

ORDINANCE 23-5862

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE  
ZONE CLASSIFICATION for Lot 7 of Block 24 of Lampman  
Subdivision (less 200 square feet for street), BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** **Lot 7, Block 24 of Lampman Subdivision (less 200 square feet for street),** is presently zoned **Suburban Neighborhood Residential (N3),** and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Lot 7, Block 24 of Lampman Subdivision (less 200 square feet for street),** is hereby changed from **Suburban Neighborhood Residential (N3),** to **Neighborhood Office (NO),** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Neighborhood Office (NO),** as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this October 23, 2023.

PASSED, ADOPTED and APPROVED on second reading this November 13, 2023.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

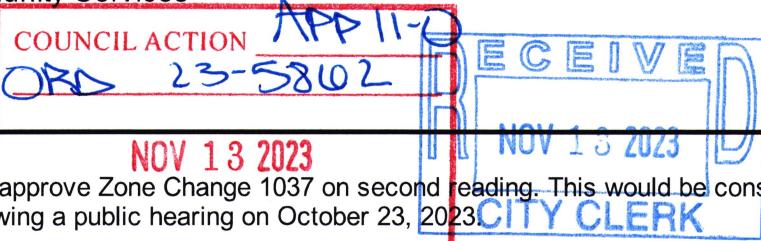
Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

Zone Change 1037 – 3146 Monad Road

**City Council Regular**

**Date:** 11/13/2023  
**Title:** Zone Change 1037 - 3146 Monad Rd - N3 to NO - 2nd reading  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00158

**RECOMMENDATION**

Planning staff recommends the City Council approve Zone Change 1037 on second reading. This would be consistent with first reading action which occurred following a public hearing on October 23, 2023.

**CITY CLERK**

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

This is a zone change request for a parcel generally located at 3146 Monad Rd and legally described as Lot 7 of Block 24, Lampman Subdivision. The current zoning is Suburban Neighborhood Residential (N3) and the proposed zoning is Neighborhood Office (NO). The intent of the zone change is to allow for the development on the vacant lot of several attached live/work units for professional office space. The lot is 11,708 square feet in area.

The proposed zone change will allow one lot at the intersection of Monad Road and S 32nd St West to be developed for either mixed residential uses or a combination of office space and living space units. The subdivision is more than 40 years old and the lot may have been appropriate for single family use in the past when there was little development in the surrounding neighborhoods and the intersection of Monad Road and 32nd Street West was not as busy as it is today. The current volume and speed of traffic at this intersection makes development for a single family dwelling the least likely use of the property. Higher residential density or a combination of residential and office-based businesses will be a more appropriate use of the land at this stage of urban development. The site is challenging for access since it is directly at the corner of a signalized intersection of two multi-lane arterial streets. Careful placement of a drive approach on Monad Rd will be required. Typically, the city requires any new drive approach near a signalized intersection to be at least 100 feet away from the intersection (BMCC 6-1208.i.4). Use of the existing alley off 32nd St West may also provide vehicle access to the property. Paving and drainage of this section of the alley may be required if it is the primary vehicle access to the development.

The NO zone allows professional offices, personal and business services, but no general retail businesses. The zone is intended to be located at intersections of collector or arterial streets and local street into neighborhoods. The uses allowed within the zone are limited as the zone is intended to fit within a neighborhood as well as on the edge of neighborhoods. The 2001 West Billings Neighborhood Plan envisioned the arterial streets becoming locations for commercial nodes at intersections and higher density residential or professional offices between arterial intersections. The proposed development pattern from this 2001 neighborhood plan has been implemented successfully in several locations that were annexed to the city for services. For example, the commercial node under development at Grand Ave and 54th St West was predicted and supported by the 2001 neighborhood plan. The large commercial development node at King Ave West and Shiloh Road was also supported by the neighborhood plan. This plan will be updated in the next 18 months.

32nd St West from King Ave West north to Rimrock Road served as the main north-south corridor while the city and state re-built Shiloh Road in 2009/2010. The current level of traffic on both 32nd St West and Monad Road is a healthy volume for arterial streets. About 8,000 vehicle trips per day are counted on Monad Rd and about 15,000 vehicle trips per day on 32nd St West near this intersection. The traffic counts are collected during non-school months (June - August) and are averaged over a three-year period. It is likely the volume of traffic at this intersection is much higher during peak times of the week for schools (morning and afternoon) as well as weekends when recreational activities are happening in surrounding areas. The city is working on signal improvements in the 32nd St West corridor to ensure the signals are timed correctly and are activated normally at the intersections. Currently, the equipment for each signal is from a different time period and cannot be synched. Arterial streets can handle large volumes of traffic depending on the construction of the road. Multi-lane arterials - more than 1 lane for each direction, can handle higher volumes and can provide safer turning movements. Both 32nd St West and Monad Road are built with one travel lane in each direction and with a center turn lane to accommodate queuing for left turn movements. There is no plan at this time to add travel lanes to either arterial street.

Directly to the north of the subject property is the West Side Baptist Church in a Public 2 (P2) zone district. To the east, south and west there are single family and multifamily developments. There is a single family home directly adjacent to the east (3138 Monad Rd) and one directly south across the alley at 3145 Georgina Dr. The addition of a development on this property will not create a large amount of additional traffic to the alley or the street network. If four dwelling units are developed then about 32 to 40 additional traffic trips per day could be anticipated. This number includes not just the resident trips but also includes guests and service trips to the property for mail delivery or similar daily necessities. Development for office-based businesses could add more traffic, but based on the allowed uses and the size of the property these would not be significant. The Planning staff did not receive any comments from the Engineering Division regarding the proposed zone change.

