



City of Billings Zoning Commission
 Tuesday, March 3, 2026 at 4:30pm



Commission		01/06/2026	02/03/2026	03/03/2026	04/07/2026	05/05/2026	06/02/2026	07/07/2026	08/04/2026	09/01/2026	10/06/2026	11/03/2026	12/01/2026
Daniel J Brooks	Chairman	C	C	1									
Greg McCall	Vice Chairman	C	C	1									
David Goss	Commissioner	C	C	1									
Beau Mulvaney	Commissioner	C	C	1									
Andy Megorden	Commissioner	C	C	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	01/06/2026	02/03/2026	03/03/2026	04/07/2026	05/05/2026	06/02/2026	07/07/2026	08/04/2026	09/01/2026	10/06/2026	11/03/2026	12/01/2026	TOTAL
Zone Change	-	-	2										2
Special Review	-	-	2										2

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

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

Members of the Public: Jessica Robinson,

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: December 2, 2025

Motion by Commissioner Goss to approve the meeting minutes of December 2, 2025 as submitted, second by Commissioner Megorden. 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		

Site Visits:

- ZC 1076 – None
- ZC 1077 – Commissioners McCall and Goss
- SR 1003 – None
- SR 1004 – Commissioner McCall

a. Special Review 1003 –2291 Bench Blvd – Day Care Facility City Special Review 1003 –

A special review request to allow a daycare center in a Mid-Century Neighborhood (N2) zone, on Lot 1, Block 1, Wyman Subd., S14, T01 N, R26 E, a parcel of land approximately 16,210 sq. ft. A pre-application neighborhood meeting was held on January 17, 2026, at 11:30AM at 543 Aronson Avenue. A Day Care Center is described as an out-of-home place in which day care is provided to thirteen (13) or more children on a regular or irregular basis and which is licensed by the Montana Department of Public Health and Human Services. Section 27-1000, Uses and Standards, Table 27-1000.1 specifies that any day care center servicing 13 or more children requires a Special Review approval. Tax ID: A26730.

Karen Husman, Zoning Coordinator gave an overview of the special review request to allow a Day Care Center in a Mid-Century

Planning staff recommends conditional approval and adoption of the findings of the Review Criteria

- Meets the Growth Policy
 - Strong Neighborhoods
- Provides an essential service
 - Residential neighborhood child care is allowed in the N2 district, requires special review when serving 13 or more children
- Minimizes Neighborhood Impacts
 - Conditions of approval to mitigate any possible impacts on neighboring properties.

Staff is recommending the following conditions;

1. The special review is to allow a Day Care Center at 2291 Bench Boulevard, legally described as Lot 1, Block 1, Wyman Subdivision, Section 14, Township 1 North, Range 26 East, Parcel Size: Approximately 16,210 square feet, Tax ID: A26730, where care is provided to thirteen (13) or more children. No other use is intended or implied with this approval.
2. The applicant shall apply for and obtain all necessary permits, including local, state and federal requirements.
3. Daily operation of the facility will not occur prior to 7:00 a.m. or after 9:00 p.m. on any day.
4. A six (6) foot site obscuring fence shall be maintained between the properties to the east and south of the subject parcel.
5. The proposed daycare center shall comply with all other limitations of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
6. As long as these conditions are met, approval of this special review 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.

Special Review Criteria

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 for the proposed use is adequate in size and 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;
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
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.

Questions to Staff

The Board asked whether the proposal was for an exclusive daycare or in conjunction with continued residential use; staff clarified it would be an out-of-home daycare center only. The Board also inquired about signage requirements; staff stated there are no specific signage requirements for a daycare, though a banner may be placed on the fence, and any additional signage would require a variance.

The Board noted that no one attended the neighborhood meeting and asked whether any feedback had been received from the task force; staff indicated that no feedback had been received.

Applicant

Jessica Robinson, Owner. Ms. Robinson stated that she and her sister own both the home and the daycare and have prior experience. She clarified that the residence will not be occupied and will be used solely as a daycare. She also noted that they are obtaining a quote for a six-foot privacy fence. Ms. Robinson added that a neighborhood meeting was held at the Oasis; however, no one attended. Ms. Robinson asked if the condition for the hours of operation could be at 6:30 am in stead of 7 to accommodate parents work schedules.

Questions to Applicant

The board inquired about the children loading and unloading on Bench Blvd. Ms. Robinson replied they will enter on Caroline street through a side gate.

