



NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to the Board via email before 12:00 PM on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
- Email: bernsb@billingsmt.gov
- NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing.
Please direct questions to Brenda Berns, Planning Clerk @ bernsb@billingsmt.gov or 406-247-8610

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

Meeting Minutes of September 2, 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 Zone Change 1071 -- 4524 Central Ave.** -- From NX1, NX2 & N2 to N3 - A zone change request from Mixed Residential 1 & 2 (NX1 & NX2) and Mid-Century Neighborhood (N2) to Suburban Neighborhood Residential (N3) on the south 1.775 acres of Lot 2 & all of lot 3, CLEARWATER ESTATES SUB a 9.676 acre parcel of land. A pre-application neighborhood meeting was held on July 30, 2025 at 6pm, at Grace Montessori School. Tax ID: A38278 & A38279
- b. **City Zone Change 1072 - 4524 Central Ave** - CMU1, NMU, NX1, NX2 & P1 to CMU1, NX1, NX2 & P2 - A zone change request from Corridor Mixed Use 1 (CMU1), Neighborhood Mixed Use (NMU), Mixed Residential 1 & 2 (NX1 & NX2) and Open Space Parks Recreation (P-1) to , Corridor Mixed Use 1 (CMU1), Mixed Residential 1 & 2 (NX1 & NX2) & Public-Civic, Institutional (P-2) on approximately 3 acres of Lot 1, all of lot 4 and approximately 14 acres of lot 5, of CLEARWATER ESTATES SUB, an 24.668 acre parcel of land. A pre-application neighborhood meeting was held on August 26, 2025, at 6pm at Grace Montessori School. Tax ID: A38280, A38281, & A38277

- c. **City Special Review 1002 - 5545 Holiday Ave - Bar and Casino** -- A special review request to allow an all beverage liquor license with gaming on BLOCK 1, Lot 1 in HOLIDAY BUSINESS PARK SUB, a 35,152 square foot parcel of land, in a Corridor Mixed Use 2 (CMU2) zone. The purpose of the request is to establish a new bar with casino on the land.

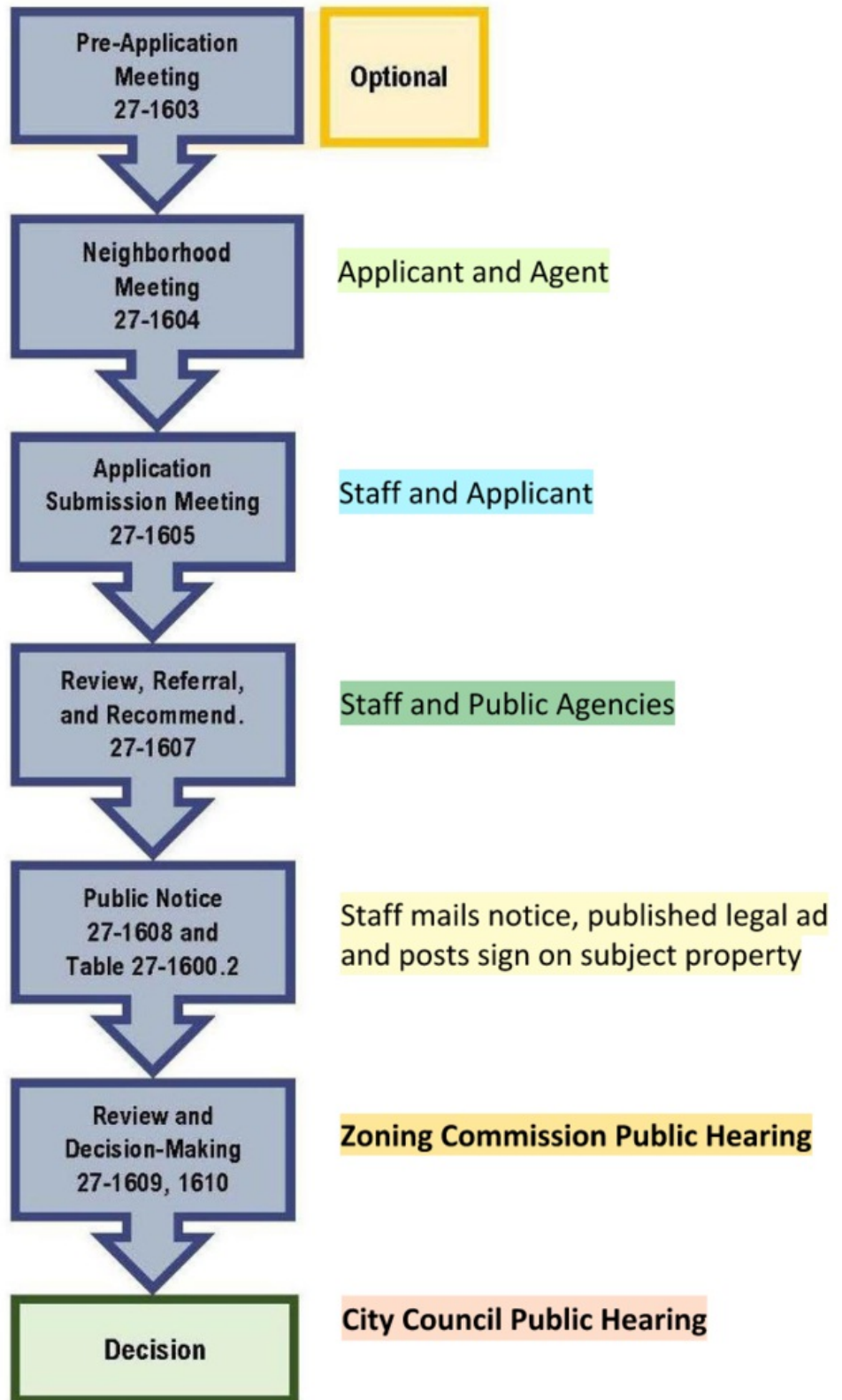
Other Business/Announcements

Adjournment

The City Council has designated October 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 (Zone Changes Only) will occur on November 24, 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: 10/07/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of September 2, 2025

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of September 2, 2025

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

Zoning Commission

Date: 10/07/2025
Title: City Zone Change 1071- Clearwater Estates Subdivision, Lots 2 & 3
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1071.

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

This application is a request to amend the zoning layout established under Planned Neighborhood Development (PND) Zone Change 1045, which was approved and annexed in April 2024. The subject property is located south of Central Avenue and west of the Twin Pines and Legends West urban neighborhoods. The request applies to the south 1.775 acres of Lot 2 and all of Lot 3, Clearwater Estates Subdivision, comprising 9.676 acres, representing the westerly portion of the original PND. The applicant proposes a zone change from Mixed Residential 1 & 2 (NX1 & NX2) and Mid-Century Neighborhood (N2) to Suburban Neighborhood Residential (N3).

The original zoning plan included a grid street layout designed to accommodate a variety of housing types and neighborhood services. Permitted uses included single-family dwellings, two-family units, multi-family buildings ranging from three to eight units, and mixed-use developments providing neighborhood-scale services. The plan met the requirements of Section 27-800 for Planned Neighborhood Development applications, including block design, district mix, open space allocations, and district placement standards. The proposed modification to the zoning layout continues to uphold the intent and objectives of the approved PND.

This portion of Billings has experienced significant growth and development over the past decade, including several Planned Development zones with customized mixed-use and residential patterns, along with medical facilities. Housing demand continues to exceed supply across all types. Local planning and growth policy documents, dating back more than twenty years, identified the need for diverse housing options, particularly independent living units for aging residents, townhomes, and apartments.

Census data underscores these needs. The 2010 Census recorded a decline in household size to 2.3 persons, while the 2020 Census reported a modest increase to 2.8 persons, with 17.5% of the city's population aged 65 or older. These demographic shifts, combined with rising housing costs, have increased demand for apartments, townhomes, and smaller multi-family products. Developers have responded with significant multi-family projects in the Lenhardt Square area, including the InterUrban, Interpointe, and KWO Apartments, along with new projects underway. Additional multi-family developments near King Avenue West and Shiloh Road have further expanded the housing supply, yet demand remains strong, particularly for housing in proximity to schools, shopping, and recreation.

Urban development at the city's edge presents challenges, particularly the need to ensure appropriate transitions between county and city development. These transitions do not imply uniformity between jurisdictions but require thoughtful buffering, connectivity, and coordinated planning.

The proposed zone change is consistent with the goals and policies of the 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan. Both documents emphasize the importance of compatible land use, diverse housing choices, and a range of development densities. The Growth Policy specifically supports housing diversity, walkable neighborhoods, improved connectivity, and the creation of public spaces that strengthen community fabric. The proposed amendment to the zoning layout aligns with these objectives.

APPLICATION DATA

OWNERS: Brown Development, LLC
AGENT: Craig Dalton, PE, Performance Engineering
PURPOSE: Change zoning layout from NX1 & 2 & N2 to N3
LEGAL DESCRIPTION: Clearwater Estates Sub, Lots 2 & 3
ADDRESS: south of 4524 Central Ave.
EXISTING LAND USE: Undeveloped
PROPOSED LAND USE: Residential Single family and multi family
EXISTING ZONING: NX1 & 2, & N2

SIZE OF PARCEL: 9.676 acres

SURROUNDING ZONING & LAND USE

NORTH: CMU1

Land Use: Undeveloped

SOUTH: AG

Land Use: Residential & Agriculture

EAST: NX1

Land Use: Undeveloped (Current subdivision pending "44 West Sub.")

