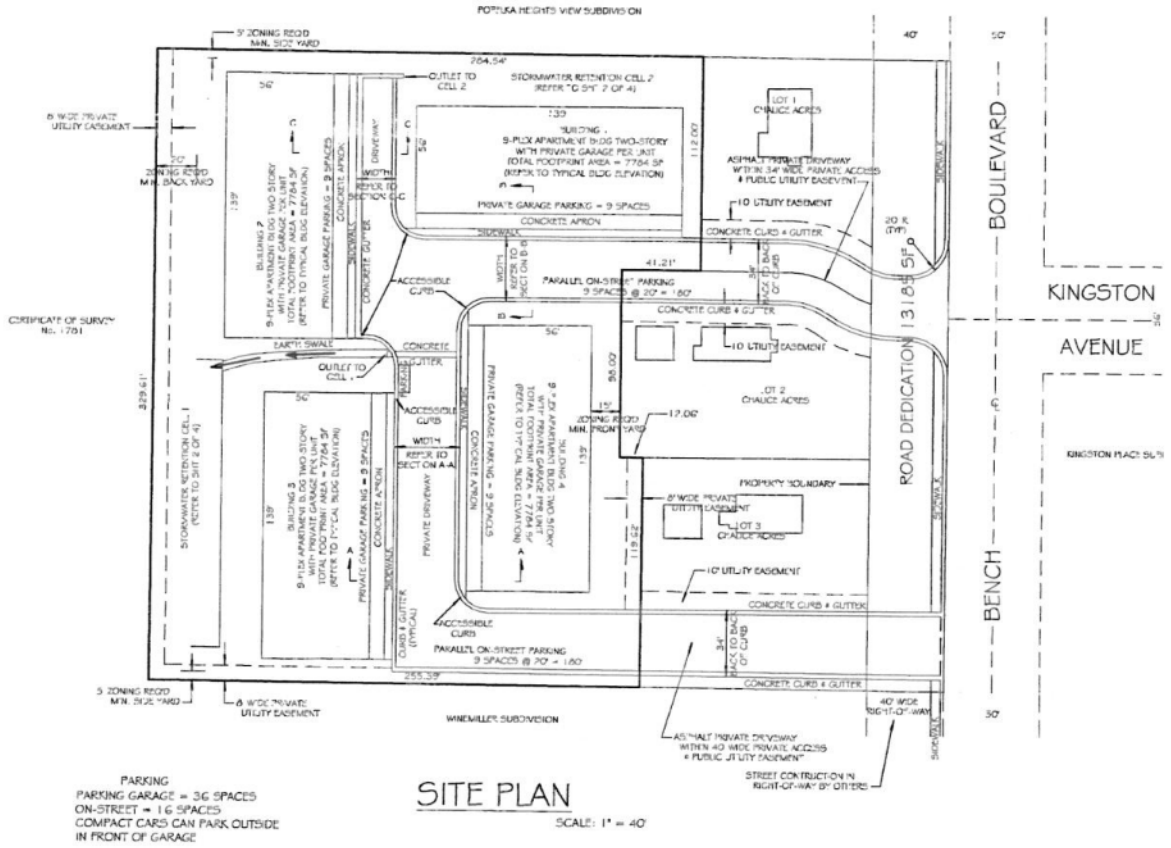
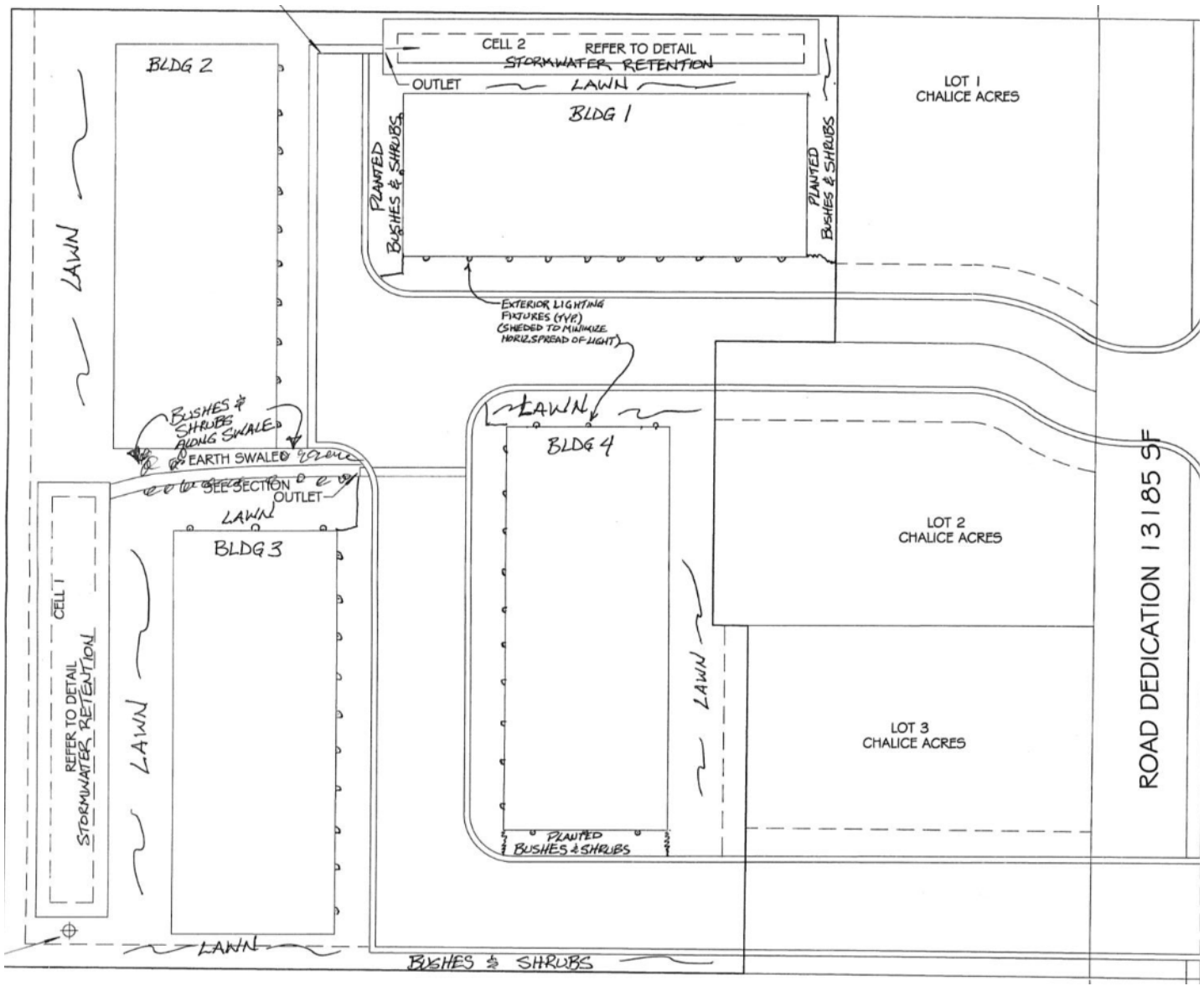


