



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 November 4, 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 1075 - Grand Ave & Daybreak - P1 to CMU1** - The zone change initiated by City Council to amend PND - MU zone change 1070. A zone change request from Parks and open space (P1) to Corridor Mixed Use 1 (CMU1) on Lot 67A1, Amended Plat of Lots 66A and 67A Sunny Cover Fruit Farms, S31, T01 N, R25 E, .38 acres of a 27.152 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 Agriculture (A) zones by a public street or alley to allow the CMU1 zone adjacent to A zone without a street or alley allowing the landscape buffering requirement for CMU zones as sufficient buffer between the two zones. A preapplication neighborhood meeting was held on July 22, 2025 at 6:00 PM at 5554 Grand Ave. Tax ID D04670

Other Business/Announcements

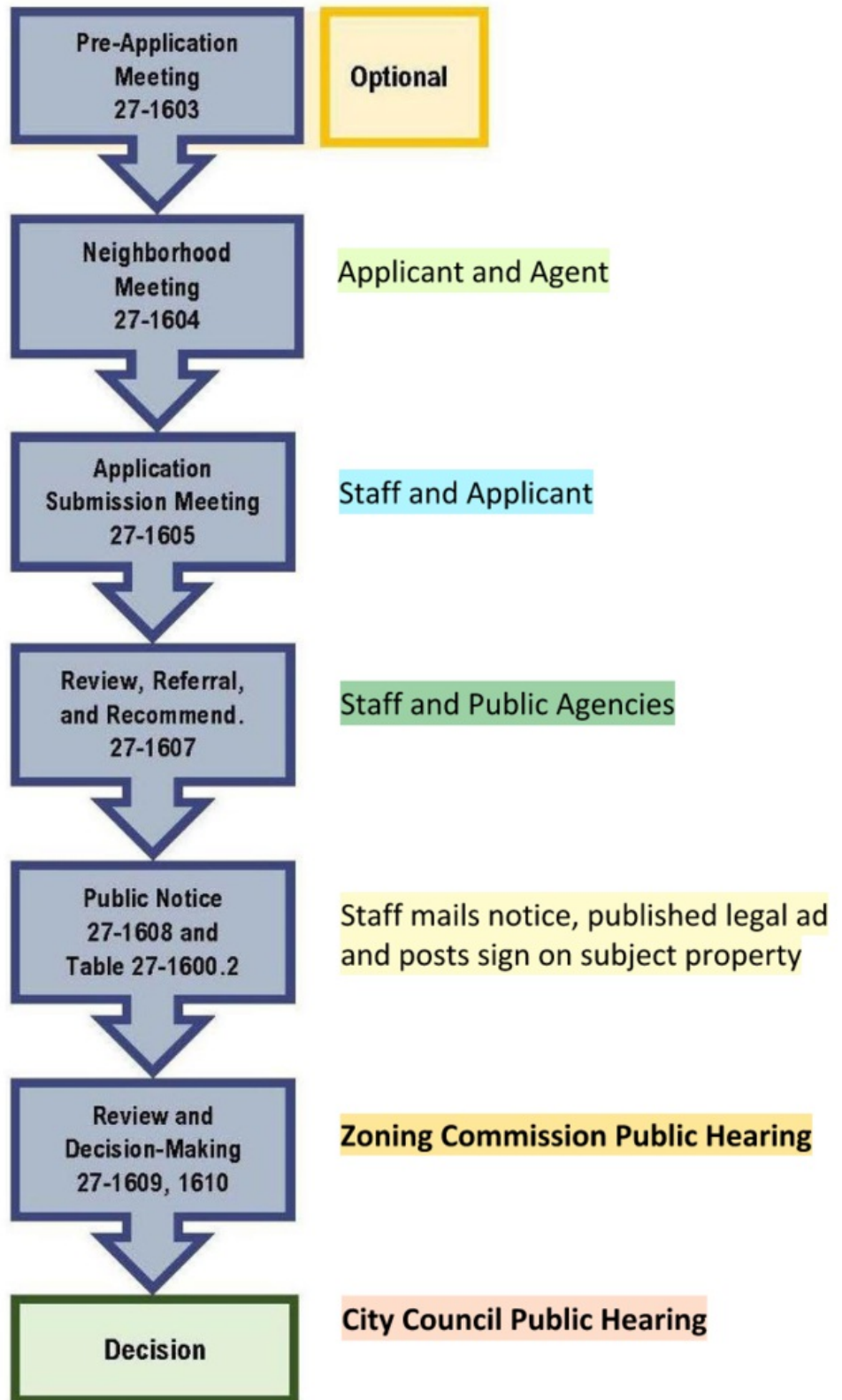
Adjournment

The City Council has designated December 15, 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.