WEST: N2

Land Use: Undeveloped

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on July 30, 2025, at 6:00 p.m. at Grace Montessori School, 4809 Grand Avenue. Five members of the public attended.

The meeting opened with Craig Dalton providing an overview of the property. He explained the previous zone change that occurred approximately 18 months ago in conjunction with annexation and the Planned Neighborhood Development process. Mr. Dalton also discussed ongoing infrastructure construction to serve the Clearwater Estates Subdivision, 2nd Filing, which has received preliminary plat approval from the City Council.

The discussion was generally informal and focused on development along the Central Avenue corridor. One specific question raised by attendees concerned potential improvements or widening of Central Avenue. In response, the following information was shared:

- A Traffic Impact Study (TIS) was completed as part of the subdivision application. The study analyzed the Central Avenue corridor between 48th Street West and Shiloh Road, as well as major intersections within one mile of the development.
- The TIS concluded that turn lanes into the development will eventually be warranted. In addition, if the property north of Central Avenue develops, a traffic signal may be considered.
- Currently, the City does not have a Central Avenue improvement project in its Capital Improvement Plan (CIP). However, as arterial corridors continue to develop, their priority for future City-led roadway projects typically increases.
- Improvements to Central Avenue will only occur as part of a City project driven by City development activity. Historically, the County has not constructed major roadway improvements along corridors located at or near the City limits.

Planning staff did not receive any written comments or phone calls from surrounding property owners prior to preparation of this report and recommendation. City departments and reviewing agencies submitted no negative comments regarding the proposed zoning plan.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1071; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1071; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

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

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings

Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed zone change for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change will accommodate uses that are compatible in a mixed-use environment.

**The proposed zone change is in line with the adopted 2016 Growth Policy goals for:
Strong Neighborhoods:**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the property will allow higher density housing to be located on the west and south of the property and the dwellings adjacent to the agricultural uses to the west will be a lower density. The proposed zoning plan will have urban development adjacent to county agricultural land to the west and south. The property to the south may be an addition to the city in the near future if this development is successful.

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly is designed to secure the development from fire and other dangers.

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

Public health and public safety will be promoted by the proposed change. Approval of the zone change will provide certainty both for the property owner and the surrounding owners. Provision of public health and safety services from the city will promote the general welfare of the area.

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

Transportation: A Traffic Impact Study (TIS) was completed as part of the subdivision application. The study analyzed the Central Avenue corridor between 48th Street West and Shiloh Road, as well as major intersections within one mile of the development. The TIS concluded that turn lanes into the development will eventually be warranted. In addition, if the property north of Central Avenue develops, a traffic signal may be considered.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed changes.

Schools and Parks: Schools and parks may be affected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments. The developer has provided parkland to meet the minimum required by subdivision regulations (11% of net area).

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?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this development. The developers may have the option to purchase the 50 acres to the south. If this area is developed, a clear vehicle and pedestrian connection can be made to the urban neighborhoods of Lenhardt Square, the Vista West development and the St. Vincent's Healthcare subdivision, as well as a connection to Shiloh Road. Central Avenue is a principal arterial street. Most of the development west of Shiloh Road with access to Central Avenue is rural residential neighborhoods that are still actively used for agricultural purposes. The average daily traffic count just west of Shiloh road is less than 6,500 trips per day. The 2016 West End Multi-Modal Traffic Study (city/County) indicated long term projects for Central Avenue from Shiloh Road to 48th St West would include completion of a three-lane section (one lane each direction with a center turn lane) and a traffic control option (signal or roundabout) at 48th St W and Central Avenue. The existing conditions, according to the 2016 study, indicated a low level of service for traffic entering or leaving Central Avenue during peak hours between Shiloh Road and about 44th St West. The level of service is based on wait time for making safe left or right turns onto Central Avenue or off of Central Avenue. The south side of Central Avenue is on the list of arterial streets with a multi-use path on the south side of the right of way. There is no continuous city-controlled right of way on Central Avenue west of Shiloh. The developer will be required to contribute to the future construction of the multi-use path.

7) Will the new zoning promote compatible urban growth?

The proposed overall development density is compatible with urban growth and the provision of city-level services for new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Central Avenue and King Ave West is undergoing rapid urban development and growth. Demand for new housing choices, including townhomes and apartments, is increasing. Providing a wide range of housing types is suitable for this area.

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

The property is an undeveloped parcel. Approval of the zone change will provide certainty for surrounding landowners and may help to maintain property values of adjacent buildings.

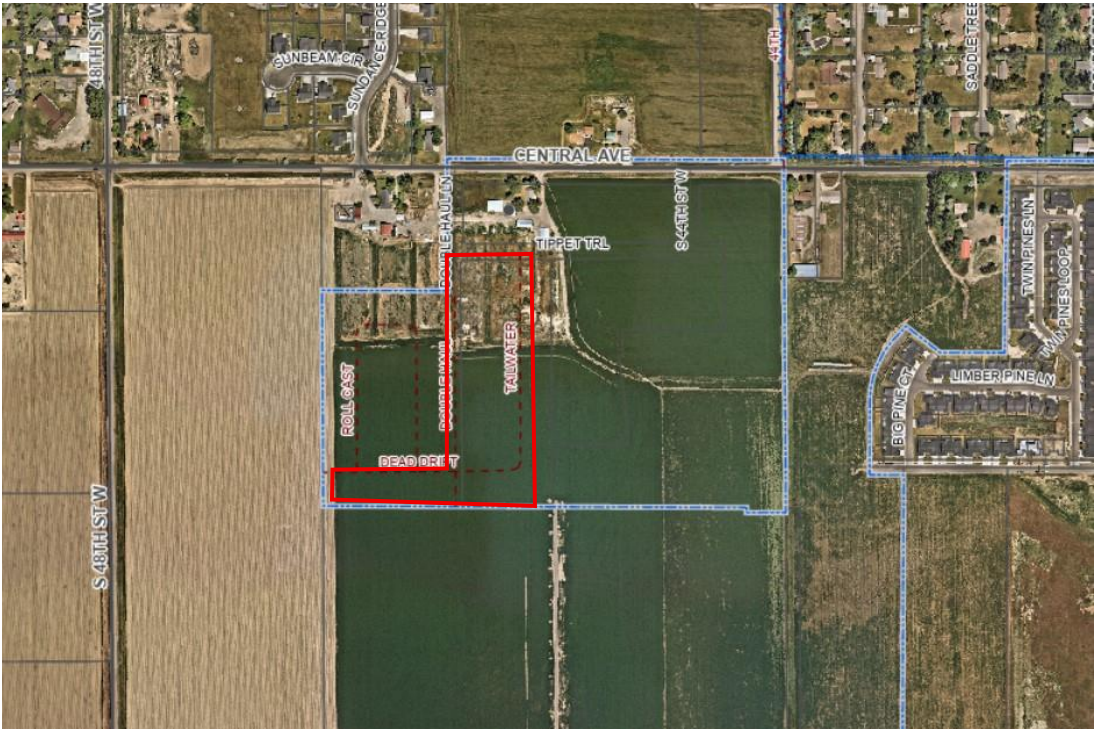
10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zone change modification to the previous PND zoning will encourage the most appropriate use of this land in Billings.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Meeting Info.
History

Zone Change 1071 Attachments



Zone Change 1071 Attachments



North

Zone Change 1071 Attachments



Southeast



West

Zone Change 1071 Attachments

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 NX1, NX2, and N2 – Mixed residential 1 & 2, and Mid-Century Neighborhood Residential

Proposed Zoning: N3 – Suburban Neighborhood Residential

TAX ID# A38279 & A38278 CITY ELECTION WARD 5

Legal Description of Property: Lots 2 & 3 of Clearwater Estates Subdivision, Located in Sec 10, T01S, R25E, Yellowstone County, P.M.M.

Address or General Location (If unknown, contact City Engineering): 4524 Central Ave.

Size of Parcel (Area & Dimensions): Total Area = 9.676 acres

Present Land-Use: Vacant Agricultural Land

Proposed Land-Use: Residential Housing

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

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

Owner(s): Brown Development, LLC

(Recorded Owner) 745 South 56th St. West, Billings, MT 59106

(Address) (406) 698 - 5970 tbrownbuilders@yahoo.com

(Phone Number) (email)

Agent(s): Performance Engineering, Craig Dalton, PE

(Name) 3412 Colton Blvd., Billings, MT 59102

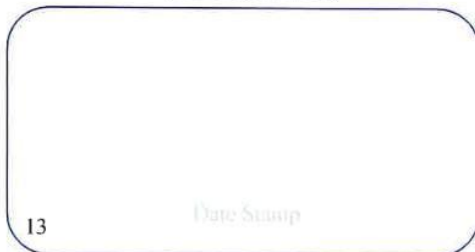
(Address) (406) 384 - 0080 craig@performance-ec.com

(Phone Number) (email)

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

Signature: [Handwritten Signature] (Recorded Owner)

Date: 8/19/25



Zone Change 1071 Attachments



3412 Colton Blvd. Suite 201 • Billings, MT 59102 • 406-384-0080

Zone Change Questions

Lots 2 & 3 of Clearwater Estates Subdivision, Yellowstone County, Montana. Having a total area of approximately 9.676 acres

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

Essential Investments - The proposed project is located along Central Avenue which is a critical corridor for growth of the City. The development and extension of municipal services, particularly public utilities, will open further development of a large swath of land between Monad and Broadwater from 48th Street to the east. The proposed development will assure that key parts of the Billings West End will be developed with appropriate density, connected to City services, and added to the City tax base. The proposed zoning brings another option of single-family housing to the overall development, providing several options in the for residents looking to relocate to the area.

