

City of Billings Zoning Commission  
 Tuesday, November 4, 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          | 1          | 1          |            |
| Greg McCall     | Vice Chairman | 1          | 1          | A          | 1          | A          | 1          | -          | 1          | 1          | 1          | 1          |            |
| David Goss      | Commissioner  | 1          | 1          | 1          | 1          | 1          | 1          | -          | 1          | 1          | 1          | 1          |            |
| Beau Mulvaney   | Commissioner  | 1          | 1          | 1          | A          | 1          | A          | -          | 1          | 1          | 1          | A          |            |
| Andy Megorden   | Commissioner  | 1          | 1          | A          | 1          | 1          | 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          | 2          |            |            | 12    |
| Special Review                    | -          | 1          |            |            | 1          | 1          | -          | -          | -          | 1          | 2          |            | 6     |

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

**Attending Staff:** Anna Vickers, Planning Division Manager; Karen Husman, Zoning Coordinator; Planner; Brenda Berns, Planning Clerk

**Public Comment**

Chairman Brooks called for public comments on items not on the agenda. No members of the public provided comments on non-agenda items.

**Approval of Minutes: October 7, 2025**

Motion by Commissioner Goss, seconded by Commissioner Megorden to approve the meeting minutes of October 7, 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    |           |        |

**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    |           |        |

Commissioner’s Goss, McCall, and Brooks visited the site of ZC 1073. Commissioner’s McCall and Goss visited the site of ZC 1074.

Chairman Brooks read the meeting rules and procedures and opened the Public Hearing.

- a. City Zone Change 1073 - SCFF Lot 7 – SW Corner Rimrock & 60<sup>th</sup> St. W – RR3 to CMU 1 & 2** – A zone change request from Rural Residential 3 (RR3) to Corridor Mixed Use 1 and 2 (CMU1 & CMU2) on Sunny Cove Fruit Farms S31, T01, R25 E, Lot 7, a 9.23 acre parcel of land. This application is being submitted in conjunction with an annexation petition. A pre-application neighborhood meeting was held September 23, 2025 at 5:30pm at Grace Montessori, 4809 Grand Ave. Tax ID: D04653

Karen Husman, Zoning Coordinator, explained that the request seeks to rezone the property from Rural Residential, which permits single-family homes on lots ranging from 3 to 9.99 acres, to CMU1 and CMU2, allowing for multi-family residential and light commercial uses.

### **Recommendation**

Staff recommends approval of the zone change and adoption of the proposed review criteria.

### **Summary**

Meets the Growth Policy-

- Strong Neighborhoods
- Essential Investments
- Prosperity

Adjacent Uses and Zoning Compatible with Proposed Zoning-

- Tule Subdivision to the west has CMU1 zoned parcels
- North west of the intersection, Coal Creek Subdivision has CMU2 zoned parcels

Meets Intent of the West Billings Plan

- Established Development pattern with commercial nodes on arterial intersections
- Encourages planning in higher density and mixed use

### **Questions**

Commissioner Goss noted that the land to the south appears to be in the county but is zoned residential. He asked whether the 650-foot separation for bars and taverns from residential zones to a CMU district applies when adjacent zoning is undeveloped. Ms. Husman responded that the rule does apply and that a buffering area would be required between the residential and commercial districts upon any development.

### **Applicant's Agent**

Craig Dalton, Performance Engineering. Mr. Dalton noted that this project will not be developed as a PND, as it is under 10 acres. He highlighted that CMU2 is proposed for the southwest corner due to the inclusion of over an acre of pickleball courts, since CMU1 zoning does not permit outdoor recreational uses. He emphasized that the surrounding area contains many homes but lacks commercial services, resulting in increased traffic on Rimrock Road for residents commuting to work or accessing basic needs. Introducing uses such as this could help reduce local traffic. Commercial development in the northeast has been limited over the past five years due to floodplain constraints and large retention ponds. Mr. Dalton expressed hope that this smaller commercial development near Albertsons could encourage additional business growth, noting that no commercial services have been added in the area since 2014.

Chairman Brooks opened the Public Hearing

## Public Hearing

The following individuals spoke in opposition to the proposed zone change:

- **Thomas Romine, 1128 N 32nd Street** – Opposed CMU zoning, stating it is inappropriate for the property and allows incompatible uses (bars, casinos, car dealerships).
- **Judy Goddard, 5811 Mared** – Concerned about Rimrock Road safety; additional traffic could worsen conditions for children biking. Asked about planned road improvements.

### Applicant’s Agent – Craig Dalton, Performance Engineering

Mr. Dalton stated the proposed CMU zoning is appropriate per City Growth Policy, which encourages commercial nodes around major arterial intersections. He also noted that Rimrock Road widening is planned within the next two years, though the exact timeline is not finalized.

Commissioner McCall asked whether the project affects Criteria #6 (Motorized and Non-Motorized Transportation) and if a Traffic Impact Study (TIS) is required.

