

City of Billings Zoning Commission
 Tuesday, May 6, 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	1							
Greg McCall	Vice Chair	1	1	A	1	A							
David Goss	Commissioner	1	1	1	1	1							
Beau Mulvaney	Commissioner	1	1	1	A	1							
Andy Megorden	Commissioner	1	1	A	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	1	1								6
Special Review	-	1			1								2

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

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

Participants: Taylor Kasperick, Performance Engineering, Cindy Osland, Tracey Rheume, Patricia Huntley, John Dunlap.

Public Comment

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

Approval of Minutes: April 1, 2025

Commissioner Goss made a Motion, seconded by Commissioner Megorden to approve the meeting minutes of April 1, 2025. The motion passed unanimously.

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: Commissioners Goss conducted site visits for ZC 1065 and SR 999. Chairman Brooks conducted a site visit for SR 999.

Regular Business:

- a. 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

Tate Johnson presented an overview of the special review request under the updated special review criteria. The proposal involves a laundromat with drive-through service in a CMU1 zone, located adjacent to a residential district.

Ms. Johnson stated that staff recommends approval of the request, contingent on the proposed findings and conditions. There are four findings supporting the recommendation, and eight conditions have been proposed to ensure the protection of public health and safety.

Questions

Chairman Brooks stated a building permit for business hours of 5a-10p seems responsible, no reason staff will restrict that.

Applicant:

Taylor Kasperick, Performance Engineering stated that the drive-through circulation is planned to move in a counterclockwise direction, with space to queue up to nine vehicles. A Traffic Impact Study (TIS) will be submitted, which will include analysis of vehicle exit patterns—currently proposed as a right turn onto State Avenue, subject to confirmation through the TIS.

Mr. Kasperick also noted that the project is currently under construction, permitted under the CMU1 zoning. The addition of a restaurant with drive-through service is what necessitates the special review before the board.

Board Discussion

A question was raised about the potential for traffic to exit onto Van Buren. It was clarified that a street separates the site from that area. It was noted that the conditions outlined in the review are specifically related to the drive-through component. Staff confirmed this.

Concerns were expressed about the limited queueing space and whether this issue is being addressed in the Traffic Impact Study (TIS). Staff responded that the Engineering and Public Works departments are responsible for reviewing the TIS. The applicant added that a third-party consultant is being engaged to prepare the TIS. One potential solution under consideration is to loop vehicles around the building, which would accommodate 12–15 vehicles and help prevent traffic from backing up into the roadway.

Clarification was requested regarding the location of the pickup window and the point-of-sale area. The applicant explained that the pickup window will be located on the north side of the building, with the ordering point on the south side to allow for advanced ordering. It was also noted that dumpsters will be placed at the southwest corner of the property.

Public Hearing

Chairman Brooks opened the Public Hearing. There were no members of the public for SR 999. The Public Hearing was closed.

Motion

Commissioner Megorden made a motion, seconded by Commissioner Mulvaney to forward a recommendation to City Council for approval of Special Review 999 with the Staff recommended Review Criteria. The motion passed unanimously.

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 May 27, 2025 meeting.

- b. City Zone Change 1065 – 1440 Governors Blvd – from P2 to NX1** – A zone change request from Public 2 (P2) to Mixed Residential 1 (NX1), on C.O.S. 1105, Parcel 5C & TR 7 AMD, a 2,500 acre parcel of land. A preapplication neighborhood meeting was held on March 20, 2025 at 5:30pm at Castle Roack Middle School. Tax ID: D05257

Planning staff provided an overview of the current zoning designation, explaining that the existing P2 zoning district is primarily intended to accommodate institutional uses such as churches and schools. The request involves a proposed zone change for a parcel of land measuring just under three acres.

Staff is recommending approval of the proposed zone change, stating that it meets the required evaluation standards. Specifically, the proposal satisfies the four primary criteria for zone changes, including demonstrating compatibility with the surrounding neighborhood and land uses.

In total, the application has been reviewed against ten zone change criteria, and staff has determined that all necessary conditions have been adequately addressed to support approval.

Questions

A question was raised regarding whether a similar zoning change had been approved in recent years. Staff responded that no comparable action has been taken since 2021.

There was also an inquiry about the size and configuration of the lot, specifically whether a driveway would be included. Staff explained that such details will be addressed during the master site plan review process, which will evaluate access, circulation, and related site development considerations.

