

**ORDINANCE 24-5878**

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION for proposed  
Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing, 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.** Proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing, is presently zoned **Mixed Residential 3 (NX3)**, 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 **proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing**, is hereby changed from **Mixed Residential 3 (NX3)**, to **Corridor Mixed Use 2 (CMU2)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 2 (CMU2)**, 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 REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.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 25<sup>th</sup> day of March, 2024.

PASSED, ADOPTED and APPROVED on second reading this 8<sup>th</sup> day of April, 2024.



CITY OF BILLINGS

BY: William A. Cole

William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman

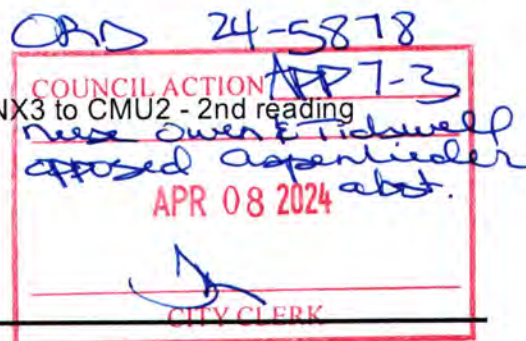
Denise R. Bohlman, City Clerk

Zone Change 1046 – 1202 W Wicks Lane



## Zoning Commission

Date: 04/08/2024  
 Title: Zone Change 1046 - 1202 W. Wicks Lane - NX3 to CMU2 - 2nd reading  
 Presented by: Nicole Cromwell  
 Department: Planning & Community Services  
 Presentation: No  
 Legal Review: Not Applicable  
 Project Number: PZX-24-00056



## RECOMMENDATION

The Zoning Commission recommended approval of Zone Change 1046 located at 1202 W. Wicks Lane from NX3 to CMU2 based on the findings of the 10 criteria. The City Council approved the zone change on first reading on March 25, 2024. A second reading is required to approve the zone change.

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

This is a zone change request from Mixed Residential 3 (NX3 -- 5+ unit buildings) to Corridor Mixed Use 2 (CMU2), on proposed lots 1 and 2 of Skyview Ridge, 2nd Filing. The two lots will equal about 8.6 acres in area. The intent, if approved, is to allow for the development of several personal storage warehouses on the parcels. Skyview Ridge is a subdivision of state-owned school trust land on the south side of W Wicks Lane near Skyview High School. The property was annexed and a master zoning plan approved in 2008. Since 2008, there have been no developments on the property. The state must approve a development through a long-term lease-process. State school trust lands are generally never sold but rather leased long-term. The site is in an area with Eagle sandstone formations that are shallow and do not drain well. Excavations for utilities, footings, foundations as well as providing for storm water management will be very challenging on this site. A major electric substation, two wireless communication towers, the city's 800 Mega-hertz radio tower (public safety communications), and two water utility pumping stations are located nearby, as well as high-tension power lines traverse near the property. The lots were originally zoned Residential Multi-family-Restricted. In the 2021 update, the state requested this area to be designated NX3 as the corollary zone district.

The proposed zoning of CMU2 matches the current zoning of lots to the east and north. Lots in Skyview Ridge, 1st Filings at the intersection of W Wicks Lane and Governor's Boulevard to the east are currently zoned CMU1. These lots to the east have sandstone outcroppings (See Zoning and Site Photos attachment) and share a property boundary with lots zoned NX2 to the south. The CMU2 zone district is intended for larger parcels that are separated from residential zones by a street or other demarcation that allows sufficient separation to diminish impacts on neighborhoods. The CMU2 zone appears to fit the criteria for this location. The zone district has building and siting standards that will need to be met - even for personal storage buildings. For example, the primary structure will need to be within the build-to area, cover at least 50 percent of the front lot line and have 65% of the front facade in doors and windows as measured between 2 ft and 8 ft above grade (Section 27-406). The zoning code also has use standards for personal storage warehousing that does not allow exterior overhead doors to face street frontages, requires units that have direct exterior access to be at least 100 feet from the front or side street property lines, requires a maximum "facility" size of 3 acres and the security fencing to be behind any required landscaping area (Section 27-1006.C).

Personal storage warehousing is an expanding business in the community. This is not a high value investment in property, but does provide a necessity for people who may be moving, downsizing, or just need extra space not available at their residence. There are over 10,000 personal storage units within the greater metropolitan area of Billings, including outdoor storage (boats, RVs, campers), personal storage units and climate-controlled units. The regional market for Billings is much larger than other cities with a similar population. Billings supports a retail and service market much larger than is needed by the residents of the city due to this market's reach (~400 radius miles). Self-storage unit properties may experience some crime and vandalism that is not applicable to other businesses. Many secure storage facilities invest in screening customers, surveillance cameras, good exterior lighting, security fencing and security companies to provide response to any alarm systems. Daily traffic to and from these facilities tend to be low - about 8 trips per day per acre of storage. For a 3-acre storage facility, it is about 24 traffic trips per day. Twenty-four trips per day is what three apartments would generate on average.

Planning staff recommended approval based on the proposed findings of the zone change review criteria. The Zoning Commission concurred with this recommendation. The location is on an arterial street and will be separated by at



least a street from any existing or future residential development in Skyview Ridge. The challenging conditions of the site make the proposed zoning and use of the property compatible with the existing area. The townhomes, high school, church and assisted living facility on the north side of W Wicks Lane are separated from the proposed use. The existing traffic on W Wicks Lane at this location is not high volume (about 5,500 trips per day) for an arterial. The multi-use path on the Wicks Lane frontage is already installed.

## STAKEHOLDERS

The applicant conducted a pre-application meeting on January 25, 2024, at the Lake Hills Golf Course clubhouse. No surrounding owners attended the meeting.

Planning staff prepared the mailed notice to the surrounding owners, published the legal ad, posted the property and placed a synopsis of the application on the Current Zoning Applications' web page. Planning staff received no public comments in writing or by telephone before the preparation of the report to the Zoning Commission. The Zoning Commission received several emailed letters of comment just prior to the public hearing. These are included as an attachment.

