

## Special Review #887 – Letters of Opposition

City Planning and Zoning Department

Attn: Nichol Cromwell

510 N. Broadway, 4<sup>th</sup> Floor, Parnly Library

Billings, Montana 59101

Attention, City Planner, City Council Members:

This letter is to inform you of a firm opposition to the proposed zoning change in the Billings Heights.  
City Special Review #887, Project #10-600.

I am the property owner at 764 Jaque Lane. I purchased the property as an investment and to aid my retired mother in law in residential expense.

I am firmly opposed to any change in zoning in the area to accommodate a multi-family residential complex for the following reasons:

1. My property value could be substantially negatively impacted.
2. I purchased based on the single family and current zoning.
3. The street and road thoroughfares were not designed for this change in density.
4. The local schools will be further burdened by increasing population density through zone alteration.
5. The health and welfare of the community will be subject to added risk.
6. The infrastructure was not designed to accommodate increased residential density, to include, but not limited to water, sewer, power, road, services, and environment.
7. Certain legal actions facing the city, should zoning change be adopted.

Thank you for considering my position and objection to any such change in current zoning for the purpose of allowing multi-family residential construction. Please make this objection and the positions stated public. Feel free to contact me for any additional information.

Respectfully,

  
Larry Gerek, 764 Jaque Lane, Billings, Montana 59105 406-257-7055

Parmley Library  
Attn: Nichole Cromwell  
510 North Broadway, 4<sup>th</sup> Floor  
Billings, Mt 59101

SEP 30 2010

September 30, 2010

Re: Project #10-600, City Special Review #887-711 Mattson Lane, 712 & 716 Lambrecht Lane

To Whom it May Concern:

Please note this letter of opposition to the above proposed re-zoning on Mattson Lane and Lambrecht Lane.

I have been a resident at 764 Jaque Lane for about 12 years now, and we have been slowly trying to improve our property as well as are most of the neighbors around the area. With the damage received during the stormy Fathers' Day this year, we are all getting new roofs and new siding which will increase the value to our homes.

I took the trouble to drive by and look at the space about which the re-zoning is being planned, and I am certain that there is not enough room for another 13 residences along with the one or two vehicles, bikes, motorcycles, etc. that will surely come with each residence. Where will there be enough room for all the vehicles? Also Mattson Lane is directly across from the entrance to the Heights Wal Mart, and I can foresee the accidents and close calls that will ensue. Lastly, I feel that the number of residences planned will bring down the value of my home and make it impossible to be sold in a timely manner when it is put on the market.

Please rethink this disastrous re-zoning request. I'm sure my neighbors will think the same way.

Sincerely,



Linda M. Thomson  
764 Jaque Lane  
Billings, Mt 59105

OCT 13 2010

City Planning and Zoning Department  
510 N. Broadway, 4th Floor, Parnly Billings Library  
Billings, MT 59101

Re: Special Review # 887 -711 Mattson Lane, 712 & 716 – A special review request to allow two 4-plexes and one 5-plex, total of 13 dwelling units in a Residential 6,000 (R-60) zone on lots 14A, 14B and 14D of Mattson Acres Subdivision, a 28,902 square foot parcel of land at 711 Mattson Lane and 712 & 716 Lambrecht Lane. Tax ID CO1234, Richard and Mary Chapman, owners, and Ben Nistler, Agent.  
Attn: City Planner, City Council Members:

We heartily oppose Special Review #887 because we do not find that the proposed development is in keeping with the character and integrity of our neighborhood. We find that it violates the intent of both the 2007 Yellowstone County/City of Billings Growth Policy (YCCBGP) and the 2006 Heights Neighborhood Development Plan (HNDP) regarding protection of existing neighborhoods and preservation of neighborhood integrity. (notes follow)

We ask the council to maintain the existing Zoning R-6000 to preserve the quality of our neighborhood according to these Community Goals and Objectives.

While we understand the need for infill and the need to use existing infrastructure, the long-time residents of this neighborhood also require protection from inappropriate projects and zoning changes. We ask: Do the wishes of ONE builder supersede those of an entire neighborhood?

