

## ORDINANCE 24-5875

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION for C/S 741, Parcel 2A, of Amended Tracts 1 & 2, 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.** C/S 741, Parcel 2A, of Amended Tracts 1 & 2, is presently zoned **Residential Manufactured Home (RMH)**, 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 **C/S 741, Parcel 2A, of Amended Tracts 1 & 2**, is hereby changed from **Residential Manufactured Home (RMH)**, to **Heavy Commercial (CX)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Heavy Commercial (CX)**, 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 REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.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

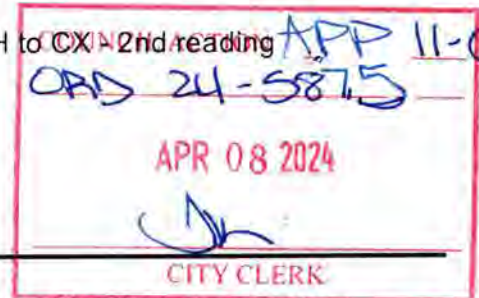
Attest:

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

Zone Change 1043 – 4190 S Frontage Road

**City Council Regular**

**Date:** 04/08/2024  
**Title:** Zone Change 1043 - 4190 S Frontage Rd - RMH to CX  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** PZX-24-00033

**RECOMMENDATION**

The Zoning Commission recommended approval and adoption of the findings of the 10 review criteria for Zone Change 1043. The City Council adopted the zone change on first reading on March 25, 2024. A second reading of the zone change ordinance is required.

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

This is a zone change request for a parcel located at 4190 S Frontage Road from Residential Manufactured Home (RMH) to Heavy Commercial (CX), a zoning that would allow the development of small shops or storage for businesses. The proposed zoning is compatible and identical to the zoning to the east. To the west is the Agri-center Subdivision also zoned RMH but outside the city limits. These lots have public water through "county" water lines installed decades ago when the subdivision was developing. At the west boundary line with the manufactured home subdivision there is a fence but no other bufferyard between the properties. The subject property has been within the city limits since the early 1980s. Recently the manufactured homes were removed from the property. Dwellings cannot be re-established on the property without extension of a city sewer line to the property. The cost of the sewer extension is large compared to the development potential in the RMH zone on the small property. The proposed zone change will allow the property to be developed for one or two small shops or for storage purposes. Any new development on the property will require installation of a bufferyard on the west property line.

S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park. The continued development of large commercial warehouses and businesses to the east and south contributes to the incompatibility of the current RMH zone. Smaller lots for local businesses would add value to the existing development pattern and allow the existing RMH neighborhood to the west to be buffered from these more intense developments.

The proposed CX zone does allow a wide variety of commercial uses. Some of these uses will not be likely on a parcel of this size and limitation. For example, a hotel or restaurant would not fit well on this site given the high-speed arterial frontage and the adjacent uses. In addition, these uses would require a costly extension of the city sewer line. The proposed uses will not require an extension of the city sewer line.

**STAKEHOLDERS**

The applicant held a pre-application neighborhood meeting on January 18, 2024, at the Powderhorn Cafe. Six surrounding property owners signed into the meeting. The primary concern expressed by the surrounding owners was regarding noise, lighting and traffic (entry and exit). Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application webpage, and published the legal information for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

**City Zoning Commission hearing March 5, 2024**

The Zoning Commission held its hearing on the zone change request and received the staff report and recommendation for approval. The applicant's agent, Greg Reid of WWC Engineering, provided testimony in favor of the zone change and explained the difficulty with sewer line connection at this location. Mr. Reid stated a small shop with no facilities or just one toilet and sink would be allowed to re-connect to the on-site septic system. He stated this is the owner's intent at this time. No other testimony was received.

Chairperson Dan Brooks closed the public hearing and asked for a motion on the request. Greg McCall made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by

Andy Megorden and was approved on a 5-0 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, WWC Engineering. No other testimony was received.

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 Aspenlieder and approved on a unanimous voice vote.

#### **ALTERNATIVES**

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1043 as recommended by the Zoning Commission and approved by the Council on first reading; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1043; 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.

