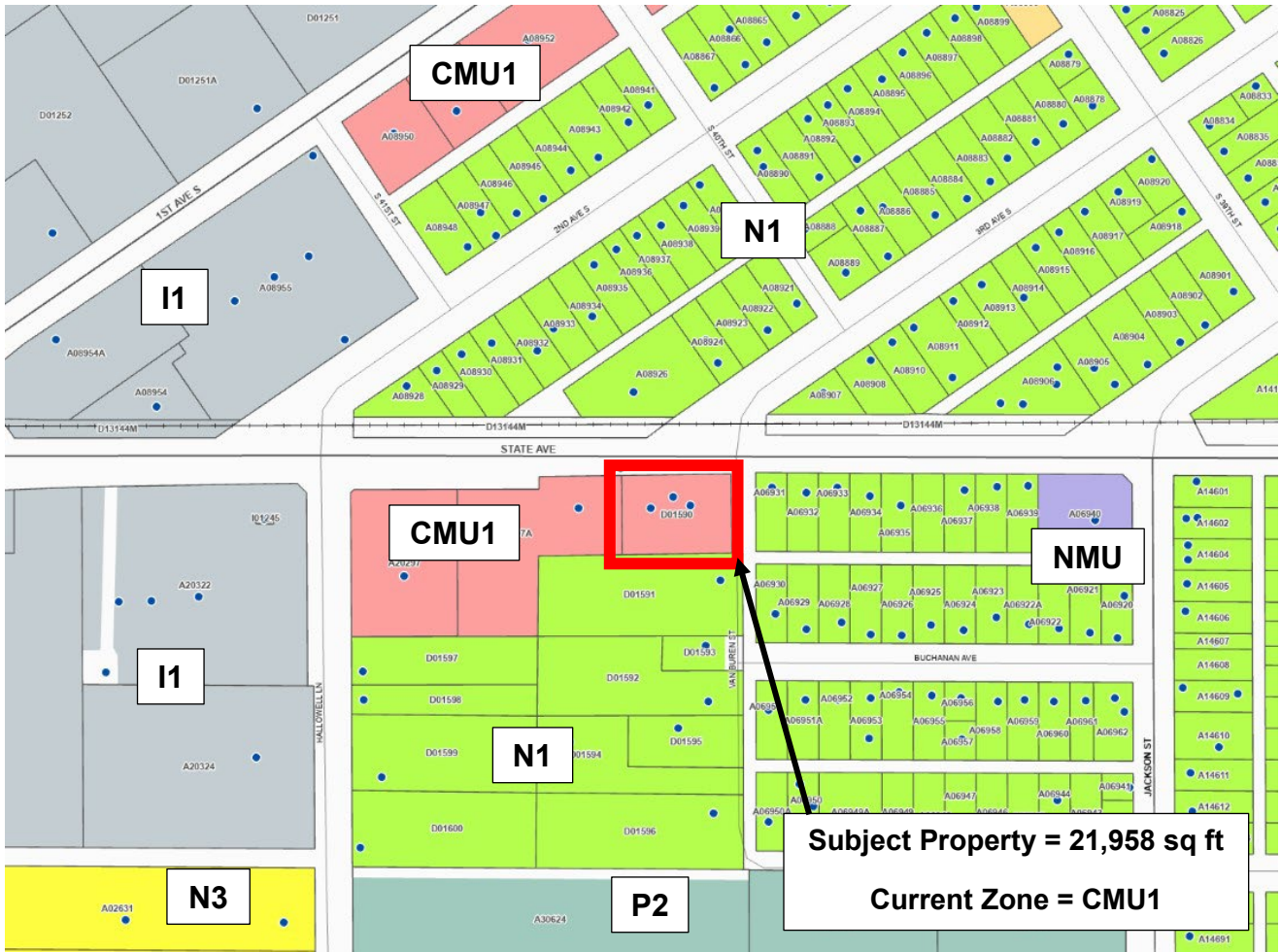
Zoning History

Preapplication Meeting Information

Application & Applicant Letter

City Special Review 999 – 4140 State Ave. – Drive Through Service – A special review request to allow a drive through service adjacent to residential zone districts for a new laundromat facility, in a Corridor Mixed Use 1 (CMU1) zone