Attachment D - Special Review 924





Chalice Acres Subdivision Lot 4
Special Review Application for
Four Nineplex Apartment Buildings
Answers to Application Questions

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

The following list presents the points of consistency which this proposed development shares with the City of Billings/Yellowstone County Growth Policy:

- Improves the quality of life for residents on multiple fronts.
- Concentrates growth pattern by establishing higher density in-fill.
- Compatible with existing uses on properties of similar size in the neighborhood.
- More beneficial to the area than developing this 86,261 sq. ft lot with 14 single family or 24 duplex residences, which are alternatives within R-6000 zoning classification.
- Provides affordable rental housing conveniently located in Billings Heights.
- Location within walking distance of the new Heights middle school will provide increased tax base to the school district.
- Will create visually attractive buildings surrounded by appealing open space, maintained lawns and irrigated landscape.
- Location is within walking distance of grocery stores and a wide variety of shopping opportunities.
- The development's private streets, curbs, gutters and sidewalks, designed to tie into the public street infrastructure scheduled to be constructed along Bench Boulevard this summer, increase safety for vehicles and pedestrians.
- The new infrastructure will provide convenient and safe movement of vehicle traffic and pedestrians through the development and onto Bench Boulevard.
- Development's site layout is designed to enhance the inter-connectedness between the buildings and the residents.
- The dimensions, layout and proximity between the four buildings in this development are visually and functionally compatible with surrounding developments on properties of similar size in the area.
- Adequate and well placed exterior lighting will be provided on the buildings to effectively illuminate sidewalks and open areas at night, while minimizing the horizontal spread of light onto neighboring properties.
- Private garages and common laundry facility directly accessible from within each building are features which increase safety and security of the residents.