## Zoning Commission hearing March 5, 2024

The Zoning Commission held its hearing and received the staff report and recommendation for approval of Zone Change 1046. The applicant's agent, Taylor Kasperick of Performance Engineering, provided testimony in favor of the zone change request. He stated the property is owned in trust by the state and so only leases of the land are made to prospective developers. He stated they are working with a potential lessee that is in the business of building and managing personal storage warehousing. He stated the lessee chose this parcel due to its proximity to the power substation, the power lines and wireless antennae, since this location was not desirable for multifamily development as it is currently zoned. He stated the zone change to CMU2 would allow this development. He stated the development would be in compliance with the general and specific standards for personal storage in the zone. Those standards include structure facade requirements for the buildings that face Wicks Lane, street frontage landscape and bufferyards around the facility. He stated in addition, each facility (there will be two) for personal storage cannot exceed three acres. He stated that as Billings is built more densely and with more multifamily units, people need places to store some of their extra belongings. He stated the owner has one development for storage already built, but it is outside any zoning district in the County. He stated this facility would look much different with the requirements of the zoning and development code in the city. He stated they have heard concerns about traffic generated from the development. He stated according to industry manuals, a multifamily development would generate 4.5 trips per unit per day. He stated a personal storage warehouse would generate about 8 trips per day for each 100 storage units. He stated any residential development would generate much more traffic than a storage facility.

Mr. Kasperick stated there will be additional land that can be used for other uses - about 2.5 acres - after both facilities are constructed. He stated this additional land would likely be at the south end of the property with access off Targhee Avenue. He stated uses that could be allowed on the CMU2 that are not desirable - such as a bar or casino - could not be located on the property due to the proximity to the school Skyview High School), a church and to residential zones. He stated the soils on the property are very challenging and would not support any type of multifamily development. He stated the lessee and the DNRC staff believe this first development may be the catalyst needed to move more development on to the trust land.

Commission member Greg McCall asked about the lot layout. Mr. Kasperick stated there is a pending minor subdivision that will create 2 lots with the property boundary running north to south from W Wicks Lane to Targhee Avenue. He stated the city will allow one shared access onto W Wicks Lane as a temporary access point until Targhee Avenue can be built. Commission member Beau Mulvaney asked whether the storage would include boats or RVs. Mr. Kasperick stated the plan does not include outdoor storage. Chairperson Dan Brooks stated there were some late emails from the school district employees, and he was wondering whether those suggestions for donation of land to the schools or the city are under consideration. Mr. Kasperick stated he was not aware of those discussions. Commission member Dave Goss stated that as a federal employee that also works with trust lands, it is difficult to donate or sell trust land. For federal trust land, it takes an act of Congress.

Mr. Ed Hostettler of 1305 Nutter Circle stated he expected Project ReCode to put a stop to these constant zoning changes. Planning staff explained that Project ReCode tried to place the appropriate zone in the map update, but it was not a perfect process and changes will continue to occur. He stated he was concerned about any interference with traffic on W Wicks Lane since most of the Inner Belt Loop traffic would be coming this way. He stated his concern is not with the generation of new traffic, but with the potential conflict with the existing traffic. He stated both the high school and the church generate a lot of traffic on Wicks Lane already. He stated there are 8 storage facilities in the Heights already and 48 in the City of Billings. He stated there appears to be quite a lot of storage already. He stated the CMU2 zoning is not compatible with the zoning to the north with Public zoning for the high school and neighborhood zoning for the townhomes.



Linnea Forseth of 1056 Picador Way testified with concerns and questions about the proposed development. She stated her home is right across the street from the property, and she is concerned about commercial uses across the street. She stated she believes the highest and best use of property is to support families in Billings of all incomes. She stated while she waited for the hearing to start she looked up the existing storage development for this lessee - Beehive Storage. She stated what she found about the existing development is concerning. She stated the existing facility has a billboard-sized over-lit sign. She stated she has concerns about how stormwater would be handled and how that compares with a residential development. She stated she was concerned about how the development would affect the nesting osprey near the property. She stated she was concerned about the multi-use path and how pedestrians and bicyclists would be affected by the development.

Mr. Kasperick provided rebuttal comments and answered questions. He stated the lessee here would be required to build a sign in conformance with the zoning of CMU2. He stated the existing sign in the county would not be allowed on the property. Planning staff gave details of what types and the sizes of signs that would be allowed by zoning. Mr. Kasperick stated the owner would have to follow all the standards for building in the CMU2 zone district including putting the fence inside the landscape bufferyard, and ensuring that any security lighting would not trespass onto adjacent property. He stated the stormwater management would be based on a geotechnical report that is currently underway. The results of the study are not yet available, but it appears from preliminary results stormwater could be handled on site. He stated this is the first he has heard about an osprey nesting site. Ms. Forseth clarified the nesting platform is on or near the Northwestern substation. Mr. Kasperick stated he would find out more. He stated the development of the first facility would start on the eastern side of the property away from any nesting site. He stated the multi-use path would not be affected other than to install a driveway across it at a location dictated by City engineering.

Chairperson Dan Brooks closed the public hearing. Mr. Goss stated he was recusing himself from the debate and vote as he has a conflict of interest as a federal employee who has negotiated leases with the DNRC for facilities on state trust land in Billings. Greg McCall stated he understands the concerns about the zoning across from the existing neighborhoods but the zoning designation for NX3 does not make sense on this property. He stated as a developer he has looked at these state trust parcels for developments and the cost of installing water and sewer in this type of soil (Eagle Sandstone) is astronomical compared to the development potential. Andy Megorden made a motion to recommend approval and adoption of the findings of the 10 review criteria for Zone Change 1046. The motion was seconded by Greg McCall and was approved on a 4-0-1 vote.