Zoning Map and Site Photos







Subject Property



Looking east down State Avenue



Looking north across State Avenue



Looking west down State Avenue



Looking southwest from the State Avenue



Looking south from State Avenue

Zoning History for City SR 999 – 4140 State Ave

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2202 Central Ave	966	6/26/2018	A drive through food service across an alley from a residential zone	Y	Little Ceasars Drive Through
1025 N 27 th St, 2601 10 th Ave N, & 1010 N 26 th St	959	11/29/2017	Two drive through banks adjacent to a residential zone	Y	Opportunity Bank
54 th St W & Grand Ave	952	1/24/2017	A drive through pharmacy adjacent to a residential zone	Y	Alberston's Pharmacy
1335 Golden Valley Circle	932	10/27/2015	A drive through coffee place	Y	City Brew
819 Grand Ave	920	1/13/2015	A drive through coffee service adjacent to a residential zone	Y	Off the Leaf
910 Grand Ave	915	1/30/2014	A drive through café service across an alley from a residential zone	Y	Starbucks
3133 Central Ave	891	9/13/2011	A drive through across the alley from a residential zone		
2434 Central Ave	877	5/27/2009	A drive through service adjacent to a residential zone	Y	Burger King
2156 Central Ave	876	5/27/2009	A drive through service adjacent to a residential zone	Y	
1212 Grand Ave	873	1/27/2009	A drive through service across an alley from a residential zone	Y	Alberston's Pharmacy
615 & 617 Central Ave	857	6/3/2008	A drive through service adjacent to a residential zone	Y	CVS Pharmacy
952 Central Ave	843	4/23/2007	A drive through service adjacent to a residential zone		Rimrock Credit Union
Grand Ave & Zimmerman Tr	831	1/8/2007	A double drive through adjacent to a residential zone	Y	Walgreen's Pharmacy
1447 Grand Ave	818	7/25/2006	A drive through service adjacent to a residential zone	Y	Rocky Mountain Bank
1600 Main St	808	4/27/2006	A drive through service adjacent to a residential zone	Y	Walgreen's Pharmacy
1045 Grand Ave	803	2/8/2006	A drive through service adjacent to a residential zone	Y	Dairy Queen
2223 Central Ave	732	1/7/2003	A drive through service adjacent to a residential zone	Y	Little Horn State Bank



PERFORMANCE ENGINEERING

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

March 18, 2025

Dear Interested Neighbor,

This letter is being provided on behalf Nestor Chavez (Owner) by *Performance Engineering, LLC* to inform you of a special review pre-application neighborhood meeting being held on **Tuesday, March 25th**, at **6:00 p.m at Billings Public Library in the Computer Classroom. The address for Billings Public Library is 510 North Broadway, Billings, Montana, 59101.**

Said pre-application meeting will be held to discuss the owner's plan to construct a drive-through restaurant with indoor seating within a tenant space located within a building being constructed on Tract 1 of Certificate of Survey 3691.

The owner is requesting that the property shown on the attached exhibit (Exhibit 1) and described below be provided a special review to allow for a drive-through restaurant with indoor seating. The proposed use is allowed by the City of Billings Zoning Code within the underlying zone district of Corridor Mixed Use 1 (CMU1); however a special review must be conducted on the proposed use when it is located adjacent to residential zone districts.

Tract 1 of Certificate of Survey No. 3691, located in Billings, Montana. The lot is a total of 0.504 acres, generally located on the southwest corner of State Avenue and Van Buren Street.

The intent of the meeting is to make neighboring property owners aware of the intent to construct a drive-through restaurant with indoor seating within a tenant space located within a building being constructed, discuss any concerns with the proposed use, and to answer questions about the project. The property is located in a **Corridor Mixed Use 1 zoning district**. The special review application will be presented to the *City of Billings* to accommodate the proposed use on the lots.

Representatives for *Performance Engineering, LLC* will be representing the owner at the meeting to answer questions from those who attend. For those unable to attend, written letters can be directed to Performance Engineering at **3412 Colton Boulevard, Suite 202, Billings, MT 59102**, attention Taylor Kasperick, PE, 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 **March 25th**.

Sincerely,

Taylor Kasperick, PE
Project Manager

City Special Review Pre-Application Statement of Owner(s) or 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 Special Review application packet, including any required fees, for a Special Review to be processed by the Planning Division.

1. Present Zoning: _____
2. Written description of the Special Review including existing conditions and proposed development:

3. Subject Property Map: please attach to this form
4. Legal Description of Property:

5. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: _____
6. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form
7. A copy of the meeting notice. please attach to this form
8. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to this form
9. The undersigned affirm the following:
 - 1) The pre-application neighborhood meeting was held on the ____, day of _____, 20__.
 - 2) The Special Review application is based on materials presented at the meeting.