B. Why is there a need for the intended use of the property at this location?

Market analysis conducted by the property owner/developer has demonstrated that quality three bedroom apartments are in short supply in the Heights. In addition, quality features including attractive two story buildings surrounded by maintained landscape, attached private garages accessible directly from inside the building and usable open lawn area adjacent to the buildings are expected to make these units stand out in the Heights rental market.

Space and plumbing will be provided within most floor plans for personal washer and dryer units. In addition, a common laundry facility with coin-op machines will be directly connected to each building and accessible only from inside the building to enhance the convenience and increase the security for residents.

C. How will the public interest be served if this application is approved?

Many of the Growth Policy community goals and objectives applicable to this type of development are affirmatively addressed by this proposal. This project is compatible with existing facilities on neighboring properties of comparable size.

This project provides affordable housing which is in high demand and short supply in the Heights. Features built into this project include attractive buildings and maintained landscape with lawns for use by the residents and guests.

This property is located within walking distance of grocery stores, a variety of stores and shops, and the new middle school. The intersections of the project's private street into the new public infrastructure being constructed along Bench Boulevard, which includes curbs, gutters and sidewalks, will enhance access and safety for drivers and pedestrians.

Private garages and central laundry facilities accessible from within each building will greatly increase the personal security of the residents.

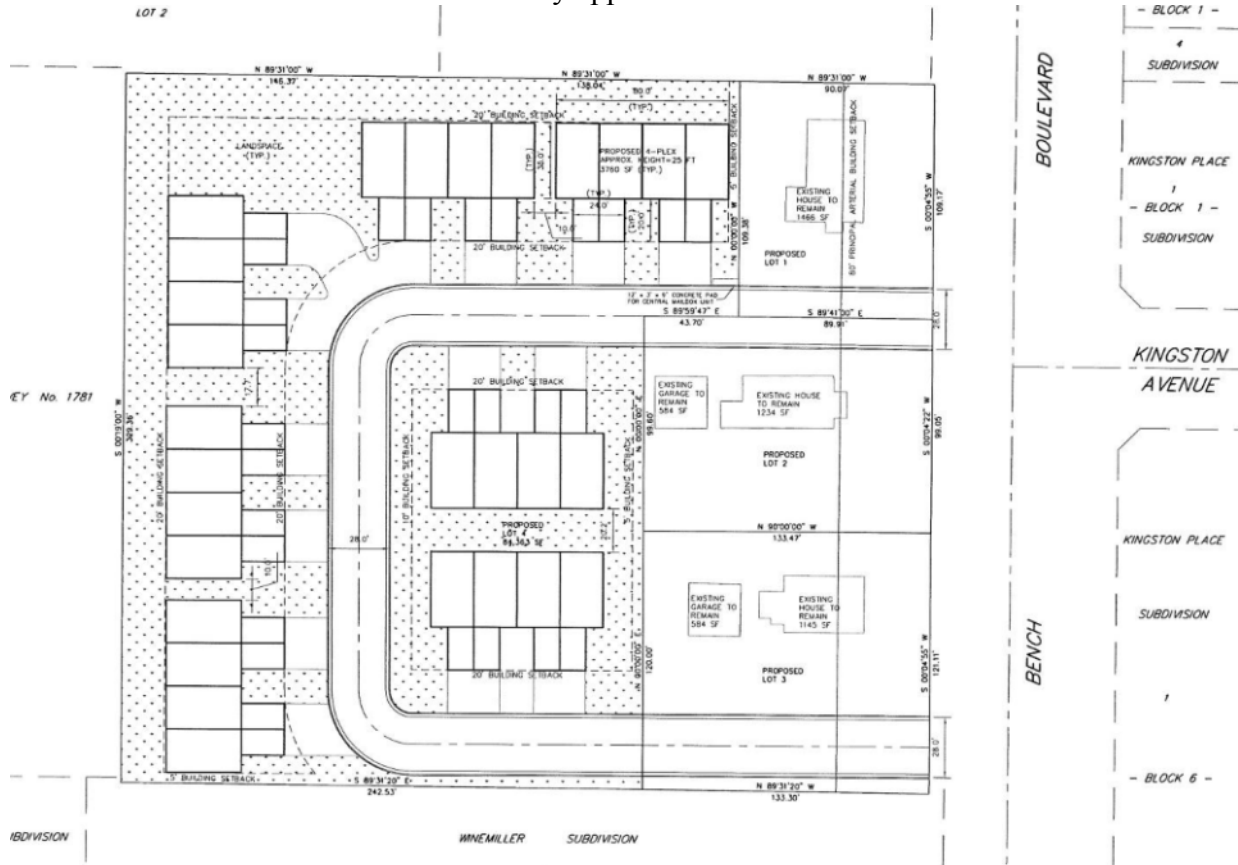
D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