Allowing the construction of multi-unit apartments in what is essentially a single-family neighborhood establishes a dangerous precedent: Residents have no protection from aggressive builders to come and change the character of the neighborhood, despite what the residents feel is a better use for the property: to Maintain the existing one or two-family residences allowed by the R-6000 zoning. We are not opposed to two-family units on the lots, but feel that multi-units and apartment complexes are not consistent with our neighborhood.

It may be feasible, but not consistent with current land use. As stated at the City Zoning Commission meeting, "Just because apartments *could* be built on the property does not mean that they *should* be built."

There are a significant number of available properties in the area that would better accommodate the size of the apartment buildings than shoehorning them onto lots the size of a regular yard. (HNDP, Map of vacant properties, page 37)

The Community Goals and Objectives listed in the YCCBGP and the HNDP indicate that development should be primarily concerned with *existing land use* and *sensitive to the existing homeowners*.

We feel that the proposed apartment complex causes many issues in our neighborhood, as well as negatively affecting our property values. A list of these issues follows.

It was also mentioned in letters to the planning department that a zoning change could subject the city to litigation from landowners that purchased the properties under existing zoning.

The Unified City Zoning regulations, Article 27-1500, regarding the application process for special reviews, Section e: Establishes a radius of three hundred feet for notification of landowners.

- This radius essentially encompasses the entire Mattson Acres Subdivision neighborhood. Our neighborhood extends from Mattson Lane to Lambrecht Lane and from Main St to Bench Blvd. Lambrecht Lane is a dead end street. This is a long established, small, but well developed neighborhood with single-family or two-family homes on the lots. The previous variance (#1069) on the property subdivided the one large lot into four smaller lots, consistent with the existing lot sizes and (R-60) zoning in the neighborhood.

Supporting Documentation: (The applicable articles are highlighted in red.)

## **2008 Yellowstone County/City of Billings Growth Policy**

### **Chapter 3: Community Goals and Objectives (Page 6)**

#### **Land Use Element**

**1. ISSUE:** *Neighborhoods are experiencing pressures from new development and land use changes.*

**GOAL:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

**OBJECTIVES:** • Preserve neighborhood integrity. • Empower neighborhood groups.

**2. ISSUE:** *The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites.*

**GOAL:** New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.

#### **OBJECTIVES:**

• Maintain a high quality of life for new and existing residents. • Reduce conflicts between neighbors.

#### **11. ISSUE: (page 8)**

*Neighborhoods provide the character and strength of the community and the quality of neighborhoods should be preserved.*

**GOAL:** *Preserve neighborhood character and quality of life.*

**OBJECTIVES:** • Empower neighborhoods.

#### **Aesthetics Element (page 8)**

**1. ISSUE:** *There are areas in the City and County that are unattractive and present a poor image of the community.*

**GOAL:** Visually appealing communities.

#### **OBJECTIVES:**

• Improve the image of the community. • Instill pride in the community. • Improve the quality of life for residents. • Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.

**CHAPTER 4.1, LAND USE ELEMENT (Pg 41)** *“Residents should be involved in determining the best location for traditional land use patterns in their neighborhoods.”*

#### **CHAPTER 5.1, IMPLEMENTATION STRATEGIES:**

##### **LAND USE ELEMENT (pg 206)**

**ISSUE I: Neighborhoods are experiencing pressures from new development and land use changes.**

**POLICY I: Preserve neighborhood integrity by creating neighborhood plans that specifically address land use issues.**

**3. During the neighborhood planning process each neighborhood may develop its own recommendations to establish:**

- a. Minimum or maximum development densities
- b. Height of structures
- c. Maximum and minimum parking standards
- d. Appropriate regulations for allowed uses
- e. Architectural design standards

**4. Each neighborhood may define its boundary.**

**5. Increase enforcement of zoning and building permit requirements.**

**6. When considering land use applications support existing neighborhood plans.**

**2006 Heights Neighborhood Plan: (Page 19)**

**Issue: Residential Development**

**Goal:** To provide safe, good quality and affordable housing in the Heights. *Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.*

**Objectives:** *To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.*

**Actions:** Develop an incentive program to developers that will encourage infill development consistent with the surrounding neighborhood. Work with the Community Development Division to identify grants to develop a housing infill program.