Owner (s): _____ Telephone: _____

Address: _____ Email: _____

Agent (s): _____ Telephone: _____

Address: _____ Email: _____



Pre-Application Neighborhood Meeting Minutes and Roster – Special Review Application

Property: Tract 1, Certificate of Survey No. 3691, Section 09 Township 01S Range 26E

Attendees:

- *None*

Meeting Notes:

- A presentation was prepared by Performance Engineering's (PE's) Taylor Kasperick. The presentation materials are provided with this submittal. The purpose of the presentation was to allow community members to learn and discuss the proposed project, ask questions, and offer feedback.
- On Tuesday, March 25th, 6:00p.m., no members of the public or neighbors who were sent meeting notices attended the meeting. No discussions or community input were gathered based on the absence of attendees. Members of the public and those who were provided notice of the project and meeting were encouraged to write letters or emails if unable to attend; however, no letters have been received to date.

CITY SPECIAL REVIEW APPLICATION FORM

CITY SPECIAL REVIEW

City Special Review# 999 - Project #

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the City of Billings Zoning Regulations.

Present Zoning: CMU1

Special Review Requested: Drive-through is adjacent to residential zone districts

TAX ID# D01590

CITY ELECTION WARD # 1

Legal Description of Property: Tract 1, C.O.S. 3691, S09, T01 S, R26 E

Address or General Location (If unknown, contact City Engineering): 4140 State Ave

Size of Parcel (Area & Dimensions): 0.5 Acres

126-feet x 175-feet

Present Land-Use: Laundromat Facility

Laundromat Facility

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

Owner(s): Nestor Nava Chavez

(Recorded Owner)

6303 Skycrest Drive, Billings, MT 59106

(Address)

406 855-4356

(Phone Number)

nestor1chavez@gmail.com

(email)

Agent(s): Performance Engineering

(Name)

3412 Colton Blvd. Suite 202, Billings, MT 59102

(Address)

(406) 384-0080

(Phone Number)

taylor@performance-ec.com

(Email)

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

Signature:

Nestor Nava Chavez

(Recorded Owner - digital signature allowed)

Date:

3/31/2025

Tract 1, Certificate of Survey No. 3691

City Special Review Written Statement

- ✓ Consistent with the goals and policies of the adopted Growth Policy

The addition of a drive-thru restaurant and indoor seating aligns with the adopted growth policy by promoting safe, accessible, and attractive neighborhoods that provide essential services. This development supports a cost-effective and well-connected transportation system, by offering convenient dining options while maintaining the economic vitality of the community. Thoughtful site planning, including landscaping and pedestrian connectivity, enhances the visual appeal and livability of the area while ensuring public safety. Additionally, the project's proximity to existing infrastructure makes it a cost-efficient investment that supports long-term sustainability and property value stabilization.

- ✓ Adequate in size and location to accommodate the proposed use while still meeting all of the zone district requirements such as landscaping and parking

The proposed use allows to “accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking.” A special review is required due to the site's proximity to residential zoned areas; however, the location and size of the space ensures compliance with all zoning requirements, including landscaping, parking, and buffering standards.

- ✓ Compatible with nearby uses and how the applicant intends to mitigate any potential impacts

The proposed use is compatible with the adjacent residential zoning as it is designed to minimize impacts on nearby residential properties. The drive-through order point faces Van Buren Street corridor, vehicle queue/circulation is directed toward the far side of the property, adjacent to State Avenue, reducing potential disruptions to residential areas to the south and to the east. Additionally, the applicant will incorporate CMU1 to N1 buffering measures such as landscaping, fencing, and proper lighting to further mitigate noise, light, and traffic concerns.

- ✓ Will not impede the normal improvement of surrounding property

The proposed use will not impede the normal improvement of the surrounding property, as it is strategically located in a mixed-use area with both commercial and residential influences. Positioned just south of BNSF Railroad, west of existing residences, and east of established commercial businesses such as Ace Hardware, and Family Dollar, the site is well-suited for commercial activity. The development is

designed to ensure smooth traffic flow, adequate buffering, and compliance with zoning requirements, preventing any negative impact on nearby residential properties.

Zoning Commission

Date: 05/06/2025
Title: City Zone Change 1065 - 1440 Governors Blvd - From P2 to NX1
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The planning staff is recommending approval of Zone Change 1065 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 1440 Governors Boulevard, a 2.557-acre parcel currently zoned Public 2 -- Public, Civic, and Institutions (P2). The property is undeveloped and fronts onto Governors Boulevard. The proposed zoning of Mixed Residential 1 (NX1) will allow for the development of 1- to 4-unit dwellings, including detached single-family homes. The applicant intends to pursue a single-family residential development that will provide workforce housing in alignment with the City's housing goals.

In 1985, this parcel underwent a zone change from the Public (P) zone to Residential 9,600 (R-96), a zoning district was intended to promote primarily a single-family residential environment on lots that are served by public water and sewer service. With the adoption of the new zoning code, the parcel was reclassified as P2, a zone primarily intended for public, civic, and institutional uses.