#### **FISCAL EFFECTS**

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

#### **SUMMARY**

The City Council shall consider the Zoning Commission's recommended findings of the 10 review criteria prior to making a decision on the zone change:

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:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The South Billings Urban Renewal Master Plan envisioned this area south of the interstate as an area that could build new economic opportunities. This was designated the "Four Corners" area and this area as the "Riverside Business Park". The master plan did show this parcel outside the city limits -- although this was incorrect at the time. This parcel was the first parcel annexed to the city south of the interstate between S. Billings Boulevard and Garden Avenue. This annexation to the city occurred about the same time as the first zone change request on this parcel from residential to commercial in 1983. The S. Billings Urban Renewal Master Plan stated the following: "Undeveloped land in this area may be particularly attractive to small manufacturers, professional offices, and small office/warehouse as there is no other business park in Billings that offers the ease of interstate access, views, and a natural setting with many recreation amenities."

The proposed zoning would allow an existing vacant property to be developed for cold storage warehousing or contractor shops. The parcel is within the city limits but has limited access to city services. City water is available to the property. The cost to bring the sanitary sewer infrastructure to the property exceeds the potential development investment by orders of magnitude. The re-establishment of one or two manufactured homes under the current zoning would require the extension of a public sewer line to the parcel. The engineer's estimate for extension of wastewater services is well above \$50,000. The parcel is small in comparison to the adjacent heavy commercial development to the east. This development includes Intermountain Distributing, Old Dominion Freight, and Inland Truck Parts. Further east are some large warehousing facilities as well as heavy equipment businesses and specialized storage companies. Overall, this heavy commercial area is over 115 acres of development. The parcel does not provide any

transition between the existing commercial development and the County manufactured home park to the west.

Redevelopment as a commercial property will require the development to install a buffer yard on the west property line to provide the visual barrier required between commercial development and residential development. S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park.

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. The site will be developed in conformance with Section 27-400 (BMCC) as well as sections on Landscaping, Off-street Parking and Signs. New buildings would be required to meet city Building Codes and Engineering standards as well.

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

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed CX zoning would allow the vacant property to be developed for non-residential uses. Developed land will increase property values. Vacant land tends to add unpredictability to the area. It is not likely that the current zoning would result in the placement of residential homes on the property given the cost to bring city sewer services to the property.

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

**Transportation:** The proposed zoning should not have any measurable impact on transportation. S Frontage Road is managed by the Montana Department of Transportation (MDT). There is one approach from the road that is permitted by MDT. A second approach is not necessary. Re-development of the site will require submittal of the site plan to the city and to MDT. Any required improvements will be noted at that time. Storage uses and small business warehouses do not generate significant traffic.

**Water and Sewer:** The City will provide water to the property. A service line was installed in 2023. There is a sanitary sewer in the vicinity but not close enough to make it economically feasible to extend the line for this 1.35-acre parcel. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The closest public park is a portion of Riverfront Park ¼ mile south of the parcel.

**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?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-400 (BMCC) and other city regulations for development.

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

The existing property fronts S Frontage Road. This is a high-speed arterial managed by MDT. There is no curb, gutter or sidewalk along this street frontage. The curb, gutter and sidewalk will likely not be required at the time of development, but the owner may be required to sign a waiver to allow future construction of these improvements. East of 3716 S Frontage Rd, there is a multi-use pathway under construction in front of the large warehouses at 3218 and 3226 S Frontage Road.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth to the east. Property to the west is outside the city limits and is a County manufactured home park subdivision. This residential subdivision is between heavy commercial zoning districts to the east and west. Redevelopment of the subject property will require a better buffer yard along the property line of the eastern lots in the subdivision. The CX zoning is compatible with the surrounding property and development. 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 re-development of the property for commercial purposes. This redevelopment will require the installation of a good visual barrier for the manufactured home park to the west. The types of uses will be limited unless and until a sewer line connection is available.

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 code requirements for Heavy Commercial zoning, and other city development and building regulations. New development tends to increase surrounding property values.

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

The proposed zoning will allow the redevelopment of the property along a high-speed arterial with good access to the interstate and other transportation corridors. Infill on vacant parcels also contributes to the neighborhood stability of the manufactured home park to the west. The proposed zoning and use will encourage the most appropriate use of the parcel.