**Issue: Access to new developments for Emergency Service (Page 14)**

**Goal:** Provide safety for residents and development as it occurs. To lower emergency response times by providing easy access to emergency vehicles.

**Objectives:** Require through the subdivision process that new developments have sufficient access to and from the development.

There is mounting concern as growth continues in the Heights that subdivision developments do not have multiple accesses for emergency purposes. As long cul-desacs continue to be a trend for development, multiple emergency accesses need to be required to ensure public safety. These cul-de-sacs and second accesses need to be constructed to accommodate the turning radius of large emergency vehicles.

**Issue: Storm water drainage is inadequate in some locations of the Heights. (page 15)**

**Goal:** Safer streets by preventing large standing puddles or fast moving water.

In areas where storm water drainage is unavailable or inadequate, large standing puddles or areas that tend to have fast flowing water need to be addressed to prevent a child from drowning, being injured or causing property damage. This also causes problems for cars, trucks and emergency vehicles and personnel.

**Objectives:** To inventory and develop a list of areas where standing water and runoff is a problem. Develop a storm water plan and a process to mitigate this hazard.

**Actions:**

1. Work with City Engineer's Office to help develop a process for identifying and working a solution to these problem areas. This may be able to be accomplished through the completion of the Storm Water Drainage Plan that is being completed for the west side of the Heights.
2. Encourage the city to complete an updated Storm Water Plan for the east Heights.
3. Working through the Capital Improvement Plan process, identify time line to program improvements.
4. Promote the use of new technology to address storm water runoff and retention.

**ISSUES AGAINST THE SPECIAL REVIEW:**

Applicable Zoning History: Properties Listed are NOT comparable.

The City Zoning Commission special review lists the applicable zoning history surrounding properties as 1432 Bench Boulevard and 927 Bench Boulevard. These properties are on arterial routes and are NOT comparable to Mattson Lane, Lambrecht Lane and the surrounding neighborhood. Mattson and Lambrecht are not through streets: Mattson is *one block long*, and Lambrecht is a *dead end street*.

- 1432 Bench Blvd, The property is on the corner of Bench and Wicks Lane and is surrounded by a church,

the Heights Clinic, a veterinary clinic, the post office and Wal-mart. The special review was appropriate and consistent with the development of higher density properties along *arterial* routes. There is an adjacent property with similar multi-unit development. This location is far beyond the Mattson Acres Subdivision established radius.

- 927 Bench Blvd. The multi-family units infill vacant space between Bench Boulevard and mobile home park on Yellowstone River Road. The off-street development is served by a private drive and does not significantly affect the appearance of the surrounding neighborhood from the road and is in keeping with development of higher density housing along arterial routes. This development is over a mile away from Mattson Acres.

Arterial Routes: Mattson and Lambrecht are NOT arterial routes.

Mattson Lane is one block long and Lambrecht Lane is an unpaved, half-street with a dead end. Higher Density properties are NOT appropriate here because these are not arterial routes.

Mattson Acres Subdivision rests from Mattson Lane North to Lambrecht Lane.

Height of Buildings: Apartment buildings are NOT consistent with the neighborhood.

Most of the buildings in the subdivision and surrounding neighborhood are single-story or split entry height.

We feel that the height of the buildings is not consistent with the existing neighborhood, and will cause privacy issues and nighttime light pollution problems. The apartment tenants would be able to look right down into the neighboring yards and homes. The 5-plex unit would cause overshadowing of the adjacent landowner's property. There are no other apartment buildings in or near this subdivision. The closest large apartment building, Volunteers of America, is considerably further South of Wicks lane, beyond the shopping center, and sits just off Main Street, an arterial route. It is not in or near this neighborhood.