The surrounding area is predominantly residential, with Mixed Residential 2 (NX2) zoning to the north, Suburban Neighborhood (N3) zoning to the south, state-owned vacant land to the west, and Castle Rock School to the east. The proposed NX1 zoning provides a compatible transition between these residential districts and supports infill development in an area already served by existing infrastructure, including water, sewer, and public transportation.

Traffic volume on Governors Boulevard just south of Wicks Lane is approximately 6,350 vehicle trips per day. The traffic volume at the intersection of Governors Boulevard and Constitution Avenue is approximately 2,430 vehicles 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 18 to 30 single-family homes is expected to generate additional traffic. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a typical single-family detached home generates approximately 10 vehicle trips per day. Based on this estimate, the development could add approximately 160 to 300 daily vehicle trips to the local network, depending on the final unit count. If total daily trips exceed 500 average daily trips (ADT), a traffic impact study would be required by the city if the site is developed using a master site plan process. At this time, the projected traffic increase is expected to be manageable within the existing street capacity but will be evaluated further during the site development process.

The proposed residential development at 1440 Governors Boulevard aims to provide affordable workforce housing through the construction of single-family homes on an underutilized parcel. The project will introduce 18 to 30 single-family dwellings, consistent with the NX1 zoning district, and will include supporting infrastructure as required by the engineering code, building code, and zoning code. As the demand for diverse and attainable housing options continues to grow in Billings, this development is intended to serve working individuals and families while maintaining compatibility with the surrounding residential neighborhood. The proposed zone change will allow for modestly higher residential density in a manner that complements existing land use patterns. Improvements such as new pedestrian connections and compliance with the City's stormwater and transportation standards will enhance overall neighborhood connectivity and livability.

APPLICATION DATA

OWNER: School District #2
AGENT: Dax Simek, PE -- Stahly Engineering & Associates, Inc
LEGAL DESCRIPTION: S21, T01 N, R26 E, C.O.S. 1105, PARCEL 5C, & TR 7 AMD
ADDRESS: 1440 Governors Boulevard
CURRENT ZONING: P2 - Public, Civic, and Institutions
PROPOSED ZONING: NX1 - Mixed Residential 1
EXISTING LAND USE: Vacant Land
PROPOSED LAND USE: Single Family Detached Housing Units
SIZE OF PARCEL(S): 2.557 Acres

SURROUNDING LAND USE & ZONING:

NORTH: NX2 - Mixed Residential 2 (multi-family housing)

SOUTH: N3 - Suburban Neighborhood (single family housing)

EAST: P2 - Public, Civic, and Institutions (Castle Rock Middle School)

WEST: NX2 - Mixed Residential 2 (vacant land)

The Planning staff has reviewed the application and drafted findings for the 10 review criteria for the zone change and is recommending approval based on the draft findings. The request is consistent with the goals of the 2016 Growth Policy, which supports infill development, efficient use of existing infrastructure, and the creation of diverse and affordable housing options. The proposed zoning will facilitate the development of workforce housing on an underutilized parcel, helping to meet a critical housing need in the community. Additionally, the NX1 designation is compatible with surrounding zoning districts and existing residential land uses, ensuring a smooth transition within the neighborhood context. The proposed zoning on the subject parcel is compatible with the adjacent zoning and land uses.

STAKEHOLDERS

The applicant, School District #2, represented by Stahly Engineering and in partnership with the developer LiveAble, LLC, held a pre-application neighborhood meeting on March 20, 2025, at Castle Rock Middle School, on Governors Boulevard to the east of the subject property.

Four neighboring residents attended the meeting. During the discussion, participants asked whether the School Board supported the proposed zone change. The applicant confirmed that the School Board had reviewed and voted in favor of moving forward with the application. Attendees also inquired about the scale of the proposed housing development, to which the developer responded that 18 to 30 single-family homes may be constructed, pending final site layout approval. Questions regarding stormwater management were addressed with assurances that the project would comply with all City stormwater regulations and that off-site drainage would be analyzed to mitigate potential flooding risks. One resident asked about the ownership structure, and the developer provided an overview of the workforce housing model proposed for the site. Another question focused on whether there were any plans to expand development onto adjacent State-owned lands to the west, which the applicant stated they are not currently being considered for development.

The agent explained the proposed zone change as a necessary step to provide affordable, single-family housing in an area with access to existing infrastructure and transit services. There were no objections or written comments submitted during or after the meeting.

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 1065; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1065; 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.

The Growth Policy encourages infill development and development near existing City infrastructure as it is typically the most cost-effective way to grow the community. This zone change promotes infill development on a currently unimproved parcel that lies within city limits and is ready to be served by public utilities. By utilizing existing water, sewer, and transportation infrastructure, the proposed development reduces the need for costly extensions of city services and supports the efficient use of public resources.