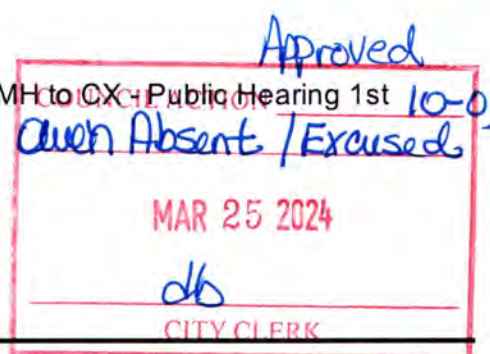
---

#### Attachments

ZC 1043 Ordinance

**City Council Regular**

**Date:** 03/25/2024  
**Title:** Zone Change 1043 - 4190 S Frontage Rd - RMH to CX - Public Hearing 1st reading  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** PZX-24-00033

**RECOMMENDATION**

The Zoning Commission is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1043.

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

This is a zone change request for a parcel located at 4190 S Frontage Road from Residential Manufactured Home (RMH) to Heavy Commercial (CX), a zoning that would allow the development of small shops or storage for businesses. The proposed zoning is compatible and identical to the zoning to the east. To the west is the Agri-center Subdivision also zoned RMH but outside the city limits. These lots have public water through "county" water lines installed decades ago when the subdivision was developing. At the west boundary line with the manufactured home subdivision there is a fence but no other bufferyard between the properties. The subject property has been within the city limits since the early 1980s. Recently the manufactured homes were removed from the property. Dwellings cannot be re-established on the property without extension of a city sewer line to the property. The cost of the sewer extension is large compared to the development potential in the RMH zone on the small property. The proposed zone change will allow the property to be developed for one or two small shops or for storage purposes. Any new development on the property will require installation of a bufferyard on the west property line.

S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park. The continued development of large commercial warehouses and businesses to the east and south contributes to the incompatibility of the current RMH zone. Smaller lots for local businesses would add value to the existing development pattern and allow the existing RMH neighborhood to the west to be buffered from these more intense developments.

The proposed CX zone does allow a wide variety of commercial uses. Some of these uses will not be likely on a parcel of this size and limitation. For example, a hotel or restaurant would not fit well on this site given the high-speed arterial frontage and the adjacent uses. In addition, these uses would require a costly extension of the city sewer line. The proposed uses will not require an extension of the city sewer line.

**STAKEHOLDERS**

The applicant held a pre-application neighborhood meeting on January 18, 2024, at the Powderhorn Cafe. Six surrounding property owners signed into the meeting. The primary concern expressed by the surrounding owners was regarding noise, lighting and traffic (entry and exit). Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application webpage, and published the legal information for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

**City Zoning Commission hearing March 5, 2024**

The Zoning Commission held its hearing on the zone change request and received the staff report and recommendation for approval. The applicant's agent, Greg Reid of WWC Engineering, provided testimony in favor of the zone change and explained the difficulty with sewer line connection at this location. Mr. Reid stated a small shop with no facilities or just one toilet and sink would be allowed to re-connect to the on-site septic system. He stated this is the owner's intent at this time. No other testimony was received.

Chairperson Dan Brooks closed the public hearing and asked for a motion on the request. Greg McCall made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by

Andy Megorden and 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 1043 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1043; 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.

## FISCAL EFFECTS

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

## SUMMARY

The City Council shall consider the Zoning Commission's recommended findings of the 10 review criteria prior to making a decision on the zone change:

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:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The South Billings Urban Renewal Master Plan envisioned this area south of the interstate as an area that could build new economic opportunities. This was designated the "Four Corners" area and this area as the "Riverside Business Park". The master plan did show this parcel outside the city limits -- although this was incorrect at the time. This parcel was the first parcel annexed to the city south of the interstate between S. Billings Boulevard and Garden Avenue. This annexation to the city occurred about the same time as the first zone change request on this parcel from residential to commercial in 1983. The S. Billings Urban Renewal Master Plan stated the following: "Undeveloped land in this area may be particularly attractive to small manufacturers, professional offices, and small office/warehouse as there is no other business park in Billings that offers the ease of interstate access, views, and a natural setting with many recreation amenities."

