

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Commission of the City of Billings, Montana has filed its report with the City Council recommending that:

City Zone Change 1070 – Grand Ave & Daybreak - from AG to PND - A zone change request from Agricultural (A) to Planned Neighborhood Development - Mixed Use (PND-MU) with First Neighborhood Residential (N1), Mixed Residential 1 (NX1), Corridor Mixed Use 1 (CMU1) and Parks and open space (P1), on SUNNY COVE FRUIT FARMS, Lot 66A1 & 67A1, a 54.109 acre parcel of land. Included in this request is a variance from Section 27-802.B.1(b) the PND required separation from the CMU1 adjacent to Ag by a public street or alley. A pre-application neighborhood meeting was held on July 22, 2025, at 6:00pm, at 5554 Grand Ave. Tax ID: D04669, D04670 **The Zoning Commission is forwarding a recommendation of approval on a 5 to 0 vote.**

City Special Review 1001 – 1108 & 1110 S 28th St. – To allow Surface Parking as primary use – A special review request per Section 27-1002, table 27-1000.1 to allow Energy Labs located at 1120 S 27th St. to utilize a vacant parcel for surface parking as a primary use on a .48 acre parcel of land in the Corridor Mixed Use 2 (CMU2) zone, on BILLINGS SECOND ADDITION, BLOCK 250, Lots 5-10. A neighborhood meeting was held on July 21, 2025 at 6pm in the Billings Public Library. Tax ID: A01896 & A01895

The Zoning Commission is forwarding a recommendation of conditional approval on a 5 to 0 vote.

The City Council has designated September 22, 2025, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and **conduct a public hearing for the first reading of the ordinance.** If approved on the first reading, a **second reading (non-public hearing)** will occur on October 13, 2025, at 5:30 pm. **City Council hearings will be held in Council Chambers, 5th Floor of City Hall at 316 N 26th St.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) refer the item back to the Zoning Commission based on new information; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Before taking any action on an application for a **Special Review**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. Those findings and recommendations will be based on **BMCC 27-1623.D (1 through 9)**. Each zoning district is primarily intended for a predominant type of use as identified in BMCC Table 27-1000.1. There are also a limited number of **specific uses subject to special review that may or may not be appropriate in a particular district**, depending upon all the circumstances of the individual use on the site and in context with surrounding development. Consideration of these uses includes examination of the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, and whether specific conditions can be applied to mitigate the potential negative impacts of the use. **Special review uses are special exceptions to the general terms of Billings' Zoning Code.**

In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on the request: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; 5) delay the application for a period not to exceed thirty (30) days; or 6) refer the application back to the Zoning Commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff.

A City Council referral back to the Zoning Commission will require publication of a new legal ad, posting of the property and mailing to the surrounding property. A referral back to the commission under this section requires a sixty (60) percent majority vote of the present and voting members of the Council and may only be done once by the City Council.

Testimony regarding the above-mentioned item may also be submitted in writing to the Mayor and City Council, at P.O. Box 1178, Billings, MT 59103. Public meetings are accessible to individuals with physical disabilities. Special arrangements for participation in the public meeting by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda Berns, Administrative Assistant, at (406)247-8610 or e-mail to bernsb@billingsmt.gov

September 12, 2025 223340 MNAXLP