Mr. Dalton explained that developments generating >1,000 daily trips or >100 peak-hour trips require a TIS. The proposed project falls within medium-density; higher density would trigger a major study. TIS identifies impacts and calculates developer contributions to improvements, such as traffic signals funded through impact fees.

Commissioner Goss asked if Rimrock Road access could accommodate future westward connections without redesign or demolition. Mr. Dalton responded that this is being considered and will be addressed during the subdivision review process.

Commissioner Brooks requested clarification on the planned Rimrock Road expansion to three lanes. Anna Vickers stated the FY27–FY29 CIP includes the expansion, though details are still being finalized.

## Motion

A motion was made by Commissioner McCall, seconded by Commissioner Megorden to recommend approval of Zone Change 1073, and adopt the findings of the 10 Review Criteria as presented in the Staff Report. Motion passes unanimously.

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

Zone Change 1073 will be heard at City Council on November 24, 2025

- b. City Zone Change 1074 – Barber Farms sub – Ag to CMU1, NX1, N2 and P1** – A zone change request from Agriculture (A) to Corridor Mixed Use 1 (CMU1), Mixed Residential 1 (NX1), Mid Century Residential (N2) and Parks and open space 1 (P1) on S03, T01 S, R25 E, COS 2007, Parcel 1A, parcels of land to be known as Lot 3 of Barber Farm Subdivision, 55.46 acre parcel of land. This application is being submitted in conjunction with an annexation petition. A pre-application neighborhood meeting was held on September 22, 2025 at 5:30pm at the Emmanuel Baptist Church. Tax ID: D00349

Karen Husman, Zoning Coordinator gave an overview of the requested zone change.

### **Recommendation**

Staff recommends approval of the zone change and adoption of the proposed review criteria.

### **Summary**

The proposed zoning is compatible with adjacent uses, including nearby commercial nodes and a variety of housing types, and it maintains the overall character of the surrounding neighborhoods. The project further supports a balanced mix of housing types and densities appropriate for the area.

The proposal complies with the City’s Growth Policy by supporting goals under Strong Neighborhoods, Home Base, and Essential Investments, and it fulfills the intent and direction outlined in the West Billings Plan.

### **Questions**

Commissioner Goss asked whether Broadwater Avenue, from 48th Street East to the subject property, is a public or private street. Ms. Husman stated it is a public street, but it will not be developed until the subdivision process.

Commissioner Brooks noted that some community members indicated they would support the development if it were zoned N3 (single-family), but with current zoning, any subdivision allows duplexes. Ms. Husman clarified that under state law, any zoning district must allow either single- or two-family dwellings.

### **Applicant’s Agent:**

Craig Dalton, Performance Engineering. Mr. Dalton stated that this represents the west-end version of an infill project. The City has identified 48th Street as a key corridor, and Billings generally operates on eight-block increments. Central Avenue serves as an important connector between Shiloh and 48th and was historically seen as a challenging area for investment because county properties along Central were not expected to contribute to city services or infrastructure. Four years ago, the City invested in extending sewer lines down Monad, bringing utilities to the Clearwater and 44th W and Barber projects. This proposed annexation is intended to bring the area into the City, particularly as DEQ regulations place it within 500 feet of municipal utilities, removing much of the rationale for keeping it in the county.

Approximately 80% of the proposed PND is planned as single-family housing. Regarding traffic, the Traffic Impact Study (TIS) will rely on data from the Clearwater and 44th W projects,

incorporating all relevant components. While traffic is a concern, the county will not expand Central Avenue; city annexation is the only way to facilitate improvements. In the meantime, County Public Works has design plans and will soon install a new traffic signal at 48th & Central to help manage north-side traffic exiting the subdivision.

Chairman Brooks opened the Public Hearing

### **Public Hearing**

The following individuals spoke in opposition to the proposed subdivision and zone change:

- **Bill Duke, 735 Bluegrass** – Stated the proposed density is incompatible with existing development; expressed concerns regarding traffic capacity, emergency services, flooding, and compatibility. Requested duplex units be relocated to the subdivision interior.
- **Tony Gafke, 4602 Liahona** – Stated proposed density is approximately three times surrounding neighborhoods; requested transition of higher density to interior areas. Requested denial of the zone change.
- **Roger Aldinger, 4610 S. Woodhaven Way** – Expressed concern over increasing multifamily development and traffic impacts, noting potential for 800 additional vehicles.
- **Randy Sear, 4220 Limber Pine Lane** – Stated the development is not compatible with surrounding neighborhoods; urged denial.
- **Janelle Lende, 4619 Shining Light Lane** – Cited inadequate infrastructure, traffic impacts, and negative effects on property values; opposed the request.
- **Wade Wilde, 840 Paintbrush Place** – Expressed concerns regarding impacts to well water and nitrate levels.
- **Terry Havener, 11 Twin Pines** – Stated traffic congestion and cut-through behavior would worsen; emphasized need for infrastructure improvements prior to development.
- **John Wunder, 925 Bluegrass** – Requested denial due to safety concerns for children and incompatibility with existing 1-acre lots.
- **Amy Iverson, 4616 S. Woodhaven Way** – Stated infrastructure is insufficient to support additional traffic; noted safety concerns for children and peak-hour turning movements; opposed the request.
- **Steve Wells, 4694 Pine Cove** – Expressed concerns about long-term infrastructure costs and stated more appropriate development types exist for the requested zoning.
- **Catie Stanley, 1050 Bluegrass; Brittni Davenport, 1140 Bluegrass; and Kelsey Reiter, 1135 Bluegrass** – Expressed opposition and concerns regarding child safety.
- **Ray Halsey, 1365 Bluegrass** – Reported long-standing traffic issues and difficulty exiting the subdivision; expressed safety concerns and opposed the request.