The proposed zoning would allow an existing vacant property to be developed for cold storage warehousing or contractor shops. The parcel is within the city limits but has limited access to city services. City water is available to the property. The cost to bring the sanitary sewer infrastructure to the property exceeds the potential development investment by orders of magnitude. The re-establishment of one or two manufactured homes under the current zoning would require the extension of a public sewer line to the parcel. The engineer's estimate for extension of wastewater services is well above \$50,000. The parcel is small in comparison to the adjacent heavy commercial development to the east. This development includes Intermountain Distributing, Old Dominion Freight, and Inland Truck Parts. Further east are some large warehousing facilities as well as heavy equipment businesses and specialized storage companies. Overall, this heavy commercial area is over 115 acres of development. The parcel does not provide any transition between the existing commercial development and the County manufactured home park to the west.

Redevelopment as a commercial property will require the development to install a buffer yard on the west property line to provide the visual barrier required between commercial development and residential development. S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park.

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. The site will be developed in conformance with Section 27-400 (BMCC) as well as sections on Landscaping, Off-street Parking and Signs. New buildings would be required to meet city Building Codes and Engineering standards as well.

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

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed CX zoning would allow the vacant property to be developed for non-residential uses. Developed land will increase property values. Vacant land tends to add unpredictability to the area. It is not likely that the current zoning would result in the placement of residential homes on the property given the cost to bring city sewer services to the property.

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

**Transportation:** The proposed zoning should not have any measurable impact on transportation. S Frontage Road is managed by the Montana Department of Transportation (MDT). There is one approach from the road that is permitted by MDT. A second approach is not necessary. Re-development of the site will require submittal of the site plan to the city and to MDT. Any required improvements will be noted at that time. Storage uses and small business warehouses do not generate significant traffic.

**Water and Sewer:** The City will provide water to the property. A service line was installed in 2023. There is a sanitary sewer in the vicinity but not close enough to make it economically feasible to extend the line for this 1.35-acre parcel. The Utilities Division voiced no concerns.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The closest public park is a portion of Riverfront Park ¼ mile south of the parcel.

**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?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-400 (BMCC) and other city regulations for development.

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

The existing property fronts S Frontage Road. This is a high-speed arterial managed by MDT. There is no curb, gutter or sidewalk along this street frontage. The curb, gutter and sidewalk will likely not be required at the time of development, but the owner may be required to sign a waiver to allow future construction of these improvements. East of 3716 S Frontage Rd, there is a multi-use pathway under construction in front of the large warehouses at 3218 and 3226 S Frontage Road.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth to the east. Property to the west is outside the city limits and is a County manufactured home park subdivision. This residential subdivision is between heavy commercial zoning districts to the east and west. Redevelopment of the subject property will require a better buffer yard along the property line of the eastern lots in the subdivision. The CX zoning is compatible with the surrounding property and development. 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 re-development of the property for commercial purposes. This redevelopment will require the installation of a good visual barrier for the manufactured home park to the west. The types of uses will be limited unless and until a sewer line connection is available.

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 code requirements for Heavy Commercial zoning, and other city development and building regulations. New development tends to increase surrounding property values.