Infill Development Policy – The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents. The mixture of residential housing with the small commercial designation along Central Avenue will improve neighborhood walkability and reduce commuter traffic into the City for basic services.

Diversified & Affordable Housing – This zone change will provide a mix of housing options. By offering a mix of housing alternatives, residents will be afforded the opportunity to upgrade within in the same neighborhood, creating a more resilient community. The development will also be an affordable option for the City due to the low cost of service created by the proposed mix of density in this proposal. The proposed zoning will bring residential density to an area that currently has little diversity in housing, filling in the “missing middle” housing gap that currently exists in this West End area.

- 2. Explain how the proposed project meets the 10 zone change criteria.**

- a. Is the new zoning designed in accordance with the growth policy?**

The new zoning adheres to the City of Billings growth policy through its expansion of mixed community uses with residential diversity incorporated into the development. The project incorporates multi-modal components with access to trails and parks included to give residents options.

Zone Change 1071 Attachments

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

There will be fire hydrants located an adequate distance throughout the interior of the development with a maximum spacing of 500-ft, meeting all City of Billings Fire Codes. Additionally, the project will bring fire services with hydrants to an area of the West End that only operated on dry hydrants within the BUFSA or had not close fire suppression availability at all. Construction of the site will comply with building regulations and zoning code to allow for appropriate separation of buildings and proper lighting for public safety and security. The site is also located outside of any floodplain.

c. Will the new zoning promote public health, public safety, and general welfare?

The proposed zone change will diversify the surrounding neighborhood and create opportunities for housing in what is now considered the “missing middle” within the Billings West End. Buildout of this vacant land will bring more public eyes to the area to help keep watch on public safety. This zone change also requires landscaped or natural open areas to be incorporated within the development which will improve the general well-being of the neighborhood and encourage residents to use services within walking distance to their residence in the neighborhood.

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

The change in zone will tie into existing services already constructed within the subdivision. The development is not necessarily close to MET transportation however the proximity to future commercial with the intent of providing neighborhood services is an attempt to minimize the need for residence to travel outside their neighborhood, straining our transportation network. Over time the development will connect to pedestrian systems, such as the multi-use path along Monad, that will tie back to Shiloh and the multi-use trail running along that corridor.

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

The proposed zone change will have some impact on light and air as the property will move from agricultural use to residential, however, the open space, and subsequently park dedication, requirements will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

f. Will the new zoning affect motorized and nonmotorized transportation?

As this property is in the process of converting from agricultural lands to residential development, additional residents will move to the area creating an impact on the motorized transportation in the area. However, this proposal is a down zoning from the previous PND approval and will reduce traffic loads on the overall surrounding area. The proposed zoning has been studied as part of the Traffic Impact Study (TIS) associated with the subdivision (Clearwater Estates Sub, 2nd Filing). The developer, as part of the overall development, will contribute to intersection impacts in the areas identified by City Public Works to mitigate any negative impact coming from the overall development.

Zone Change 1071 Attachments

g. Will the new zoning promote compatible urban growth?

The proposed zoning will promote compatible urban growth as it is nestled between low density residential on the west and north sides and medium to higher density residential coming (planned, presented and approved by Council) to the east and south of the project area. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. The proposed zone change provides the desired step-back in density placing commercial along the arterial corridor (Central Ave.) and stepping back to mix density residential to the south. The proposed mix in commercial and residential, with varying residential densities, is what both City Council and urban growth policies ask for in new neighborhood development. The proposed plan will introduce new housing variety and density to this area of the Billings West End while creating neighborhoods in a walkable manner with commercial designations to service the surrounding areas.

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

The area of the proposed development is currently surrounded by active agricultural production land with county subdivisions to the northeast and northwest across Central Avenue. Southeast of the proposed development, the City has already approved annexation and zoning for a similar mixed-use development north of Monad. The compatibility will be seamless between the development of the Vista property and what is proposed in this application. As presented, the proposal achieves the directives from City of Billings planning documents in that low to medium density residential is layered through the property. The proposed zoning steps back density with the highest commercial uses along the arterial corridor (Central Ave.) and mixed density residential as the development moves south towards Monad. Because of the surrounding adjacent agricultural uses, the proposed development is buffered in large part from any surrounding developments and will be setting the stage for future development of the City in this area. The proposed residential zoning (N3) allows for a variety of housing options, aligning with the character of the existing County community.

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

It should be noted that the proposed development is only directly adjacent to active agricultural land with County subdivisions to the northwest and northeast across Central Avenue. The proposed zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them.

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

By providing a small single-family options (<8,000 SF lots) in the development the project adheres to the City of Billings initiative to lower cost of service to the City, making the development the most appropriate use of the land. The proposed development adequately steps back density from the arterial corridor (Central Ave.) while providing a diversity in housing options and mixed residential neighborhoods within the Billings West End. Services in the area can support expanded growth without straining City infrastructure or EMS services.

Zone Change 1071 Attachments

3. Does the new zoning fit with the existing or planned developments within the area?

The new zoning will fit seamlessly into the area as the surrounding land is still agricultural in nature. This proposal provides the “missing middle” medium density housing between the larger single-family County properties and the high-density apartments of the existing Farmstead apartments and the recently approved Vista development. The proposed development will provide neighborhood diversity in both housing options and services. The site will help provide housing density and diversity to start serving the “missing middle” of our City with medium density residential development supported by many amenities and necessities for the current and future residents in the area. Lastly, the development stepped back density from Central Ave. with appropriate distances to minimize impacts and the feel of higher density being within the core of subdivision.

Zone Change 1071 Attachments

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 zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Combination of NX1, NX2, and N2 _____
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Zone Change from combination of NX1, NX2, and N2 to N3 on 9.676 acres _____
3. **Subject Property Map:** please attach to this form.
4. **Legal Description of Property:**
Lots 2 & 3 of Clearwater Estates Subdivision Located in Sec 10, T01S, R25E,
Yellowstone County, P.M.M _____
5. **Neighborhood Task Force Area:** Yes /// No. If Yes, Name of Task Force and mailing
address of Chairperson:
West End Task Force, Steve Zeier _____
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 30th day of July, 2025.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Brown Development, LLC Telephone: (406) 698 - 5970
Address: 745 South 56th St. West Email: tbrownbuilders@yahoo.com
Billings, MT 59106

Agent (s): Performance Engineering, Craig Dalton Telephone: (406) 384 - 0080
Address: 3412 Colton Blvd. Suite 201 Email: craig@performance-ec.com
Billings, MT 59102

Zone Change 1071 Attachments



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

July 16th, 2025

Dear Interested Neighbor,

On behalf of Brown Development, LLC, Billings, MT, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **July 30th, 2025** at Grace Montessori Academy, 4809 Grand Ave., Billings, MT 59106. Interested parties can attend the meeting held in the Cafeteria, using the entrance on the west end of the building, from **6-7 PM**.

The meeting is being held to discuss a proposed zone change regarding property in the Clearwater Estates Subdivision located south of Central Ave. between Sun Dance Ridge Road and 44th Street West. The owner is requesting the properties shown in the attached exhibits, and described below, be re-zoned to accommodate future development:

Lot 3 and portions of Lot 2 in the Clearwater Estates Subdivision located in Billings, Montana. The total proposed area being approximately 9.68 acres.

The intent of the meeting is to make neighboring property owners aware of the proposed zone change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing and proposed zoning with map exhibits accompanying this letter.

Existing Zoning	
Zoning Description	Allowable Density
NX1 – Mixed Residential 1	4 dwelling units/building
NX2 – Mixed Residential 2	8 dwelling units/building
N2 – Neighborhood Residential 2	2 dwelling units/building

Proposed Zoning	
Zoning Description	Allowable Density
N3 – Suburban Neighborhood	1 dwelling unit/building

Representatives for Performance Engineering, LLC will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 3412 Colton Boulevard, Suite 202, Billings, MT 59102, attention Craig Dalton, or emails may be sent to craig@performance-ec.com. We look forward to discussing the proposed zone change with you and hope to see you on **July 30th, 2025 at Grace Montessori Academy**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Dalton'.

Craig Dalton, PE

Zone Change 1071 Attachments



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Lots 2 and 3 of Clearwater Estates Subdivision Section 10, T01S, R25E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on July 30th, 2025 at the Grace Montessori School. The meeting was hosted by Craig Dalton of Performance Engineering (agent) and Todd Brown (developer).

There were 5 public participants for the meeting.

The meeting began with Craig Dalton giving an overview of the property. He discussed who the previous zone change that had occurred on the property about 18 months ago as part of the annexation and planned neighborhood process. Craig covered how infrastructure is currently being constructed in the development to provide services the Clearwater Estates Subdivision, 2nd Filing which has received preliminary plat approval from the City Council.

Craig described how the zoning process works and gave out the expected timelines for application submittal and public hearings (anticipated in October). He said that anyone who received a neighborhood meeting notice would also receive a public hearing notice from the city confirming the meeting dates.