Setbacks: Appearance of apartments is NOT comparable with the existing neighborhood.

The orientation of the apartment units on the lots is not consistent with the single or two-family appearance of the existing structures in the subdivision. The blind ends of the apartments will be visible from the street, while the majority of the rest of the homes in the neighborhood are front-face to the street.

Parking: There is insufficient parking for the number of vehicles.

While the plan meets the *very minimum* parking requirements, the present number of parking spaces can only be achieved if the tenants were to park one car in the garage and another behind it, causing one car to have to move to get the other car out of the garage. It does not accommodate tenant's use of the garage for storage of bikes, four-wheelers or other belongings. The use of the garages for storage would further limit the number of parking spaces available. There is NO PARKING on the south side of Mattson Lane. There is also a fire hydrant planned, also restricting street parking. The overflow of cars will block parking in front of the residences on Mattson, or overflow onto Lambrecht Lane, which is not paved.

Lack of Street Development:

On Lambrecht lane, the proposed plan does not address issue of sidewalk development at the time of construction: YCCBGP states "In most cases, sidewalks are not required to be constructed at the time of subdivision, *but may be postponed until the lot is developed.*" (page 159) The proposal does not include any development for this street.

If tenants drive and park on Lambrecht lane, which is not paved, it will cause increased dust pollution, and the developer is not being required to do street improvements on that side of the development.

Water runoff issues exist at the intersection of Lambrecht and Bench Blvd. which will be exacerbated by the lack of pavement, curb and gutters and additional traffic. There are no storm drains in the vicinity, and flooding occurs on Bench Blvd between Lambrecht and Mattson. During storms, there are flood problems at this location, which cause problems for the homeowners. There is an existing crosswalk for school children at this intersection, which when flooded does not allow for safe crossing.

The residents have concerns that the storm water containment areas proposed for the property are insufficient, comprise a hazard, and attract mosquitoes. The amount of roof and pavement runoff during storms could easily overwhelm the shallow containment areas, resulting in possible damage to the adjacent properties. This lot is in the low point of the area. The residents believe that the area would be better served by a true storm sewer.

Traffic: Increased traffic and Emergency vehicles:

The development will significantly increase traffic on Mattson, which is the *only* vehicle access point into the proposed apartment complex. This is a minimum of 21 vehicles compared to 6 vehicles for a single or two-family structure, (per R-60 zoning).

The driveway is so narrow as to cause problems with emergency vehicles accessing the site.

In addition, the site plan could allow for an increase of foot traffic across the proposed property to Wal-mart, causing a potential traffic hazard of people crossing in the middle of the street where there is no crosswalk.

Traffic control medians on Main Street do not allow a free flow of traffic off Mattson Lane. They cannot turn left, and are restricted to turn right off of Mattson Lane. This results in drivers executing U-turns on Main Street. This is an additional traffic hazard.

Snow Removal: No place for snow pile.

Apartment residents will certainly want snow removed. There is absolutely no space in the lot for snow removal/pile. They'll likely push it out in to the street, causing additional traffic hazards and traffic flow problems.

Garbage: Dumpster placement inconsistent with neighborhood appearance.

The dumpster is placed in front of the five-unit apartment, on the street. This is an eyesore for the neighborhood.

Landscaping: Lots are virtually covered with pavement and apartments.

The apartments and paved parking cover a significant portion of the properties with little greenery. We do not feel that this is consistent with the "home and yard" appearance of the rest of the neighborhood.

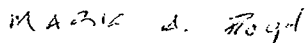
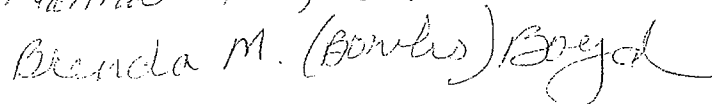
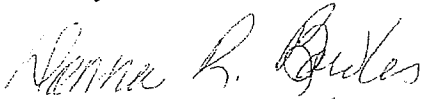
It is in light of the aforementioned issues that we request that the council deny special review #887.