#### **City Council Public Hearing on first reading March 25, 2024**

The City Council conducted a public hearing and first reading of the ordinance for the zone change on March 25, 2024. The Council received the Zoning Commission recommendation and testimony from the applicant's agent, Performance Engineering. Council member Aspenlieder recused himself from the hearing and voting due to a conflict of interest. No other testimony was received.

The City Council asked questions concerning the application and the potential design of a personal storage facility. Staff explained that any development, including personal storage warehousing, would have to comply with the CMU2 building and siting requirements as well as the specific use standards for personal storage. Staff stated the development would be different from many existing personal storage warehouses in Billings, with doors and windows that face the street and concealment of overhead access doors from public right of ways. In addition, the new zoning requires any landscaping to be outside of security fencing and limits the size of any single facility to 3 acres or less. Mayor Cole closed the public hearing. Council member Shaw made a motion to approve the zone change and adopt the findings of the 10 review criteria. The motion was seconded by Council member Gulick and approved on an 8-1 vote with Council member Aspenlieder recused from voting. Council member Neese voted in opposition to the zone change. He stated it was his opinion the zone change did not meet specific criteria, including the Zoning Commission's recommended findings for criteria numbers 3, 4, 7, 8 and 10.

#### **ALTERNATIVES**

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt the findings of the 10 review criteria for Zone Change 1046; or,
- Recommend Denial of the Zone Change and adopt different findings of the 10 review criteria for Zone Change 1046; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

## FISCAL EFFECTS

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

## SUMMARY

The City Council shall consider the findings of the 10 review criteria as recommended by the Zoning Commission prior to making a decision on Zone Change 1046:

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

The proposed zone change is most 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
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing business to expand to this location. The prospective lessor is HS Management, LLC, that currently runs and is expanding "Apple Storage" on Lincoln Lane. The owner (DNRC - State of Montana) is requesting the zone change on behalf of the lessor. The Growth Policy encourages prosperity by supporting local business needs for expansion. The Policy also states support for retaining and supporting existing businesses as this helps to sustain a healthy economy. Approval of the zone change will allow an existing business an expansion opportunity.

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

The new zoning (CMU2) requires minimum setbacks, open and landscaped areas and building separations, which creates security from fire and other dangers. The new zoning, as do all zoning districts, provides adequate building separations. Any new structures would comply with the building code and other development codes in Billings intended to keep places safe.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety are promoted by the proposed zoning. This is not unique to the CMU2 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-406 for the CMU2 district promote the minimum standards to ensure public health and safety and promote general welfare. The proposed zoning of CMU2 will allow the state to lease this land to an existing business and build new storage warehousing. The new construction will comply with the zone district standards. The approval of the zone change should not have negative affects on public health, safety and welfare given the existing conditions and site requirements.

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

**Transportation:** The proposed zoning itself will not increase the traffic at this location. Any traffic increases will be minor compared to the existing traffic on W Wicks Lane. City Engineering will require advance discussion on access to the parcels before any development is approved. Wicks Lane already has a multi-use path developed on this side of the right of way and public sidewalk on the north side.

**Water and Sewer:** Water and sewer, if needed, will be provided by the City of Billings. There are no anticipated impacts related to these services on the proposed personal storage warehousing.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. These uses are impacted through additional residential development. This is a commercial development, therefore there are no identified concerns for parks and schools.

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

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

Similar to criteria 2 and 3, the proposed CMU2 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any new construction will have to comply with these rules.

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

Traffic generation will depend on the size of the facility (maximum is three acres per facility). The likely number of



daily trips to the facility is small and W Wicks Lane is a principal arterial. Principal arterial streets, even with high volumes of traffic, are designed to carry the maximum traffic. Traffic counts in this area are estimated to be about 5,500 vehicle trips per day. High school traffic is not included in these numbers as counts are taken when school is not in session. High school traffic has at least two ways out onto W Wicks Lane - High Sierra Blvd and Fantan St. Traffic twice a day during school hours can become congested. Fantan and W Wicks Lane is an all-way (3 legs) stop. High Sierra and W Wicks Lane is also a three-way stop controlled intersection. The addition traffic will not likely impact either daily traffic or high school traffic.

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. Existing CMU2/CMU1 zones are located to the east. The subject property will be separate from residential uses by at least a street width. Additionally, site and landscape requirements of the CMU2 district will promote compatibility specifically by requiring a landscaped buffer for the use and adjacent to other zones with different uses.

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

This is a suitable use for this parcel of land and the zoning is appropriate in this situation. The difficult soils make the existing zoning for higher density multifamily uses unlikely or cost-prohibitive. The proposed zoning and use for personal storage warehousing will allow some use of the property.

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. Due to the existing uses and established zones to the east, west and north, the proposed use should not impact the value of these buildings. New construction tends to increase property value. The CMU2 building and siting requirements will help conserve the value of any surrounding property.

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

The proposed zoning will encourage an appropriate commercial use that will be separated from any existing or future residential uses. This is an appropriate use of the land.

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Attachments



## Zoning Commission

Date: 03/25/2024  
 Title: Zone Change 1046 - 1202 W. Wicks Lane - NX3 to CMU2 - Public Hearing and 1st reading  
 Presented by: Nicole Cromwell  
 Department: Planning & Community Services  
 Presentation: Yes  
 Legal Review: Not Applicable  
 Project Number: PZX-24-00056

COUNCIL ACTION Approved  
 B-I, Owen Absent (Excused)  
 Aspenlieder Abstained  
 MAR 25 2024  
 Neese opposed  
 db  
 CITY CLERK

## RECOMMENDATION

The Zoning Commission is recommending approval, on 1st reading, Zone Change 1046 located at 1202 W. Wicks Lane from NX3 to CMU2 based on the findings of the 10 criteria.