Prior to the zoning code update in 2021, this property was zoned Residential 9,600 (R96) as were all the properties to the east and south of this location within the Lampman Subdivision. Incremental changes to the original zoning occurred over the last 50 years to accommodate commercial development at the intersection of King Ave West and 32nd St West. No other parcels on the 32nd St West corridor from King Ave West north to Central Avenue have been approved for zone changes from residential to commercial or office uses. There was one request in 2008 for a zone change to Residential Professional (RP) for a few lots at Rosebud Dr and 32nd St West that was not approved. The Harvest Subdivision Planned Development on the west side of 32nd St W has changed some underlying zone district uses to allow, for example, the Pickle Barrel sandwich shop and some of the other uses in the multi-tenant building at King Ave W and 32nd St W.

Planning staff recommended approval based on the compatibility with the adjacent streets and residential homes to the east and south. The Zoning Commission concurred with this recommendation. The proposed zoning is in conformance with the 2016 Growth Policy guidelines, and the West Billings Neighborhood Plan. The proposed use and zoning will benefit the orderly transition of this property to the next increment of development intensity at the intersection of two arterial streets. Similar development patterns exist and are compatible with adjacent neighborhoods in Billings. The City Council approved the zone change on first reading on October 23, 2023. A second reading is required.

## STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on August 24, 2023, at the Mazevo Coffee shop at 3911 Central Avenue. Three surrounding owners attended the meeting. Planning staff sent the required mailed notices, posted the property and published the legal for the Zoning Commission hearing. No public comments were received by the Planning staff prior to submitting its report to the Zoning Commission.

## Zoning Commission Hearing Oct 3, 2023

The Zoning Commission conducted a public hearing October 3, 2023, and received the recommendation from the Planning staff, and testimony from the agent, Jami Clark. Ms. Clark stated she owns the property with her husband Tony Wilcox. She stated her intention is to build a small office space for her real estate business and have 3 residential units in the same building. She stated City Engineering has agreed to allow one curb cut on Monad Rd on the east side of the property. She stated the current concept would require about 9 off-street parking spaces.

Sheila Peterson of 3135 Georgina Drive, a neighbor to the south, provided testimony regarding concerns about traffic and property values. Mrs. Peterson stated her husband was almost run over by a driver using the alley as a cut-through to avoid the light at Monad Rd. She stated people zip through the alley or Georgina Drive all the time to avoid waiting at the traffic light to go east on Monad Rd. She stated this has been a common problem for many years. She was concerned that development on the north side of the alley would encourage this cut-through traffic even more especially if the new development will be using the alley for access. She stated she is concerned the building might cut-off good vision at the corner for fire trucks or police who go through this intersection. She stated some neighbors told her they were concerned about property values going down because of the new zoning. Planning staff clarified that property values generally are not effected by adjacent zoning.

Ms. Clark stated they do intend to use the alley for some access as the one access on Monad Road may be challenging to use at certain times of the day. She stated she would be on the property in her office almost every weekday. She stated the current building concept is to have her office and one dwelling unit on the first floor with two, 1-bedroom units on the second floor. She stated the units upstairs would be very small approximately 300 to 400 square feet. She stated her intent was to have these as furnished apartments. She stated these units would not likely be for long-term tenants but for residents who need a place for a few weeks or a few months. She stated the building would have to meet all the required setbacks including the corner visibility requirements.

No other testimony was received from the public or surrounding owners. The Zoning Commission Chair, Michael Larson, closed the public hearing. Commission member Greg McCall made a motion to recommend approval and adoption of the proposed findings of the 10 review criteria for Zone Change 1037. The motion was seconded by Commission member Trina White and the motion was approved on a 5-0 vote.

## **City Council Public Hearing October 23, 2023**

The City Council held a public hearing on first reading for Zone Change 1037 and received the Zoning Commission recommendation of approval. The City Council also received testimony from the applicant's agent, Jami Clark. Mayor Cole closed the public hearing and Council member Mike Boyett made a motion to approve the zone change on first reading and adopt the recommended findings of the 10 review criteria. The motion was seconded by Council member Daniel Tidswell and was approved on a unanimous vote.

## **ALTERNATIVES**

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1037 on second reading; or,
- Deny and adopt different findings of the ten review criteria on second reading for Zone Change 1037; or,
- Delay action on second reading of the zone change request for up to 30 days at the request of the applicant or on its own motion.

The applicant has not requested a delay of second reading. Two readings are required for zone changes.

## **FISCAL EFFECTS**

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

## **SUMMARY**

Prior to making a decision, the City Council shall consider the proposed findings as recommended by the Zoning Commission as follows:

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:

- Prosperity (promoting equal opportunity and economic advancement)
- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing vacant parcel at the intersection of two heavily traveled arterial street to be developed for a use that is compatible with the streets and with the adjacent residential neighborhood. The NO zone is intended to allow only uses that are compatible with neighborhoods and excludes general commercial uses including retail uses of concern to the neighborhood such as liquor stores, marijuana dispensaries or convenience foods. For example, a coffee kiosk or any restaurant food service would not be allowed. In addition, the use for office space for professionals would not include open storage of business equipment or supplies.

The proposed zoning is also supported by the West Billings Neighborhood Plan that indicated the intersections of arterial streets and the area between such intersections would be appropriate for higher density housing and professional office spaces. The current zoning limits the potential uses to a single family dwelling which is not at all compatible with the street intersection.

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

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.

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 zoning. The proposed NO zoning would allow the owner to ensure future development is not intrusive to neighboring property, and still allow compatible uses with the adjacent zoning. Buffer yards will be required along with street frontage trees and landscaping. Vacant or undeveloped lots tend to add unpredictability to the area. Vacant lots tend to be less well-maintained and can attract unwanted activity.

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

**Transportation:** The proposed zoning may increase traffic slightly on the adjacent arterial streets. This increase will not require a traffic study and City Engineering will ensure the appropriate placement of any new drive approach on Monad Rd or use of the alley for residential traffic.