Applicant:

Dax Simek, the plan is not to have access off the street, exit off the left side of the lot. There is a need for affordable housing, worked with SD2 for usable land to create workforce housing.

Board Discussion

A question was raised about the ownership of the property, with clarification that it is being sold to a developer.

The developer explained that the project is being implemented under 2023 legislation as part of a pilot program focused on providing housing for workforce residents. The homes will be individually owned and are designed to ensure that housing costs do not exceed 30% of the resident's gross income. Planned units include three bedrooms, two bathrooms, and a two-car garage, with garage access via rear alleys.

The total funding allocated for the project by Yellowstone County is estimated to be between \$8.4 million and \$9.1 million. The project envisions the construction of approximately 220 to 240 single-family townhome-style units. The sequence of land transfer will proceed from School District 2 to the Billings Housing Authority.

When asked about land ownership, the developer explained that individual homeowners will own their units through a condominium conveyance structure, with front yards maintained as part of a common area.

Further clarification was requested regarding the term "workforce" residents. The developer stated that state funding will help structure the financing mechanisms, including affordable loans for eligible buyers. It was also noted that Homefront will assist with underwriting, and the Community Organization for Reinvestment (COR) is involved in supporting the initiative.

In response to a question about taxes, it was confirmed that the homes will be individually owned and there will be no special tax districts or abatements. Property taxes will be paid in the usual manner, with the intent being to maintain affordability without requiring tax incentives.

Public Comment:

Cindy Oslund 1435 Benjamin Blvd; Ms. Oslund expressed concern regarding existing traffic issues in the Castle Rock area, particularly related to access and congestion. While there was no opposition to the proposed development, Ms. Oslund emphasized that the area is already experiencing traffic challenges, and there is interest in seeing a traffic light installed to improve safety and flow. It was also noted that the intersection near Castle Rock has lacked a crossing guard for several years, raising additional concerns about pedestrian safety, especially for students and other residents navigating the area.

Patricia Hunter 991 Calico Ave; Ms. Hunter expressed concern about existing congestion in the area, with the observation that adding additional traffic, particularly in an area with limited or no outlet options, could worsen the situation. Ms. Hunter also voiced reservations about the proposed housing type, perceiving it as low-income housing, and indicated a lack of support for that aspect of the project.

Tracy Rheume 1001 Calico Ave; Ms. Rheume expressed concern that the proposed development could lead to increased traffic through the surrounding neighborhood. Ms. Rheume questioned how the change might impact property taxes in the area. Additionally, there was concern about the introduction of low-income housing and its potential effects on the neighborhood.

Questions

A question was raised about the notification process for zone changes. Staff explained that property owners within a 600-foot radius of the subject parcel are notified. Properties located outside of that radius do not receive notification.

Clarification was made regarding the nature of the proposed housing, emphasizing that it is not low-income housing, but rather a state-supported program that helps reduce the cost of homeownership through mortgage assistance, allowing residents to own higher-quality homes at more affordable monthly payments. The affordability is achieved not through reduced construction quality, but by buying down the mortgage cost.

It was noted that prospective homeowners must go through an application process to qualify. Additionally, if a homeowner decides to sell their unit, the new buyer must also meet the eligibility criteria. The program includes an appreciation cap and gives the housing association the right of first refusal to repurchase the home and maintain its affordability for the next qualifying homeowner.

Motion

Commissioner Megorden made a motion, seconded by Commissioner Goss to forward a recommendation to City Council for approval of Zone Change 1065 with the Staff recommended Review Criteria. The motion passed unanimously.

Board Discussion

Support was expressed for the proposed housing project, noting its value for workforce populations such as teachers, and its alignment with the broader goal of increasing access to attainable housing. It was also stated that the project represents a good use of the land and appears to be a positive infill development that fits well within the context of the surrounding zoning and land use patterns.

A question was raised regarding the Traffic Impact Study (TIS), and staff confirmed that the project will still be subject to a TIS review. If the applicant chooses to submit the project as a single lot under a condominium structure, it will still require a comprehensive analysis, with any required infrastructure improvements addressed through the subdivision process.

It was further clarified that the site will be platted with public infrastructure, and that the layout will need to incorporate alleys to serve the units. Engineering staff will determine the final requirements as part of the subdivision review.

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 May 27, 2025 meeting.

Other Business: There was no Other Business

Adjournment: The meeting adjourned at 5:26 PM

Brenda J Berns, Planning Clerk