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 sixty (60) days.

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: 12/02/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

Meeting Minutes of November 4, 2025

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of November 4, 2025

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 & 60th 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.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
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

Zoning Commission

Date: 12/02/2025
Title: Zone Change 1075 - Grand Ave. - Proposed Homestead Acres - P1 to CMU1
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning Staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1075, and approval of the variance from Section 27-802.B. the PND required separation from the CMU1 adjacent to Ag by a public street or alley.

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

Zone Change 1075 was initiated by City Council to amend Parks and open space (P1) to Corridor Mixed Use 1 (CMU1) on Lot 67A1, Amended Plat of Lots 66A and 67A Sunny Cove Fruit Farms (to be known as Homestead Acres), S31, T01 N, R25 E, .38 acres of a 27.152 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 Agriculture (A) zones by a public street or alley to allow the CMU1 zone adjacent to the Agricultural zone without a street or alley, allowing the landscape buffering requirement for CMU zones as sufficient buffer between the two zones.

The subject property was recently part of the approved Zone Change 1070. Zone Change 1070 was approved on first reading of the ordinance on September 22, 2025. Second reading of the ordinance was approved on October 27, 2025.

APPLICATION DATA

OWNER/DEVELOPER: Brian Harvey

LEGAL DESCRIPTION: Lot 67A1 of the Amended Plat of Lots 66A and 67A Sunny Cove Fruit Farms (to be known as Homestead Acres)

CURRENT ZONING: Corridor Mixed-use 1 (CMU1) and Parks and open space (P1)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Commercial

SIZE OF PARCEL/AREA: Approximately .38 acres more or less

SURROUNDING LAND USE & ZONING:

NORTH Zoning: Corridor Mixed-use 1 (CMU1) (adjacent interior to the development) N4-Large Lot Suburban Neighborhood & P1 -- Parks and Open Space (outside of the development)

NORTH Land Use: Vacant, Commercial/Residential

SOUTH Zoning: N3 - Suburban Neighborhood Residential & P2-Public, Civic and Institutions

SOUTH Land Use: Ben Steele School, Residential

EAST Zoning: N2 -- Mid Century Residential, Planned Unit Development - Hawk Creek, NMU - Neighborhood Mixed Use (outside of the development) & CMU 1 (adjacent interior to the development)

EAST Land Use: Residential, Diamond X, Back 9, Bank

WEST Zoning: A- Agriculture

WEST Land Use: Vacant/Agriculture

Planning staff recommends approval and adoption of the findings for the 10 review criteria for Zone Change 1075 and approval of the variance from Section 27-802.B. the PND required separation from the CMU1 adjacent to Ag by a public street or alley. This zone change will amend the P1 strip on the southwest edge of the previously approved Zone Change 1070 PND-MU to a more appropriate zone of CMU1. The zone change and associated variance will allow for the property owner to develop to the boundary of their property and allow for the B3 landscape buffering between the CMU zone and the adjacent Ag zone per Section 27-1200 Table 27-1200.3. act as the sufficient buffering requirements. The proposed zone change is compatible with nearby existing facilities and would not be overly intrusive to nearby property with the landscaping buffer provided.

STAKEHOLDERS

Planning staff notified the surrounding owners, published a legal ad, and posted the property as required by the zoning regulations. At the time of writing this staff report, Planning staff has not received any correspondence on the proposed zone change from surrounding owners.

ALTERNATIVES

For clarity, it is recommended that the Zoning Commission vote on the Zone Change and the Variance request separately. The following are options for the Zoning Commission's actions:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1075; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1075; or,
- Delay action on the zone change and variance request for up to 30 days; and,
- Recommend approval of the variance from Section 27-802.B. the PND required separation from the CMU1 adjacent to Ag by a public street or alley; or,
- Recommend denial of the variance from Section 27-802.B. the PND required separation from the CMU1 adjacent to Ag by a public street or alley.

In the case of a tie vote on either the zone change or the variance, the application will be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council.