**Water and Sewer:** The City provides water and sewer to the area. Water is stubbed into the property off Monad Rd and sewer service is available in the alley. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The proposed development may include some residential use, but it will be a few units if any. The nearby elementary school (Big Sky Elementary) had 368 students enrolled last year with a student teacher ratio of 23.97 students per teacher. Ben Steele Middle School serves this location. Ben Steele Middle School had 795 students enrolled last year with a student teacher ratio of 17.1 students per teacher. West High School had a 2022/2023 enrollment of 2,180 students with student teacher ratio of 15.91. The student population capacity of Big Sky Elementary is 425, Ben Steele Middle School can handle up to 750 students, and West High School can accommodate 1,731 students. The school district provided no comments on the proposed zone change.

The closest public park to this location is Lampman Park but is undeveloped and on the list of surplus parkland for sale. Harvest Subdivision and Parkland West subdivisions to the west have public open space consisting mainly of trails and sidewalks throughout the neighborhoods. There is a small neighborhood park within walking distance (1/4-mile) located just west of Big Sky Elementary on Granger Avenue East. Stewart Park is approximately .75 miles walking distance to the east and Centennial Park is about the same distance north on 32nd St West. There was no comment or concerns about the proposed zoning from Parks, Recreation and Public Lands staff.

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The existing property has a fully developed sidewalk on both street frontages and appears to be in good condition. Traffic volume on Monad Rd is about 8,000 vehicle trips per day and about twice that amount on 32nd St West. The existing streets can handle any small increase in traffic volume. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and south of the subject parcel is zoned N3. North across Monad Rd is zone P2 for the church and to the west the neighborhoods have Planned Development zoning. The zoning does promote compatible urban growth.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow professional offices and residential housing choices on a busy arterial street in Billings westend.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements for new construction including all zoning standards, landscaping, screening, building heights and setbacks. Engineering standards for traffic management, stormwater control and safe public improvements will also be required.

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

The proposed zoning will allow the development of the property at the intersection of two arterial streets and will encourage the most appropriate use of land in the district. Supporting local business expansion and adding housing choice is beneficial to the economic growth for the City of Billings.

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Attachments

Ordinance ZC 1037

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION for Lot 7 of  
Block 24 of Lampman Subdivision (less 200 square feet  
for street), BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

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PASSED by the City Council on first reading this 23<sup>rd</sup> day of October, 2023.

PASSED, ADOPTED and APPROVED on second reading this November 13, 2023.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 1037 – 3146 Monad Rd

## City Council Regular

Date: 10/23/2023  
 Title: Zone Change 1037 - 3146 Monad Rd - N3 to NO  
 Presented by: Nicole Cromwell  
 Department: Planning & Community Services  
 Presentation: Yes  
 Legal Review: Not Applicable  
 Project Number: PZX-23-00158

COUNCIL ACTION	Approved 10-0 Neese Absent / Excused
OCT 23 2023	
<i>dh</i>	
CITY CLERK	

## RECOMMENDATION

The Zoning Commission is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1037.

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

This is a zone change request for a parcel generally located at 3146 Monad Rd and legally described as Lot 7 of Block 24, Lampman Subdivision. The current zoning is Suburban Neighborhood Residential (N3) and the proposed zoning is Neighborhood Office (NO). The intent of the zone change is to allow for the development on the vacant lot of several attached live/work units for professional office space. The lot is 11,708 square feet in area.

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The NO zone allows professional offices, personal and business services, but no general retail businesses. The zone is intended to be located at intersections of collector or arterial streets and local street into neighborhoods. The uses allowed within the zone are limited as the zone is intended to fit within a neighborhood as well as on the edge of neighborhoods. The 2001 West Billings Neighborhood Plan envisioned the arterial streets becoming locations for commercial nodes at intersections and higher density residential or professional offices between arterial intersections. The proposed development pattern from this 2001 neighborhood plan has been implemented successfully in several locations that were annexed to the city for services. For example, the commercial node under development at Grand Ave and 54th St West was predicted and supported by the 2001 neighborhood plan. The large commercial development node at King Ave West and Shiloh Road was also supported by the neighborhood plan. This plan will be updated in the next 18 months.

32nd St West from King Ave West north to Rimrock Road served as the main north-south corridor while the city and state re-built Shiloh Road in 2009/2010. The current level of traffic on both 32nd St West and Monad Road is a healthy volume for arterial streets. About 8,000 vehicle trips per day are counted on Monad Rd and about 15,000 vehicle trips per day on 32nd St West near this intersection. The traffic counts are collected during non-school months (June - August) and are averaged over a three-year period. It is likely the volume of traffic at this intersection is much higher during peak times of the week for schools (morning and afternoon) as well as weekends when recreational activities are happening in surrounding areas. The city is working on signal improvements in the 32nd St West corridor to ensure the signals are timed correctly and are activated normally at the intersections. Currently, the equipment for each signal is from a different time period and cannot be synched. Arterial streets can handle large volumes of traffic depending on the construction of the road. Multi-lane arterials - more than 1 lane for each direction, can handle higher volumes and can provide safer turning movements. Both 32nd St West and Monad Road are built with one travel lane in each direction and with a center turn lane to accommodate queuing for left turn movements. There is no plan at this time to add travel lanes to either arterial street.

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east, south and west there are single family and multifamily developments. There is a single family home directly adjacent to the east (3138 Monad Rd) and one directly south across the alley at 3145 Georgina Dr. The addition of a development on this property will not create a large amount of additional traffic to the alley or the street network. If four dwelling units are developed then about 32 to 40 additional traffic trips per day could be anticipated. This number includes not just the resident trips but also includes guests and service trips to the property for mail delivery or similar daily necessities. Development for office-based businesses could add more traffic, but based on the allowed uses and the size of the property these would not be significant. The Planning staff did not receive any comments from the Engineering Division regarding the proposed zone change.