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

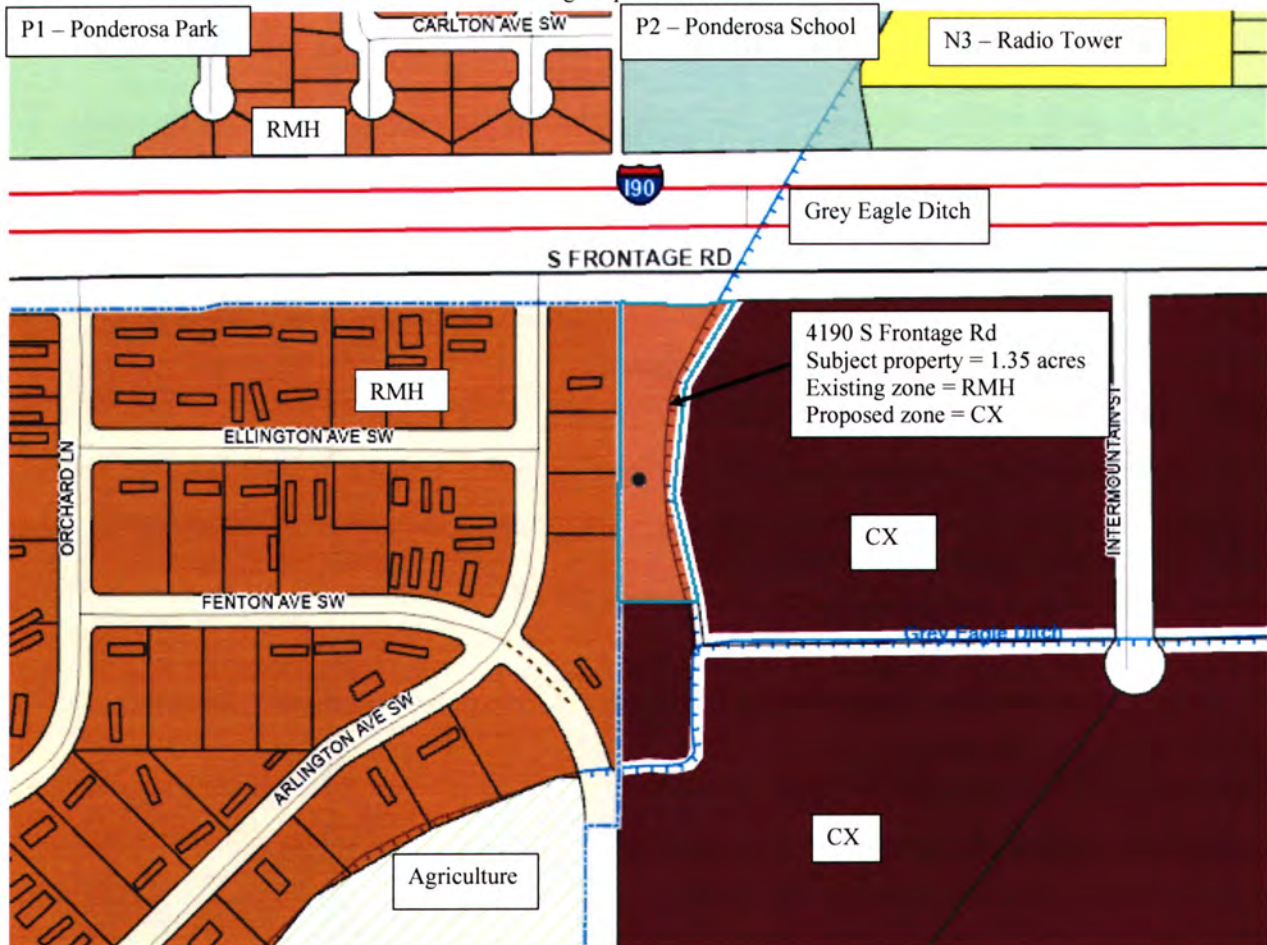
The proposed zoning will allow the redevelopment of the property along a high-speed arterial with good access to the interstate and other transportation corridors. Infill on vacant parcels also contributes to the neighborhood stability of the manufactured home park to the west. The proposed zoning and use will encourage the most appropriate use of the parcel.

---

#### Attachments

ZC 1043 Zoning Map and Site Photos  
ZC 1043 Chart of Zoning History  
ZC 1043 Pre app information  
ZC 1043 Application and Letter  
ZC 1043 Ordinance