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

This is a zone change request from Mixed Residential 3 (NX3 -- 5+ unit buildings) to Corridor Mixed Use 2 (CMU2), on proposed lots 1 and 2 of Skyview Ridge, 2nd Filing. The two lots will equal about 8.6 acres in area. The intent, if approved, is to allow for the development of several personal storage warehouses on the parcels. Skyview Ridge is a subdivision of state-owned school trust land on the south side of W Wicks Lane near Skyview High School. The property was annexed and a master zoning plan approved in 2008. Since 2008, there have been no developments on the property. The state must approve a development through a long-term lease-process. State school trust lands are generally never sold but rather leased long-term. The site is in an area with Eagle sandstone formations that are shallow and do not drain well. Excavations for utilities, footings, foundations as well as providing for storm water management will be very challenging on this site. A major electric substation, two wireless communication towers, the city's 800 Mega-hertz radio tower (public safety communications), and two water utility pumping stations are located nearby, as well as high-tension power lines traverse near the property. The lots were originally zoned Residential Multi-family-Restricted. In the 2021 update, the state requested this area to be designated NX3 as the corollary zone district.

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Mr. Ed Hostettler of 1305 Nutter Circle stated he expected Project ReCode to put a stop to these constant zoning changes. Planning staff explained that Project ReCode tried to place the appropriate zone in the map update, but it was not a perfect process and changes will continue to occur. He stated he was concerned about any interference with traffic on W Wicks Lane since most of the Inner Belt Loop traffic would be coming this way. He stated his concern is not with the generation of new traffic, but with the potential conflict with the existing traffic. He stated both the high school and the church generate a lot of traffic on Wicks Lane already. He stated there are 8 storage facilities in the Heights already and 48 in the City of Billings. He stated there appears to be quite a lot of storage already. He stated the CMU2 zoning is not compatible with the zoning to the north with Public zoning for the high school and neighborhood zoning for the townhomes.



Linnea Forseth of 1056 Picador Way testified with concerns and questions about the proposed development. She stated her home is right across the street from the property, and she is concerned about commercial uses across the street. She stated she believes the highest and best use of property is to support families in Billings of all incomes. She stated while she waited for the hearing to start she looked up the existing storage development for this lessee - Beehive Storage. She stated what she found about the existing development is concerning. She stated the existing facility has a billboard-sized over-lit sign. She stated she has concerns about how stormwater would be handled and how that compares with a residential development. She stated she was concerned about how the development would affect the nesting osprey near the property. She stated she was concerned about the multi-use path and how pedestrians and bicyclists would be affected by the development.

Mr. Kasperick provided rebuttal comments and answered questions. He stated the lessee here would be required to build a sign in conformance with the zoning of CMU2. He stated the existing sign in the county would not be allowed on the property. Planning staff gave details of what types and the sizes of signs that would be allowed by zoning. Mr. Kasperick stated the owner would have to follow all the standards for building in the CMU2 zone district including putting the fence inside the landscape bufferyard, and ensuring that any security lighting would not trespass onto adjacent property. He stated the stormwater management would be based on a geotechnical report that is currently underway. The results of the study are not yet available, but it appears from preliminary results stormwater could be handled on site. He stated this is the first he has heard about an osprey nesting site. Ms. Forseth clarified the nesting platform is on or near the Northwestern substation. Mr. Kasperick stated he would find out more. He stated the development of the first facility would start on the eastern side of the property away from any nesting site. He stated the multi-use path would not be affected other than to install a driveway across it at a location dictated by City engineering.

Chairperson Dan Brooks closed the public hearing. Mr. Goss stated he was recusing himself from the debate and vote as he has a conflict of interest as a federal employee who has negotiated leases with the DNRC for facilities on state trust land in Billings. Greg McCall stated he understands the concerns about the zoning across from the existing neighborhoods but the zoning designation for NX3 does not make sense on this property. He stated as a developer he has looked at these state trust parcels for developments and the cost of installing water and sewer in this type of soil (Eagle Sandstone) is astronomical compared to the development potential. Andy Megorden made a motion to recommend approval and adoption of the findings of the 10 review criteria for Zone Change 1046. The motion was seconded by Greg McCall and was approved on a 4-0-1 vote.

## **ALTERNATIVES**

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt the findings of the 10 review criteria for Zone Change 1046; or,
- Recommend Denial of the Zone Change and adopt different findings of the 10 review criteria for Zone Change 1046; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

## **FISCAL EFFECTS**

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

## **SUMMARY**

The City Council shall consider the findings of the 10 review criteria as recommended by the Zoning Commission prior to making a decision on Zone Change 1046:

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

The proposed zone change is most 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
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy



The proposed zoning would allow an existing business to expand to this location. The prospective lessor is HS Management, LLC, that currently runs and is expanding "Apple Storage" on Lincoln Lane. The owner (DNRC - State of Montana) is requesting the zone change on behalf of the lessor. The Growth Policy encourages prosperity by supporting local business needs for expansion. The Policy also states support for retaining and supporting existing businesses as this helps to sustain a healthy economy. Approval of the zone change will allow an existing business an expansion opportunity.

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

The new zoning (CMU2) requires minimum setbacks, open and landscaped areas and building separations, which creates security from fire and other dangers. The new zoning, as do all zoning districts, provides adequate building separations. Any new structures would comply with the building code and other development codes in Billings intended to keep places safe.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety are promoted by the proposed zoning. This is not unique to the CMU2 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-406 for the CMU2 district promote the minimum standards to ensure public health and safety and promote general welfare. The proposed zoning of CMU2 will allow the state to lease this land to an existing business and build new storage warehousing. The new construction will comply with the zone district standards. The approval of the zone change should not have negative affects on public health, safety and welfare given the existing conditions and site requirements.

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

**Transportation:** The proposed zoning itself will not increase the traffic at this location. Any traffic increases will be minor compared to the existing traffic on W Wicks Lane. City Engineering will require advance discussion on access to the parcels before any development is approved. Wicks Lane already has a multi-use path developed on this side of the right of way and public sidewalk on the north side.