Prior to the zoning code update in 2021, this property was zoned Residential 9,600 (R96) as were all the properties to the east and south of this location within the Lampman Subdivision. Incremental changes to the original zoning occurred over the last 50 years to accommodate commercial development at the intersection of King Ave West and 32nd St West. No other parcels on the 32nd St West corridor from King Ave West north to Central Avenue have been approved for zone changes from residential to commercial or office uses. There was one request in 2008 for a zone change to Residential Professional (RP) for a few lots at Rosebud Dr and 32nd St West that was not approved. The Harvest Subdivision Planned Development on the west side of 32nd St W has changed some underlying zone district uses to allow, for example, the Pickle Barrel sandwich shop and some of the other uses in the multi-tenant building at King Ave W and 32nd St W.

Planning staff recommended approval based on the compatibility with the adjacent streets and residential homes to the east and south. The Zoning Commission concurred with this recommendation. The proposed zoning is in conformance with the 2016 Growth Policy guidelines, and the West Billings Neighborhood Plan. The proposed use and zoning will benefit the orderly transition of this property to the next increment of development intensity at the intersection of two arterial streets. Similar development patterns exist and are compatible with adjacent neighborhoods in Billings.

## **STAKEHOLDERS**

The applicant held a pre-application neighborhood meeting on August 24, 2023, at the Mazevo Coffee shop at 3911 Central Avenue. Three surrounding owners attended the meeting. Planning staff sent the required mailed notices, posted the property and published the legal for the Zoning Commission hearing. No public comments were received by the Planning staff prior to submitting its report to the Zoning Commission.

## **Zoning Commission Hearing Oct 3, 2023**

The Zoning Commission conducted a public hearing October 3, 2023, and received the recommendation from the Planning staff, and testimony from the agent, Jami Clark. Ms. Clark stated she owns the property with her husband Tony Wilcox. She stated her intention is to build a small office space for her real estate business and have 3 residential units in the same building. She stated City Engineering has agreed to allow one curb cut on Monad Rd on the east side of the property. She stated the current concept would require about 9 off-street parking spaces.

Sheila Peterson of 3135 Georgina Drive, a neighbor to the south, provided testimony regarding concerns about traffic and property values. Mrs. Peterson stated her husband was almost run over by a driver using the alley as a cut-through to avoid the light at Monad Rd. She stated people zip through the alley or Georgina Drive all the time to avoid waiting at the traffic light to go east on Monad Rd. She stated this has been a common problem for many years. She was concerned that development on the north side of the alley would encourage this cut-through traffic even more especially if the new development will be using the alley for access. She stated she is concerned the building might cut-off good vision at the corner for fire trucks or police who go through this intersection. She stated some neighbors told her they were concerned about property values going down because of the new zoning. Planning staff clarified that property values generally are not effected by adjacent zoning.

Ms. Clark stated they do intend to use the alley for some access as the one access on Monad Road may be challenging to use at certain times of the day. She stated she would be on the property in her office almost every weekday. She stated the current building concept is to have her office and one dwelling unit on the first floor with two, 1-bedroom units on the second floor. She stated the units upstairs would be very small approximately 300 to 400 square feet. She stated her intent was to have these as furnished apartments. She stated these units would not likely be for long-term tenants but for residents who need a place for a few weeks or a few months. She stated the building would have to meet all the required setbacks including the corner visibility requirements.

No other testimony was received from the public or surrounding owners. The Zoning Commission Chair, Michael Larson, closed the public hearing. Commission member Greg McCall made a motion to recommend approval and adoption of the proposed findings of the 10 review criteria for Zone Change 1037. The motion was seconded by Commission member Trina White and the motion was approved on a 5-0 vote.

## **ALTERNATIVES**

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1037 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1037; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application. Two readings are required for zone changes.

## FISCAL EFFECTS

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

## SUMMARY

Prior to making a decision, the City Council shall consider the proposed findings as recommended by the Zoning Commission as follows:

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:

- Prosperity (promoting equal opportunity and economic advancement)
- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing vacant parcel at the intersection of two heavily traveled arterial street to be developed for a use that is compatible with the streets and with the adjacent residential neighborhood. The NO zone is intended to allow only uses that are compatible with neighborhoods and excludes general commercial uses including retail uses of concern to the neighborhood such as liquor stores, marijuana dispensaries or convenience foods. For example, a coffee kiosk or any restaurant food service would not be allowed. In addition, the use for office space for professionals would not include open storage of business equipment or supplies.

The proposed zoning is also supported by the West Billings Neighborhood Plan that indicated the intersections of arterial streets and the area between such intersections would be appropriate for higher density housing and professional office spaces. The current zoning limits the potential uses to a single family dwelling which is not at all compatible with the street intersection.

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

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.

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 zoning. The proposed NO zoning would allow the owner to ensure future development is not intrusive to neighboring property, and still allow compatible uses with the adjacent zoning. Buffer yards will be required along with street frontage trees and landscaping. Vacant or undeveloped lots tend to add unpredictability to the area. Vacant lots tend to be less well-maintained and can attract unwanted activity.

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

**Transportation:** The proposed zoning may increase traffic slightly on the adjacent arterial streets. This increase will not require a traffic study and City Engineering will ensure the appropriate placement of any new drive approach on Monad Rd or use of the alley for residential traffic.

**Water and Sewer:** The City provides water and sewer to the area. Water is stubbed into the property off Monad Rd and sewer service is available in the alley. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The proposed

development may include some residential use, but it will be a few units if any. The nearby elementary school (Big Sky Elementary) had 368 students enrolled last year with a student teacher ratio of 23.97 students per teacher. Ben Steele Middle School serves this location. Ben Steele Middle School had 795 students enrolled last year with a student teacher ratio of 17.1 students per teacher. West High School had a 2022/2023 enrollment of 2,180 students with student teacher ratio of 15.91. The student population capacity of Big Sky Elementary is 425, Ben Steele Middle School can handle up to 750 students, and West High School can accommodate 1,731 students. The school district provided no comments on the proposed zone change.

