

Attachment D
Applicant letter and documentation

Zone Change Request 741 South 24th Street West

Zone Change Plan: The request is to change the zoning of a small parcel containing 13,706 Square Feet located at the Southeast corner of the intersection of South 24th Street West and Rosebud Drive from the current zoning of Residential Professional with a Special Review permitting a dry cleaning business to a proposed zone of Neighborhood Commercial so that the parcel may be converted to a light retail use, such as the sale of home furnishings. The dimensions of the parcel are approximately 95 feet by 146 feet. More intense uses like bars or casinos are not permitted in a Neighborhood Commercial Zone.

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

The requested zone change is from Residential-Professional to Neighborhood Commercial. The former zone classification is meant to establish a light use buffer between more intensive commercial uses permitted in Highway Commercial and Community Commercial and residential uses. The Neighborhood Commercial zone is intended to permit smaller (under 10,000 SF) retail uses that will serve the surrounding neighborhood with shopping facilities providing convenient retail services to supply the needs of the neighboring population.

The parcel sought to be rezoned is buffered from residential uses by the adjacent Residential Professional zoning and uses and is compatible in nature with the commercial uses to the north and west. This rezoning is compatible with the Land use goal of the growth policy that wishes to have land use patterns consistent with the current neighborhood character. It is also consistent with the goal of having entryways that are attractive and encourage economic development.

- B. 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.

For most of the past two decades the subject parcel has been used as a neighborhood drycleaning shop with a drive through window as permitted under Residential Professional zoning with a special review. The intended use is for a small retail operation, for example, selling home furnishings which are not allowed in an RP zone. The building will receive construction updates consistent with its new light commercial use. The new use is consistent with commercial uses to the north and west. The new retail use should generate approximately the same traffic impacts as the previous drycleaning business. Residential professional uses to the east and south will act as buffers to the residential uses in the area.

**Synopsis of Neighborhood Meeting
May 21, 2015**

Notice of a neighborhood pre-application meeting for a proposed zone change at 741 South 24th Street West, Billings, MT 59102 was mailed to 16 owners of property within the 300 foot radius area. The meeting was set for 6:00 o'clock p.m. on Thursday, May 21, 2015 at the Hilton Garden Inn, 939 South 25th Street West.

At 6:12 p.m., Mr. Gordon Vandiviere arrived and was the sole neighboring owner to attend so the meeting commenced. Mr. Jeff Essmann, the owner of the corporation which owns the parcel subject to the zone change proposal, gave a brief history of his acquisition of the parcel, the original improvement of the parcel in 1997, and the subsequent use of the parcel as a neighborhood dry cleaning shop under the current zoning of Residential Professional with a Special Review.

Jeff related that his current tenants had built their own new building on Enterprise Avenue and had vacated the property at 24th Street West and Rosebud. He outlined that the zoning change being requested was for Neighborhood Commercial in order to repurpose the building for a small commercial retail or service business.

Mr. Vandiviere asked for clarification of the uses allowed in the Residential Professional zone versus Neighborhood Commercial. Jeff responded that Residential Professional permitted banks, day care facilities, medical uses, offices, and dry cleaners with a special review. Neighborhood Commercial permitted retail and service businesses under 10,000 square feet, but no industrial or manufacturing uses and no bars or casinos. Food or beverage uses with sit down seating would not work at the site, although allowed under the zoning, due to a lack of sufficient parking to meet building code requirements.

Mr. Vandiviere asked about potential traffic impacts. Mr. Essmann replied that the current use generated about 100 customers a day or 200 vehicle trips and that he thought most small retailers or service shops would have a similar traffic count. Mr. Vandiviere asked about potential use for a coffee shop. Mr. Essmann was doubtful that that use would be permitted due to lack of parking to meet the building code, but that sufficient parking was present to meet codes for a retail or service business.

Mr. Vandiviere stated that based on that information, he would have no problem with the proposed zone change.

Jeff thanked Mr. Vandiviere for attending. The meeting was adjourned at 6:35 p.m.

Meeting synopsis prepared by Sherry Essmann.