Lot 4 of Chalice Acres Subdivision is 86,216 sq. ft or 1.98 acres in area. Located within R-6000 zoning classification, a gradation of multiple family densities up to 10 units per building is provided as alternative to the commonly accepted single family option. The number of higher density units allowed is limited by the area of the property. (Refer to the chart entitled "Zoning Classification Districts" in zoning code Sec. 27-308.) In accordance with the R-6000 zoning classification, a nineplex building must occupy an area of no less than 17,500 sq. ft.

Upon thorough study and deliberation on this subject, the owner/developer of this property and the project engineer believe that four nineplex buildings constitute the highest and best use of this property. These four buildings require a minimum lot size of 70,000 sq. ft. A total of 36 units on Lot 4 provide a compatible fit with similar uses existing on neighboring lots of similar or larger size. In addition, this proposal addresses the Growth Policy's goal of higher density in-fill development in compatible neighborhoods within the city.

A total of four two story buildings with each building containing nine individual apartments are proposed. Because this multiple family density is toward the upper end of the maximum density allowed within the R-6000 zoning classification, a special review is required to ensure compatibility with existing land uses in the neighborhood.

Previously approved Site Plan



Conditions of approval Special Review #856 (2008)

The conditions of approval for Special Review #856 are as follows:

1. The special review approval shall be limited to Tract 2, C/S 193 and Tract 1, C/S 1531 as shown on the site plan dated December 18, 2007.
2. This special review approval is for the construction of 7 four-plex multifamily dwellings and no other use or expansion of this use is approved or implied with this conditional approval.
3. Development of the site shall be in substantial conformance with the site plan dated December 18, 2007, unless specifically modified by these conditions. Deviations from the approved site plan that change the location of buildings or increase the number of dwelling units will require additional special review approval.
4. This approval shall be limited to 28 dwelling units in 7 structures as shown on the site plan dated December 18, 2007.
5. Any expansion of the gross floor area of the building(s) or number of parking stalls greater than 10 percent will require an additional special review approval as required by Section 27-613(c) of the Unified Zoning Regulations.
6. The north access road shall be re-aligned to coincide with Kingston Avenue that enters Bench Boulevard opposite the subject property. Any new alignment will be approved by the City Engineer.
7. The proposed 28-foot wide access road will be widened to 34 feet and be designed and constructed in accordance to city standards for a new residential street. The street design will be approved by the City Engineer and the City Fire Department.
8. Landscaping shall be provided as shown on the site plan dated December 18, 2007, and as required by Section 27-1100, of the Unified Zoning Regulations.

9. A 6-foot high sight-obscuring fence shall be constructed along the entire length of the north and south property lines excluding any required clear vision area. The fence shall be constructed of standard fencing materials. No chain link or wire fencing will be used for a sight-obscuring fence. The fence will shield the development from the commercial development to the north and the single family developments to the south.
10. These conditions of special review approval shall run with the land described in this special review approval and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
11. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City regulations that apply.
12. The effective date of this approval is concurrent with the effective date of ZC #834, April 10, 2008.