FISCAL EFFECTS

Approval or denial of the proposed zone change with variance will not have a financial impact on the Planning Division budget.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods;

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools, and public gathering spaces foster health, goodwill and social interaction.
- Neighborhoods that are safe and attractive and provide essential services are much desired. Implementation of the Infill Policy is important to encourage the development of underutilized properties.

Prosperity and Essential Investments:

- Infill development and development near existing City infrastructure may be the most cost-effective.
- A diversity of available jobs can ensure a strong Billings' economy.
- Retaining and supporting existing businesses helps sustain a healthy economy.

Staff supports the variance request from Section 27-802.B, which requires Planned Neighborhood Development (PND) areas to be separated from CMU1 zoning by a public street or alley when adjacent to Agricultural (Ag) zoning. Requiring a street or alley separation is not ideal in this location and there is no plan to include another connection of a street or alley off of Grand Avenue when they already have access from Grand on the easterly side of the subdivision. The 20-foot-wide P1 buffer between the CMU1 and Ag district is not a desirable separation. The intent for buffering is already a requirement within our zoning regulations. Per Section 27-1200, Table 27-1200.3, a Type B3 landscape buffer is required between CMU1 zoning and adjacent Ag zoning, and this standard would adequately address buffering needs. The proposed P1 strip, however, would likely result in an unusable area of land, whereas applying the B3 landscape buffer would meet the intent of the code and provide appropriate screening between the CMU1 district and the adjacent agricultural use.

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

The minor amendment to the PND by rezoning the .38 acre piece of P1 zone to CMU1 would not change the design of the development. The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. Additionally, the annexation of the property provides for municipal water service for the site. Any new construction on the site will follow applicable building codes.

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 and variance approval. Per Section 27-1200, Table 27-1200.3, a Type B3 landscape buffer is required between CMU1 zoning and adjacent Ag zoning and use of a single-family residence. The landscaping buffer is sufficient to address buffering needs, as it is expected the property to the west will eventually be annexed into the city.

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

Transportation: The approved PND zoning and new development will increase traffic on the adjacent street network. Traffic impacts have been reviewed and evaluated with the approved PND and the subsequent subdivision. Changing the .38 acre portion of P1 to CMU1 would not affect the transportation network.

Water and Sewer: The City provides water and sewer to the property. The utilities will be provided in accordance with the associated annexation agreement that is mutually agreed upon between the City of Billings and the Property Owner/Developer. This agreement is a strict condition of approval for annexations. Water will be extended to the property via Grand Avenue. Per the annexation agreement, the Developer shall pay any water system and wastewater system development fee prior to the issuance of any building permits. Changing the .38 acre portion of P1 to CMU1 would not affect the approved PND and the provisions of water and sewer to the property.

Schools and Parks: Schools may be impacted by the proposed zone change as the proposed zone district is a commercial mixed-use zone district, and residential use is allowable within the zone. However, it is unlikely that residential use will occur as the developer has indicated a commercial use for the proposed lot within their traffic impact study which is being reviewed as part of the proposed subdivision. Parks should not be affected by the proposed zoning.

Fire and Police: The subject property will be served by the City of Billings Police Department and the Billings Fire Department. The nearest fire station is Fire Station 7 which is located approximately 0.37 miles away. The Police and Fire Departments expressed no concerns with the zone change. Changing the .38 acre portion of P1 to CMU1 would not affect the Fire and Police services to the development.

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

Similar to Criterias 2 and 3, the proposed zone, like all zones, requires minimum setbacks to allow for adequate separation between structures which provides for adequate light and air. This parcel is presently vacant. Therefore, any new structure(s) will be required to meet setback/build-to, height, building separation, and Building Code requirements. Changing the .38 acre portion of P1 to CMU1 would not affect the provisions for adequate light and air.

6. Will the new zoning affect motorized and non-motorized transportation?

The new zoning itself will not impact motorized and non-motorized transportation, as it is a continuation of the adjacent CMU1 onto the remainder of the property. Once the overall PND and subsequent subdivision are developed, there will be increased volume to the transportation network, both motorized and non-motorized. Traffic impacts have been reviewed and evaluated with the approved PND and the subsequent subdivision. Impacts identified within the Traffic Impact Study are typically mitigated using a proportionate share cash contribution or by construction of the improvements. Changing the .38 acre portion of P1 to CMU1 would not affect the motorized and non-motorized transportation.

