

City of Billings Zoning Commission
 Tuesday, September 2, 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	A	-	1	1			
Greg McCall	Vice Chairman	1	1	A	1	A	1	-	1	1			
David Goss	Commissioner	1	1	1	1	1	1	-	1	1			
Beau Mulvaney	Commissioner	1	1	1	A	1	A	-	1	1			
Andy Megorden	Commissioner	1	1	A	1	1	1	-	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	1	-	1	2				10
Special Review	-	1			1	1	-						3

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

Attending Staff: Karen Husman, Zoning Coordinator; Tate Johnson, Neighborhood Planner; Hunter Kelly, Planner; Brenda Berns, Planning Clerk

Participants: George Warmer; Brian Harvey; Phillip Hopkin; Wanda & Steven Lindvig; D.J. Clark, Sanbell; Ken Braun; Janice Ward

Public Comment

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

Approval of Minutes: August 5, 2025

Motion by Commissioner McCall, seconded by Commissioner Megorden to approve the meeting minutes of August 5, 2025. The motion passed unanimously.

Disclosure of Ex-Parte Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall		X		
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

Commissioner Goss stated for the record he has a relative that lives in the vicinity of ZC 1070.

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: Commission members Goss and Brooks visited the sites for Zone Change 1070 and Special Review 1001.

Chairman Brooks read the meeting rules and procedures.

Chairman Brooks opened the public hearing.

- a. **City Zone Change 1070** - A zone change request from Agricultural (A) to Planned Neighborhood Development -Mixed Use (PND-MU) with First Neighborhood Residential (N1), Mixed Residential 1 (NX1), Corridor Mixed Use 1 (CMU1) and Parks and open space (P1), on SUNNY COVE FRUIT FARMS, Lot 66A1 & 67A1, a 54.109 acre parcel of land. Included in this request is a variance from Section 27-802.B.1(b) the PND required separation from the CMU1 adjacent to Ag by a public street or alley. A pre-application neighborhood meeting was held on July 22, 2025, at 6:00pm, at 5554 Grand Ave. Tax ID: D04669, D04670

Hunter Kelly gave an overview of the requested Planned Neighborhood Development Zone Change. To annex into the City, they are required to have Mixed Use (PND-MU) with First neighborhood Residential (N1), Mixed Residential 1 (NX1), Corridor Mixed Use 1 (CMU1) and Parks and open space (P1).

Zoning Plan; Proposed Mix uses –

Zoning Plan
Proposed Mix =
CMU1 = 12.12 acres
N1 = 27.02 acres
NX1 = 12.05 acres
P1 = 2.33 acres
Gross acres = 53.52

Recommendation

Planning staff recommends approval of the zone change to First Neighborhood Residential (N1), Mixed Residential 1 (NX1), Corridor Mixed Use 1 (CMU1) and Parks and open space (P1).

- Zoning meets the Growth Policy
 - *Strong Neighborhoods*
 - *Prosperity & Essential Investments*
- Adjacent uses and zoning compatible with proposed zoning plan
- Meets the PND zone district standards for zoning district assembly, and compatibility with existing zoning
- Lots to the west may become next phase of infill and PND – connecting to existing city limits

Questions

There was a question about the percentage of designated parkland within the different zoning areas. The current figure appears to be around 4%. It was noted that this does not apply to Planned Neighborhood Developments (PNDs), which are governed by a different set of zoning standards. In standard subdivisions, a percentage of the lots being divided may be required for parkland, but PNDs follow a separate approach.

There was also discussion about access and connectivity to the development area. It was observed that potential connections exist to the north, including Colton and another street.

The timeline for developing these connections will be determined at the time of subdivision.

Currently, the area to the south- designed for corridor mixed use- is intended to proceed to subdivision and will go before the city council. At this stage, the only road being planned is one that will extend from Grand Avenue to Colton, with no finalized street layout yet in place. Final road layouts and improvements will be addressed during the future subdivision process, and any roads developed would be completed as part of a full build-out at that time.

Questions were raised about potential connections to a nearby creek. While a connection is possible, it would be evaluated during future subdivision planning, and no such tie-in is currently shown on the zoning plan.

There was also clarification regarding Hawk Creek, which currently dead-ends. It was asked whether there was ever an intention for it to be extended through the area in question. Based on current information, there is no requirement for this development to extend that roadway, and it has not been platted for extension. Therefore, Hawk Creek will not connect to the proposed project.

Applicant's Agent; John Halverson; Mr. Halverson stated that they are working on an agreement to complete Hawk Creek. He explained the current transportation development over the next five years and this is one of the projects. Mr. Halverson covered existing land use and various zoning classifications.

Questions

There was a question raised about the timing and interpretation of the transition between two zoning classifications, and whether the applicant has considered when the next planning step will take place. The response clarified that the current approach is to establish a flexible framework on the map, allowing for adaptability as the project progresses.

It was noted that Planned Neighborhood Developments (PNDs) require a street layout to be shown during the planning stage. Regarding parkland requirements, the proposal is expected to meet the PND standards—likely through cash-in-lieu contributions—rather than through dedicated park space.

The conversation also included questions about the residential unit count. An estimated total of approximately 200 lots is anticipated for the residential portion of the development.

There was further discussion about the possibility of fourplex-style units, comparable to other nearby developments. It was confirmed that this type of housing is potential, and any such structures would adhere to the maximum allowed building height under the applicable zoning regulations.

Public Comment

Phillip Hopkin 1213 Daylight Ln; Mr. Hopkin expressed concerns about increased traffic resulting from the proposed development, particularly with the addition of approximately 200 residential units. While there was no objection to a storage facility, it was noted that the residential component would significantly impact traffic flow in and out of the subdivision. Reference was made to data from the city's website, which showed approximately 6,300 vehicle trips, not including traffic generated by Ben Steele Middle School. The speaker recommended completing the extension of Colton Boulevard to provide additional access points, improving circulation and reducing congestion.