The closest public park to this location is Lampman Park but is undeveloped and on the list of surplus parkland for sale. Harvest Subdivision and Parkland West subdivisions to the west have public open space consisting mainly of trails and sidewalks throughout the neighborhoods. There is a small neighborhood park within walking distance (1/4-mile) located just west of Big Sky Elementary on Granger Avenue East. Stewart Park is approximately .75 miles walking distance to the east and Centennial Park is about the same distance north on 32nd St West. There was no comment or concerns about the proposed zoning from Parks, Recreation and Public Lands staff.

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The existing property has a fully developed sidewalk on both street frontages and appears to be in good condition. Traffic volume on Monad Rd is about 8,000 vehicle trips per day and about twice that amount on 32nd St West. The existing streets can handle any small increase in traffic volume. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and south of the subject parcel is zoned N3. North across Monad Rd is zone P2 for the church and to the west the neighborhoods have Planned Development zoning. The zoning does promote compatible urban growth.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow professional offices and residential housing choices on a busy arterial street in Billings westend.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements for new construction including all zoning standards, landscaping, screening, building heights and setbacks. Engineering standards for traffic management, stormwater control and safe public improvements will also be required.

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

The proposed zoning will allow the development of the property at the intersection of two arterial streets and will encourage the most appropriate use of land in the district. Supporting local business expansion and adding housing choice is beneficial to the economic growth for the City of Billings.