7. Will the new zoning promote compatible urban growth?

The proposed zoning does promote compatible urban growth by changing the P1 zone area to align with the CMU1 zone to the east of the .38 acre (20 foot wide) strip within the PND. The removal of the P1 zone allows for the developer to utilize the full extent of the property and avoid having a potentially unmaintained parkland strip. Type B3 landscape buffer is required between CMU1 zoning and adjacent Ag zoning, and this standard would adequately address buffering needs.

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

The approved PND and proposed zone change does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is compatible with the adjacent zoning and existing development and uses in the vicinity, as mentioned in Criteria 7. Further, this use is compatible with the character of the surrounding district and the suitability of the property for future uses. Allowing the P1 strip to change to the proposed CMU1, will align with the remainder of the parcel approved PND Zone Change 1070.

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

The property is currently vacant, therefore the new zoning will not have an impact on the value of buildings for the parcel. Any new structures will need to be in compliance with zoning and building codes. Allowing for the zone change will potentially allow for future development of the property to utilize more of the proposed lot as the landscape buffer of B3 is 10 feet wide as opposed to the 20 feet wide P1 strip.

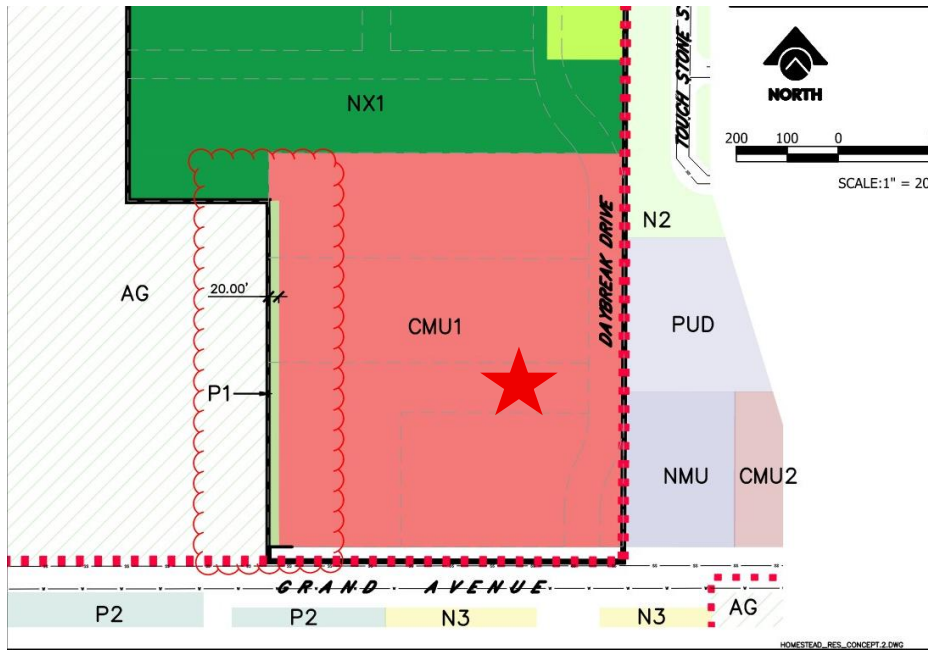
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

Zone Change 1070 was approved as a Mixed Use Planned Neighborhood Development (MU-PND), which includes First Neighborhood Residential (N1), Mixed Residential 1 (NX1), Corridor Mixed-Use 1 (CMU1), and Parks and open space (P1) zoning districts. The property will be developed in accordance with the applicable zoning requirements. Similar land uses exist in the surrounding area, including the Granite Peak Townhomes zoned NX1, and nearby commercial developments such as Diamond X, Back 9, and Albertsons to the east, which are zoned CMU1 and CMU2. The proposed zoning within the PND is consistent with existing zoning patterns in the area, making it an appropriate use of the land. The proposed zone change of the .38 acre strip from P1 to CMU1 will further promote compatible development by aligning the site with the adjacent CMU1 zoning. Additionally, the requested variance from the required separation from an Agricultural zoning district by a street or alley will allow the required landscaping buffer yard to serve as an adequate separation between the two zones.