Public Hearing

Chairman Brooks asked for anyone present to speak on SR 1003. There was no one present to speak in favor or opposition; the public hearing was closed.

Motion

Motion by Commissioner Megorden to recommend conditional approval of Special Review 1003 with one amendment to the time on condition number 3 to allow 6:30 am start time, and the rest of Staff recommended conditions and adopt the findings of the 9 Review Criteria as presented within the staff report. Second by Commissioner McCall.

Vote: 5-0 Special Review 1003 passes unanimously

Karen Husman advised the board, City Council will hear items on March 23, 2026.

c. City Special Review 1004 – 533 S 24th St W – Drive Through Service adjacent to residential–

A special review request to allow a drive through service adjacent to residential zone districts for a new coffee facility, in a Corridor Mixed Use 1 (CMU1) zone, on Lots 1-3, Block 5, Valley View Acres Subd., S07, T01 S, R26 E, a parcel of land approximately 29,039 sf. A pre-application neighborhood meeting was held on January 22nd, at 6:00 pm at 2225 Overland Avenue. Per Section 27-1005.N.1(a); A drive-thru establishment that adjoins, including any location across an alley, residentially zoned property, is subject to special review. The purpose of the special review is to allow operation of a drive thru beverage establishment adjacent to parcels in the Mid-Century Neighborhood (N2) Zone. Tax ID: C01734.

Tate Johnson, Neighborhood Planner gave an overview of the special review request to allow a drive-through service adjacent to a residential zone district.

Planning staff recommends conditional approval and adoption of the findings of the Review Criteria

- Meets the Growth Policy
 - Essential Investments
 - Strong Neighborhoods
 - Prosperity
- Located Along Established Commercial Corridor
 - Commercial uses exist to the north, south, and west of the property.
- Minimizes Neighborhood Impacts
 - There is no external speaker system, internal stacking, consolidated access, and required screening.

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

1. The special review approval is for a drive through coffee facility, located at 533 S 24th St W. on Lot 1-3, Block 5, Valley View Acres Subd., S07, T01 S, R26 E, a 29,039-square foot parcel of land. No other use is intended or implied.
2. No outdoor speaker or amplified ordering system shall be audible at any property line, should one be added in the future.
3. Any new lighting on the building or within the parking lot shall have full cutoff shields, so light is directed to the ground and not onto adjacent property.
4. Existing screening adjacent to residentially zoned properties shall remain in place and maintained. If removed or altered, a sight obscuring fence shall be installed along the residential property line to buffer the adjacent zoning district.
5. All other applicable limitations and requirements of the Billings, Montana City Code Zoning Regulations shall apply.
6. Provided all conditions of approval are met, the Special Review approval shall run with the land described herein and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs, and assigns.

Special Review Criteria

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 for the proposed use is adequate in size and 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;
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
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.

Public Hearing

Chairman Brooks asked for anyone present to speak on SR 1004. There was no one present to speak in favor or opposition; the public hearing was closed.

Motion

Motion by Commissioner McCall to recommend conditional approval of Special Review 1004 along with Staff recommended conditions and adopt the findings of the 9 Review Criteria as presented within the staff report. Second by Commissioner Megorden.

Vote: 5-0 Special Review 1004 passes unanimously.

b. City Zone Change 1076– 715 Commerce Way - (from P1 to P2) – A zone change request from Parks and Open Spaces (P1) to Public, Civic, and Institutional Small (P2) zoning, on Tract 1, C.O.S. 2783, Lot 3A-4, and Lot 3A-5, Block 1, Popelka Commerce Center Subdivision, Second Filing, and Lot 3A-1A, Block 1, of Amended Plat of Lots 3A-1 and 3A-3, Block 1, Commerce Center Subdivision, Second Filing, S08, T01 S, R26 E on an 67.307 acres parcel of land. A pre-application neighborhood meeting was held on January 21, 2026, at 5:30 PM, at Newman Elementary School. Tax ID: D01394, A35426, A35427, & A31139

Karen gave an overview of the city-initiated zone change from Parks and Open Spaces (P1) to Public, Civic, and Institutional Small (P2).