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#### Attachments

Zoning Map and Site Photos ZC 1037

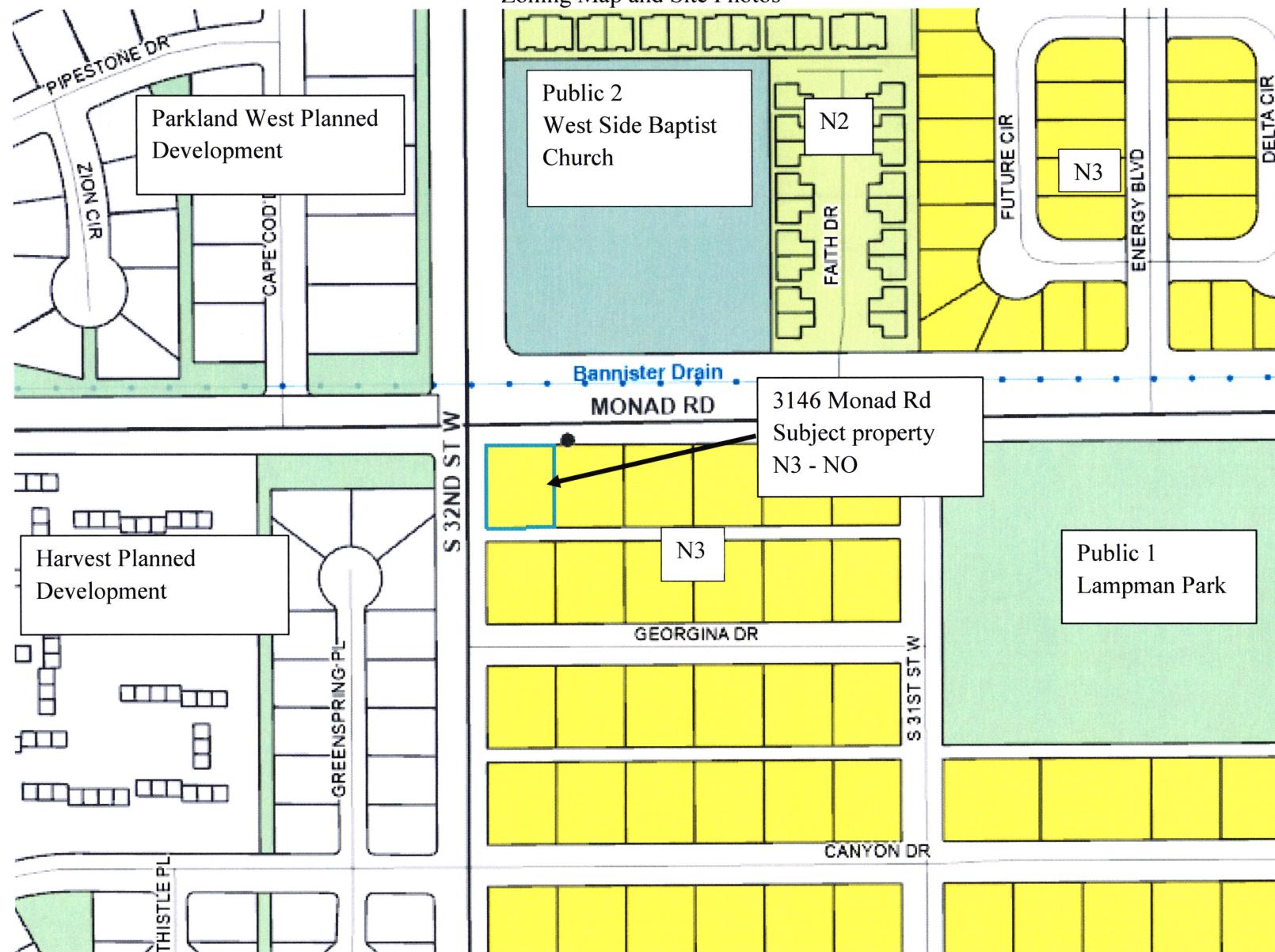
Chart of Zoning History ZC 1037

Pre application meeting notes ZC 1037

Application and Letter

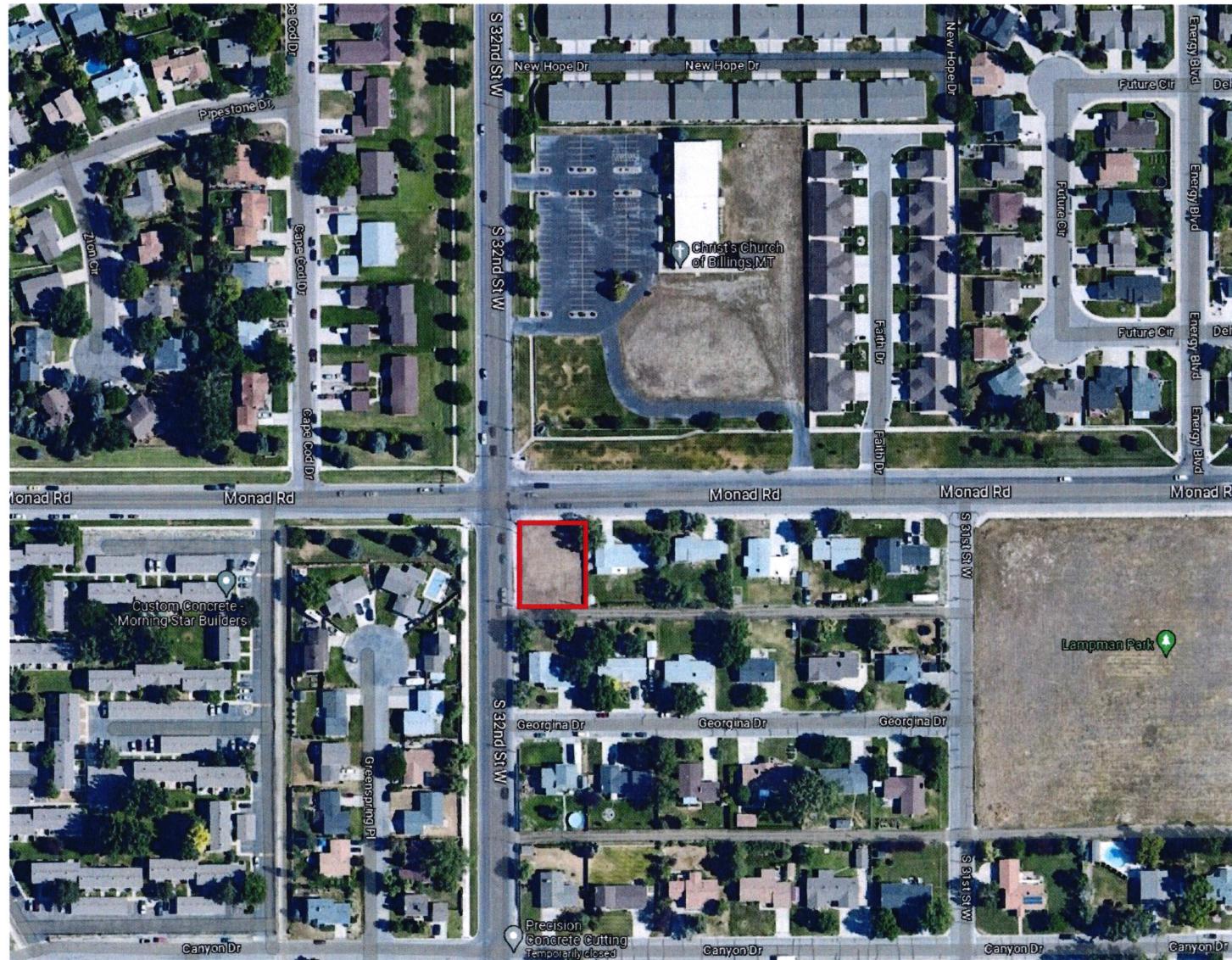
Ordinance ZC 1037

City Zone Change 1037 – 3146 Monad Rd  
Zoning Map and Site Photos



Subject Property





Subject Property



Subject Property view south from Monad Rd



View south east to adjacent residence at 3138 Monad Rd



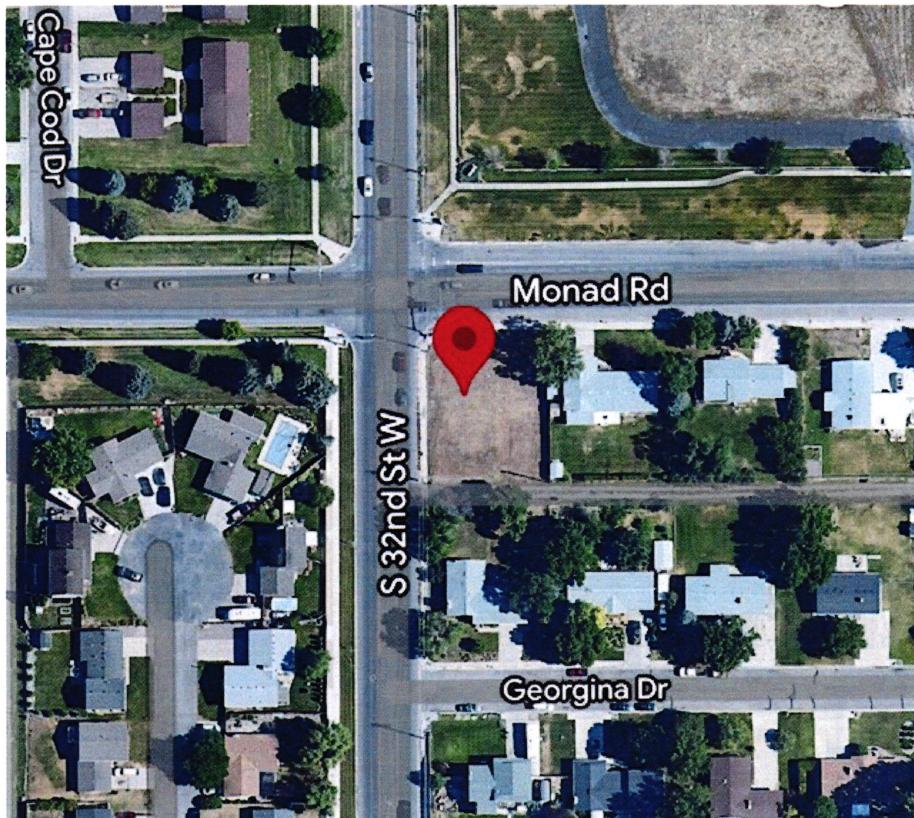
View north across Monad Rd to West Side Baptist Church