City Zone Change 1043 – 4190 S Frontage Rd  
Zoning Map and Site Photos



Subject Property





Subject Property



View east along South Frontage Rd



View south and west across subject property



View west on S Frontage Rd

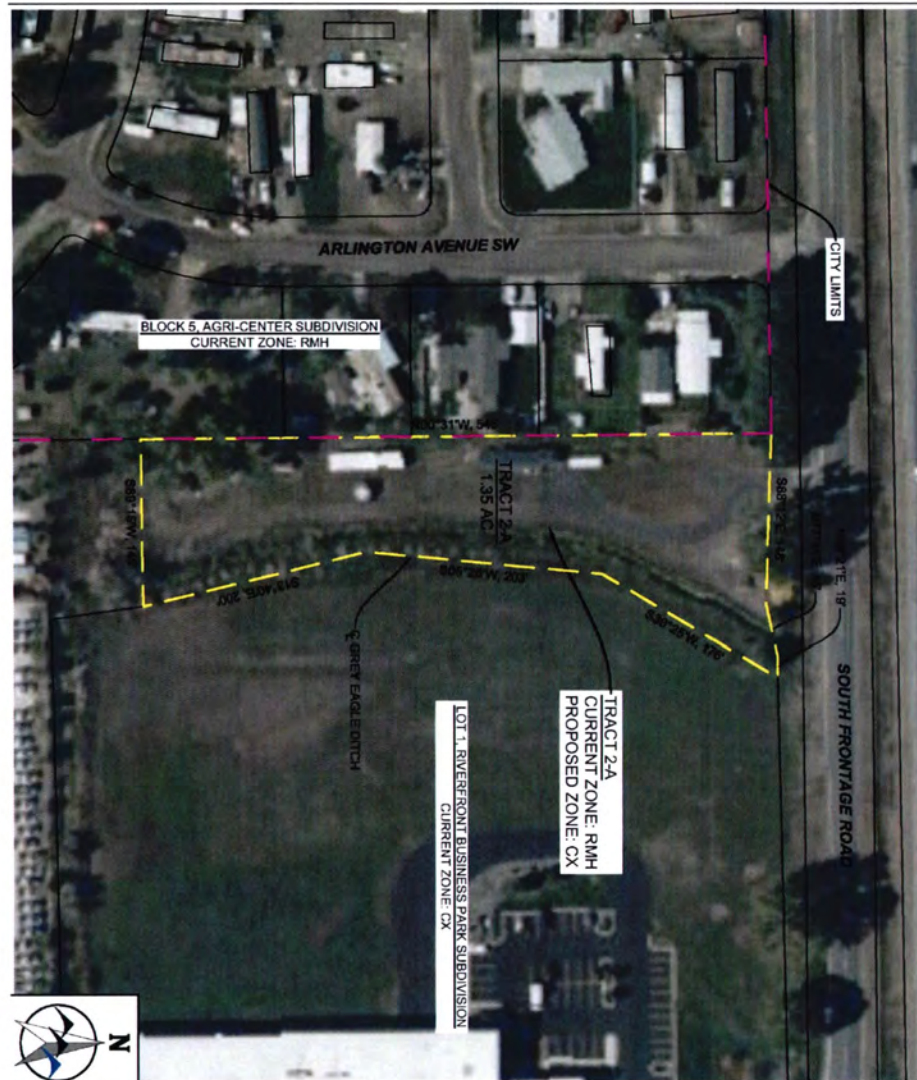


View south and east to adjacent commercial warehouses



View south at subject property from S Frontage Rd

Aerial View of Property – Applicant's Exhibit



ZONE CHANGE - TRACT 2-A  
AMENDED TRACTS 1 & 2 OF CERTIFICATE OF  
SURVEY NO. 741  
YELLOWSTONE COUNTY, MT

PREPARED FOR

MR. GREWELL

PREPARED BY

 **WWC** ENGINEERING

550 S. 24TH ST. W., SUITE 201  
BILLINGS, MT 59102  
(406) 694-2210  
www.wwcengineering.com

DESIGNED BY: AMR  
DRAWN BY: AMR  
CHECKED BY: CJR  
DATE: JAN 2024

SHEET  
**A**

Zoning History for City ZC 1043 – 4190 S Frontage Rd

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4190 S Frontage Rd	City ZC 407A	9/26/1983	R70 to Highway Commercial (HC)	No	Only parcel on S Frontage Rd east of S Billings Blvd and Garden Ave within city limits
	City ZC 590	11/28/1994	R70 to HC	No	
	City ZC 606	4/22/1996	R70 to RMH	Yes	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Riverfront Business Park (east of subject property)	County ZC 604	5/29/2007	RMH to Controlled Industrial (CI)	Yes	Intermountain Dist. Old Dominion Freight Inland Truck Parts Curr. Zone = CX
Mirco Circle	County ZC 9	5/7/1974	RMH to Gen Comm and CI	Yes	Warehouse – demo'd
Mirco Circle	County ZC 193	7/5/1978	GC/CI to RMH	Yes	New MH Sub Curr Zone = RMH
Willowbrook – Auto Auction	City ZC 689	4/22/2002	Agriculture (A) to Planned Development – Entryway	Yes	Current Zone = PD
Interstate Truck	City ZC 746	12/13/2004	A to Entryway Gen Comm (EGC)	Yes	Current Zone = CMU2
Big Iron Sub	County ZC 296	10/9/1980	A to Comm Commercial	No	Included in County ZC 604 to CI
Torgerson's	County ZC 617	2/26/2008	A to CI	Yes	Current zone = CX
Riverside Acreage	County ZC 230	3/6/1979	R150 to HC	Yes	Current zone = CX