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

The proposed NX1 zoning allows for the development of single-family detached homes as part of a broader mixed-residential context. This supports a diverse range of housing types and helps to meet the needs of residents across age groups and income levels. Implementation of the City's Infill Policy is a key strategy in strengthening neighborhoods by reducing sprawl, enhancing the walkability of communities, and promoting the development of underutilized properties. This zone change directly aligns with those goals by enabling new residential opportunities on a vacant lot in an established neighborhood, thereby contributing to neighborhood stability and vitality.

Home Base

- A mix of housing types that meet the needs of a diverse population is important.
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

The Growth Policy emphasizes the importance of offering a mix of housing options that address the needs of a diverse and growing population. The proposed zone change would enable the construction of affordable single-family homes targeted for workforce housing, an identified need in Billings. These homes would provide new residents with the opportunity to live in safe, healthy, and affordable surroundings. The location--adjacent to transit, schools, and parks--further enhances the livability of the area and supports the broader community goal of housing accessibility.

2006 Heights Neighborhood Plan Goals

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

The requested NX1 zoning district enables the development of single-family homes intended for workforce housing, directly addressing the need for more affordable housing options in the area. The site is well-located--near schools, parks, and transit--and its development will contribute to neighborhood safety, stability, and accessibility. The proposed housing type is also compatible with the established residential pattern to the south and east, which consists of single-family homes on standard urban lots.

The Heights Neighborhood Plan encourages high-density multifamily development along arterial routes, it also emphasizes the importance of maintaining similar housing types within established neighborhoods. This proposal honors that balance by introducing new single-family units at a slightly higher but compatible density, supporting affordability without disrupting the character of the surrounding neighborhood. Infill development on this parcel ensures that underutilized land is brought into productive use in a manner that complements the existing built environment and contributes positively to the broader community fabric of the Heights.

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

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.

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

Transportation: The site is located along an existing Billings MET route (West Heights Circulator 18), providing accessible

public transportation options for future residents. There is MET bus stop 1813 right in front of the subject parcel. It is anticipated that this development will add additional trips to Governors Boulevard and the surrounding street network. If the project results in an ADT of 500 or more trips per day, a traffic impact study will be required.

Water and Sewer: Existing public water mains are available on Governors Boulevard. The development can connect directly to this infrastructure, requiring no additional City infrastructure.

School and Parks: The site is located within an established school district (School District #2, also the current landowner), and nearby schools already serve the surrounding residential area. The addition of up to 30 homes is not anticipated to have a significant effect on school capacity. Any potential impact will largely depend on the composition of households and the number of school-aged children among the new residents. The proposed development will maintain access to nearby parks already serving the Heights area. The application does not propose removing any dedicated park space.

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 zone, like all zones, requires setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant, therefore any new structure(s) will be required to meet the zoning standards required by Section 27-307 (NX1 district), engineering standards and building code requirements.

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

The proposed NX1 zoning may have a modest impact on motorized transportation by increasing the number of vehicle trips on Governors Boulevard and nearby streets once the new homes are built. However, the expected number of housing units (18--30) is relatively low, and any significant increase in traffic would be reviewed through the City's traffic impact process.

For non-motorized transportation, the impact is expected to be minimal. Sidewalks and pedestrian connections in the area already exist along Governors Boulevard. There are existing bike lanes on Governors Boulevard from W Wicks Lane to Lake Elmo Drive. The location is along the Billings MET West Heights Circulator 18 Transit route. This further supports alternative transportation options, reducing potential reliance on personal vehicles. Overall, the proposed zoning is not anticipated to negatively affect transportation in the area.

7. Will the new zoning promote compatible urban growth?

The proposed NX1 zoning supports compatible urban growth by encouraging residential development within the existing city limits on a currently underutilized parcel. The site is primarily surrounded by residential zoning and land uses, including NX2 zoning to the north and single-family residential (N3) to the south, making the proposed NX1 zoning a fitting transition between zoning types.

This type of infill development helps the City grow in a more efficient and sustainable way by using existing infrastructure and public services, rather than extending new systems into undeveloped areas. The project aligns with the City's Infill Policy and Growth Policy by promoting compact, connected, and cost-effective development. It also adds much-needed workforce housing, which contributes to a balanced and inclusive housing supply while maintaining neighborhood character.

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

The proposed NX1 zoning is compatible with the character of the surrounding district, which includes a mix of residential zoning and housing types. While the new development may introduce slightly higher density than the single-family lots to the south, it remains consistent with nearby land use patterns and zoning designations, including NX2 to the north. The property is well-suited for residential development and offers an opportunity to introduce affordable, single-family housing in a way that respects the existing neighborhood fabric. The NX1 zoning allows for a thoughtful balance between increased housing supply and maintaining compatibility with surrounding development.