**Water and Sewer:** Water and sewer, if needed, will be provided by the City of Billings. There are no anticipated impacts related to these services on the proposed personal storage warehousing.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. These uses are impacted through additional residential development. This is a commercial development, therefore there are no identified concerns for parks and schools.

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

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

Similar to criteria 2 and 3, the proposed CMU2 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any new construction will have to comply with these rules.

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

Traffic generation will depend on the size of the facility (maximum is three acres per facility). The likely number of daily trips to the facility is small and W Wicks Lane is a principal arterial. Principal arterial streets, even with high volumes of traffic, are designed to carry the maximum traffic. Traffic counts in this area are estimated to be about 5,500 vehicle trips per day. High school traffic is not included in these numbers as counts are taken when school is not in session. High school traffic has at least two ways out onto W Wicks Lane - High Sierra Blvd and Fantan St. Traffic twice a day during school hours can become congested. Fantan and W Wicks Lane is an all-way (3 legs) stop. High Sierra and W Wicks Lane is also a three-way stop controlled intersection. The addition traffic will not likely impact either daily traffic or high school traffic.

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. Existing CMU2/CMU1 zones are located to the east. The subject property will be separate from residential uses by at least a street width. Additionally, site and landscape requirements of the CMU2 district will promote compatibility specifically by requiring a landscaped buffer for the use and adjacent to other zones with different uses.

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

This is a suitable use for this parcel of land and the zoning is appropriate in this situation. The difficult soils make the existing zoning for higher density multifamily uses unlikely or cost-prohibitive. The proposed zoning and use for personal storage warehousing will allow some use of the property.

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. Due to the existing uses and established zones to the east, west and north, the proposed use should not impact the value of these buildings. New construction tends to increase property value. The CMU2 building and siting requirements will help conserve the value of any surrounding property.

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

The proposed zoning will encourage an appropriate commercial use that will be separated from any existing or future residential uses. This is an appropriate use of the land.

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#### Attachments

ZC 1046 Zoning Map and Site Photos

ZC 1046 Chart of Zoning History

ZC 1046 Pre app information

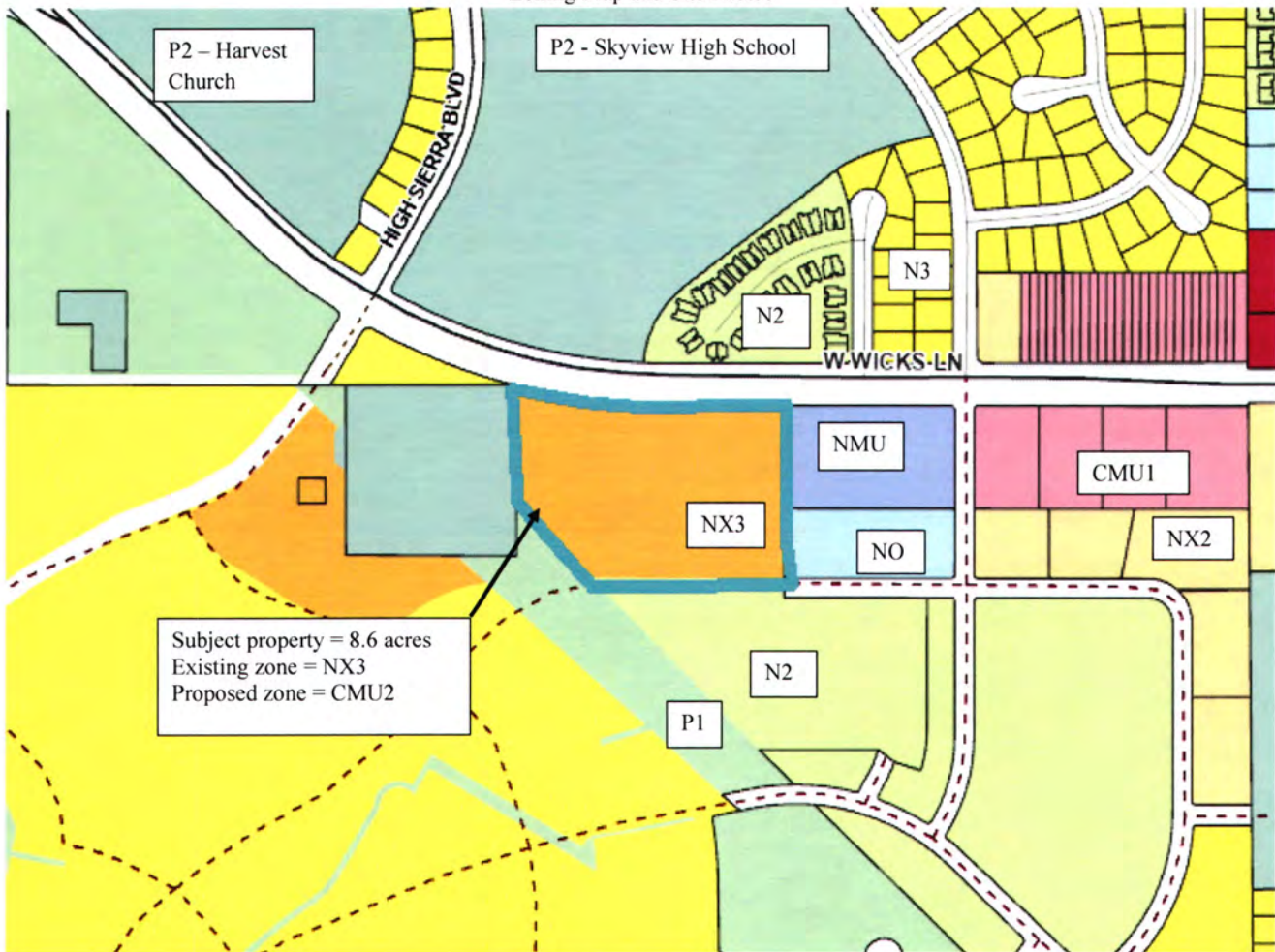
ZC 1046 Application and Letter

Public Comments ZC 1046

Ordinance ZC 1046



City Zone Change 1046 – 1202 W Wicks Lane – NX3 to CMU2  
Zoning Map and Site Photos