## **Grewell Zone Change Pre-Application Neighborhood Meeting Minutes**

January 18, 2023, at 6:30pm

### **Attendance:**

Aaron Redland – WWC Engineering

Jon Ussin – UbarS, Owner's representative

See attached sign-in sheet

The meeting was opened by WWC Engineering (WWC) giving a description of the current zoning and the proposed zoning. WWC also explained the zone change process along with the Zoning and City Council meetings that are required for the zone change to be completed.

The area residents were then asked to provide comments or concerns regarding the zone change. The specific concerns from the neighboring residences are noise, lighting, and traffic due to the existing commercial businesses in the area which have been conducting business all hours of the day. Since there has not been any recourse to minimize the current business traffic, the residence in attendance have been unable to retain residential tenants in their rentals.

There were no additional specific comments on the zone change, only about the owner's plans for future improvements of the property. The neighbors had questions about setbacks, fences, existing utilities, and required improvements adjacent to their properties if the zoning is changed.

Pre-Application Neighborhood Zone Change Meeting - Grewell Property  
January 18, 2024 at 6:30pm

	Name	Address	Phone no.
1	Joseph M Gbithin	1057 <sup>1/2</sup> / 1009 Arlington Ave SW	404-591-6054
2	Kevin R Kuhlman	1130 Orchard Ln	404-680-547
3	Jackie Kuhlman	1130 Orchard Ln	404-252-3934 404-690-1947
4	Conner McEvey	2045 Overland Ave	(501) 339-0556
5	Kelly Ashcom McIntosh	1015 Mirco Cir	406-690-4652
6	CJ McIntosh	1015 Mirco Cir	406-690-4683
7			
8			
9			
10			
11			
12			
13			
14			
15			

**CITY ZONE CHANGE APPLICATION FORM**

**CITY ZONE CHANGE** Billings Zone Change # 1043 Project # PZX-24-00033

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 RMH (Residential Mobile Home)

Proposed Zoning: CX (Heavy Commercial)

PARCEL TAX ID# D01871 CITY ELECTION WARD 1

Legal Description of Property: \_\_\_\_\_

Address or General Location (If unknown, contact City Engineering): 4190 S Frontage Road

Size of Parcel (Area square feet or acres): 1.35 acres

Present Land-Use: vacant

Proposed Land-Use: construct a shop for light commercial/contractor use

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

Owner(s) Don Grewell IRA c/o First Premier Bank Trust

(Record Owner)

Sioux Falls, SD 57101-2640

(Address)

406-855-2939 d3jsgrewell@gmail.com

(Phone Number)

(email)

Agent(s): WWC Engineering - Aaron Redland

(Name)

550 S. 24th Street Ste. 201, Billings, MT 59102

(Address)

406-671-5606 aredland@wwcengineering.com

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Don Grewell 01/29/24 Date: \_\_\_\_\_

(Record Owner – Digital Signature Allowed)

**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: RMH (Residential Mobile Home)
2. Written description of the Zone Change Plan including existing and proposed new zoning:  
CX (Heavy Commercial)
3. Legal Description of Property:  
Tract 2-A of Amended Tracts 1 & 2 of Certificate of Survey No. 741
4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force  
No
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 18th, day of Jan, 2024.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):**

Don Grewell IRA c/o First Premier Bank Trust Telephone: 406-855-2939

**Address:**

Souix Falls, SD 57101-2640 Email: d3jsgrewell@gmail.com

**Agent (s):**

WWC Engineering - Aaron Redland Telephone: 406-671-5606

Address: 550 S. 24th Street, Ste 201, Billings, MT 59102 Email: aredland@wwcengineering.com

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

**(1) Whether the new zoning is designed in accordance with the growth policy;**

The 2016 City of Billings Growth Policy states that 'Infill development and development near existing City infrastructure may be the most cost effective and retaining and supporting existing businesses helps sustain a healthy community'. The proposed zone change will provide a location for a light commercial business or contractor a space for their business and will eliminate a vacant lot within the city limits of Billings.