View north west across intersection of 32<sup>nd</sup> St W and Monad Rd



View west along Monad Rd across 32<sup>nd</sup> St W



Aerial Map

Zoning History for City ZC 1037 – 3146 Monad Rd

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	None				
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
NE corner King Ave W & 32 <sup>nd</sup> St W	124	6/7/1977	R96 to RP	Yes	Now CMU1
NE corner King Ave W & 32 <sup>nd</sup> St W	261	12/31/1979	R96 to RP	Yes	Now CMU1
NE corner King Ave W & 32 <sup>nd</sup> St W	502	6/9/1986	R96 to RP	No	Now CMU1
2902 Henesta	512	5/4/1987	R96 to CC	Yes	Now CMU2
29 <sup>th</sup> St W and King Ave W	700	8/12/2002	R96 to CC	Yes	Now CMU2
3525 Central Ave	789	9/11/2006	R96 to NC	Yes	Now NO
NE corner of 32 <sup>nd</sup> St W & Rosebud	836	4/29/2008	R80 to RP	No	Now N2
3133 Central Ave	839	6/9/2008	R96 to NC	Yes	Now NMU
3333 Central Ave	867	9/27/2010	R96 to NC	Yes	Now NMU

### Pre-Application Statement of Owner(s) or Agent(s)

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

1. Present Zoning: N3 - Suburban Neighborhood
2. Written description of the Zone Change Plan including existing and proposed new zoning:

Change from N3 Suburban Neighborhood to NO - Neighborhood Office

3. Subject Property Map: please attach to this form

4. Legal Description of Property:

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

5. Neighborhood Task Force Area Yes // No . If Yes, Name of Task Force and mailing address of Chairperson:

Steve Zeier West End Task Force 5415 Summer Stone Ave Billings, MT 59106

6. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form

7. A copy of the meeting notice. please attach to this form

8. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to this form

9. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 24th day of August 2023

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

**Owner (s):** Anthony Wilcox **Telephone:** 406-321-4532

**Address:** 107 33rd St W **Email:** tonywilcox17@hotmail.com  
Billings, MT 59102

**Agent (s):** Jami Clark, Yellowstone Realty Brokers **Telephone:** 406-696-2215

**Address:** PO Box 21040 **Email:** jami@ownbillings.com  
Billings, MT 59104

6:32 start time - 7:10 end time

## NEIGHBORHOOD ZONE CHANGE MEETING 8/24/2023

Name	Address	Signature(s)
Brandt, Nancy	429 Greenspring	
Brown, Zachary	456 Greenspring	
Campbell, Jonathon & Samantha	471 Greenspring	
Christ's Church of Billings	323 S 32nd St W	Brb Marlow
City of Billings		
Frichtl, Twila	385 Cape Cod	
Hofstad, Patricia	3127 Georgina	
Kampe, Kenneth & Laura	428 Greenspring	
Kappel, Kara/Wittenberg, Brett	443 Greenspring	
Keneally, Wrenzie	457 Greenspring	
Kepferle, Kay & Russel	443 Greenspring	
Kuchera, Patricia	415 Greenspring	
Leichner, Kyle	3138 Monad	
Melia, Tedd & Billie	3130 Monad	
Nollmeyer, Bonita Lee	369 Cape Cod	
Pankratz, Mary	3119 Georgina	
Peterson, Sharon	3135 Georgina	Sharon Petersen
Rush, Robert & Linda	3120 Georgina	
Shied, Dixie Ann	3145 Georgina	Dixie Ann Shied
Smith, Chad	414 Greenspring	
Vissr, Albert & Joyce	3130 Georgina	
Wallace, Shawn & Julianna	3146 Georgina	
Wetzel, Katie & Everson	3120 Monad	
Wittmayer, Cheryl	442 Greenspring	
Clark, Jami	owner	
Wilkox, Tony	owner	Jami Clark Tony Wilkox

## Zone Change Neighborhood Meeting

You're invited to a neighborhood meeting to discuss the zone change for the vacant property located at the SE intersection of Monad Rd and 32<sup>nd</sup> St W. The proposed zone change would change the zoning from N3 – Suburban Neighborhood to NO – Neighborhood Office.

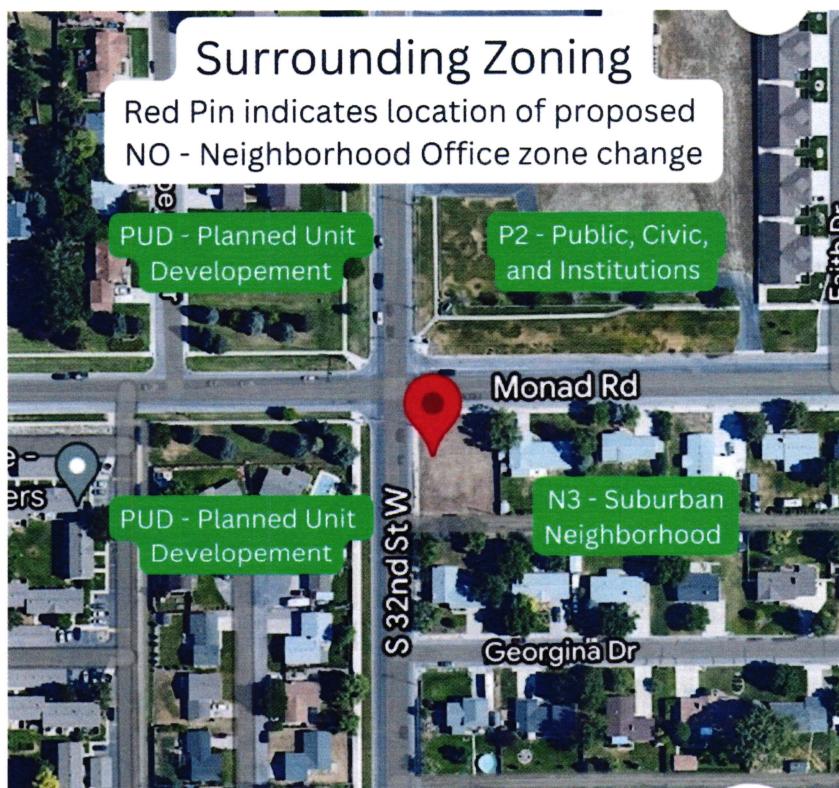
From City of Billings Zoning Code:

*The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.*

Property Legal Description:

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

Recently corrected from: Block 27, Lot 7



**Meeting Date:** Thursday, August 24<sup>th</sup>, 2023

**Meeting Time:** 6:30 PM

**Location:** Mazevo Coffee Meeting Room, 3911 Central Ave Ste 3

Zone change is being requested by:

Tony Wilcox, property owner

[tonywilcox17@hotmail.com](mailto:tonywilcox17@hotmail.com)

406-321-4532

Jami Clark, Yellowstone Realty Brokers

[jami@ownbillings.com](mailto:jami@ownbillings.com)

406-696-2215

## NEIGHBORHOOD MEETING MINUTES FOR PROPOSED CITY ZONE CHANGE

LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 24, Lot 7, (LESS 200 SQ FT FOR STREET)

August 24<sup>th</sup>, 2023 6:30 pm

Mazevo Coffee Meeting Room, 3911 Central Ave

In attendance: Tony Wilcox (owner), Jami Clark (owner), Dixie Ann Schied, Sharon Petersen, Bob Marlow

### Minutes

Introductions were made. Subject property owners explained the intent for the Neighborhood Office zone change is to build a small 4-unit property with professional office space and residential units. Neighbors expressed concerns that there could be a marijuana business on the property. Jami explained that this zoning would not allow a marijuana business and read from the zoning regulations what types of businesses and buildings are allowed in Neighborhood Office. Neighbors still expressed concerns that there could be a work around for a marijuana business. Jami reiterated that under their ownership there will not be any marijuana related business on the property. Discussions were had about access to and around the property. Two neighbors in attendance are located directly behind the subject property across the alley. They shared that vehicles turn off of 32<sup>nd</sup> St W and use the alley and Georgina to avoid the 32<sup>nd</sup> / Monad intersection. Owners agreed that access to the property is not ideal, and the alley will most likely be used by vehicles entering and exiting the property in addition to using future curb cut access on Monad. Concerns were shared by neighbors regarding inattentive and discourteous drivers near the intersection and that accidents do occur there. Neighbors also shared that a building on the property would impact their views of the rims to the north. Jami stated that yes, it is likely that the negative impacts to the neighbors to the south in building anything on the property would be view change/blockage to the north and increased use of the alley. Owners shared information regarding building setback and parking requirements for Neighborhood Office zoning and that the intended building type would require 9 parking spaces. Jami stated that the owners' intent is to be as conscientious of a neighbor as possible and encouraged continued communication between neighbors for the opportunity to address concerns.

6:32 start time - 7:10 end time

## NEIGHBORHOOD ZONE CHANGE MEETING 8/24/2023

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Brandt, Nancy	429 Greenspring	
Brown, Zachary	456 Greenspring	
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Clark, Jami	owner	
Wiley, Tony	owner	Jami Clark Tony Wiley

How the proposed zone change is consistent with the city's Growth Policy, meets the 10 criteria for a zone change, and fits in with the existing developments in the area.

This proposed zone change is consistent with the city's Growth Policy because it:

- Allows a mix of housing types
- Implements the city's Infill Policy with developing an underutilized property
- Provides housing and workplace units along public transportation and bikeways

This proposed zone change meets the 10 zone change criteria by:

1. The zone change is in accordance with the city's Growth Policy as described above.
2. It is designed to secure from fire and other dangers.
3. It promotes public health, safety, and general welfare by providing development of an infill lot with newly built housing and/or workplace units.
4. The zone change will facilitate adequate provision of transportation, water, sewer, schools, and parks as it is located on city services already, it is located with immediate access to public transportation, and is in close proximity to both parks and schools.
5. The zone change does provide adequate light and air within its zoning setbacks and regulations.
6. The new zoning will have minimal impact on motorized and non-motorized transportation as the proposed use will have minimal increased vehicle access counts to the property as compared to its current zoning.
7. The new zone promotes compatible urban growth by providing more appropriate options for an unused infill lot.
8. The new zoning considers the character of the district and the suitability by adding an additional appropriate use to an area comprised of single family, multifamily, and civic uses.
9. The new zoning will conserve the value of buildings by adding new construction to a neighborhood with homes that are 40+ years old.

10. The new zoning will encourage the most appropriate use of land throughout the City of Billings as this small property has not been attractive to the public for a single family dwelling. Zoning allowing professional workplace and multifamily units is most appropriate for this property located at an arterial intersection.

The proposed zoning fits in with the existing developments as there is multi-family zoning (PUD) within 300 ft of the property, there is non residential (civic) zoning directly to the north, and there is much commercial zoning along 32<sup>nd</sup> St W further to the north and south of the subject property.



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ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION for Lot 7 of  
Block 24 of Lampman Subdivision (less 200 square feet  
for street), BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** Lot 7, Block 24 of Lampman Subdivision (less 200 square feet for street), is presently zoned Suburban Neighborhood Residential (N3), and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for Lot 7, Block 24 of Lampman Subdivision (less 200 square feet for street), is hereby changed from Suburban Neighborhood Residential (N3), to Neighborhood Office (NO), and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Neighborhood Office (NO), as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 23<sup>rd</sup> day of October, 2023.

PASSED, ADOPTED and APPROVED on second reading this November 13, 2023.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 1037 – 3146 Monad Rd