Following Craig's overview, the floor was opened for participants to ask questions. In general, the meeting was an open conversation about the overall area along the Central corridor. One specific question asked is provided below.

- **Are there any updates on when Central Avenue might be improved/widened?**

A Traffic Impact Study (TIS) has been completed as part the subdivision application. The TIS will studied Central Avenue corridor between 48th and Shiloh, in addition to some of the other major intersections within 1-mile of the development. The TIS found that turn lanes into this development will eventually be warranted and if the property north of Central Avenue develops, there is a chance a signal may come into play.

The City doesn't currently have a road improvements project proposed for Central Avenue in their CIP, but as sections of their arterial corridors become more and more developed it tends to move that area's priority up for a major road project. It is important to note that improvements to Central Avenue will only come via a City project which would be driven by City developments. The County hasn't historically constructed major roadway improvements, particularly roadways on the border of the City limits.

Zoning History for City ZC 1071 – 4524 Central Ave –

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4524 Central Ave	City ZC 1045	4/8/2024	MU-PND	Y	Original zoning for Agriculture
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Ridgeline Sub – 48 th St W and King Ave W	City ZC 997	9/13/2021	A to CMU1, NX2, N2 & P1 MU-PND	Yes	Phased Annexation
Sweetgrass Sub- 54 th St W, S of Rimrock Rd	City ZC 998	10/11/2021	A to N1, N2, N3, NX1 & P1 N-PND	Yes	
The Timbers – Alkali Creek	City ZC 1003	1/24/2022	A to NMU, NX1, N3 and P1 N-PND	Yes	
Vista West	City ZC 1004	2/28/2022	A to N2, NX1, NX3 & P1 MR-PND	Withdrawn	
Zimmerman Home Place	City ZC 1009	3/14/2022	N3, NX1, NX3 & P1 to N2, NX1, NX3 & P1 MR-PND	Yes	
Buffalo Crossing	City ZC 1011	4/11/2022	A to NX2, N2, N3 & P1 MR-PND	Yes	
Vista West	City ZC 1021	2/27/2023	A to N1, NX2, NX3 & P1 MR-PND	Yes	
54 West	City ZC 1025	6/12/2023	N3 to N2, N3 & P1 N-PND	Yes	

Zoning Commission

Date: 10/07/2025
Title: City Zone Change 1072 - 4524 Central Ave (44 West Subdivision)
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1072.

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

This application is a request to amend the zoning layout established under Planned Neighborhood Development (PND) Zone Change 1045, which was approved and annexed in April 2024. The subject property is located south of Central Avenue and west of the Twin Pines and Legends West urban neighborhoods. This is a zone change request from Corridor Mixed Use 1 (CMU1), Neighborhood Mixed Use (NMU), Mixed Residential 1 & 2 (NX1 & NX2) and Open Space Parks Recreation (P-1) to Corridor Mixed Use 1 (CMU1), Mixed Residential 1 & 2 (NX1 & NX2) & Public-Civic, Institutional (P-2) on approximately 3 acres of Lot 1, all of lot 4 and approximately 14 acres of lot 5, of Clearwater Estates Sub.

The original zoning plan included a grid street layout designed to accommodate a variety of housing types and neighborhood services. Permitted uses included single-family dwellings, two-family units, multi-family buildings ranging from three to eight units, and mixed-use developments providing neighborhood-scale services. The plan met the requirements of Section 27-800 for Planned Neighborhood Development applications, including block design, district mix, open space allocations, and district placement standards. The proposed modification to the zoning layout continues to uphold the intent and objectives of the approved PND.

This portion of Billings has experienced significant growth and development over the past decade, including several Planned Development zones with customized mixed-use and residential patterns, along with medical facilities. Housing demand continues to exceed supply across all types. Local planning and growth policy documents, dating back more than twenty years, identified the need for diverse housing options, particularly independent living units for aging residents, townhomes, and apartments.

Census data underscores these needs. The 2010 Census recorded a decline in household size to 2.3 persons, while the 2020 Census reported a modest increase to 2.8 persons, with 17.5% of the city's population aged 65 or older. These demographic shifts, combined with rising housing costs, have increased demand for apartments, townhomes, and smaller multi-family products. Developers have responded with significant multi-family projects in the Lenhardt Square area, including the InterUrban, Interpointe, and KWO Apartments, along with new projects underway. Additional multi-family developments near King Avenue West and Shiloh Road have further expanded the housing supply, yet demand remains strong, particularly for housing in proximity to schools, shopping, and recreation.

Urban development at the city's edge presents challenges, particularly the need to ensure appropriate transitions between county and city development. These transitions do not imply uniformity between jurisdictions but require thoughtful buffering, connectivity, and coordinated planning.

The proposed zone change is consistent with the goals and policies of the 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan. Both documents emphasize the importance of compatible land use, diverse housing choices, and a range of development densities. The Growth Policy specifically supports housing diversity, walkable neighborhoods, improved connectivity, and the creation of public spaces that strengthen community fabric. The proposed amendment to the zoning layout aligns with these objectives.

APPLICATION DATA

OWNERS: 44 West Development, LLC
AGENT: Dennis Randal
LEGAL DESCRIPTION: Clearwater Estates Sub, Lots
ADDRESS: south of 4524 Central Ave.
EXISTING LAND USE: Undeveloped
PROPOSED LAND USE: Residential Single family and multi family
EXISTING ZONING: CMU1, NMU, NX1 & 2 P-1
SIZE OF PARCEL: 24.668 acres

SURROUNDING ZONING & LAND USE

NORTH: AG

Land Use: Residential & Agriculture

SOUTH: AG

Land Use: Residential & Agriculture

EAST: AG

Land Use: Residential & Agriculture

WEST: N2 (proposed N3)

Land Use: Undeveloped

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting was held on August 26, 2025, at 6pm at Grace Montessori School. Six individuals were present. The proposed zoning area 44 West Subdivision (currently the easterly portion of Clearwater Estates Subdivision) is currently in its final plat status.

- Growth in the area: Several attendees expressed they have enjoyed the lack of development in this location and would prefer that it remain unchanged.
- Traffic impacts: Concerns were raised about the additional traffic that new housing could bring to the neighborhood.
- Housing type and density: Two attendees stated they would only be supportive of low-density single family housing. Others, while cautious, acknowledged the need for more affordable home options in Billings.

During the meeting, it was explained that the intent of the proposed zoning change is to adjust the zoning boundaries to better fit the finalized neighborhood design, which in fact reduces some of the zoning districts originally anticipated. To provide additional clarity, I shared a neighborhood rendering illustrating our vision for 44 West. This visual helped residents understand our intentions for the subdivision. While some attendees remained opposed to any change beyond low-density single-family housing, others were open and understanding of the city's need to provide diverse and affordable housing options.

Planning staff did not receive any written comments or phone calls from surrounding property owners prior to preparation of this report and recommendation. City departments and reviewing agencies submitted no negative comments regarding the proposed zoning plan.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1072; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1072; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

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

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed zone change for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change will accommodate uses that are compatible in a mixed-use environment.

The proposed zone change is in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction.

Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces.

Neighborhoods that are safe and attractive and provide essential services are much desired. Implementation of the Infill Policy is important to encourage development of underutilized properties.

Home Base:

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

The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development. Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. Public safety and emergency service response are critical to the well-being of Billings' residents.

Homes that are safe and sound support a healthy community.

The proposed layout for the property will allow higher density housing to be located on the west and south of the property and the dwellings adjacent to the agricultural uses to the west will be a lower density. The proposed zoning plan will have urban development adjacent to county agricultural land to the west and south. The property to the south may be an addition to the city in the near future if this development is successful.

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly is designed to secure the development from fire and other dangers.

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

Public health and public safety will be promoted by the proposed change. Approval of the zone change will provide certainty both for the property owner and the surrounding owners. Provision of public health and safety services from the city will promote the general welfare of the area.

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

Transportation: A Traffic Impact Study (TIS) was completed as part of the subdivision application. The study analyzed the Central Avenue corridor between 48th Street West and Shiloh Road, as well as major intersections within one mile of the development. The TIS concluded that turn lanes into the development will eventually be warranted. In addition, if the property north of Central Avenue develops, a traffic signal may be considered.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed changes.

Schools and Parks: Schools and parks may be affected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments. The developer has provided parkland to meet the minimum required by subdivision regulations (11% of net area).

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?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this development. The developers may have the option to purchase the 50 acres to the south. If this area is developed, a clear vehicle and pedestrian connection can be made to the urban neighborhoods of Lenhardt Square, the Vista West development and the St. Vincent's Healthcare subdivision, as well as a connection to Shiloh Road. Central Avenue is a principal arterial street. Most of the development west of Shiloh Road with access to Central Avenue is rural residential neighborhoods that are still actively used for agricultural purposes. The average daily traffic count just west of Shiloh road is less than 6,500 trips per day. The 2016 West End Multi-Modal Traffic Study (city/County) indicated long term projects for Central Avenue from Shiloh Road to 48th St West would include completion of a three-lane section (one lane each direction with a center turn lane) and a traffic control option (signal or roundabout) at 48th St W and Central Avenue. The existing conditions, according to the

2016 study, indicated a low level of service for traffic entering or leaving Central Avenue during peak hours between Shiloh Road and about 44th St West. The level of service is based on wait time for making safe left or right turns onto Central Avenue or off of Central Avenue. The south side of Central Avenue is on the list of arterial streets with a multi-use path on the south side of the right of way. There is no continuous city-controlled right of way on Central Avenue west of Shiloh. The developer will be required to contribute to the future construction of the multi-use path.