**(2) Whether the new zoning is designed to secure from fire and other dangers;**

The change of RMH (Residential Mobile Home) to CX (Heavy Commercial) zoning would not create any dangers within the neighborhood. With the zone change, the owner intends to construct a commercial building sized to fit within the constraints of the property which would follow the zoning and building code requirements at the time of construction. There are existing fire hydrants located at the intersection of Arlington Avenue Southwest and South Frontage Road and Gray Eagle Ditch and South Frontage Road. Therefore, there are no anticipated dangers of fire protection with the development.

**(3) Whether the new zoning will promote public health, public safety and general welfare;**

The proposed zone change from RMH to CX will allow the owner to construct a shop on the property. The property is currently vacant and not economically feasible for building out as mobile home park due to no direct access to the city sanitary sewer main along with the additional infrastructure requirements as part of city code. If the owner proceeds to construct a shop building, stormwater management and all additional requirements will be required to be addressed at that time.

**(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;**

The proposed zone change from RMH to CX would not impact transportation surrounding the property since the existing approach has been recognized by MDT. If the owner proceeds with the site improvements, a site plan will be submitted to the city and MDT for review and approval. There is an existing city water service extended onto the property that may be used unless development exceeds the size of a single service at which time additional service taps or a main extension would be necessary. Due to the significant cost for an extension of the city sewer main, the property would be utilized in an economical way such as dry storage as a mobile home park is uneconomical. If, in the future, it is economically feasible for the owner to connect to the city sewer system, they will do so. The change from residential to commercial zoning shall have no impact on the schools or parks since the property is currently vacant.

**(5) Whether the new zoning will provide adequate light and air;**

CX development is for commercial development. When the property is developed, it would be required to include an area for stormwater control and follow the existing city code regulations for lighting. As such, the development could have an increase of structures with the open space, resulting in an increase in the impacts to light and air, however those improvements would be following City permitting requirements.

**(6) Whether the new zoning will affect motorized and nonmotorized transportation;**

The proposed zoning will not have a negative effect on motorized and nonmotorized transportation. The motorized transportation entering the property is from an existing approach on South Frontage Road that has been recognized by MDT. Since there will be a change in land use, future development will require the owner to contact MDT for a review of the site plan and existing approach. At that time MDT would determine if mitigation would be required, such as on-site drainage or highway-related traffic mitigation.

**(7) Whether the new zoning will promote compatible urban growth;**

The proposed zoning allows the owner to utilize an infill lot for a local commercial business. Due to the size limitations of the property and constraints to the access to the city sewer service, this would be the highest and best use of the property. Due to the proximity and cost of connection of the city sanitary main along the construction of additional infrastructure requirements, development of this property as a mobile home park is not economically feasible.

**(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;**

The character of the district surrounding the subject property is a mix of residential and commercial. The proposed zone change from RMH to CX would allow the property to stay consistent with a majority of the properties along South Frontage Road within the city limits, which is also zoned for CX. The city limits boundary is along the west side of the property with a county RMH zoned property. Due to existing access constraints to the public sewer system, the property is currently vacant.

**(9) Whether the new zoning will conserve the value of buildings;**

To the west of the proposed development is RMH zoning and to the east and south is CX. Although this development would be changing the type of residential development that exists within the neighborhood, it will be fitting to the commercial developments that are currently following this portion of South Frontage Road. The property is currently a vacant lot within the city limits which tends to cause unnecessary crime and vandalism.

**(10) Whether the new zoning will encourage the most appropriate use of land throughout the city;**

Given the property has a variety of constraints which will limit the ability for constructing a mobile home park that is economically viable, changing the zoning to allow a commercial building is the highest and best use of the property. Historically, commercial development has been following South Frontage Road and this zone change would continue that trend.

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

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION for C/S 741,  
Parcel 2A, of Amended Tracts 1 & 2, 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.** C/S 741, Parcel 2A, of Amended Tracts 1 & 2, is presently zoned **Residential Manufactured Home (RMH)**, 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 **C/S 741, Parcel 2A, of Amended Tracts 1 & 2**, is hereby changed from **Residential Manufactured Home (RMH)**, to **Heavy Commercial (CX)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Heavy Commercial (CX)**, 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 1043 – 4190 S Frontage Road