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

The proposed zoning is not expected to negatively impact the value of surrounding properties. The NX1 district supports residential development that is compatible in scale and character with nearby homes, particularly the single-family neighborhoods to the south. By introducing well-planned, affordable housing within an established neighborhood, the development may enhance area property values by improving the use of currently vacant land and contributing to overall neighborhood stability.

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

The proposed zoning supports the most appropriate use of land by facilitating infill development on a currently

underutilized parcel within the City limits. The site is already served by public infrastructure, making it well-positioned for cost-effective development. By enabling the construction of workforce housing--a critical need in Billings--the zoning change not only addresses housing demand but also contributes to efficient land use and urban growth management. Additionally, bringing this parcel into active residential use will expand the City's tax base and strengthen the surrounding neighborhood.

Attachments

Zoning Map & Site Photos

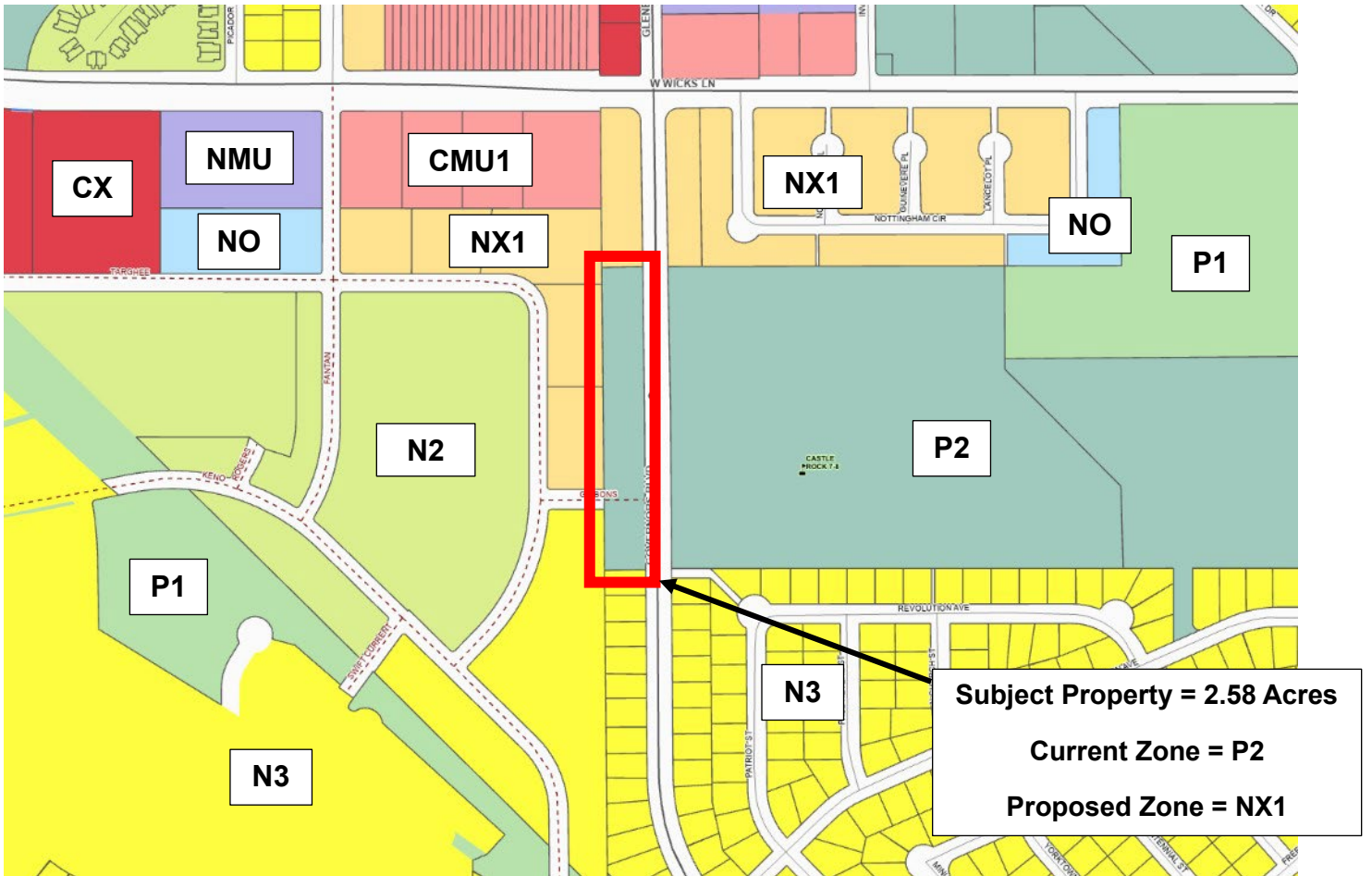
Zoning History

Preapplication Meeting Information

Application & Applicant Letter

City Zone Change 1065 – 1440 Governors Blvd. – From P2 to NX1 - A zone change request from Public 2 (P2) to Mixed Residential 1 (NX1)