7) Will the new zoning promote compatible urban growth?

The proposed overall development density is compatible with urban growth and the provision of city-level services for new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Central Avenue and King Ave West is undergoing rapid urban development and growth. Demand for new housing choices, including townhomes and apartments, is increasing. Providing a wide range of housing types is suitable for this area.

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

The property is an undeveloped parcel. Approval of the zone change will provide certainty for surrounding landowners and may help to maintain property values of adjacent buildings.

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

The proposed zone change modification to the previous PND zoning will encourage the most appropriate use of this land in Billings.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Meeting Info.
History

Zone Change 1072 Attachments



South

Zone Change 1072 Attachments

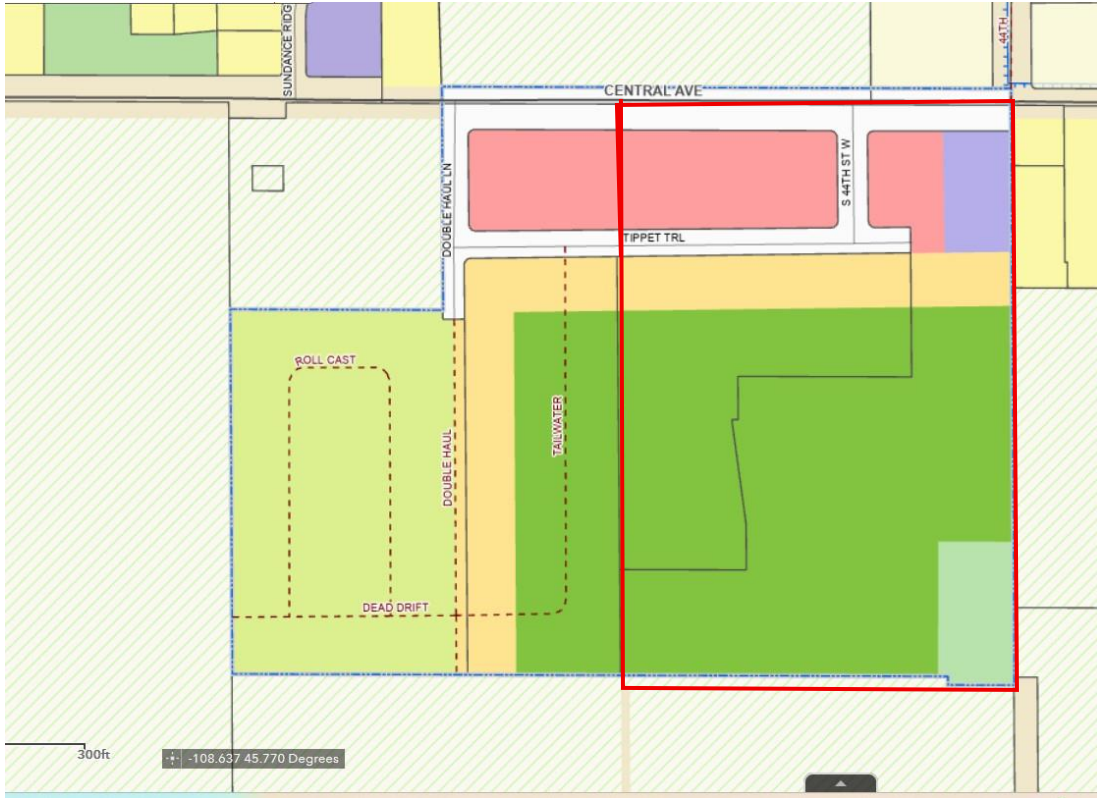


East



West

Zone Change 1072 Attachments



Zone Change 1072 Attachments



South

Zone Change 1072 Attachments

MCCALL

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1072 Project # PZX-25-00160

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 CMU-1, NX-1, NX-2, NMU and P-1

Proposed Zoning: CMU-1, NX-1, NX-2 and P-2

PARCEL TAX ID# A38277, A38280, CITY ELECTION WARD 5

Legal Description of Property: LOTS 14 AND 5, CLEARWATER Estates Sub.

Address or General Location (If unknown, contact City Engineering): Central Avenue & 44th St. W.

Size of Parcel (Area square feet or acres): 23.877 Acres

Present Land-Use: agricultural

Proposed Land-Use: Residential

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

Owner(s) 44 West Development, LLC
(Record Owner) - LOTS 4 & 5
1536 MULLOWNEY LANE, SUITE 100, BILLINGS, MT 59101
(Address)
406-591-4747. Greg@mccallhomes.com
(Phone Number) (email)

Agent(s): Dennis Randall
(Name)
1536 MULLOWNEY LANE, SUITE 100, BILLINGS, MT 59101
(Address)
406-670-3225
(Phone Number) (Email)

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

Signature:  Date: 9-2-25
(Record Owner - Digital Signature Allowed)
(LOTS 4 & 5)

Zone Change 1072 Attachments

Brow

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1072 Project # PZX-25-00160

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 CMU-1, NX-1, NX-2, NMU and P-1

Proposed Zoning: CMU-1, NX-1, NX-2 and P-2

PARCEL TAX ID# A38277, A38280, CITY ELECTION WARD 5

Legal Description of Property: Lots 1, 4 and 5, Clearwater Estyates Subdivision

Address or General Location (If unknown, contact City Engineering): Central Avenue & 44th St. W.

Size of Parcel (Area square feet or acres): 23.877 Acres

Present Land-Use: agricultural

Proposed Land-Use: Residential

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

Owner(s) Brown Development LLC

(Record Owner) - LOT 1

745 S. 56th Street West, Billings, MT 59106

(Address)

406-698-5970

(Phone Number)

(email)

Agent(s): Dennis Randall

(Name)

1536 Mallowney Lane, Suite 100, Billings, MT 59101

(Address)

406-670-3225

(Phone Number)

(Email)

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

Signature:  Date: 9-9-25

(Record Owner - Digital Signature Allowed)

(LOT 1)

Zone Change 1072 Attachments

Zone Change Lots 1, 4 & 5, Clearwater Estates Subdivision

How is the proposed zone change consistent with the Growth Policy and meets the 10 Statutory Criteria

Growth Guidelines

Essential Investments:

The proposed zoning and associated development will include

- Direct connection to Central Avenue, a principal arterial in the City's Transportation plan
- Interconnected sidewalks for every home within the development.
- Developed parks for recreation and special amenities.
- Landscaping of public rights of ways and entryways.
- Community development near or adjacent to existing infrastructure.

Place Making:

- The proposal includes an area of P2 zoning. A community mail pick-up/drop-off is anticipated for this area.

Community Fabric:

- The development will include developed park areas, as required by the subdivision regulations.
- Public rights of ways will include visually appealing boulevard sidewalks and landscaped boulevards.

Strong Neighborhoods:

- The proposed zoning will allow for a mixture of housing types.
- The development design will include attractive street lighting, street trees, and walkable access throughout the neighborhood.

Home Base:

- The proposed zoning will allow for a mixture of housing types.
- The development will include energy efficient housing.

Compliance with the the 10 Statutory review criteria.

The proposed zone change is consistent with the Growth Policy and does meet the 10 statutory review criteria for a zone change.

1. The proposed zone change is consistent with the Growth Policy, see above.

Zone Change 1072 Attachments

2. The new zoning and associated development will provide for required building separations; all buildings will be required to meet current building codes and engineering standards.
3. The approval of the proposed zone change will not have negative affects on public health and safety and will promote general welfare of the area. The proposed mixed zones will allow marketing a range of uses.
4. The proposed zoning will not have significant impacts on the transportation system. A TIS was completed with the associated subdivision, which identified the mitigation necessary. City water and sewer is adjacent to the parcel. The school district did not provide comment on the proposed zone change. The development is served by City public safety services. Police and fire departments have not commented on the proposed zone change.
5. The proposed zoning, and associated development will be required to meet minimum setbacks as well as building separation, providing adequate flight and air.
6. The proposed zoning has an allowable density slightly less than the existing zoning and has less CMU-1 zoning. Traffic impacts should be less than the existing zoning. Any potential impacts will be identified by the required TIS at the time of subdivision permitting and necessary mitigation will be identified at that time.
7. The proposed zoning is compatible with the development within the area, and is generally in compliance with the Growth plan.
8. The proposed zoning does consider the character of the district and duitability of the property for the intended use. The proposed zoning allows for slightly less density than the existing zoning. The property is adjacent to Central Avenue. The mix of zoning and associated uses are appropriate adjacent to an arterial street.
9. Given the compatibility of the proposed zoning with other properties in the area, the proposed zoning will not impact the value of existing buildings in the area.
10. The proposed zoning allows for development compatible with surrounding zoning. The development is adjacent to existing City services (Sewer and water) and is adjacent to an arterial street. This is an appropriate land use for the property.

