

## Neighborhood Meeting information

### **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:** Rural Residential -3 (RR3) \_\_\_\_\_

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Change the underlying zoning of Lot 7 of Sunny Cove Fruit Farms from the current County AG district to a mix of CMU-1 and CMU-2 concurrently with annexation into the City.

3. **Legal Description of Property:**

Lot 7 of Sunny Cove Fruit Farms, less right of way.

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

West End 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 23rd, day of September 2025

2) The zone change application is based on materials presented at the meeting.

Owner (s):

LMO Investments, LLC Telephone: 406-670-5457

Address:

590 Garden Avenue, Billings, MT 59101 Email: James Owen lgc@gmail.com

Agent (s):

Taylor Kasperick, Performance Engineering Telephone: 406-384-0080

Address: 3412 Colton Boulevard, Suite 202 Email: taylor@performance-ec.com

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

City Pre-app statement 2024-2025



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September 16, 2025

Dear Interested Neighbor,

On behalf of LMO Investments, LLC., and The Paddy Shack, LLC. (owners under contract) Performance Engineering, LLC., is writing to inform you of a zoning pre-application neighborhood meeting being held on Tuesday, September 23<sup>rd</sup> at 5:30 PM at Grace Montessori Academy (4809 Grand Avenue, Billings, MT, 59106). The meeting is being held to discuss a proposed zone change regarding the existing property located southwest of the intersection of Rimrock Road and 60<sup>th</sup> Street West. The owner is requesting that the property shown on the attached exhibit and described below be re-zoned to accommodate future development:

**Lot 7 of Sunny Cove Fruit Farms, S31, T01N, R25E in the City of Billings, Yellowstone County, Montana totaling 8.952 acres.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property, discuss the potential for redevelopment, and to answer questions about the project. The property is currently zoned as RR3, Rural Residential 3, a County Zone District that allows for single family residential homes with a minimum lot size of 3 acres up to 10 acres.

The zoning proposal to be presented to the City of Billings will be to change the zoning of the land described above from RR3 to a mix of CMU1 (Corridor Mixed-Use 1) and CMU2 (Corridor Mixed-Use 2) to facilitate a commercial development suitable for a variety of businesses. A total of 8.952 acres is included in the proposed zone change.

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, LLC. at 3412 Colton Blvd., Suite 202, Billings, MT 59102, attention Taylor Kasperick, or emails may be sent to [taylor@performance-ec.com](mailto:taylor@performance-ec.com). We look forward to discussing the proposed zoning change with you and hope to see you on Tuesday September 23<sup>rd</sup> at 5:30 PM at Grace Montessori Academy.

Thank you,  
Taylor Kasperick, PE









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

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## Lot 7 of Sunny Cove Fruit Farms

Section 31, T01N, R25E, Yellowstone County, Montana

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 5:30-7:00 PM on September 23, 2025 at the Grace Montessori Academy. The meeting was hosted by Taylor Kasperick of Performance Engineering (agent) and Grant Scelzi (developer).

There were approximately 15 public participants for the meeting with only 9 attendees providing name and contact information on the provided sign-in sheet at the meeting.

The meeting began with Taylor Kasperick giving an overview of the property and the proposed zoning districts, being CMU1 and CMU2. Taylor discussed these zone districts are being proposed due to the location of the property being near Intersections of principal arterial roadways in Rimrock Road and 62<sup>nd</sup> Street West. As noted in the City's Zoning Code, zone districts of CMU 1 and 2 are required to be within 1,320 feet and 660 feet, respectively, of arterial roadways in the Planned Neighborhood Development process. While that process is not being utilized with this application, the general intent is still being utilized. Taylor discussed the allowed uses permitted in both CMU1 and CMU2 and stated the CMU2 parcel would be utilized by Paddy Shack (developer). This is due to the development being most appropriately applied to the use type of "Large (1 acre or more) outdoor, amusement and recreation".

After Taylor's overview of the zoning of the proposed development, Grant was brought up to discuss Paddy Shack, the business spurring the development. He gave a background of the area and discussed the vision he and the other members of the development group have for the property. They envision the development being a place where anyone from the neighborhood can come to socialize over drinks with the feel of a lounge/social club. Not only that, but the development has plans to include an indoor playground, multiple indoor pickleball courts as well as outdoor courts. They plan to have ground they will lease out to food trucks and hope to bring a local coffee shop into the subdivision.

Following Taylor and Grant's overview, the floor was opened for participants to ask questions.

Questions from individuals and subsequent responses are shown below:

- **What types of developments would be allowed in the commercial zoned districts?**

*CMU 1 & 2 districts allow for a variety of commercial use types including healthcare offices and outpatient surgical services, restaurants, financial services, business offices, retail stores, and many more. A full list of the permitted use types can be*

found in the City of Billings' Zoning Code. Typically, the most contentious use types for these districts are "Bar or Tavern" with full service or Beer and Wine License and "Casino". It was noted during the meeting if either of these use types want to build in this development the developer will be required to undergo a special review. The special review process is similar to the zone change process, meaning, if a developer wants to build either of these use types in the area, another neighborhood meeting would be required. In this neighborhood meeting, residents in the area would be able to voice their opinions/opposition to a development.