Subject Property







Subject Property – view south from W Wicks Lane



View south east along W Wicks Lane





View south and west from W Wicks Lane



View north across W Wicks Lane – Skyview High School





View north and east across W Wicks Lane



View north and west across W Wicks Lane

Zoning History for City ZC 1046 – 1202 W Wicks Lane – NX3 to CMU2

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Skyview Ridge Subdivision	<b>City ZC 788</b>	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
	<b>City ZC 814</b>	7/23/2007	R96 to R70R, R60, RMF-R, RP, NC, CC and Public	Yes	
<b>SURROUNDING PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Fantan and W Wicks Ln	City ZC 496	4/28/1986	R96 to CC	No	2021 update to N3
Fantan and W Wicks Ln	City ZC 516	8/24/1987	R96 to NC	No	
Governor's and W Wicks Lane	County ZC 16	7/9/1974	R96 to CC	Yes	2021 updated to CMU2, CMU1, NMU, NO and NX2





608 North 29<sup>th</sup> Street, • Billings, MT 59101 • (406) 384-0080

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## Lots 1 and 2, Skyview Ridge Subdivision, 2<sup>nd</sup> Filing

### Zone Change Neighborhood Meeting Notes

The meeting was noticed on January 18, 2024 and was held beginning at 5:30 PM on January 25, 2024 at the Lake Hills Golf Course's upstairs meeting area. The meeting was hosted by Taylor Kasperick of Performance Engineering (Agent), however no interested parties attended the meeting. No other correspondence, either via email, letter, or phone, was received by Performance Engineering. Taylor Kasperick remained at Lake Hills Golf Course until approximately 6:00 PM to see if there were any attendees that may have been coming late to the meeting, but no one attended.

In the time between sending notice to neighbors within 300' of the subject properties and the neighborhood meeting, it was contemplated to switch the proposed zoning from CMU-1 to CMU-2 provided the large lot sizes of the subject property. As stated in the zoning code, this was deemed appropriate by the owner and proponent as 1) the zoning code describes CMU-2 as "CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors." This description is in line with the proposed property boundaries of the subject parcels. In addition, as the subject properties slope consistently from west to east, it is likely that buildings on Lots 1 and 2 will need to be stepped and or broken up (i.e., multiple buildings) which will make it more difficult to meet the front lot line coverage of CMU-1 (65%) as opposed to CMU-2 (50%).

**CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)**

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

1. Present Zoning: NX3 - Mixed-Residential (Large scale multi-family)

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

The proposed zone change is proposed to change from NX3 (high density residential) to CMU-2 (Corridor Mixed Use).

3. Legal Description of Property:

The legal description of the property is the proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2nd Filing. The property is a portion of an unplatted tract just west of Skyview Ridge 1st Filing

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

Yes, Heights Task Force

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application

6. A brief synopsis of the meeting results including any written minutes or audio recording.  
please attach to on line application

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 25th, day of January, 2024.

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

**Owner (s):**

State of Montana Department of Natural Resources Telephone: 406-247-4401

**Address:**

1625 Eleventh Avenue, Helena, MT 59601, Email: jholzwarth@mt.gov

**Agent (s):**

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

**Address:** 608 N 29th Street, Billings, MT, 59101 Email: taylor@performance-ec.com

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



**CITY ZONE CHANGE APPLICATION FORM**

**CITY ZONE CHANGE**

Billings Zone Change # 1046 Project # P2x-24-00056

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 NX3 - Mixed-Residential (Large scale multi-family)

Proposed Zoning: CMU2: Corridor Mixed Use 2

PARCEL TAX ID# X00427 CITY ELECTION WARD 2

Legal Description of Property: The legal description of the property is the proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2nd Filing. The property is a portion of an unplatted tract just west of Skyview Ridge 1st Filing.

Address or General Location (If unknown, contact City Engineering): 1202 Wicks Lane West

Size of Parcel (Area square feet or acres): 8.606 acres

Present Land-Use: Vacant

Proposed Land-Use: Commercial Mixed Use

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

Owner(s) State of Montana Department of Natural Resources

(Record Owner)

1625 Eleventh Avenue, Helena, MT 59601,

(Address)

406-247-4401

(Phone Number)

jholzwarth@mt.gov

(email)

Agent(s): Taylor Kasperick

(Name)

608 N 29th Street, Billings, MT 59101

(Address)

406-384-0080

(Phone Number)

taylor@performance-ec.com

(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: Joe Holzwarth Date: 02/01/2024

(Record Owner – Digital Signature Allowed)



608 North 29<sup>th</sup> Street • Billings, MT 59101 • 406-384-0080

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## Lot 1 and 2 of the proposed Skyview Ridge Subdivision, 2<sup>nd</sup> Filing. Zone Change Written Statement

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is fronted by Wicks Lane within the City of Billings. Within Wick Lane, there is existing water, sewer, and stormwater infrastructure that is readily available to serve the property, making development of this property an in-fill development limiting investment by the City to facilitate the development.

Place Making/Community Fabric - As is the underlying intent within the City's zoning code, development of the property as a Corridor Mixed Use property will help promote a comfortable, walkable piece of property. It is also appropriate for the zone change provided a mixed use commercial zoning is being proposed on a principal arterial roadway in Wicks Lane.

Strong Neighborhood - The proposed change to a CMU2 district is appropriate to allow for commercial development on principal arterials (high traffic volumes and speeds) rather residential developments, which promotes a strong neighborhood of having commercial uses adjacent to residential development on lesser traveled roadways.

2. Explain how the proposed project meets the 10 zone change criteria.
  - a. Is the new zoning designed in accordance with the growth policy?  
The proposed zone change is in accordance with the growth policy, which promotes development of commercial and mixed use facilities on major roadways, including Wicks Lane.
  - b. Is the new zoning designed to secure from fire and other dangers?  
Existing fire hydrants are located within Wick Lane West, and any development will be reviewed by the City of Billings at time of master site or building permit review to ensure that, if necessary, private fire hydrants are installed to secure from fire and other dangers.
  - c. Will the new zoning promote public health, public safety, and general welfare?