Zone Change 1072 Attachments

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: CMU-1, NX-1, NX-2, NMU and P-1
2. Written description of the Zone Change Plan including existing and proposed new zoning:
Reconfiguration of zoning to match proposed plat, includes NX-1, NX-2, CMU-1 and P2
3. Legal Description of Property:
Lots 1, 4 and 5 of Clearwater Estates Subdivision
4. Neighborhood Task Force Area: Yes/// No . If Yes, Name of Task Force
West End Neighborhood Task Force
5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application ✓
6. A brief synopsis of the meeting results including any written minutes or audio recording.
please attach to on line application ✓
7. The undersigned affirm the following:
 - 1) The pre-application neighborhood meeting was held on the 26th, day of August 20 25.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Lots 4 & 5

44West Development LLC, Greg McCall Telephone: 406-591-4747

Address:

1536 Mallowney Lane, Suite 100, Billings MT Email: Greg@McCallhomes.com

Agent (s):

Dennis Randall / McCall Homes Telephone: 406-670-3225

Address: 1536 Mallowney Lane, Suite 100 Email: Dennis@mccallhomes.com

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

City Pre-app statement 2024-2025

Zone Change 1072 Attachments

Brown

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: CMU-1, NX-1, NX-2, NMU and P-1

2. Written description of the Zone Change Plan including existing and proposed new zoning:
Reconfiguration of zoning to match proposed plat, includes NX-1, NX-2, CMU-1 and P2

3. Legal Description of Property:
Lots 1, 4 and 5 of Clearwater Estates Subdivision

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

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

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

7. The undersigned affirm the following:
 - 1) The pre-application neighborhood meeting was held on the 26th, day of August 20 25.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s):

Brown Development LLC, Todd Brown Telephone: 406-698-5970

Address:

745 S. 56th Street West, Billings, MT 59106 Email: tbrownbuilders@yahoo.com

Agent (s):

Dennis Randall / McCall Homes Telephone: 406-670-3225

Address: 1536 Mallowney Lane, Suite 100 Email: Dennis@mccallhomes.com

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

City Pre-app statement 2024-2025

Zone Change 1072 Attachments



1536 Mallowney Lane Suite 100
Billings, Montana 59101
Telephone: 406-651-5354
Fax: 406-651-5364
www.mccallhomes.com

August 27, 2025

City of Billings Planning Division

316 N 26th St

Billings, MT 59101

Re: Synopsis of Neighborhood Meeting – Proposed Zone Change for 44 West Subdivision (formerly part of Clearwater Estates Subdivision)

Dear Planning Staff,

In accordance with the City of Billings zoning requirements, a neighborhood meeting was held regarding the proposed zone change for the 44 West Subdivision, formerly a portion of Clearwater Estates Subdivision. The meeting was held to provide information to nearby residents and to hear their feedback and concerns.

Attendance

Five individuals attended and signed in at the meeting:

- Janice Munsell
- Randy Spear
- Norm Tjeltreit
- Julie Larson
- One gentleman who did not sign in

Zone Change 1072 Attachments

Additionally, Mr. and Mrs. Leitz, who reside immediately east of the proposed subdivision at 4420 Central Avenue, arrived at the end of the evening and spoke with me in the parking lot.

Summary of Concerns

The primary concerns expressed by residents centered on:

- **Growth in the area:** Several attendees expressed they have enjoyed the lack of development in this location and would prefer that it remain unchanged.
- **Traffic impacts:** Concerns were raised about the additional traffic that new housing could bring to the neighborhood.
- **Housing type and density:** Two attendees stated they would only be supportive of low-density single-family housing. Others, while cautious, acknowledged the need for more affordable home options in Billings.

Discussion and Response

During the meeting, I explained that the intent of the proposed zoning change is to adjust the zoning boundaries to better fit the finalized neighborhood design, which in fact reduces some of the zoning districts originally anticipated. To provide additional clarity, I shared a neighborhood rendering illustrating our vision for 44 West. This visual helped residents understand our intentions for the subdivision.

Conclusion

While some attendees remained opposed to any change beyond low-density single-family housing, others were open and understanding of the city's need to provide diverse and affordable housing options.

We appreciate the opportunity to gather and share feedback with our neighbors and will continue to work closely with the City to ensure this project fits well within the community.

Sincerely,



Greg McCall

McCall Homes

Zone Change 1072 Attachments



Dear Neighbor,

August 13, 2025

I am writing to inform you of a Zoning pre-application neighborhood meeting scheduled to be held on **Tuesday, August 26, 2025, from 6:00 to 7:00 P.M.** at Grace Montessori Academy, 4809 Grand Avenue, Billings, MT 59106. Interested parties can attend the meeting to be held in the conference room, using the main entrance of the building.

The meeting is being held to discuss a proposed Zone change for the proposed 44 West Subdivision. (formerly a portion of Clearwater Estates Subdivision) located on the south side of Central Avenue between Sundance Ridge Road and 44th Street West. McCall Development is requesting the property shown in the attached exhibit be re-zoned to accommodate future residential development. The total area to be re-zoned is approximately 23.9 acres.

The intent of the meeting is to inform neighboring property owners of the proposed zone change, discuss the anticipated development of the property and to answer questions about the project. Below is a summary of the existing and proposed zoning. Also, attached to this letter are map exhibits of the existing and proposed zoning.

Existing Zoning

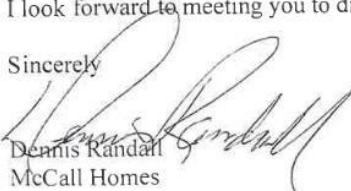
Zoning Description	Allowable Density
CMU-1 – Corridor Mixed-use	1-9+ dwelling units / building
NMU – Neighborhood Mixed-use	1-8 dwelling units / building
NX-1 – Mixed Residential-1	1-4 dwelling units / building
NX-2 – Mixed Residential-2	2-8 dwelling units / building
P-1- Open space, Parks, Recreation	open space & stormwater management

Proposed Zoning

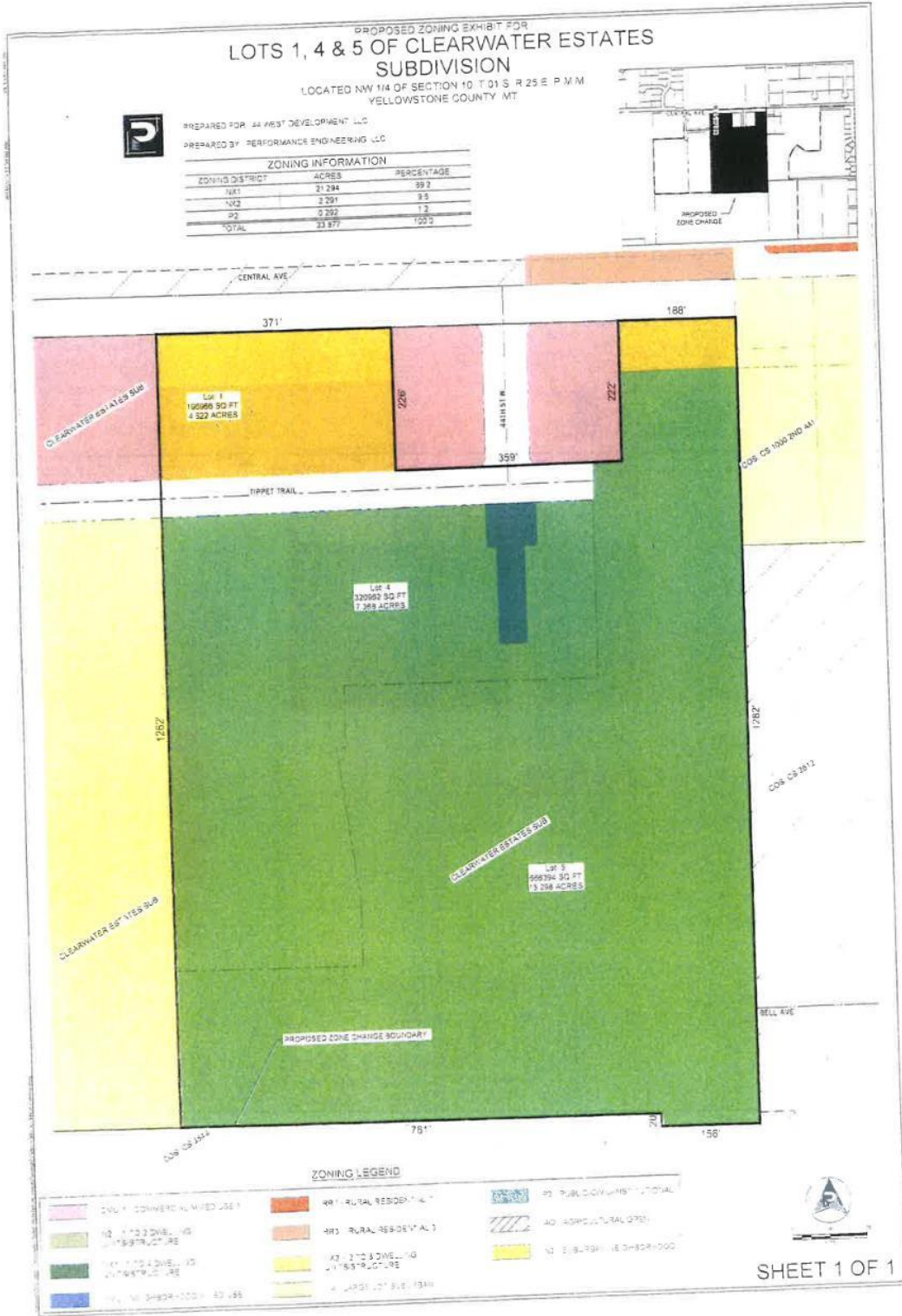
Zoning Description	Allowable Density
CMU-1 – Corridor Mixed-use	1-9+ dwelling units / building
NX-1 – Mixed Residential-1	1-4 dwelling units / building
NX-2 – Mixed Residential-2	2-8 dwelling units / building
P-2- Public – Civic, Institutional	possible mail pick-up area

Representatives for McCall Homes will be present at the meeting to answer questions you may have. For those unable to attend, you can mail questions to McCall Homes, 1538 Mullowney Lane, Suite 100, Billings, MT 59101 Attn: Dennis Randall or e-mail me at Dennis@mccallddevelopment.com. I look forward to meeting you to discuss the project.