- **What will happen to the existing irrigation ditches in and around the property?**

*Any irrigation ditch that only serves the subject property will be abandoned. If there are downstream users that utilize the irrigation ditches running through the property, they will be rerouted to ensure the use is not discontinued. Any ditch that does not run through the property will not be modified in any way.*

- **What will the development do to manage stormwater? Will this add to the drainage/flooding problems that are already present in the area?**

*The development will plan to utilize and expand upon the shared stormwater management facility dedicated for Tule Ridge Subdivision (southeast of Rimrock Road and 62<sup>nd</sup> Street West). The existing pond on the southern portion of the existing subdivision will be expanded and utilized by the proposed development to store the runoff generated from the required storm event. Due to the shallow elevations of clays and shale in the area, infiltrating the design storm in the required amount of time is not possible. With this being the case, an outfall will be constructed to pump water from the pond at a controlled rate to the existing City detention ponds west of 62<sup>nd</sup> Street West. The existing development would not affect any of the existing city infrastructure in the area, any current problems with the storm system are not caused by this development.*

- **Will removing the irrigation ditches or construction of more impervious surfacing dry up our wells?**

*No, rerouting the irrigation ditches will not dry up wells. The major ditch running through the property will be rerouted if it is found downstream farms utilize the ditch. Any irrigation ditch serving only the subject property will be removed, this will cause extremely minimal effects on the aquifer recharge. It should be noted, this will only affect the aquifer located above the shale layer identified in the geotechnical report conducted for the Tule Ridge Subdivision. Any wells that utilize the aquifer above the shale layer do not comply with Montana Department of Environmental Quality requirements for drinking water wells. These requirements state wells must have unperforated casing to a minimum depth of 25'. If these wells are not below the shale layer, which has been identified at a depth of less than 25', it is not suggested this water be utilized as drinking water.*

*As was previously discussed, water already has a difficult time infiltrating in the area, as is seen by the flooding/drainage problems. This is due to the presence of lean clays and shales near ground level. Replacing farmland with impervious surfacing will have minimal impact on the recharge of groundwater for the less than 10-acre site, not all of which will be impervious. Additionally, other public comment indicated that high groundwater is an issue, which is counter to the concern regarding water availability in surrounding wells.*

- **How will the property be accessed?**

*The project will be broken into two phases. Phase 1 will construct a private roadway off of Rimrock Road. The development will utilize an existing access created with the platting of Tule Ridge Subdivision, shifting the access 22' to bisect the common property line of the existing subdivision (Tule Ridge Subdivision) and the proposed development. Phase 2 of the development will construct 60<sup>th</sup> Street West in the dedicated right-of-way from Rimrock Road to the southern boundary of the subject property. A continuation of the private road within the subdivision will connect to 60<sup>th</sup> Street West, providing the subdivision with two access points at full build-out.*

- **What is going to be done to address the increase in traffic in the area?**  
Atteendees stated they already have issues of congestion along Rimrock Road and problems with speeding along 62<sup>nd</sup> Street West.

*A Traffic Impact Study (TIS) has been contracted and is being compiled currently. The TIS will analyze the Rimrock Road corridor as well as any other major intersections that may be affected by the development. The TIS will provide findings and recommendations for areas that may need improvements or modifications to accommodate increased loads produced by the development.*

*The City currently has a road improvement project proposed for Rimrock Road from Clearview Drive to 62<sup>nd</sup> Street West between fiscal years 2026-2027. This project will construct Rimrock Road to full arterial street standards and should help ease traffic in the area. Based on preliminary design, it is anticipated the road widening will include a center turn lane, which will help alleviate current traffic concerns and accommodate the proposed development.*

- **Will there be any screening from existing residential houses to the proposed development.**

*As required by the City of Billings Zoning Code, commercial zone districts adjacent to residential districts will be required to screen their development. Screening typically involves the use of opaque fencing, trees, shrubs, etc. Due to the proposed development being non-residential, with the surrounding parcels currently zoned for residential, bufferyard B3 will be utilized. B3 contains the most stringent bufferyard requirements with the most trees required along common property lines, as well as opaque screen fencing.*



- **Will there be lighting and noise that would be a nuisance to neighboring homes?**

*The City of Billings Zoning Code contains stringent requirements for commercial developments regardless of location. This section of the code states that any outdoor lighting shall have full cutoff shields and that no part of the fixture extends below this shield. This prevents exterior lighting from proposed developments affecting neighboring properties. It also states, no exterior light poles can be above 15 feet in height. These regulations, in conjunction with bufferyard requirements, help ensure that there is no impact due to exterior lighting to other properties. This section of the code also states that no outdoor announcement system or music system is allowed. These requirements ensure that precautions are being taken to limit the amount of disturbance done to adjacent properties.*

- **How will the development be serviced by utilities?**

*While this project is not an "infill" development, it is as close as you can come without being considered "infill". The property is directly adjacent to both water and sanitary sewer mains, located in the Rimrock Road right-of-way. As part of this project, it is proposed to extend mains through a public utility easement, beneath private roadways and tap services from these new mains.*

- **Will the construction of 60<sup>th</sup> Street West create more development in the area?**

*While it is not the intention of this developer to develop more land in the area, the construction of 60<sup>th</sup> Street West could create more desirable land in the area. This could include more commercial or mixed use developments along Rimrock Road or residential subdivisions that could access off of 60<sup>th</sup> Street West. As has been seen in recent zone change applications, this area is desirable for developers based on proximity to a principal arterials, being Rimrock Road and 62<sup>nd</sup> Street West, as well as close access to existing sanitary sewer and water mains.*