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

- *Strong Neighborhoods*
 - Walkable Neighborhoods, open space, parks public gathering spaces
 - Safe and attractive & provide essential services
- *Essential Investments and Prosperity*
 - Diversity of available jobs
- *Placemaking*
 - A multi-use community recreation facility is desirable.
 - Successful businesses that provide local jobs benefit the community.
 - Community investments
- *Community Fabric*
 - Developed Parks with recreational amenities

Zone Change Review Criteria

The Zoning Commission shall consider the recommended findings of the review criteria:

1. Whether the new zoning is designed in accordance with the growth policy;
2. Whether the new zoning is designed to secure from fire and other dangers;
3. Whether the new zoning will promote public health, public safety and general welfare;
4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
5. Whether the new zoning will provide adequate light and air;
6. Whether the new zoning will effect motorized and non-motorized transportation;
7. Whether the new zoning will promote compatible urban growth;
8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
9. Whether the new zoning will conserve the value of buildings; and
10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Questions

Commissioner McCall stated that if the use had been known at the outset, questions regarding alcohol service would have been raised and a zone change requested. Staff responded that the full scope of the use may not have been known at that time. Commissioner McCall also inquired whether a tennis facility would be located on the property; staff advised that if multiple uses are proposed on the same property, applicants are encouraged to consult with staff early in the process to ensure the uses included will be allowed in the district.

Applicant

Gavin Woltjer, PRPL Director – Mr. Woltjer stated he is in favor of the proposed zone change and believes the property should have been rezoned earlier. He noted that the situation involved two separate entities and projects. While there was initial opposition to allowing alcohol, he indicated that, given the ice arena also includes a restaurant, his position has changed to support allowing alcohol as an enhancement to the facility.

Board questions to Applicant

Commissioner Brooks asked if there was any feedback from the neighborhood meeting. Mr. Woltjer responded that there were no members of the public at the meeting.

Public Hearing

Chairman Brooks asked if anyone was present to speak in favor of Zone Change 1076.

Cody Hoefle, Billy Casper – Mr. Hoefle is in favor of the zone change and believes it will help promote ice hockey for all.

Chairman Brooks asked if there was any members of the public to speak in opposition of Zone Change 1076, there were none. Chairman Brooks closed the public hearing.

Motion

Motion by Commissioner Goss to recommend approval of Zone Change 1076 and adopt the findings of the 10 Review Criteria as presented within the staff report. Second by Commissioner Megorden.

Vote: 5-0 Zone Change 1076 passes unanimously.

d. City Zone Change 1077 – Yellowstone Club Estates near Tommy Armor Circle - P1 to N3 - A zone change request from Parks and Open Space (P1) to Neighborhood Residential 3 (N3), on a portion of Tract 11-A-2, Amended Tract 11-A of the remainder of Tract 11, Certificate of Survey 836, S30, T01 N, R25 E, for approximately 6 acres of land. A pre-application neighborhood meeting was held on January 21, 2026, at 6:00 p.m. at the Yellowstone Country Club Ballroom. The purpose of the request is to facilitate annexation of three pieces of land totaling approximately 6 acres into the City of Billings, followed by a future subdivision to create the parcels. Tax ID: D04646

Hunter Kelly, Planner gave a brief overview of Zone Change 1077 to change from Parks and Open Space (P1) to Neighborhood Residential 3 (N3). Staff received 4 letters in opposition.

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

- Meets the Growth Policy -
 - Strong Neighborhoods
 - Essential Investments
 - Home Base
- Adjacent uses and zoning compatible with proposed zoning
 - All surrounding property adjacent to the road is zoned N3

Zone Change Review Criteria

The Zoning Commission shall consider the recommended findings of the review criteria:

1. Whether the new zoning is designed in accordance with the growth policy;
2. Whether the new zoning is designed to secure from fire and other dangers;
3. Whether the new zoning will promote public health, public safety and general welfare;
4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
5. Whether the new zoning will provide adequate light and air;
6. Whether the new zoning will effect motorized and non-motorized transportation;
7. Whether the new zoning will promote compatible urban growth;
8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
9. Whether the new zoning will conserve the value of buildings; and
10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Board Questions to Staff

The board inquired whether sidewalks exist on the vacant parcels, noting that they appear to end and start on the other side. Staff confirmed this is correct.

The board also inquired about access to parks outside the adjacent property. Staff responded that there are several other options for accessing the trails.

Applicant

Taylor Kasperick of Performance Engineering, representing the Yellowstone Country Club as the property owner, stated that the proposal involves rezoning just approximately six acres for residential development, with annexation into the city to provide city services, resulting in a total of seven lots. Utilities are readily available to the subject parcel. A neighborhood meeting was held with approximately 63 attendees. Feedback from the meeting focused on concerns regarding rezoning and development of parkland, continued access to trails, and potential impacts to adjacent residents.