Sincerely,


Dennis Randall
McCall Homes

Zone Change 1072 Attachments



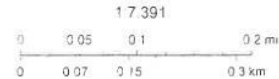
Zone Change 1072 Attachments

Existing Zoning Map



8/11/2025, 12:03:46 PM

- | | |
|--|--|
| <ul style="list-style-type: none"> 1 - 1/2" Single-Detached Single-Family 2 - 1/2" Double-Detached Single-Family 3 - 1/2" Triple-Detached Single-Family 4 - 1/2" Four-Detached Single-Family 5 - 1/2" Five-Detached Single-Family 6 - 1/2" Six-Detached Single-Family 7 - 1/2" Seven-Detached Single-Family 8 - 1/2" Eight-Detached Single-Family 9 - 1/2" Nine-Detached Single-Family 10 - 1/2" Ten-Detached Single-Family 11 - 1/2" Eleven-Detached Single-Family 12 - 1/2" Twelve-Detached Single-Family 13 - 1/2" Thirteen-Detached Single-Family 14 - 1/2" Fourteen-Detached Single-Family 15 - 1/2" Fifteen-Detached Single-Family 16 - 1/2" Sixteen-Detached Single-Family 17 - 1/2" Seventeen-Detached Single-Family 18 - 1/2" Eighteen-Detached Single-Family 19 - 1/2" Nineteen-Detached Single-Family 20 - 1/2" Twenty-Detached Single-Family | <ul style="list-style-type: none"> 1 - 1/2" Single-Detached Single-Family 2 - 1/2" Double-Detached Single-Family 3 - 1/2" Triple-Detached Single-Family 4 - 1/2" Four-Detached Single-Family 5 - 1/2" Five-Detached Single-Family 6 - 1/2" Six-Detached Single-Family 7 - 1/2" Seven-Detached Single-Family 8 - 1/2" Eight-Detached Single-Family 9 - 1/2" Nine-Detached Single-Family 10 - 1/2" Ten-Detached Single-Family 11 - 1/2" Eleven-Detached Single-Family 12 - 1/2" Twelve-Detached Single-Family 13 - 1/2" Thirteen-Detached Single-Family 14 - 1/2" Fourteen-Detached Single-Family 15 - 1/2" Fifteen-Detached Single-Family 16 - 1/2" Sixteen-Detached Single-Family 17 - 1/2" Seventeen-Detached Single-Family 18 - 1/2" Eighteen-Detached Single-Family 19 - 1/2" Nineteen-Detached Single-Family 20 - 1/2" Twenty-Detached Single-Family |
|--|--|



Exp. Community Maps Contributors: Montana State University, Montana State Library, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeSoftware Technologies, Inc, Mapbox, USGS Bureau of Land Management, EPA, NPS, US Census Bureau, USGS

Zoning History for City ZC 1072 – 4524 Central Ave – 44West Sub Pending

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4524 Central Ave	City ZC 1045	4/8/2024	MU-PND	Y	Original zoning for Agriculture
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Ridgeline Sub – 48 th St W and King Ave W	City ZC 997	9/13/2021	A to CMU1, NX2, N2 & P1 MU-PND	Yes	Phased Annexation
Sweetgrass Sub- 54 th St W, S of Rimrock Rd	City ZC 998	10/11/2021	A to N1, N2, N3, NX1 & P1 N-PND	Yes	
The Timbers – Alkali Creek	City ZC 1003	1/24/2022	A to NMU, NX1, N3 and P1 N-PND	Yes	
Vista West	City ZC 1004	2/28/2022	A to N2, NX1, NX3 & P1 MR-PND	Withdrawn	
Zimmerman Home Place	City ZC 1009	3/14/2022	N3, NX1, NX3 & P1 to N2, NX1, NX3 & P1 MR-PND	Yes	
Buffalo Crossing	City ZC 1011	4/11/2022	A to NX2, N2, N3 & P1 MR-PND	Yes	
Vista West	City ZC 1021	2/27/2023	A to N1, NX2, NX3 & P1 MR-PND	Yes	
54 West	City ZC 1025	6/12/2023	N3 to N2, N3 & P1 N-PND	Yes	

Zoning Commission

Date: 10/07/2025
Title: City Special Review 1002 - 5545 Holiday Ave. - Bar and Casino
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends conditional approval of Special Review 1002 and adoption of the findings of the review criteria.

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

This is a Special Review request to allow the development of a new casino as part of a multi-tenant commercial building on an approximately 0.807 acre parcel located at 5545 Holiday Avenue in the Holiday Business Park Subdivision, Block 1, Lot 1. The subject property is currently a vacant lot. The applicant proposes to construct a single-level building consisting of a 2,675 square foot casino, along with two additional tenant spaces totaling approximately 3,110 square feet, and a small common area of 476 square feet.

The Corridor Mixed Use 2 (CMU2) zoning district allows a variety of commercial uses intended to serve transportation corridors and larger development nodes. Within this district, new casino operations require Special Review approval to evaluate site-specific impacts and ensure compatibility with surrounding uses. CMU2 is designed to accommodate larger-scale commercial uses and multi-tenant developments on deeper lots, supporting a mix of retail, dining, and entertainment uses that are accessible by multiple modes of transportation.

The proposed site is located within the Holiday Business Park. The property is bounded by existing commercial uses and undeveloped parcels, with access from Holiday Avenue. The site plan shows new parking, landscaping, and circulation designed to serve both the casino and the additional tenant spaces. As the lot is currently vacant, the project represents infill development and contributes to the already established commercial subdivision.

The proposed casino and accompanying tenant spaces align with the intent of the CMU2 zoning district by introducing new commercial activity along a key corridor. The project will add to the continued build-out of the Holiday Avenue commercial area and support a balanced mix of retail and entertainment uses that are compatible with the surrounding development pattern.

APPLICATION DATA

OWNERS: Grizzly-Holiday LLC
AGENT: Mark Fisher, Yellowstone Casino
PURPOSE: To allow a new casino with an all beverage liquor license
LEGAL DESCRIPTION: HOLIDAY BUSINESS PARK SUB, S17, T01 S, R26 E, BLOCK 1, Lot 1
ADDRESS: 5545 Holiday Ave
EXISTING LAND USE: Vacant
PROPOSED LAND USE: New Casino
EXISTING ZONING: Corridor Mixed Use 2 (CMU2)
SIZE OF PARCEL: 0.807 acres

SURROUNDING ZONING & LAND USE

NORTH: CMU2 - Corridor Mixed Use 2
Land Use: Hotel
SOUTH: CX - Heavy Commercial
Land Use: Kubota - Tractor Dealer
EAST: CX - Heavy Commercial
Land Use: Storage
WEST: CMU2 - Corridor Mixed Use 2
Land Use: Vacant

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) Update to existing structures or sites to bring the facility closer to compliance with the current building or site development standards including but not limited to signage, landscaping, parking lot landscaping, doors and windows on the street facades of buildings, or other site and building standards; and

(l) 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

10. 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 August 25, 2025, at the Billings Hotel and Convention Center. Notice was sent to all property owners within 300 feet of the site. No neighboring residents 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 submission of this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend conditional approval and adoption of the proposed findings to the City Council, as submitted by Planning staff; or
- Recommend denial and adopt different findings of the review criteria; or
- Delay action on the application at the request of the applicant; or
- Allow the applicant to withdraw the application; or
- Delay the hearing on its own motion in response to a finding of one or more of the criteria that requires additional information.

The applicant has not requested a delay or a withdrawal of the application. Only one motion to delay for up to 60 days is allowed per application. The Zoning Commission must make a recommendation to the City Council. Any tie vote on a motion will require a new motion or reconsideration of the motion at the hearing.

FISCAL EFFECTS

The Planning Division budget will 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 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 facilitates the redevelopment of an underutilized parcel that is vacant. Located along a commercial corridor already supported by public infrastructure, the project promotes efficient infill development within the city limits. This approach optimizes the use of existing streets, utilities, and public services, minimizing the need for costly infrastructure expansion.

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 add new commercial space, generating short-term construction jobs and long-term employment opportunities within the planned restaurant, bar, and casino. These types of businesses help strengthen the local economy by providing essential, everyday services and fostering economic resilience. The development supports the City's goals for business growth and job creation, contributing to the continued vitality of the Southwest Billings area.

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 restaurant with a bar and casino has been designed to minimize potential negative impacts on public health, safety, and the general welfare, particularly given its location within an established commercial area. 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. 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 and uses.