Thank you for your consideration.

Donna R. Bowles (owner) 649 Mattson Lane

Brenda (Bowles) Boyd (owner) 649 Mattson Lane

Mark Boyd



## PETITION AGAINST SPECIAL REVIEW

**We the undersigned are against the following Special Review change:**

**SPECIAL REVIEW #887** - Re: Special Review # 887 -711 Mattson Lane, 712 & 716 - A special review request to allow two 4-plexes and one 5-plex, total of 13 dwelling units in a Residential 6,000 (R-60) zone on lots 14A, 14B and 14D of Mattson Acres Subdivision, a 28,902 square foot parcel of land at 711 Mattson Lane and 712 & 716 Lambrecht Lane. Tax ID CO1234, Richard and Mary Chapman, owners, and Ben Nistler, Agent.

**General Location:** Mattson Acres Subdivision, including Mattson Lane, Lambrecht Lane and Bench Blvd.

**Reasons:** SR #887 does not comply with the SR requirements: (see attached)

Does not comply with requirements, inconsistent with goals and objectives for Neighborhood development, and is incompatible with adjacent land use. Also, negatively affects street and road capacity, ingress and egress to adjoining streets, off street parking, fencing, screening and landscaping, building bulk and location, usable open space, lighting, noise, dust, light and other pollution.

NAME	ADDRESS	SIGNATURE
Brenda Bowles	649 Mattson Ln	Brenda Bowles
Dana R Bowles	649 Mattson Ln	Dana R Bowles
Paul Fowler	737 MATTSON	Paul Fowler
Vern Sipe	729 LAMBRECHT	Vernon E Sipe

Judy E Johnson	736 Lambrecht	Judy E Johnson
Eric Dwyer	719 Lambrecht	Eric Dwyer
Terry Hardy	719 Lambrecht	Terry Hardy
Marcie Wolfe	707 Lambrecht	Marcie Wolfe
John Spray	749 Mattson Ln	John Spray

MaryAnn Cleverger	707 Mattson Ln	MaryAnn Cleverger
Joe Cleverger	707 Mattson Ln	Joe Cleverger
Melissa Chevoni	744 Lambrecht Ln	Melissa Chevoni
Shantell Hill	754 Laque Ln	Shantell Hill
Stanley Chittell	642 Lambrecht Ln	Stanley Chittell

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OCT 15 2010

COUNTY COMMISSION  
PLANNING DEPARTMENT

①

NAME	ADDRESS	SIGNATURE
Shirley Chittell	143 Mattson Ln	Shirley Chittell
ELAINE HANSON	727 MATTSON	Elaine Hanson
MARK PELLE	640 Lambrecht	Mark Pelle
Misty Pelle	1040 Lambrecht	Misty Pelle

Jeff Bergsing	714 JAQUE LAKE	Jeff Bergsing
Cheryl Weiland	1820 Bench Blvd	Cheryl Weiland
John Schermers	741 Lambrecht Ln	John Schermers TER
Brian Antila	642 Lambrecht Lane	Brian Antila
Brian Antila	637 Mattson Lane	Brian Antila

Emilie Huber	1135 Lambrecht Lane	Emilie Huber
Iris Hart	737 Lambrecht Ln	Iris Hart
TIM MODEL	631 MATTSON LN	Tim Model
Bud Makinen	1739 Main (9B1)	Bud Makinen
G&J Diesel	1739 Main (9B2)	



NAME	ADDRESS	SIGNATURE
Gayle Kanasick	703 Mattson Lane	Gayle Kanasick
Holly Forster	722 Lambrecht Ln	Holly Forster
Terri Lasich	643 Mattson Ln	Terri Lasich "renter 31 years"
Dallas Lasich	643 Mattson Ln	

Renter  
Renter

"renter 31 years"  
"

Karen L. Robertson	627 Mattson Ln.	Karen L. Robertson
Melissa Fortin	719 Mattson Ln	Melissa Fortin

renter - 10 yrs  
renter