The new zoning is in accordance with the zoning code and growth policies which were established to promote public health, safety, and general welfare.

- d. **Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?**

The subject properties will be served by existing water, sewer, and road systems. As a commercial property, it is not anticipated the proposed zoning will impact schools, parks, or other public requirements.

- e. **Will the new zoning provide adequate light and air?**

The proposed zone change will have minimal impact on light and air in the surrounding area. The required landscaping within the proposed CMU2 district will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

- f. **Will the new zoning affect motorized and nonmotorized transportation?**

As the zone change will convert vacant lots to public development, additional community members will travel to the area creating an impact on the motorized transportation in the area. The large number of existing and proposed sidewalks and multi-use trails in the area leading to popular residential areas, nearby parks, and schools within the Heights will also help mitigate additional unnecessary traffic.

- g. **Will the new zoning promote compatible urban growth?**

The proposed CMU2 zoning will promote compatible urban growth by constructing a commercial or mixed use facility on an existing principal arterial rather than on lesser roadway (collector, local). This allows for decreased traffic on urban roadways that are utilized for residential or neighborhood uses.

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

The subject properties slope consistently from west to east. It is anticipated development of the property will necessitate a stepped building or multiple buildings to meet the "build-to" requirements of the zone district which is required to promote a comfortable walking environment and activate the lot frontage.

- i. **Will the new zoning conserve the value of buildings?**

The new zoning will conserve the value of buildings in the area by providing a community benefit to the surrounding neighborhoods and community. In addition, development of the property as a commercial or

mixed use facility will develop a piece of ground that has remained vacant and not previously been developed or utilized.

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

As the subject properties are considered infill, the development of the land in conjunction with this zone change will provide the most appropriate use of the land, changing readily developable land from vacant to occupied.

3. **Does the new zoning fit with the existing or planned developments within the area?**

The new zoning fits well with the overarching master plan for Skyview Ridge Subdivision. As previously displayed in the Subdivision Improvement Agreement for Skyview Ridge Subdivision, 1<sup>st</sup> Filing, the areas adjacent to Wick Lane West were originally contemplated for commercial, neighborhood mixed use, and high density residential. This Master Plan was prepared prior to the current zoning code, which currently pushes to have commercial districts located on arterial and collector roadways, which this proposed zone change accomplishes.



**From:** [Amy Remsberg](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] No storage unit  
**Date:** Tuesday, March 5, 2024 7:46:03 PM

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I know this is later than the meeting; however, I would be remiss if I didn't write to tell you that I am against a storage unit on wicks near Skyview. This will change the aesthetic and make air more commercial in a suburb area.

Thank you,

Amy Remsberg Pincock

**From:** [Erik Neva](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Re-zoning  
**Date:** Tuesday, March 5, 2024 12:38:11 PM

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have lived in the Copper Ridge development for about 7 years. Every year the traffic has become worse and worse. If there is a 450 unit development west of 70<sup>th</sup> street West it would completely change this entire area and make traffic unbearable.

Please reconsider this, we have a reasonably quiet neighborhood now and I really don't want it to change. thank you, Erik Neva



**From:** [John Felton](#)  
**To:** [Berns Brenda](#); [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] city zone change 1046 - public input  
**Date:** Tuesday, March 5, 2024 11:22:59 AM

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I have lived at 1614 Morocco Dr, Billings, MT 59105 since March 1996. Over those years, the neighborhood has added hundreds of homes, but there is still limited access in and out of the neighborhood, which includes large traffic flows related to Skyview High School and Harvest Church, in addition to the thousands of people who live in the area.

I oppose the proposed zoning change for two primary reasons:

1. The increased traffic on Wicks Lane will cause an already difficult traffic flow situation to get worse. The only traffic control west of Governors Blvd. on Wicks Lane are two three-way stops, which are very backed up during transit to and from the high school and the church. If there is access off of Governors Blvd. south of Wicks, the congestion at Castle Rock Middle School will also be exacerbated.
2. A storage facility will have to be lit for safety, which will negatively impact the quality of life for residents, as well as requiring 24 hour access which will create more road noise.

This is a residential area that will be hurt by the expansion of space into more commercial space, especially those that include 24 hour commercial activities.

Thank you.

John Felton  
1614 Morocco Drive  
Billings, MT 59105  
[johnfelton1958@gmail.com](mailto:johnfelton1958@gmail.com)  
406-670-2664

**From:** Josh Benson <[joshbenson@outwestgaming.com](mailto:joshbenson@outwestgaming.com)>  
**Date:** March 5, 2024 at 12:20:00 PM MST  
**To:** [CromwellN@ci.billings.mt.us](mailto:CromwellN@ci.billings.mt.us)  
**Cc:** Rachel Kline <[rachelkline@outwestgaming.com](mailto:rachelkline@outwestgaming.com)>  
**Subject:** Letter of opposition

Nicole,

Please consider this email a letter of opposition to approve the zone change which would allow a storage unit along Wicks. I personally feel that adding storage units across the street from Skyview would be an eye soar and is inconsistent with the areas current use. Wicks has the potential to be something very special for the Heights and I would hate to see that land be used for large warehouses. There are two schools (one of them is directly across the street) as well as neighborhoods that are at risk of losing their appeal. A storage unit doesn't seem consistent or attractive for the neighborhoods literally across the street. If the storage unit(s) were moved back a bit and kept directly off Wicks, it would save the neighbors from having a warehouse across their street and likely preserve value as well as set a more attractive and appropriate trend for other developers as this land gets built out.