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 5545 Holiday Ave. is approximately 0.807 acres and is zoned Corridor Mixed Use 2 (CMU2). The CMU2 district is intended to accommodate a variety of commercial and mixed-use developments along key corridors and permits bar and casino operation with special review approval. The proposed development, which includes both a restaurant with a bar and casino 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 CMU2 zone, height allowance, and landscape 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 restaurant with a bar and casino is located within the CMU2 zoning district and is surrounded by commercial uses. The use is consistent with the intent of the CMU2 zone, which accommodates commercial uses along transportation corridors to promote development that is comfortably accessible. 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 restaurant with a bar and casino is located within the Corridor Mixed Use 2 (CMU2) zoning district, which is designed to accommodate a wide range of commercial and mixed-use developments along key transportation corridors. The proposed project is located within a developed subdivision and will utilize existing city infrastructure like roadways, water and sewer connections.

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 for an all-beverage license and gambling, located at 5545 Holiday Ave on Lot 1, Block 1 of Holiday Business Park Subdivision, a 0.807 acre parcel of land. No other use is intended or implied.
2. Lighting of signs shall comply with the City of Billings Zoning Code in place at the time of sign permit application.
3. The applicant will apply for and receive approval for a building permit within 1 year and complete construction within 3 years of the Special Review approval. Failure to meet these time limits of this condition will void the variance.
4. The applicant will construct the addition in substantial conformance to the drawings submitted with this special review request. Minor modifications to the location of the proposed structures and other site improvements as shown on the submitted site plans are allowed.
5. The applicant will comply with all other city codes including building, engineering and fire codes that may apply.
6. 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.
7. 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 is one existing access point to the site provided from Holiday Ave. This access will be updated and improved with the development of this parcel. The City Engineering Division will review any changes or upgrades to these access points.

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

Application & Applicant Letter
Zoning Map & Site Photos
Site Plans
Chart of Zoning History

CITY SPECIAL REVIEW APPLICATION FORM

CITY SPECIAL REVIEW

City Special Review# 1002

- Project # PZX-25-00136

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: CMU2

Special Review Requested: New Casino

TAX ID# A30784 CITY ELECTION WARD # _____

Legal Description of Property: Holiday Business Park
SUB, 517, T01S, R26 E, Block 1 Lot 1

Address or General Location (If unknown, contact City Engineering):
5545 Holiday Ave.

Size of Parcel (Area & Dimensions): 35,152.92 Sq. Ft Area @ .807 Acres

Present Land-Use: Vacant No dwelling
Improved Property

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

Owner(s): Grizzly-Holiday LLC
(Recorded Owner)

140 Tower Dr. Burr Ridge, IL 60527-5784
(Address)

630-972-2235

(Phone Number)

DerekH@accelentertainment.com

(email)

Agent(s): Mark Fisher

(Name)

927 S. 32nd Street Billings, MT 59102

(Address)

406-560-2563

(Phone Number)

MarkF@yellowstonecasino.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:  DocuSigned by:

Date: 4/17/2025

(Recorded Owner - digital signature allowed)



City Zoning Board,

Development of 5545 Holiday Avenue. The existing property is a vacant lot and proposed use of the property would be to build a single level casino and 2 other tenant structures.

Legal description of the property is:

Holiday Business Park

SUB, S17, T01S, R26E, BLOCK 1 LOT 1

Owner:

Grizzly – Holiday LLC

140 Tower Dr

Burr Ridge, IL 60527-5784

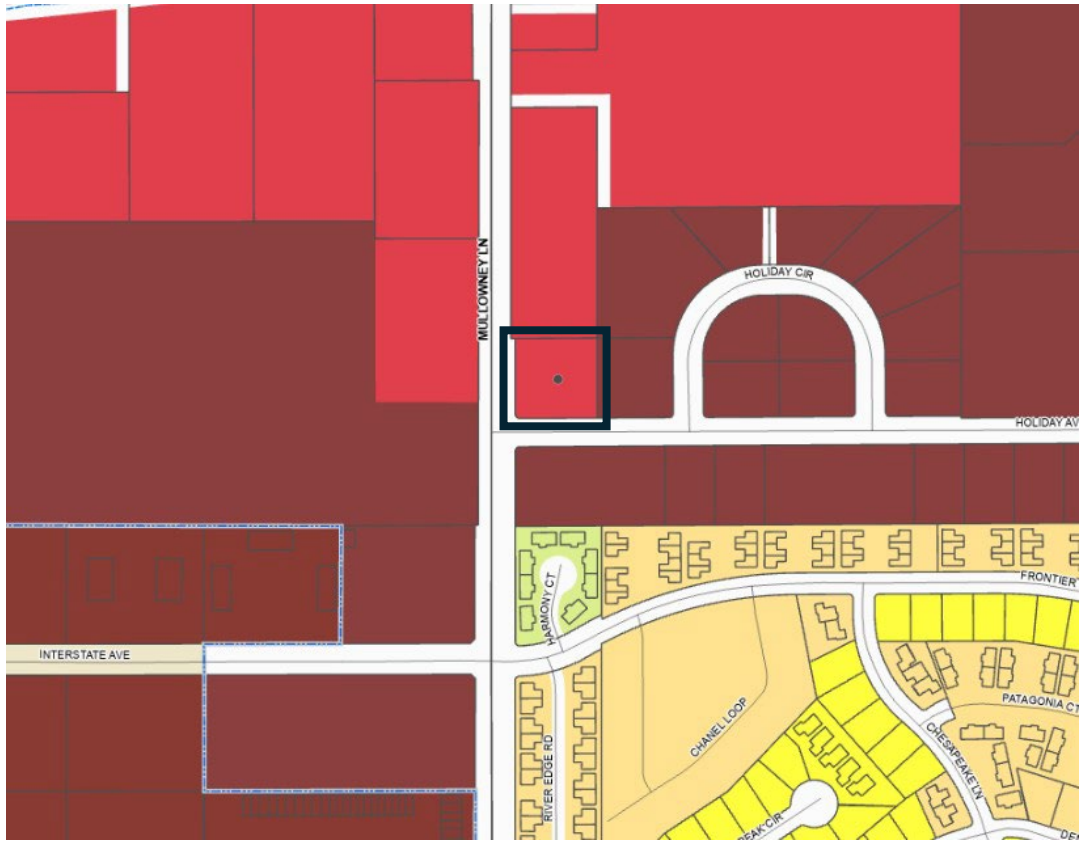
Representative Owner contact name is Derek Harmer: 630-972-2235

Agent Representative is Mark Fisher (Director of Retail Operations) Grizzly Hospitality contact information 406-560-2563.

Respectfully,

Mark Fisher

Special Review 1002
Zoning Map & Site Photos



Special Review 1002
Zoning Map & Site Photos



Subject Property



Looking east

Special Review 1002
Zoning Map & Site Photos



Looking south



Looking west

Special Review 1002
Zoning Map & Site Photos



Looking north

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5435 Midland Rd – High Tide Casino	552	June 12, 1995	Beer & Wine w gaming	Yes	
1212 Mullooney Lane – former Western Emporium	649	Dec 14, 1998	All Beverage	Yes	
2001 Overland Ave – Outback Steakhouse	216	Jan 7, 1985	Beer & Wine	Yes	
2011 Overland Ave – Fuddruckers	231	May 6, 1985	Beer & Wine	Yes	
2021 Overland Ave – former Jade Palace	373	Jan 9, 1989	All Beverage	Yes	
2011 Overland Ave – Fuddruckers	394	Nov 27, 1989	All Beverage	Yes	
2201 Grant Rd – Olive Garden 2250 King Ave W – Red Lobster	475	Nov 9, 1992	All Beverage two locations	Yes	
2300 King Ave W – Rendezvous Bar & Casino	496	Aug 2, 1993	Beer & Wine	Yes	
2001 Overland Ave – Outback Steakhouse	654	March 22, 1999	All Beverage & Patio	Yes	
2010 Overland Ave – Denny's	776	Feb 28, 2005	All Beverage w/o gaming	Yes	
1824 King Ave W – Texas Roadhouse	725 & 726	Aug 26, 2002	Beer & wine w/gaming	Yes	
1911 King Ave W – Asian Sea Grill	895	Jan 9, 2012	All Beverage	Yes	
1911 King Ave W – Silver City Casino	836	Feb 26, 2007	Beer & Wine w/gaming	Yes	
1225 Mullooney Lane	77	April 28, 1980	Gas Station	Yes	Gas station, convenience store, carwash and laundry
1225 Mullooney Lane	274	April 1986	Add Gas Island	Yes	
1225 Mullooney Lane	487	May 6, 1986	Arterial setback for fuel canopy	Yes	
4121 Kari Ln (aka 4100 King Ave W)	823	7/24/06	Beer & Wine	Y	With Gaming, Hollywood Casino
4020 Montana Sapphire Dr (aka 920 Shiloh Rd)	927	7/27/15	All beverage	Y	No Gaming, The Divide Restaurant & Bar
4010 Montana Sapphire Dr	930	8/24/15	Beer & Wine	Y	With Gaming, Doty's Casino
4241 Kari Ln	832	1/8/07	All Beverage	Y	Restaurant, Montecito Pizza
3189 King Ave W	989	1/5/21?	All Beverage	?	With Gaming & Restaurant, Warden's Casino w/ Pie Guys Pizza
741 24 th St West	943	6/27/16	Auto Service Station	Y	Construction in a Neighborhood Commercial zone

4120 Kari Lane	992	11/22/21	Auto Service	Y	Auto collision repair Service over 5,000 sf
Shiloh Crossing Blvd	993	3/27/23	Auto Service	Y	Auto collision repair Service over 5,000 sf
840 Shiloh Crossing Blvd	1000	6/24/2025	Casino	Y	Casino, Bar, and Restaurant