### **Applicant's Agent**

Craig Dalton, Performance Engineering – Mr. Dalton explained the Barber Farm proposal is consistent with the City's long-range growth objectives for the West End, which identify this area as Urban Residential.

The plan advances several goals from the 2016 Growth Policy, including infill development, efficient use of existing infrastructure, and housing diversity.

While neighborhood compatibility remains a key issue, the proposed PND framework allows for design flexibility and buffering to address adjacent residential concerns. He acknowledged that traffic, school capacity, and service delivery are important considerations.

However, these impacts are typical of growth in this sector and can be mitigated through coordination with the City's Capital Improvement Plan (CIP) and the ongoing West End infrastructure improvements. Future infrastructure and improvements require annexation to the City.

### **Questions**

Commissioner McCall noted the strong public turnout and emphasized the need to review staff's recommended criteria to determine where the proposal may not meet compliance, particularly in relation to City Engineering requirements and efforts to create safer streets in county developments.

Craig Dalton explained that City guidelines require subdivisions to meet standards at the time of application, including a 34-foot residential street with boulevard sidewalks. He discussed the challenges between City and County development patterns and highlighted the Planning Department's goal of ensuring neighborhood connectivity. He noted that Sundance lacks western access and that the current application does not include a connection to Cloverleaf, despite City policy supporting such links.

Commissioner Goss inquired about the timeline for the subdivision build-out.

Craig Dalton stated that the developer typically builds 10-acre properties in stages every 2–3 years, with the proposed project planned in four phases over approximately 12 years, beginning with Phase 1 in 2026.

Commissioner Goss asked when the connection to Broadwater would occur and whether traffic access would be provided before the development reaches 90% completion.

Craig Dalton responded that the timing has not yet been finalized by City Engineering. The current plan includes two access points, with northern phases eventually connecting to Broadwater. He noted that the traffic flow would differ from traditional patterns and that future development of the Billings Clinic property to the east would affect connectivity.

Commissioner Megorden asked staff for clarification on if Central Avenue is in the Capital Improvements Plan (CIP) currently. Staff stated that Central Avenue is not currently in the CIP.

### **Motion**

Motion made by Commissioner Goss, seconded by Commissioner Megorden to recommend Approval of Zone Change 1074, and adopt the findings of the 10 Review Criteria as presented in the Staff Report. Motion passes unanimously.

| <b>COMMISSIONER</b> | <b>Yes</b> | <b>No</b> | <b>ABSTAINED</b> | <b>ABSENT</b> |
|---------------------|------------|-----------|------------------|---------------|
| Daniel J Brooks     | X          |           |                  |               |
| Greg McCall         | X          |           |                  |               |
| David Goss          | X          |           |                  |               |
| Beau Mulvaney       |            |           |                  | X             |
| Andy Megorden       | X          |           |                  |               |

Zone Change 1074 will be heard at City Council on November 24, 2025

**Discussion**

Board members acknowledged community concerns about infrastructure but noted that the board serves an advisory role to the City Council and encouraged public input at the Council level. Several members emphasized the broader housing needs in the community and expressed support for the proposal, finding it generally compatible with the review criteria and recommendation for approval. While some concerns were raised regarding specific criteria, there was no evidence to support any changes. Members also reflected on historical growth patterns, noting ongoing development pressures, housing challenges, and the role of state-level legislative decisions in shaping future growth.

**Other Business** – There was no Other Business

**Future Business**

Karen Husman advised the Commission that One Zone Change is coming in December.

Commissioner Goss noted inconsistencies in density figures within the staff report and the application and recommended coordinating with the developer to standardize how density is presented. Ms. Vickers explained that the figures are based on the subdivision’s Traffic Impact Study and acknowledged the discrepancies.

Commissioner Brooks emphasized the need for Zone Change amendments to clearly identify legislative zone changes and clarify staff limitations. Ms. Vickers added that upcoming zoning code updates will align with the Montana Planning Act to improve clarity in future applications.

**Adjournment:** The meeting adjourned at 6:13 PM

*Brenda J Berns, Planning Clerk*