Zoning Map and Site Photos





Subject Property



Looking east across Governors Boulevard



Looking east across Governors Boulevard



Looking northwest from Governors Boulevard



Looking north up Governors Boulevard



Looking south down Governors Boulevard



Looking southwest from Governors Boulevard

Zoning History for City ZC 1044 – 5900 Grand Ave – Buffalo Crossing

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
COS 1105 Tr 7	481	8/12/1985	From Public to R-96	Y	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
713 Avenue D	1039	12/12/2023	From P2 to N1	Y	
Cherry Creek Loop	983	8/25/2020	From Public to R-80	Withdrawn	



Parcel 5C and TR 7 AMD, C.O.S 1105

Being located in Section 21, T01 N, R 26 E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Synopsis

As required, a neighborhood meeting was conducted from 5:30 – 6:00PM on March 20, 2025 at Castle Rock Middle School. The meeting was hosted by Dax Simek of Stahly Engineering (Agent) and John Dunlap of LiveAble, LLC (Developer).

There were four public participants at the meeting – the sign-in sheet is attached with this application.

Mr. Simek and Mr. Dunlap gave an overview of the property and current zoning. There was discussion as to why the zone change was required for development of the property. The proposed NX1 zoning designation would allow the developer to utilize the City's Master Site Plan process to construct single family residences to be used for workforce housing.

After discussion of the proposed zone change and development plans for the property, the meeting was opened to questions from the public participants.

Questions from the public participants included:

Is the School Board in favor of this project? Dax stated that the zone change had been presented to the School Board and they voted in favor of moving forward with the zone change process.

How many units will be built on the property? John stated that the layout is still being worked on but potentially there may be between 18 – 30 units constructed on the site.

How will the project impact existing storm drainage? Dax stated that the project would need to comply with the City's stormwater management requirements and that off-site drainage would also be analyzed to mitigate potential flooding risks.

What is the ownership structure associated with this project? John gave an overview of the housing program.

Are there any plans to develop on the State lands to the west of the subject property? Dax stated that there are no plans to expand onto the State lands at this time.



March 11, 2025

RE: City Zone Change – Neighborhood Meeting

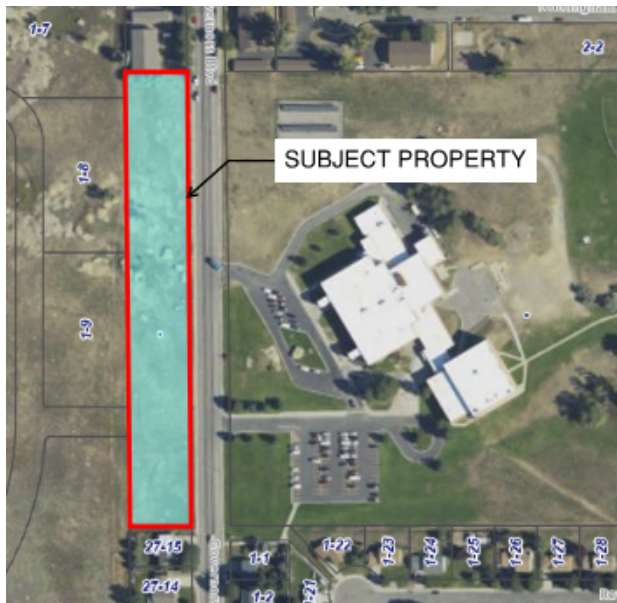
Dear Property Owner:

The purpose of this letter is to inform you of a Pre-Application Neighborhood Meeting that is required for a City zone change request. This meeting will take place on **Thursday, March 20, 2025 at 5:30 pm** in the Castle Rock Middle School library, located at 1441 Governors Boulevard, Billings, MT 59105.

Additionally, participants can access the meeting online or call in using the following information:

Join Teams Meeting
<https://tinyurl.com/yc4hnr6p>
Meeting ID: 265 694 457 173
Passcode: Uc2WY6c4

Dial in by Phone:
+1 406-318-9973
Phone Conference ID: 148 349 734#



The property is legally described as S21, T01 N, R26 E, C.O.S 1105, PARCEL 5C & TR 7 AMD. The physical address is 1440 Governors Boulevard and the property is generally located on the west side of Governors Boulevard approximately 500 feet south of Wicks Lane. The parcel is approximately 2.5-acres in size. The existing zoning of the property is P1 – Open Space, Parks and Recreation and the proposed zone change would result in a zoning designation of NX1 – Mixed Residential 1.