Mr. Kasperick noted that non-utilized parkland can be costly for the city and may be rezoned or addressed through alternative solutions. He also reiterated that the property is not “public land” but

private property and the owners have historically allowed the residents to utilize the open space and available trail system. The proposed low-density development aligns with the city's growth policy. Access to the existing trail system would remain, with four dedicated access points maintained. He emphasized that the project is infill, surrounded by similarly developed properties, and adjacent to existing roads and water and sewer infrastructure. Estimated traffic for the development is approximately 66 round trips per day.

Board Questions to Applicant

The board inquired why the lots had not been previously zoned. The applicant stated they were not aware but believed it may be due to the property previously being owned by the Country Club.

The board also inquired about the owner's intentions regarding inclusion in the HOA. The applicant stated this was discussed at the neighborhood meeting, and the owner is open to either incorporating the lots into the HOA or leaving them out, depending on the HOA's preference.

Chairman Brooks opened the Public Hearing and asked if there are members of the public to speak on Zone Change 1077.

Public Hearing

Cody Hoefle 5546 Billy Casper – In Opposition
Emily Adam 3628 Ben Hogan - Neutral
Katelyn Hoefle 5546 Bill Casper – In Opposition
Justin Moser 5978 Ironwood Dr – In Favor
David Irion 3133 Ben Hogan – In Favor
Tyler Mallowney 1328 Parkhill – In Opposition
Dan Catlin 3729 Ben Hogan – In Opposition
John Forte Billings – In Opposition
Tim Ryker 3712 Ben Hogan – In Opposition
Sarah Tommy Armor – In Opposition
Bob Mackin 3653 Quimet Circle – In Opposition
Exel Wedul 3412 Ben Hogan – In Opposition

Multiple members of the public spoke in opposition to the proposed zone change. Concerns focused on the loss of open space, impacts to trail access, increased traffic, and compatibility with the existing neighborhood. Several speakers emphasized the importance of preserving the area's current character and noted the availability of alternative locations for development. Additional concerns included infrastructure capacity and maintaining neighborhood aesthetics. Some speakers requested that, if approved, the lots be incorporated into the HOA and that access to trails be preserved.

Support for the proposal was expressed, who described the project as limited infill development with existing services and indicated that recreational amenities would remain.

Chairman Brooks closed the Public Hearing.

Applicant's Rebuttal

Mr. Kasperick stated that Scott Aspenlieder has been in business for over 13 years, predating his service on the City Council. He further noted that Mr. Aspenlieder will not participate in discussion or vote on this application when it comes before the City Council.

Discussion

Commissioner McCall stated that he recognizes this is a difficult issue and expressed appreciation to the public for sharing their concerns. He noted the possibility of prescriptive easements and acknowledged that the Yellowstone Country Club has neighborhood considerations to address. He observed that residents have used the land in its current manner for many years and suggested, if possible, that trail access continue in the public's best interest. At the same time, he emphasized that the legal landowner retains the right to manage their property.

Commissioner Megorden stated agreement with Commissioner McCall, noting that the infill development of the seven lots does not seem unreasonable. However, he emphasized that access to the trails should be maintained.

Commissioner Mulvaney noted that while the Yellowstone Country Club owns the land, he is concerned about how the proposed development may affect club members.

Commissioner Goss reminded the Board that state law does not allow conditions to be placed on a zone change; the Board's review is limited strictly to the land and its proposed use. He expressed agreement with Commissioner McCall's comments and suggested that homeowners and the Yellowstone Country Club work together to reach a resolution prior to the City Council meeting next month. He further noted that matters related to trails and the HOA are beyond the Board's authority.

Motion

Motion by Commissioner Goss to recommend approval of Zone Change 1077 and adopt the findings of the 10 Review Criteria as presented within the staff report. Second by Commissioner Megorden.

Vote: 4-1 Zone Change 1077 passes

Chairman Brooks expressed appreciation to the public for attending, even if the outcome may not be in their favor. He noted that the Board is bound by the ten review criteria and cannot add conditions, and that decisions are based solely on these criteria.

Other Business – There was no Other Business

Future Business

Karen Husman advised the Commission there will be three items for the meeting in April.

Adjournment: The meeting adjourned at 5:55 PM

Brenda J Berns, Planning Division Clerk