Wanda Lindvig 5519 Clear Sky Dr.; Ms. Lindvig stated her concerns about children crossing the street to get to school, noting that it is very dangerous.

Steven Lindvig 5519 Clear Sky Dr.; Mr. Lindvig expressed concerns regarding a potential storage building, noting it would be acceptable if the "tower" isn't present. He asked what control we have over the situation.

Janice Ward 5416 Grand Ave; Ms. Ward addressed traffic on Grand Avenue, noting it is a concern. She mentioned a recent meeting at the church and suggested that additional vehicles should not be added until the traffic situation is addressed. She also expressed concern about vehicle speeds and requested that the speed limit be reduced.

D.J. Clark, Sanbell; Mr. Clark stated that funding was in place for the prior fiscal year, but there is a gap in the CIP for right-of-way acquisitions; various segments are still in the county. Construction is expected to begin in summer 2027. On behalf of the developer, he noted that the project will be completed in multiple phases, so progress may not be immediately visible. It will be several months before the design phase will be implemented, and subsequently many more months for the commercial project to begin construction.

Discussion

The schedule for improvements on Grand Avenue was discussed. Public Works will be consulted regarding the timing and details. Concerns were raised about the proposed location of the storage facility, which were acknowledged by staff.

A traffic impact study will be conducted as part of the subdivision process to determine appropriate access points. Developers will be responsible for contributing to the construction of the intersections.

Chairman Brooks closed the Public Hearing.

Motion

Motion made by Commissioner McCall, seconded by Commissioner Megorden to recommend approval of Zone Change 1070 with the Review Criteria and staff recommendations. Motion passes unanimously.

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

Discussion

Concerns were raised about traffic in the area, particularly in connection with ongoing development. The board acknowledged existing issues but noted that delays in implementing necessary improvements may contribute to the problem. The current proposal could provide four or five access points, which may help reduce congestion. There was agreement that continued pressure on the city is needed to advance long-standing infrastructure plans, some of which have been under discussion for over 20 years.

The conversation also addressed the potential benefits of higher-density development. It was noted that increasing residential density can help fund infrastructure improvements by expanding the tax base.

From a community services perspective, a participant highlighted school-related traffic challenges, especially around Ben Steele Middle School. While traffic concerns remain, the need for additional housing was emphasized, including a mix of residential types beyond duplexes to meet current demand.

Zone Change 1070 will be heard at City Council on September 22, 2025.

- b. **City Special Review 1001** – 1108 & 110 S 28th St. – To allow surface parking as primary use – A special review request to allow Energy Labs located at 1120 S 27th St. to utilize a vacant parcel for surface parking on .48-acre parcel of land, on Billings Second Addition, Block 250, Lots 5-10. Tax ID A01896 & A01895

Tate Johnson provided a detailed overview regarding the purpose of the special review, which is to allow for additional parking on the subject property. She explained that there is currently a residential building on the property that will be removed as part of the proposed plan.

Ms. Johnson presented information on the surrounding properties, including the types of uses currently being carried out, to give context for the review. She also walked through the Special Review Criteria, discussing how the proposed changes align with each criterion and addressing potential impacts on the surrounding area.

Recommendation

The Planning staff recommends approval, based on the proposed findings and recommended conditions of approval (BMCC 27-1623.D)

- Consistency with Growth Policy and Infill Development Policy
 - Essential Investments
 - Strong Neighborhoods
 - Prosperity
- Well-planned site on an infill lot
- Compatible with surrounding commercial and residential uses
- Impacts minimized through landscaping buffers, fencing, and shielded lighting
- Provides 40 off-street stalls to reduce congestion and on-street parking

Discussion

During the discussion, it was noted that during the pre-application phase, the applicant had indicated a sidewalk would be installed to support pedestrian access for staff working at Energy Labs. A question was raised regarding the layout, with a business on one side and parking on the other, and whether there were plans for pedestrian protection in that area. It was clarified that coordination with the Engineering Division is underway to address those concerns, and that such details will be finalized and implemented during the construction phase.

Applicant's agent: Trevor Anderson; Mr. Anderson stated that they are working to create a direct traffic flow across the site but are uncertain of the total number of employees at this time. He noted that any increase in traffic will be incremental and that the plan includes up to 40 parking spots to accommodate growth.

Public Comment

Ken Brown, Energy Labs; Mr. Brown stated that the intent of the project is to construct an addition on the northeast corner of the property. He acknowledged existing parking challenges, including occasional use of neighboring street parking and the church's lot. He emphasized the need for the proposed parking lot, noting that the facility has been overcrowded for years, and current parking arrangements are insufficient. He also clarified that there are four light fixtures included in the plan.

Chairman Brooks closed the Public Hearing.

Motion

Motion made by Commissioner Mulvaney, seconded by Commissioner Megorden to recommend approval of Special Review 1001 with the Review Criteria and staff recommendations. Motion passes unanimously.

Discussion

The board discussed aspects of the proposed development, with one member expressing appreciation for the inclusion of lighting, noting it as a positive feature. Another member commented that the proposal reflects appropriate use of the land, aligning with the intended purpose and surrounding area.

Special Review 1001 will be heard at City Council on September 22, 2025.

Other Business:**a. Upcoming Text Amendments – Postponed**

Ms. Husman informed the Commission of an upcoming text amendment to clarify the definitions of primary and secondary uses.

Adjournment: The meeting adjourned at 5:48 PM

Brenda J Berns, Planning Clerk