Respectfully,

*Josh Benson*

Outwest Gaming|Managing Partner

O: 406.656.1934|C: 763.607.3400

2701 Gabel Road

Billings, MT 59102



**From:** [Leia Bushman](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Heights storage  
**Date:** Tuesday, March 5, 2024 3:18:24 PM

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Hello,

I am writing to express my concern about the proposed storage unit to go in across the street from Skyview High School. I believe in growing businesses, and want to support local owners. However, the Heights has been a part of town that has been neglected as far as up and coming, exciting new businesses goes. All the new restaurants, shopping, activities has gone in on the far Westend of town. Now the new connection between the Heights and the Westend is nearing completion, which could draw new businesses that provide desirable services for our Heights community. This proposed area could be huge for new restaurants, grocery stores, and other shopping. There are plenty of areas just outside of town that would be good for a storage unit. Please don't allow this prime location be taken and future use hindered due to a storage facility.

Thank you for your time and effort to hear the concerns of the Heights residents.

Sincerely,  
Leia Bushman

**From:** [Megan Shimamoto](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Heights Zone Change  
**Date:** Tuesday, March 5, 2024 11:29:48 AM

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Good Morning,

I would like to comment about the proposed zoning change to put a storage facility near Wicks and Skyview. Over the years, the City of Billings has put millions of dollars into developing Skyway Drive and the upcoming Inner Belt Loop. Much time and attention was placed to ensure the development of those roads kept the natural beauty of the surrounding areas as much as possible. If this proposed zoning change for a storage facility is approved, all the time and dollars to keep the natural beauty will have been wasted. The storage units would be an eyesore to the already overcrowded area.

As a homeowner in the heights, I want support to business growth, but keep it to the areas that are already zoned for business and keep it out of the residential areas.

Sincerely,

Megan Shimamoto  
1875 Gleneagles Blvd.



**From:** [Nikki Ecker](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Storage Facility  
**Date:** Tuesday, March 5, 2024 12:57:18 PM

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I am reaching out in regards to the proposed Storage Facilities going in on Wicks by Skyview. The mission statement of the task force is partially "to improve quality of life and promote community spirit through the improvement"...

WHY is improvement in the Heights area constantly Storage Facilities/Gas Stations/Banks/Car Wash/Casino's? How do these things promote community spirit or improve the Heights community? It has become a running joke that every time something new is being built in our area, that it is one of the 5 facilities that I mentioned. There are homes, schools, and churches in this area. Surely the land could be used in the future for something that can have a better fit? Something that actually promotes community spirit? Something that would fit in with the residential homes and schools in the area.

My family is from out of the state. When they drive up through the Heights, they always comment on how many banks/casino's/car washes there are. Limited restaurants, limited family services. The West end has been building up different areas for years. Making things more welcoming, and adding variety. Do we really need to add a storage facility around our High School and Middle School? Around a neighborhood? That does NOT read community. It does not bring in community spirit. It literally reads that we sell our land for money, and we do not care of the eye sore that we place by neighborhoods. We don't care that we are telling our students that we feel a utility for storage is more important than bringing in something useful for families and students in the immediate areas. We need to allow new and fresh expansion that FITS into the community surroundings. A storage facility that brings with it outsiders as well as theft? That is what fits into this area? We (our family) are now on our 3rd Storage Facility in 10 years because we've had our belongings stolen. Even with security at our facilities. These places are a magnet for theft. Yes, they serve a purpose. But do we really think this area NEEDS a storage facility? That is not going to promote community. It will just blend in with the rest of what has gone on in the Heights.

--

*Nikki D Ecker*  
Study Hall Room 121  
[Skyview High School](#)  
**406-281-5222**  
***LOYAL TO ROYAL***

ORDINANCE 24-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION for proposed  
Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing, 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.** *Proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing,* is presently zoned **Mixed Residential 3 (NX3)**, 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 **proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2<sup>nd</sup> Filing,** is hereby changed from **Mixed Residential 3 (NX3)**, to **Corridor Mixed Use 2 (CMU2)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 2 (CMU2)**, 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 25<sup>th</sup> day of March, 2024.

PASSED, ADOPTED and APPROVED on second reading this 8<sup>th</sup> day of April, 2024.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1046 – 1202 W Wicks Lane

## Bohlman, Denise

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**From:** Cromwell, Nicole  
**Sent:** Wednesday, March 6, 2024 8:28 AM  
**To:** Bohlman, Denise  
**Subject:** RE: [EXTERNAL] Skyview Storage Units

Hello Denise,  
This is Zone Change 1046, scheduled for March 25.  
The zone change is from NX3 (multi-family) to Corridor Mixed Use 2 (CMU2).  
The Zoning Commission is recommending approval on a 4-0-1 vote.  
Thanks,  
Nicole

**From:** Bohlman, Denise <bohlmand@billingsmt.gov>  
**Sent:** Tuesday, March 5, 2024 4:17 PM  
**To:** Cromwell, Nicole <CromwellN@billingsmt.gov>  
**Subject:** FW: [EXTERNAL] Skyview Storage Units

Nicole,

Which Zone Change is this for?

**From:** Karena Ketchum <karey.ketchum@gmail.com>  
**Sent:** Tuesday, March 5, 2024 2:08 PM  
**To:** Council <council@billingsmt.gov>  
**Subject:** [EXTERNAL] Skyview Storage Units

Hello,

I would like to let you know that I am against the Storage units that have been proposed to go in near Skyview High School. As a home owner in the High Sierra Subdivision, we really need more beneficial businesses for the residents or more houses.

Thank you,

Karena Ketchum



**Bohlman, Denise**

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Zone change 1046

**From:** Karena Ketchum <karey.ketchum@gmail.com>  
**Sent:** Tuesday, March 5, 2024 2:08 PM  
**To:** Council  
**Subject:** [EXTERNAL] Skyview Storage Units

Hello,

I would like to let you know that I am against the Storage units that have been proposed to go in near Skyview High School. As a home owner in the High Sierra Subdivision, we really need more beneficial businesses for the residents or more houses.

Thank you,

Karena Ketchum