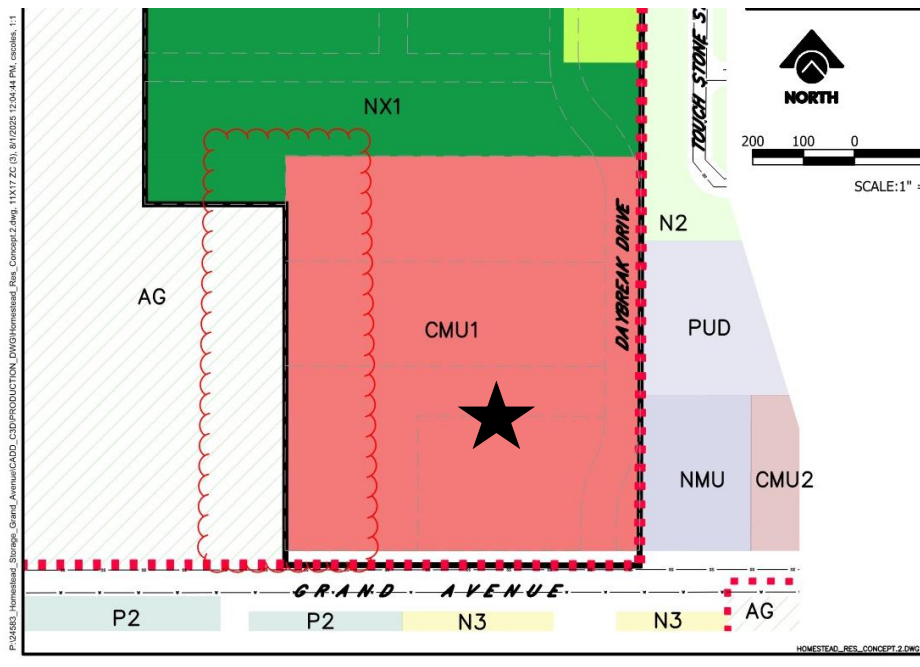
Zoning Map & Site Photos
Application
History

Zone Change 1075 Attachments

Zoning Map & Site Photos



Existing



Proposed





East



West



North



South

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1075 Project # 25-00203

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 _____

Proposed Zoning: _____

PARCEL TAX ID# _____ CITY ELECTION WARD _____

Legal Description of Property: SUNNY COVE FRUIT FARMS, S31, T01 N, R25 E, Lot 67A1, AMD (25)

Address or General Location (If unknown, contact City Engineering): _____

Size of Parcel (Area square feet or acres): _____

Present Land-Use: _____

Proposed Land-Use: _____

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

Owner(s) _____

(Record Owner)

(Address)

(Phone Number)

(email)

Agent(s): _____

(Name)

(Address)

(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: _____

(Record Owner – Digital Signature Allowed)

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
PND	1070	9/22/2025		Y	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Wild Rose Subdivision	998	9/21/21	N4 to (MR-PND) consisting of N1, N2, N3, NX1 and P1	Y	Formerly Sweetgrass Subdivision
Skyview Ridge Subdivision	788	12/5/2006	A to CC, NC, RP, RMF-R, R60, R70, R70R, R96 and Public	Withdrawn	Zone districts updated 2021 to CMU1, NMU, NO, NX3, NX2, N2, N3 and Public 1
Skyview Ridge Subdivision	814	7/23/2007	R96 to R70R, R60, RMF-R, RP, NC, CC and Public	Yes	
Zimmerman Home Place	1038	10/3/2023	NX1 to NX2 & Nx3	Y	
Michelloti Sawyer	1020	10/24/2022	A to NX1 and NX3	Yes	Steward Land townhomes
ZHP 3 rd Filing Zimmerman Trail frontage	1019	1/9/2023	NO to CMU1	Withdrawn	
Cardwell Ranch PD	986	10/26/2020	Update to PD	Y	
733 S 31 st St. W	999	10/25/2021	CMU1 to CMU2	Y	
E.D. King Sub	782	7/10/2006	A-1 to CC	Y	Country Meadow Apts 1997
1501 Zimmerman Trail	807	7/9/2007	R-60-R to CC & RP	Y	Ace Hardware & Offices
3737 Grand Ave	779	6/26/2006	RP to NC	Y	Multi-tenant office/retail
1500 Golden Blvd	572	2/28/1994	A-1 to RMF	Y	Carriage Homes 1997
3155 Avenue C	413	10/25/1983	R-96 to RMF-R	Y	Aspen Meadows 2005
2291 Avenue C	68	8/26/1974	PD to R-60	Y	Rosepark Plaza Apts 1981