

Attachment C Applicant's Letter



January 31, 2013

Planning & Community Services Division
4th Floor, Parmly Library
510 North Broadway
Billings, MT

To Whom it May Concern:

We are pleased to submit this Zone Change Application for the property located at 1228 & 1236 Mullowney Lane (Tax ID #D01911). Accordingly, please see the responses below to some of the City Zone Change Application questions not specifically located within the application document:

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The rezoning of this property supports the Growth Policy in the following ways:

- a. Land Use Element Goal #4 states the objective of "contiguous development focused in and around existing population centers separated by open space." Since the property is adjacent to a highly developed area of Billings adjacent to a major highway interchange, the rezoning of the property to position it for development consistent with the uses permitted by the Highway Commercial zoning designation supports this goal of contiguous development. Moreover, as a portion of the property is already zoned Highway Commercial, re-zoning the remaining portion of the partial provides consistent zoning that will encourage development adjacent to an already developed commercial corridor.
- b. Economic Development Element Goal #1 states the objective of coordinated economic development efforts that target business recruitment, retention, and attraction. Given the size of the property and its location adjacent to a major highway interchange, rezoning the property to the Highway Commercial designation will create a broader appeal in the marketplace for developers to purchase the property, extend utilities and infrastructure, and develop facilities in which to house a substantial number of new businesses to the development. Along with this development would come substantial job creation and investment in facilities and equipment, plus ancillary spending on services and amenities.
- c. Economic Development Element Goal # 12 states the objective of community wide planning and preparation of a skilled workforce to meet the diverse and growing economic development needs of the community. As referenced in item #1b above, it is likely that the rezoning of this property would lead to substantial investment and development on the site, which would provide facilities in which business would locate, grow, and expand. Often, as this process occurs, businesses make substantial investment in job training activities to

Ensure that the workforce is equipped to perform job duties effectively. These efforts are often done in conjunction with local community and technical colleges as well as local and state economic development agencies, and would lead to an improvement in the skill sets of the local workforce.

- d. Public Facilities and Services Element #11 states the objective of adequate funding for necessary public facilities' maintenance and improvement without overburdening taxpayers. As referenced above, it is anticipated that the rezoning of this property would lead to substantial investment on the property. Because the property has been utilized for farming purposes by the same owner for nearly a century, the property tax income generated by the parcel is negligible. The development of a 63 acre site with a variety of commercial uses would create a monumental increase in taxable value and would generate property tax revenue that could be utilized for a variety of public infrastructure projects. This impact could even be enhanced if creative solutions such as the establishment of a Tax Increment Financing (TIF) district for the property were explored.
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

As referenced in the attached Zone Change Plan, the uses permitted within the Open Agricultural zoning classification are not conducive for any commercial use. Given its location proximate to a highway interchange and major commercial corridor, as well as the fact that a portion of the parcel is already zoned Highway Commercial, it is logical to re-zone the remaining portion so that the property may ultimately be redeveloped with one or more uses consistent with what is permitted within the Highway Commercial zoning classification. This will also serve to make the zoning and use of the property consistent with that of the bulk of the property adjacent to and surrounding the property.

Additional information and materials specified within the Application forms are included in those forms and/or attached to this letter. We thank you very much for your continued support on this request, and for your consideration of our re-zoning application. Please feel free to contact me at (248) 223-3275 if you have any questions.

Sincerely,

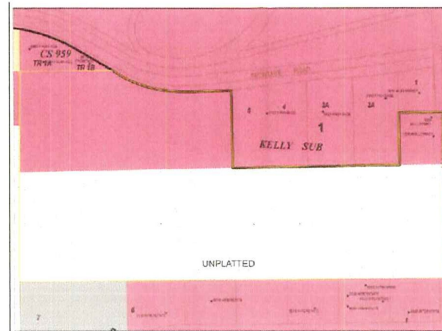
PLANTE MORAN CRESA, LLC



Benjamin R. Smith
Vice President

**Zone Change Plan
1228 Mullooney Lane, Billings, MT**

The property located at 1228 Mullooney Lane in Billings, Montana ("Property") (Legal Description: S18, T01 S, R26 E, FRAC N2SE4) is currently situated within two zoning classifications. The Property comprises 63.32 acres, of which approximately 41 acres of which are zoned "Agricultural Open", with the balance of the Property being zoned "Highway Commercial."



The map at right depicts the site whereby the thin yellow line represents the property boundaries, the light dotted area represents the portion currently zone "Agricultural Open," and the pink area represents the portion currently zoned "Highway Commercial." Also of note is that the vast majority of the land immediately adjacent to the Property is also zoned "Highway Commercial."

Accordingly, the intent of this Zone Change Plan is to create a unified zoning classification of "Highway Commercial" for the entire parcel to ensure consistency of zoning moving forward. The "Highway Commercial" zoning classification is described as follows:

***HC – Highway Commercial:** The Highway Commercial zone is intended to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities.*

Given the Property's location and partial "Highway Commercial" zoning currently in place, it is appropriate to re-zone the entire parcel to a consistent zoning classification of "Highway Commercial." The current anticipated process is as follows:

Pre-Application Meeting:	January 24, 2013
Submit Re-Zoning Application:	February 4, 2013
Zoning Commission Public Hearing:	March 5, 2013
City Council Public Hearing:	March 25, 2013

Summary of Pre-Application Meeting

As required by the City of Billings rezoning policy, a pre-application meeting was held on Thursday, January 24, 2012 at the Kelly Inn. Benjamin Smith of Plante Moran Cresa was in attendance to represent the property owner and to present the re-zoning request and answer any questions from the attendees.

Six individuals attended the meeting and the conversation was productive and conflict free. Several attendees were interested in learning our plans for the possible future extension of city utilities to the site, and whether that process may enable them to access the city utilities as well. The balance of the attendees were simply present to learn about what we are planning and to ask how Mrs. Zeiler (the property owner) is doing at her new residence in Michigan. It is also pertinent to note that two of the attendees were members of the management team at the Kelly Inn.

The tone of the meeting was very positive and all attendees appeared supportive and excited at the prospect of the potential re-zoning and future development of the property.