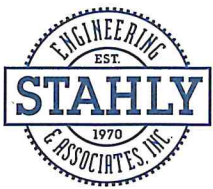
The property owner of record is School District #2. Contact information for the property owner is: Dr. Erwin Garcia; (406) 281-5066.

Please contact me directly at (406) 601-4057 with any questions regarding the meeting.

Sincerely,

Stahly Engineering & Associates

Dax Simek, PE
Chief Operating Officer



Title	1440 Governors Blvd - Zone Change	Project no.	
By		Date	3/20/2025
		Checked by	
		Sheet no.	

Pre-Application Neighborhood Meeting Attendance:

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>	<u>EMAIL</u>
T.J. Smith	2238 Ridgerview Dr	406 690 7847	1ouganm1@proton.me
Temple McLean	2901 Monard Rd	406 672 4570	info@ballwin.org
Joe Pickard	1380 Governors	406-248-6803	thehighwaycenter.org
Linda Pickard	1380 Governors	406-248-6803	lpick1380@aol.com

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ Project # _____

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

Proposed Zoning: NX1

PARCEL TAX ID# D05257 CITY ELECTION WARD District 2

Legal Description of Property: COS 1105 Tract 7, T01 N, R26 E, S21

Address or General Location (If unknown, contact City Engineering): 1440 Governors Boulevard

Size of Parcel (Area square feet or acres): 2.557 Ac

Present Land-Use: Unimproved Land

Proposed Land-Use: Single-family detached housing units

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

Owner(s) School District #2

(Record Owner)

415 N. 30th Street, Billings, MT 59101

(Address)

406-281-5066

(Phone Number)

garciavelasqueze@billingssschools.org

(email)

Agent(s): Stahly Engineering & Associates, Inc. - Dax Simek, PE

(Name)

2223 Montana Ave., Ste. 201, Billings, MT 59101

(Address)

406-601-4055

(Phone Number)

dsimek@seaeng.com

(Email)

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

Signature: _____ Date: 3/31/25

(Record Owner - Digital Signature Allowed)



Parcel 5C and TR 7 AMD, C.O.S 1105

Being located in Section 21, T01 N, R 26 E, Yellowstone County, Montana

Zone Change Questions

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

Growth Policy & Infill Policy: The proposed development meets the intent of the adopted Growth Policy by adding additional single-family housing at a density that will lower overall costs and provide housing options to a larger population. Furthermore, the project satisfies the City's Infill Policy by developing land within the city limits that has immediate access to existing public infrastructure.

Heights Neighborhood Plan: The proposed development meets the intent of the Heights Neighborhood Plan by providing a lower cost housing option along an existing, main transportation route, all while maintaining values of the adjacent residential units.

Zoning: The proposed project complies with the City's Zoning Code and is consistent with the surrounding land use.

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 proposed zoning of NX1 is a change from the current designation of P2. The proposed single-family residences, allowed in NX1, is consistent with the adjacent land uses to the north and south of the parcel. It is also consistent with the existing NX2 zoning of the State land to the west.

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

The proposed project will incorporate public and/or private hydrants, as required by the City, to meet fire protection requirements.

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

This development is consistent with surrounding land uses and will provide workforce housing – a significant need in the City.

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

The development is located along a Billings MET Transit bus route. There are existing water and sanitary sewer mains located in Governors Boulevard, so no extension of these public utilities is anticipated. Private water and sanitary sewer mains may be installed within the development to services the individual residences; however, this has yet to be determined.

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

The project will conform to current City codes and requirements to provide adequate light and air within the property.

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

The development will affect motorized transportation by adding additional trips on Governors Boulevard and the surrounding street network. If the project results in an ADT of 500 or more trips per day, a traffic impact study will be required.

Nonmotorized transportation will not be affected by this project.

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

This project will follow the City's Infill Policy by developing a parcel within the city boundaries that is readily served by public infrastructure. Furthermore, the development will be compatible with existing land use to the north (NX2) and south (N3).

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

As previously discussed, the proposed zoning matches existing land use. The housing product will be at a density greater than the residential lots to the south but will allow for lower cost housing options.

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

The proposed zoning fits well with the surrounding area and it is not anticipated that the zone change would negatively impact the values of the surrounding area.

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

The development meets the City's Infill Policy by utilizing an undeveloped parcel within the City limits and has immediate access to existing public infrastructure. The project will add workforce housing, a significant need to many City residents, and will add to the City's tax base.

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

The development fits in well with the existing land use in the area by adding more single-family residential houses and will also benefit residents by offering lower cost options.